Anno tricesimo

Georgii II. Regis.

An Act for building a Bridge or Bridges cross the River of *Thames*, from a certain Place in *Old Brentford*, in the Parish of *Ealing*, in the County of *Middlesex*, known by the Name of *Smith* or *Smith's Hill*, to the opposite Shore in the County of *Surry*.



WHEREAS it is convenient that a Bridge should be built cross the River of Thames, from Old Brentford, in the Parish of Ealing in the County of Middlesex, to the opposite Shore in the County of Surry, for the better Ease and Commerce of the Inhabitants of the said Counties respectively, and the Parts adjacent: And whereas Robert Tunstall Gentleman, is the Owner and Proprietor of all that Passage of Water upon the River Thames, with the Appurtenances called Kew Ferry, or the Horse Ferry, between Old Brentford, in the Parish of Ealing, in the County of Middlesex, and the opposite Shore in the County of Surry: And whereas the said Robert Tunstall, instead of continuing Boats for the carrying of Foot Passengers, and all Kind of Carriages and Horses, Cattle and other Beasts, over the said River, hath proposed to build a Bridge at his own Expence cross the said River, for the Purposes aforesaid, Preamble.

at the said Ferry, or within Two hundred Yards Eastward thereof, whereby many Mischiefs and Inconveniences will be remedied, and great Advantages accrue to the Publick; May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the said Robert Tunstall, his Heirs and Assigns, and he and they are hereby authorized and impowered, and shall have full Power and Authority by virtue of this present Act, at his and their own proper Costs and Charges, by himself and themselves, his and their Deputies, Agents, Officers, Workmen, Servants, and others, to build a Bridge or Bridges cross the River of Thames, from a certain Place in Old Brentford, in the Parish of Ealing, in the County of Middlesex, known by the Name of Smith or Smith's Hill, to the opposite Shore in the County of Surry; and that for the Purposes aforesaid, he and they should have full Power and Authority by himself, and themselves, his and their Servants, Agents, Workmen, and others, to remove any Shelves or other Obstructions in the said River, and to dig up, and take away, all Beds of Gravel, Sand, Mud, and any other Impediment; and to deepen and widen the said River between Old Brentford, in the Parish of Ealing, and the opposite Side in the County of Surry; and also to dig and cut the Banks of the said River, in such Manner as shall be necessary and proper for the building the said Bridge or Bridges, and for preserving the Navigation of the said River (be it the Soil or Ground of the King's most Excellent Majesty, His Heirs, or Successors, or of any other Person or Persons, Bodies Politick, Corporate, or Collegiate, whatsoever) and to erect and make, in or over the said River, and the Aytes and Lands adjoining or near to the same, any Campshots, Trenches, and Landing Places; and to pull down and remove any Houses or other Buildings, Wharfs, Gates, or other Erections; and to amend, alter, turn, or remove, any Foot Bridge, Foot Path, and Horse Path; and to turn, widen, or alter, any Highway, or make any new Road leading to the said intended Bridge or Bridges, within the Parish of Ealing, in the County of Middlesex, and Hamlet of Kew in the County of Surry, so as not to obstruct any common Highway, leading to, from, or through, the Town of

Robert Tunstall, his Heirs, &c. impowered to build, at his and their Expence, a Bridge or Bridges cross the *Thames*, from *Old Brentford*, to the opposite Shore; and to do all other Works necessary thereto.

of Brentford, in the County of Middlesex, or the said Hamlet of Kew; and from time to time, and at all Times hereafter, to do all other Matters and Things necessary and convenient for erecting and maintaining the said Bridge or Bridges, and preserving the said Navigation; and for the Improvement thereof, he the said Robert Tunstall, his Heirs, and Assigns, do as little Damage as may be, and first making Satisfaction and Recompence to the Owners, Proprietors, and Occupiers of, and Persons interested in, any Houses, Buildings, or other Erections, Lands, Tenements, and Hereditaments, that shall be made use of, pulled down, damaged, or prejudiced, by, for, or upon account of, erecting and maintaining the said Bridge or Bridges, or preserving and improving the Navigation near thereunto, or by, for, or upon account of turning, widening, altering, and making any Paths or Highways as aforesaid, or by, for, or upon account of, the doing and performing of any other Matter or Thing, herein before authorized to be done and performed.

Satisfaction to be made for Damages done to private Grounds, &c.

Provided always, That nothing in this Act contained shall extend, or be construed to extend, to dig up, remove, and take away, any Shelves, Beds of Gravel, Sand, or Mud, in the said River of Thames, between the said Hamlet of Kew and the Aytes opposite thereto, other than and except what shall be necessary for the making proper Foundations for the Piers and Abutments of the said intended Bridge or Bridges.

No Gravel, &c. to be removed, but what is necessary for the Foundation and Abutments.

And, to the Intent the Navigation of the said River of Thames may receive no Prejudice, be it further enacted by the Authority aforesaid, That when the said Bridge or Bridges is or are built cross the said River, there shall remain free and open Passage for the Water to run and flow through the Arches or Passages under the said Bridge or Bridges of Three hundred and thirty Feet at the least, within the present Banks of the said River; that is to say, Under the Bridge cross the Channel from Smith or Smith's Hill, to the Ayte opposite thereto, One hundred and thirty Feet; and under the Bridge leading from the said Ayte to the Surry Shore, Two hundred Feet; and that the said Bridge cross the said Channel shall not consist of less than Three Arches, the Middle Arch whereof, shall be Seventy Feet in the Clear; and the Bridge from the said Ayte to the Surry Shore, shall not consist of more than Seven Arches.

A free Passage of 330 Feet to be left for the Water to pass under the Bridges.

Number of Arches of which the Bridges are to consist.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggre-

Sale may be made of Lands necessary to be made use of in building the Bridge.

gate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees for Lunaticks and Ideots, and other Trustees whatsoever, for and on the Behalf of themselves, their Heirs, and Successors, Infants, or Issue unborn, Lunaticks, Ideots, Femes Covert, or Cestuique Trusts, or other Persons whatsoever; and to and for all Femes Covert, who are or shall be seised in their own Right; and to and for all and every Person or Persons whomsoever, who are or shall be seised or possessed of, or interested in, any such Houses, Buildings, Erections, Lands, Tenements, or Hereditaments, of any Tenure whatsoever, to treat, contract, and agree, with the said Robert Tunstall, his Heirs, and Assigns, for the Purchase thereof, or of any Part thereof, or for their Interest therein, or by way of annual Rent for the same, and to sell and convey the same, as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in any wise notwithstanding; and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Trustees, &c. indemnified.

And be it further enacted by the Authority aforesaid, That the Commissioners of the Land Tax for the County of Middlesex, and the Commissioners of the Land Tax for the County of Surry, for the time being, or any Five or more of such respective Commissioners, together assembled, in such Manner as is herein after-mentioned, shall be, and they are hereby constituted and appointed Commissioners respectively, for settling, determining, and adjusting, all Differences which shall happen to arise in each of their respective Counties, between the said Robert Tunstall, his Heirs, or Assigns, or any of them, and all and every Person or Persons, Bodies Politick, Corporate, and Collegiate, Aggregate or Sole, touching and concerning the Recompence and Satisfaction which shall be made to them, or any of them, for any Houses, Buildings, or other Erections, Lands, Tenements, or Hereditaments, of any Tenure whatsoever, necessary for the Purposes aforesaid; and to adjust and settle what Share and Proportion of such Recompence and Satisfaction every Tenant, or other Person having a particular Estate, Term, or Interest, in any of the Premisses, shall have or receive for his, her, or their respective Interest and Damages;

Commissioners for settling Differences touching the Purchase of Lands; and Satisfaction to be made to the respective Persons for their Interest or Damages.

and

and for the Damages they or any of them shall sustain by and upon Account of the erecting and maintaining the said Bridge or Bridges, and preserving or improving of the said Navigation; or by, for, or upon Account of pulling down or removing any Houses, Buildings, or other Erections; or turning, widening, altering, or making, any Paths, Highways, or Roads, as aforesaid; or the doing and performing of any of the Matters or Things herein before authorized to be done and performed.

Where Persons refuse to treat about Sale of Lands, or are disabled from treating.

And be it further enacted by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Trustee or Trustees, Bodies Politick, Corporate, or Collegiate, Aggregate or Sole, or any other Person or Persons, interested in any such Houses, Buildings, or other Erections, Lands, Tenements, or Hereditaments, upon Fourteen Days Notice to him, her, or them, given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Body Politick, Corporate, or Collegiate, Aggregate or Sole, or at the House of the Tenant in Possession of such Houses, Buildings, or other Erections, Lands, Tenements, or Hereditaments, shall neglect or refuse to treat, or shall not agree with the said Robert Tunstall, his Heirs, or Assigns, for the Purchase of any such Houses, Buildings, Erections, Lands, Tenements, and Hereditaments, or any Part or Parts thereof, or for their Interest therein, or for an annual Rent to be paid for the same; or through Disability, by reason of Nonage, Coverture, Estate-tail, or other Impediment whatsoever, cannot make any effectual or valid Agreement; or by reason of Absence, shall be prevented from treating as aforesaid, then, and in every or any such Case, the said respective Commissioners, or any Five or more of them, shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men, what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or Proprietors of, or other Person or Persons respectively interested in any such Houses, Buildings, Erections, Lands, Tenements, or Hereditaments; and in order thereto, the said respective Commissioners, or any Five or more of them, are hereby impowered and authorized, from time to time, to issue their Warrant or Warrants, Precept or Precepts, directed to the Sheriff of the County respectively in which the Matter in Dispute shall lie, thereby requiring him to impanel, summon, and return, a Number of substantial and disinterested Persons, Inhabitants of such respective

Commissioners are to settle the Damage and Recompence by a Jury.

Jury to be summoned by the Sheriff.

respective Counties, and qualified to serve on Juries, not less than Forty eight, nor more than Seventy two; which Persons such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return accordingly; and out of such Persons so to be impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, a Jury of Twelve Persons shall be drawn by such Commissioners, or any Five or more of them, or some Person to be by them, or any Five or more of them, appointed in such Manner, as Juries for the Trial of Issues joined in His Majesty's Courts at Westminster, by an Act passed in the Third Year of His present Majesty, intituled, An Act for the better Regulation of Juries, are directed to be drawn; which Persons so to be impanelled, summoned, and returned, are hereby required to appear before the said respective Commissioners, or any Five or more of them, at such Time and Place, as in such Warrant or Warrants, Precept or Precepts, shall be directed and appointed (of which Time and Place, all Parties interested shall have Fourteen Days Notice given or left in Manner as aforesaid) and to attend them from Day to Day, till they shall be discharged by such Commissioners, or any Five or more of them; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not be at Liberty to challenge the Array for Affinity, or any other Cause whatsoever; and the said respective Commissioners, or any Five or more of them, are hereby authorized and impowered, by Precept or Precepts under their Hands, from time to time, as Occasion shall require, to call before them any Person or Persons, in order to be examined as a Witness or Witnesses, upon Oath, before the said Commissioners, or any Five or more of them, or such Jury, touching and concerning the Premisses; and such Commissioners, or any Five or more of them, if they shall think fit, shall and may likewise cause the said Jury to view the Place or Places in Question, and shall have Power to adjourn such Meeting, from Day to Day, as Occasion shall require; and to command such Jury, Witnesses, and Parties, to attend until all the Matters for which they were summoned, shall be concluded; and the said Jury, upon their Oaths (which Oaths, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said respective Commissioners, or any Five or more of them, are hereby impowered and required to administer) shall enquire touching the Value of such Houses, Buildings

12 to be the Jury, to be drawn as Act 3 Geo. II. directs.

Jury may be challenged.

Witnesses to be summoned and sworn.

Jury to give in their Verdict on Oath;

ings, or other Erections, Lands, Tenements, and Hereditaments, and of the respective Estate and Interest of all Persons, Bodies Politick, Corporate, or Collegiate, Aggregate or Sole, seised or possessed of, or interested therein, or of or in any Part thereof, or the Damages which shall or may be done to any Houses, Buildings, Lands, Tenements, Hereditaments, or Premisses, by the doing and performing of any of the Matters and Things herein before authorized to be done and performed, and shall assess the Sum or Sums, Rent or Rents, to be paid to every such Person or Persons, Bodies Politick, Corporate, or Collegiate, Aggregate or Sole, for such their Estates and Interests, and as a Recompence and Satisfaction for the Damages they shall sustain as aforesaid; and the said respective Commissioners, or any Five or more of them, shall give Judgement for such Sum or Sums of Money, Rent or Rents, so to be assessed; and the Verdicts or Inquisitions of such respective Juries, and the Judgements, Orders, or Decrees thereupon, shall be final, binding, and conclusive, to all Intents and Purposes whatsoever, against the King's Majesty, His Heirs, and Successors, and all Parties or Persons whatsoever, as well absent as present, Bodies Politick, Corporate, or Collegiate, Aggregate or Sole, claiming any Estate, Right, Title, Trust, Use, or Interest, into or out of such Houses, Buildings, Lands, Tenements, Hereditaments, or Premisses, either in Possession, Reversion, Remainder, Expectancy, or otherwise, as well Infants and Issue unborn, Lunaticks, Ideots, and Femes Covert, and Persons under any legal Incapacity, or other Disability whatsoever, and all other Cestuique Trusts, his, her, and their Heirs, Successors, Executors, and Administrators, as against all other Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons interested in such Houses, Buildings, Lands, Tenements, Hereditaments, and Premisses, shall thereby, after Payment or Tender, and Refusal or Neglect in Manner as herein after mentioned, be from thenceforth, to all Intents and Purposes, divested of all Right, Claim, Interest, or Property, of, in, to, or out of, the same; and Two Transcripts of all such Verdicts or Inquisitions, and Judgements, Orders, or Decrees, and all other Proceedings of the said respective Commissioners and Juries, so to be made, given, and performed, as aforesaid, shall be fairly written on Parchment, signed and sealed by Five or more of the Commissioners making and pronouncing the same; One of which Transcripts so signed and sealed, shall be forthwith transmitted to the said Robert Tunstall,

and asse's the Damages.

Commissioners to give Judgement for the same.

Verdict of the Jury, and Judgement thereon, to be final and binding.

Two Transcripts to be signed and sealed of the said Verdicts and Decrees.

One to be transmitted to Mr. *Tunstall*,

and the other to the Clerk of the Peace of the County.

ſtall, his Heirs, or Aſſigns; and the other of the ſaid Tranſcripts ſo ſigned and ſealed, ſhall be forthwith tranſmitted to the Clerk of the Peace of the reſpective Counties of Middleſex or Surry, in which ſuch Judgement or Decree ſhall be made, to be carefully preſerved amongſt the Records of the ſaid County; and the ſaid Tranſcripts ſo ſigned and ſealed, ſhall be deemed and taken to be Records to all Intents and Purpoſes whatſoever; and the ſaid Tranſcripts, or true Copies thereof, ſigned, and proved to be ſigned, by the ſaid Clerk of the Peace, ſhall be deemed good and effectual Evidence in any Court of Law or Equity whatſoever; and all Perſons may have Recourſe to the ſame gratis, and take Copies thereof, paying for every Copy, not exceeding the Sum of Six Pence for every Two hundred Words; and ſo proportionably for any greater Number of Words: And upon Payment of the Sum or Sums of Money ſo aſſeſſed by ſuch Juries, and adjudged or decreed by ſuch reſpective Commiſſioners, to the Party or Parties concerned and intitled thereto, as aforeſaid, or to their Agents, or legal Tender thereof made to him, her, or them, and Refuſal to accept the ſame; or in caſe any ſuch Perſon or Perſons, after Fifteen Days Notice given to him, her, or them, or left at the Houſe of the Occupier of the Premiſſes, ſhall neglect or refuſe to receive the ſame, then, upon Payment thereof into the Hands of ſuch Perſon or Perſons as the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall, by any Writing under their Hands, appoint for the Uſe of the Party or Parties intereſted as aforeſaid, and to be paid upon Demand to him, her, or them, or to his, her, or their Agent or Agents, or after ſuch annual Rent or Rents ſhall be ſo aſſeſſed, it ſhall and may be lawful to and for the ſaid Robert Tunſtall, his Heirs, and Aſſigns, to have, hold, uſe, and enjoy, ſuch Houſes, Buildings, Lands, Tenements, Hereditaments, and Premiſſes, to and for his and their own proper Uſe and Benefit, and to and for his Agents, Workmen, and Servants, to pull down and diſpoſe of any ſuch Houſes, Buildings, and Tenements, and to make Uſe of any ſuch Lands, Hereditaments, and other Premiſſes, for the Purpoſes of this Act; and this Act ſhall be ſufficient to indemnify the ſaid Commiſſioners as the ſaid Robert Tunſtall, his Heirs, and Aſſigns, and all and every Perſon or Perſons by him, or any of them, authorized and impowered therein, or acting under him or them, againſt ſuch Owners, Proprietors, Occupiers, and Perſons intereſted, their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns, and againſt all and every

The ſame, or Copies thereof, to be admitted as Evidence, &c.

Upon Payment or Tender of the Sum aſſeſſed, &c. the Lands, &c. may be entered upon and made Uſe of.

other Person and Persons whomsoever, to all Intents and Purposes whatsoever.

In Default of a sufficient Number of Jurymen, Standers-by, &c. to be returned, &c.

And be it further enacted by the Authority aforesaid, That in case of any Default of a sufficient Number of Jurymen to be sworn for the Purposes of this Act, the said respective Sheriff, or his Deputy, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, as shall be necessary to make up the Number of Twelve to serve on such Jury; and that all Persons concerned shall, from time to time, have their lawful Challenges as aforesaid, against any of such Jurymen when they come to be sworn; and that the said respective Commissioners, or any Five or more of them, acting in the Premisses, shall have full Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his and their Deputy or Deputies, Bailiffs, or Agents respectively, making Default in the Premisses; or upon any Person or Persons who shall be summoned and returned on any such Juries, and shall not appear; or who shall refuse to be sworn on the said Jury or Juries; or, being so sworn, shall not give his or their Verdict, or in any other Manner wilfully neglect his or their Duty in the Premisses, contrary to the true Intent and Meaning of this Act; and likewise upon any such Person or Persons summoned as aforesaid to give Evidence, who shall neglect or refuse to appear at such Time or Times, Place or Places, as shall be appointed for that Purpose aforesaid; or appearing, shall refuse to be sworn or give Evidence, or be examined, by or before the said respective Commissioners, or any Five or more of them; and from time to time to levy such Fine or Fines by Distress and Sale of the Goods and Chattles of any Person or Persons offending in any of the Matters or Things aforesaid, by Warrant or Warrants under the Hands and Seals of such Five or more of the acting Commissioners, to be directed to the Constable or other Peace Officer of the Parish, Township, or Place, where such Offender or Offenders shall live; which Constable, or other Peace Officer, is hereby required to execute the same, so as no such Fine exceed the Sum of Forty Shillings; which Fines shall be paid to the said Robert Tunstall, his Heirs, or Assigns, or to such Person or Persons as he or they shall appoint to receive the same.

Commissioners may fine Sheriff, Jury, and other Persons, for Neglect of Duty in the Premisses.

Fine not to exceed 40 *s.* and to be paid to Mr. *Tunstall.*

Provided always, That no Person or Persons whatsoever shall sit or act as a Commissioner or Commissioners in any Case where he or they is or are in any wise directly or indirectly interested or concerned of or in the Matter or Matters in Question; nor shall any Person whatsoever be sworn

Commissioners and others not to act where interested.

sworn to serve on any Jury, or be examined as a Witness, where he or she is any ways directly or indirectly interested in any Matter in Question.

Lands, &c. not to be entered on, till Payment or Deposit made of the Recompence; except to survey and mark out the Grounds.

Provided also, and be it further enacted by the Authority aforesaid, That the said Robert Tunstall, his Heirs, or Assigns, shall not take Possession of, or intromit himself, or themselves, into any such Lands, Tenements, or Hereditaments, until such Payment or Deposit of the Recompence or Satisfaction, so assessed and adjudged, shall be made as aforesaid; or in case of Rent, until the same shall be so assessed and adjudged; otherwise than by surveying, taking a Level of, and marking out the Ground, which he or they intend to make use of, for the Purposes aforesaid, and which it shall and may be lawful to and for him or them, with Workmen, Surveyors, and other proper Assistants, from time to time, and at every convenient Time to do, he and they doing thereby as little Damage as may be, and giving Four Days Notice to the Owner, Proprietor, Occupier, or Possessor, of such Lands, Tenements, or Hereditaments, of the Time of his or their coming to make such Survey, or to take such Levels, or to mark out such Grounds, in order that such Owner, Occupier, or Possessor, may be there present, if he, she, or they, shall think fit, and making Satisfaction for all Damages that shall be done to any Grass or Corn, by making such Survey, taking such Level, or marking out such Ground, so as such Damage exceed the Value of One Shilling.

Satisfaction to be made for Damages.

Road to the Bridge to be 40 Feet wide; and Passage over the Bridge 21 Feet.

Provided also, and be it further enacted by the Authority aforesaid, That the said intended Road leading from the great Western Road, in Old Brentford aforesaid, to the said intended Bridge or Bridges, shall be made not less than Forty Feet in Width, and that the Passage or Road Way over the said Bridge or Bridges, shall not be less than Twenty one Feet in the Clear.

Damages omitted to have been provided for, to be settled by a Jury.

Provided also, and be it further enacted by the Authority aforesaid, That if any Person or Persons, at any Time after the said Robert Tunstall, his Heirs, or Assigns, his or their Agents or Workmen, shall begin to erect the said Bridge or Bridges, shall sustain any Damage or Injury, in his, her, or their Houses, Buildings, Lands, or other Hereditaments, for which he, she, or they, shall have had no Recompence, by any Act, Neglect, or Default, of the said Robert Tunstall, his Heirs, or Assigns, then and in such Case the said respective Commissioners, or any Five or more of them, shall enquire of, and ascertain such Damage and Recompence, by a Jury to be impannelled and returned as aforesaid,

in

in like Manner and Form, as Damages and Recompence are herein before appointed to be assessed and adjudged; and in Default of Payment thereof, by a certain Day to be appointed by the said respective Commissioners, or any Five or more of them, the said Commissioners, or any Five or more of them, shall and may, by Warrant under their Hands and Seals, authorize and impower such Person or Persons, as they shall think fit, to levy the same by Distress and Sale of the Goods and Chattles of the said Robert Tunstall, his Heirs, or Assigns, or any of them, together with such Costs and Charges as such Commissioners, or any Five or more of them, shall in such their Warrant direct; rendering to the said Robert Tunstall, his Heirs, or Assigns, the Overplus, if any be, after deducting the Charges of such Distress and Sale; or otherwise, such Party or Parties so aggrieved, shall and may have Remedy for such Sum and Sums of Money so assessed and not paid, according to the Judgement of such Commissioners as aforesaid, by Action of Debt, in any of His Majesty's Courts of Record at Westminster, or in any other Court of Record, against the said Robert Tunstall, his Heirs, or Assigns.

On Default of Payment, to be levied by Distress and Sale;

together with Costs;

or the Party may have his Remedy at Common Law.

Provided nevertheless, That all and every Person and Persons who shall sustain any such Damage or Injury, shall apply to the said respective Commissioners, and proceed as herein before directed, to determine and adjust the same, and the Recompence or Satisfaction to be made or given, in respect thereof, within Six Months after any such Damage or Injury received, and not afterwards; any thing herein before contained to the contrary notwithstanding: And the said Robert Tunstall, his Heirs, and Assigns, is and are to have special Regard to the neighbouring Lands and Tenements, and to provide and take care, from time to time, that there be no overflowing thereof, occasioned by the said Bridge or Bridges, or if any such at any Time or Times happen, forthwith to remedy and provide against the same for the future.

Application to be made to the Commissioners within 6 Months after Damage done.

Overflowing of the neighbouring Lands, &c. to be guarded against.

And be it further enacted by the Authority aforesaid, That no Meeting shall be held by the said respective Commissioners, or any Five or more of them, at any Place that shall be above Two Miles Distance from the Place where the Controversy, or the Matter to be enquired of, shall arise or lie.

Meeting of Commissioners to be within 2 Miles of the Place where the Matter shall arise.

And be it further enacted by the Authority aforesaid, That all and every annual Rent or Rents, to be agreed for, or assessed as aforesaid, for any Lands, Tenements, or other Hereditaments, shall, from time to time, as the same shall become due, be paid by the said Robert Tunstall, his Heirs, or Assigns, quarterly, to the Person or Per-

Rent assessed to be paid quarterly;

sons who shall be intitled thereto; and such Person and Persons shall have the same Estate and Interest in such annual Rent or Rents, as they would have had in the said Premisses, in case this Act had never been made; and in Default of Payment thereof by the said Robert Tunstall, his Heirs, or Assigns, within Thirty Days after the same shall become due (and being lawfully demanded) it shall and may be lawful for the Person or Persons, who shall, from time to time, be intitled to the said annual Rents, or any of them, to commence and prosecute One or more Action or Actions at Law, on the Case, or in Debt, against the said Robert Tunstall, his Heirs, or Assigns; and shall and may upon such Action or Actions recover the Money then due, together with Costs of Suit, and have such Remedies for the same, as are allowed by Law in other Cases.

On Default of Payment, may be sued for at Common Law.

Bridges vested in Mr. *Tunstall*, &c.

And be it further enacted by the Authority aforesaid, That for and in Consideration of the great Charges that the said Robert Tunstall, his Heirs, and Assigns, will be obliged to defray, in erecting the said Bridge or Bridges, and repairing and supporting the same, and also in doing and performing the several other Matters and Things necessary, and herein before authorized to be done and performed, the said Bridge or Bridges when built, shall be, and is and are hereby vested in the said Robert Tunstall, his Heirs, and Assigns, for ever; and it shall and may be lawful to and for the said Robert Tunstall, his Heirs, and Assigns, from time to time, and at all Times hereafter, to ask, demand, receive, recover, and take, to and for his and their own proper Use and Behoof, in respect of his and their Charges aforesaid, for Pontage, or in the Name of a Toll or Duty, before any Passage over the said Bridge or Bridges shall be permitted, the several Sums following; that is to say,

who may take Toll thereat.

The Tolls.

For every Coach, Chariot, Landau, Berlin, Chaise, Chair, Calash, or other Vehicle, drawn by Six Horses, or other Cattle, the Sum of Two Shillings and Six Pence.

For every Coach, Chariot, Landau, Berlin, Chaise, Chair, Calash, or other Vehicle, drawn by Four Horses, or other Cattle, the Sum of One Shilling and Six Pence, and on Sundays the Sum of Two Shillings.

For every Coach, Chariot, Landau, Berlin, Chaise, Chair, Calash, or other Vehicle, drawn by less than Four Horses, or other Cattle, and more than One Horse or other Beast, the Sum of One Shilling, and on Sundays the Sum of One Shilling and Six Pence.

For every Chaise, Chair, or other Vehicle, drawn by One Horse, or other Beast, the Sum of Eight Pence, and on Sundays the Sum of One Shilling.

For every Waggon, Wain, Dray, Car, Cart, or other Carriage, drawn by more than Six Horses, or other Cattle, the Sum of Two Shillings.

For every Waggon, Wain, Dray, Car, Cart, or other Carriage, drawn by Four, and not more than Six Horses, or other Cattle, the Sum of One Shilling and Six Pence; and by Two or Three Horses, or other Cattle, the Sum of One Shilling; and by One Horse or other Beast, the Sum of Eight Pence, except Higlers and Bakers Carts, drawn by One Horse or Beast only.

For every Higlers or Bakers Cart, drawn by One Horse or Beast only, the Sum of Six Pence.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of Two Pence.

For every Foot Passenger whatsoever, One Halfpenny; and if with a Wheelbarrow, or such like Carriage, One Penny.

For every Drove of Oxen, or Neat Cattle, the Sum of Three Shillings and Four Pence per Score; and after that Rate for any greater or less Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Six Pence per Score; and after that Rate for any greater or less Number.

Which said respective Sums of Money shall be demanded and taken in the Name of Pontage, or as a Toll or Duty; and the Monies to be received as aforesaid, and all other Monies to be received by Authority of this Act, are hereby vested in the said Robert Tunstall, his Heirs, and Assigns, and the same and every Part thereof, shall be paid to him and them accordingly; and the said Robert Tunstall, his Heirs, and Assigns, is, and are hereby authorized by himself, or themselves, or by any Person or Persons appointed by him or them, to levy the Toll or Duty hereby made payable, upon any Person or Persons, who shall, after Demand thereof made, neglect or refuse to pay the same, as aforesaid; and he the said Robert Tunstall, his Heirs, and Assigns, shall and may deny and refuse to permit any Passage over the said Bridge or Bridges, until Payment thereof; and he, she, or they, or any Person or Persons, appointed by him, her, or them, are hereby impowered to seize and distrain any Horse, Cattle, or other Thing, upon, or in respect of which,

Tolls vested in Mr. *Tunstall*;

and may be levied by Distress and Sale.

which such Tolls and Duties shall be payable, or any other of the Goods and Chattles of such Person or Persons, as ought to pay the same, and shall and may detain such Distress for any Time not exceeding the Space of Four Days; and then if the Tolls and Duties for which the same Distress shall be so made, together with the Charges attending the distraining and keeping the same, shall not be fully paid and satisfied, shall and may sell the same, rendering the Overplus, if any be, after Deduction of the Charges of distraining, keeping, and selling such Goods.

The Driver of any Carriage to pass Toll-free.

Provided always, That the Driver of any Cart or other Carriage, drawn by Horses, or other Cattle, shall be permitted to pass over the said Bridge or Bridges, Toll-free; any thing herein contained to the contrary notwithstanding.

Proprietor may lessen the Tolls, and raise them again.

And be it further enacted by the Authority aforesaid, That if the said Robert Tunstall, his Heirs, or Assigns, shall at any Time or Times hereafter think proper to lower the said Tolls, or any of them, and to take less for passing over the said Bridge or Bridges, than the Sum herein before-mentioned, that it shall and may be lawful for him or them so to do; and afterwards at his and their Will and Pleasure again to raise the said Tolls, so as not to exceed the said respective Sums herein before-mentioned, as Pontage or Toll for passing over the said Bridge or Bridges; any thing herein before contained to the contrary notwithstanding.

Destroying the Bridge deemed Felony.

And, for preventing of the wilful or malicious destroying or damaging the said Bridge or Bridges, or any Part thereof, or interrupting the building of the same; be it enacted by the Authority aforesaid, That if any Person or Persons shall wilfully or maliciously blow up, pull down, or otherwise destroy, the said Bridge or Bridges, or any Part thereof, or attempt so to do, or in any wise direct or procure the same to be done, every such Offender being lawfully convicted thereof shall be adjudged guilty of Felony, and shall suffer as a Felon.

And, for preventing Damages and Mischiefs that may be done and committed by any evil-minded or disorderly Person, rowing, navigating, or managing of any Boats, Barges, Lighters, or other Vessels, in and upon the said River Thames; and to the end that the Masters and Owners of such Boats, Barges, Lighters, and other Vessels, may be more careful therein; be it further enacted by the

Boatmaster answerable for any Damage done by his Boat or Crew.

Authority aforesaid, That every Master and Masters, Owner and Owners, of any Boat or other Vessel, shall be, and is hereby made answerable and responsible for any wilful Damage or Mischief that shall be done by his or

or their Boat or Vessel, or by any of the Boatmen or Watermen, or Crew of or in such Boat or Vessel, to the said Bridge or Bridges, or any Part thereof, or to any of the Works which shall be erected by virtue of this Act; and the said Master or Masters, Owner or Owners, of every such Boat or Vessel, shall and may be sued for every such Trespass and Damage which shall be so done, in any Court of Record whatsoever.

And whereas it may happen that the said Bridge or Bridges may in Times to come receive such Damage as aforesaid, or by Tempest or other unforeseen Accident, that the Passage thereof may for some Time become dangerous or impracticable; be it enacted by the Authority aforesaid, That in all such Cases, it shall be lawful for the said Robert Tunstall, his Heirs, and Assigns, from time to time, as often as Occasion shall require, to provide a proper and convenient Ferry or Ferries, cross the said River of Thames, at such Place or Places, as he or they shall judge to be most proper and convenient, and as near to the said Bridge or Bridges, as conveniently may be, and there to take for Passage over the said River, by such Ferry or Ferries, such Rates and Duties, as are hereby directed to be paid for passing over the said Bridge or Bridges.

When the Passage of the Bridge shall be impracticable or dangerous, a Ferry to be provided;

Provided always, That such Ferry or Ferries shall not continue for any longer Time, than the Passage over the said Bridge or Bridges shall or may be dangerous or impracticable as aforesaid.

to be continued no longer than the Bridge is repairing.

And be it further enacted by the Authority aforesaid, That the said Bridge or Bridges shall not be rated or assessed for or towards the Payment of the Land Tax, or any other Publick or Parochial Rate or Tax whatsoever; and that the said Bridge or Bridges shall not be deemed a County Bridge or Bridges, so as to subject the Counties of Middlesex and Surry, or either of them, to the repairing or supporting the same.

Bridges not rateable to any Tax;

nor to be repaired by the County.

Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to prejudice or take away any Right, Property, or Jurisdiction, of the Mayor, Commonalty, and Citizens, of the City of London, to, in, and upon, the River of Thames aforesaid, other than and except to remove any Shelves as aforesaid, or to deepen or widen the said River, in or near the Place where the said Bridge or Bridges shall be built, and to do every other Matter or Thing which shall or may be necessary to be done and effected.

Rights of the City of *London* on the River, reserved to them.

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fected, for the erecting, maintaining, and supporting, the said Bridge or Bridges.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this present Act, in every such Case the Action or Suit shall be commenced within Six Months next after the Fact committed, and not afterwards; and shall be laid in One of the said Counties of Middlesex or Surry, and not elsewhere; and the Defendant or Defendants in such

General Issue.

Action or Suit, shall and may plead the General Issue, Not Guilty, and give this Act, and the Special Matter in Evidence at the Trial to be had thereupon, and that the same was done in Pursuance and by the Authority of this Act; and if it shall appear so to be done, or that such Action or Actions shall be brought after the Time before limited for bringing the same; or shall be laid in any other County or Place, that then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuited, or discontinue his, her, or their Action or Suit; or if a Verdict shall pass against the Plaintiff or Plaintiffs; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs,

Treble Costs.

the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

And whereas the said Passage or Ferry, called Kew Ferry, or the Horse Ferry, is now made a Security to Robert Abercromby Gentleman, for the Principal Sum of One thousand three hundred Pounds, and Interest; be it

The Bridges and Tolls made liable to a Debt of 1300 *l.* due to *R. Abercromby.*

therefore enacted by the Authority aforesaid, That the said Bridge or Bridges when built, and all the Tolls, Duties, and other Profits arising therefrom, for Pontage or otherwise, shall be in the first Place a Security for, and liable to, the Payment of the said Sum of One thousand three hundred Pounds, so due as aforesaid, and the Interest thereof; and that he the said Robert Abercromby, and his Executors and Administrators, shall have the same or the like Estate, Right, Title, Interest, and Lieu, in, to, upon, and out of, the said Bridge or Bridges when built, and the Pontage, Tolls, Duties, and Profits thereof, or arising therefrom, as he now hath under the said Security, and by way of further securing the said Sum of One thousand three hundred Pounds, and Interest; any thing herein contained to the contrary notwithstanding.

Provided

Provided always, That nothing in this Act contained shall extend, or be construed to extend, to authorize or impower the said Robert Tunstall, his Heirs, or Assigns, to take down, demolish, spoil, or damage, any of the Houses or Buildings of, or belonging to, Levett Blackborne Esquire, situate and being in the Hamlet of Kew aforesaid, called or known by the Names of The Great House, Sir Charles Eyre's House, Sir John Brown's House, and The Old Ferry House, respectively, heretofore comprized in any Lease or Leases to Her late Majesty Queen Caroline, or now in Lease or Contract to His present Majesty, or His Trustees; or any of the Walls or Fences of, or belonging to, the same Houses or Buildings respectively; or any Gardens or Grounds contained within the said Walls or Fences; nor to build or erect on the Ground of the said Levett Blackborne, any Building or Erection whatsoever, other than the Abutment of such Bridge or Bridges, and a Toll-house at the Foot of the said Bridge, and Posts and Rails for the Security of the same, and of the Abutment of the said Bridge or Bridges; such Toll-house not to be more than Twelve Feet in Height, including the Roof thereof, nor more than Twelve Feet square.

Buildings, &c. in *Kew*, belonging to *Levett Blackborne* Esq; not to be damaged in building the Bridges;

nor Buildings to be erected thereon, except the Abutment of the Bridge, and Toll-house.

Size and Height of the Toll-house.

And be it further enacted by the Authority aforesaid, That this Act shall be deemed a Publick Act; and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

Publick Act.

FINIS.