ANNO TRICESIMO QUINTO

# Georgii III. Regis.

## CAP. CVIII.

An Act for amending an Act, passed in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act for building a Bridge across the River* Severn, *near* Redstone, *in the County of* Worcester, *and for making proper Avenues and Roads to and from the same; and for making Satisfaction to the Proprietors of a Ferry across the said River at* Redstone *aforesaid*; and for enabling the Trustees for executing the said Act to rebuild the said Bridge.

[22d *June* 1795.]

WHEREAS an Act was passed in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act for building a Bridge across the River* Severn, *near* Redstone, *in the County of* Worcester, *and for making proper Avenues and Roads to and from the same; and for making Satisfaction to the Proprietors of a Ferry across the said River at* Redstone *aforesaid*; and in pursuance of the Powers granted by the said Act, several Sums of Money, amounting in the

Preamble. Act 13 *Geo.* III, recited.

the Whole to Six thouſand and ten Pounds, have been borrowed and taken up at Intereſt on the Credit of the Tolls granted by the ſaid Act, for the Purpoſes in the ſaid Act mentioned; and a Bridge was accordingly erected aeroſs the ſaid River, above and near to the Canal Baſon at *Stourport*, near *Redſtone* aforeſaid, by Means whereof a convenient Communication was formed between the great Market of *Stourport* and ſeveral large Trading Towns and Places in the Counties of *Worceſter* and *Hereford*, and the ſame was of great Publick Utility; but from the ſudden Riſe and Rapidity of the late Floods, Two of the Three Arches of the ſaid Bridge are fallen in, and the Third greatly damaged, by Means whereof the Road over the ſaid Bridge is rendered impaſſable; and the Navigation of the ſaid River has been greatly impeded by the Stones and Rubbiſh from the ſaid Bridge lying therein: And whereas the Tolls by the ſaid Act authorized to be taken have been inſufficient to keep down the Intereſt of the Monies ſo borrowed on the Credit thereof as aforeſaid, and to defray the neceſſary Expences of the ſaid Truſt; and not only the ſaid Principal Sum of Six thouſand and ten Pounds, but a conſiderable Arrear of Intereſt thereon, now remains due on Mortgage of the ſaid Tolls: And whereas it is expedient that the ſaid Bridge ſhould be ſpeedily rebuilt; but the ſame cannot be effected unleſs the ſaid Act is amended, and Power given to raiſe a further Sum of Money for that Purpoſe: 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, from and after the Twenty-fourth Day of *June* One thouſand ſeven hundred and ninety-five, the ſeveral Tolls granted by the ſaid recited Act ſhall ceaſe and be no longer paid, and that inſtead thereof the following Tolls ſhall be demanded and taken on every Day in the Week, (except *Sunday*), at any Toll Gate or Toll Gates erected or to be erected by virtue of the ſaid recited Act or this Act, by the Collector or Collectors to be appointed by the Truſtees for executing the Powers of the ſaid recited Act, and who are hereby appointed Truſtees for carrying this Act into Execution, before any Perſons, or any Horſes, Cattle, or Carriages, ſhall be permitted to paſs through the ſame; (that is to ſay),

Old Tolls repealed.

New Tolls.

For every Coach, Phaeton, Chariot, Landau, Berlin, Caravan, Hearſe, Chaiſe, Curricle, or other ſuch like Carriage, drawn by Four Horſes or other Beaſts, the Sum of Two Shillings and Sixpence, and drawn by Two Horſes or other Beaſts, the Sum of One Shilling and Sixpence:

For every Chaiſe, Chair, or other ſuch like Carriage, drawn by One Horſe or other Beaſt, the Sum of One Shilling:

For every Waggon, Wain, Cart, Dray, or other ſuch like Carriage, drawn by Five or more Horſes or other Beaſts, the Sum of Two Shillings; and drawn by Four Horſes or other Beaſts, the Sum of One Shilling and Sixpence; and drawn by Three Horſes or other Beaſts, the Sum of One Shilling; and by Two Horſes or other Beaſts, the Sum of Nine-pence; and by One Horſe or other Beaſt, the Sum of Sixpence:

For every Sledge, Dray, or other Carriage without Wheels, the Sum of Nine-pence:

For every Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt of Burthen, not drawing, the Sum of Three Halfpence:

For every Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt, carrying double, the Sum of Two-pence:

For every Drove of Hogs and Swine, Ten-pence *per* Score, and after that Rate for any greater or leſs Number:

For every Drove of Sheep or Lambs Sixpence *per* Score, and after that Rate for any greater or leſs Number:

For all Cows, Oxen, Calves, and Neat Cattle, each One Penny:

For every Foot Paſſenger, except the Driver of any Waggon, Wain, Cart, or Dray, the Sum of One Penny:

For every Perſon riding in any Waggon, Wain, Dray, Cart, or other ſuch like Carriage, the Sum of One Penny:

For every Perſon carrying or conveying any Goods, Wares, or Merchandize, or other Thing in any Wheelbarrow or Handbarrow, or other ſuch like Carriage, the Sum of Three-pence:

And on every *Sunday*, to be computed from Twelve of the Clock on the *Saturday* Night to Twelve of the Clock on the *Sunday* Night, there ſhall be demanded and taken, at the ſaid reſpective Turnpikes, by any ſuch Collector as aforeſaid, double the reſpective Tolls herein-before granted, except from Foot Paſſengers, who ſhall not be liable to pay more than the ſaid Toll of One Penny: And the ſaid reſpective Tolls herein-before granted ſhall be and are hereby veſted in the ſaid Truſtees; and the ſame, and every Part thereof, ſhall and may be demanded, taken, levied, and recovered, in the ſame Manner, and by the ſame Ways and Means, as the Tolls granted in and by the ſaid recited Act are thereby directed to be levied and recovered; and the Tolls herein-before granted ſhall be applied and diſpoſed of to and for the ſeveral Uſes and Purpoſes of the ſaid former Act and this Act, and to or for no other Uſe or Purpoſe whatſoever; and all Perſons evading or attempting to evade the Payment of the Tolls hereby granted and made payable ſhall be ſubject and liable to ſuch and the like Penalties and Forfeitures, as Perſons evading or attempting to evade the Payment of the Tolls granted by the ſaid recited Act were ſubject or liable to; and ſuch Penalties and Forfeitures ſhall be levied, recovered, and applied, by the like Ways and Means, and in the like Manner, as any Penalties or Forfeitures for Offences againſt the ſaid former Act are thereby directed to be recovered, levied, and applied; and the Tolls hereby granted ſhall and may from Time to Time be aſſigned or mortgaged for the Security of any Sum or Sums of Money borrowed or to be borrowed for the Purpoſes of the ſaid recited Act and this Act, in the ſame Manner as is authorized and directed by the ſaid recited Act with reſpect to the Tolls thereby granted, and all ſuch Aſſignments and Mortgages ſhall be valid and effectual in Law.

Tolls not to be paid more than Once on the ſame Day.

II. Provided always, and be it further enacted, That none of the Tolls herein-before granted ſhall be demanded or taken by any Perſon or Perſons, more than Once on the ſame Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night, ſuch Perſon or Perſons producing a Ticket denoting ſuch Payment (which Ticket the ſaid Collector or Collectors of the Tolls is and

are hereby required to deliver on Demand *gratis*, on Receipt of the ſaid Tolls).

Penalty on giving away Tickets, or otherwiſe evading the Tolls.

III. And be it further enacted, That if any Perſon ſhall give to or receive from any Perſon, other than the Collector of the ſaid Tolls, any ſuch Ticket as aforeſaid, or ſhall forge or counterfeit any ſuch Ticket, or make uſe of any ſuch forged or counterfeited Ticket, knowing the ſame to be forged or counterfeited, whereby the Payment of any of the ſaid Tolls ſhall be avoided; or if any Perſon ſhall forcibly paſs through either of the ſaid Turnpikes, either with or without any Carriage or Horſe, or other Beaſt or Cattle, without Payment of the Toll payable by ſuch Perſon, with Intent to avoid, and ſhall thereby avoid, Payment of any of the ſaid Tolls; or if any Perſon ſhall paſs, or ſhall carry or convey any Perſon, Carriage, Horſe, Beaſt, or other Cattle, or any Goods or other Thing, in any Boat or other Veſſel acroſs the ſaid River, at or near *Stourport*, with Intent to avoid, and ſhall thereby avoid, Payment of any of the ſaid Tolls; or if any Perſon ſhall aſſault any Collector of the ſaid Tolls, every Perſon offending in any or either of the Caſes aforeſaid ſhall for every ſuch Offence forfeit any Sum not exceeding Forty Shillings, whereof One Half ſhall be paid to the Informer.

Tolls may be leſſened, &c.

IV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby empowered from Time to Time, with the Conſent of ſuch Perſon or Perſons as ſhall be entitled to Two Third Parts or more of the Money which ſhall be then due and owing upon the Credit of the ſaid Tolls, to leſſen or reduce all or any of the ſaid Tolls hereby granted as the ſaid Truſtees ſhall think proper, and may afterwards from Time to Time advance and raiſe all or any of the Tolls ſo leſſened or reduced to any Sum or Sums not exceeding the reſpective Sums herein-before mentioned; and ſuch reduced or advanced Tolls ſhall and may be collected, levied, and recovered in ſuch Manner and applied for ſuch Purpoſes as the Tolls hereby granted are directed to be collected, levied, recovered, and applied: Provided nevertheleſs, that no ſuch Alteration ſhall be made in any of the ſaid Tolls, unleſs Ten Days previous Notice at the leaſt of the Meeting to be holden for that Purpoſe ſhall have been given, by affixing the ſame on the Turnpikes to be erected or continued in purſuance of this Act.

Toll Gates to be continued or erected.

V. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to continue the preſent Toll Gate, or to erect another Toll Gate or Toll Gates, with a convenient Toll Houſe or Toll Houſes, upon or at either End of the ſaid Bridge, or in or acroſs either of the Avenues leading thereto, as the ſaid Truſtees ſhall think proper, any Thing in the ſaid recited Act to the contrary thereof notwithſtanding.

Time ſpecified when Toll on Foot Paſſengers ſhall ceaſe.

VI. And be it further enacted and declared, That when the ſeveral Works directed to be done by the ſaid recited Act and this preſent Act ſhall be finiſhed and completed, and the Principal Money which ſhall have been borrowed on the Credit of the ſaid recited Act and this Act ſhall be reduced to the Sum of Three thouſand Pounds, that then the ſaid Toll of One Penny hereby charged on Foot Paſſengers, ſhall ceaſe and be no longer paid.

VII. And whereas, by the said recited Act, the said Trustees are not authorized to borrow and take up at Interest more than the Sum of Seven thousand Pounds; be it therefore further enacted, That it shall be lawful for the said Trustees from Time to Time to borrow and take up at Interest any further Sum or Sums of Money, upon the Credit of the Tolls hereby granted, as they shall judge necessary for the Purposes of this Act and the said recited Act, not exceeding in the Whole the Sum of Ten thousand Pounds, including the Money already borrowed as aforesaid. Trustees empowered to borrow a further Sum of Money.

VIII. And be it further enacted, That the Tolls herein-before granted shall be subject and liable to the Payment of all Money now due and owing, and which shall or may be hereafter borrowed and become due on the Credit of the said recited Act and this Act, and of all Interest due and to grow due for the same respectively. Tolls made liable to present and future Debts of the Trust.

IX. Provided always, and be it further enacted, That the Charges and Expences incident to and attending the obtaining and passing of this Act shall be paid out of any Money now remaining in the Treasurer's Hands, or which shall first arise by the Tolls to be collected by virtue of this Act, or out of the first Money to be borrowed upon the Credit thereof; and that after Payment thereof the Money which shall arise by virtue of this Act or the said recited Act shall be applied in rebuilding the said Bridge, and keeping the same in Repair, and in defraying all other necessary Charges and Expences attending the Execution of this Act and the said recited Act. Application of the Tolls.

X. Provided also, and be it further enacted, That all Monies to be hereafter borrowed and taken up on the Credit of the said Tolls, and the Interest thereof, shall be first paid, in preference to the Monies already due on Mortgage of the said Tolls granted by the said recited Act, and the Interest thereof; any Thing in the said recited Act, or herein-before contained, to the contrary notwithstanding. Borrowed Money under this Act, to be first paid off.

XI. And whereas, by the said recited Act, a larger Number of Trustees than Five are required to act in certain Cases therein mentioned; which has been found inconvenient; be it therefore further enacted, That in all Cases Five Trustees shall be a sufficient Number to act for the Purpose of carrying into Execution all or any of the Powers of the said recited Act, or this present Act, any Thing in the said recited Act to the contrary notwithstanding. Quorum of Trustees to act.

XII. And be it further enacted, That if any Renter or Collector of the said Tolls, who shall be discharged from his Office shall neglect or refuse to deliver up the Possession of the Toll House, and the Appurtenances thereto belonging, which he enjoyed in consequence of his Appointment to collect, or renting the said Tolls, upon Notice delivered to him of his Discharge under the Hand of the Clerk to the said Trustees, or left at such Toll House, then and in every such Case it shall be lawful for any Justice of the Peace for the County of *Worcester*, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House and Premises in the Day Time, and to remove the Person or Persons who shall For compelling Collectors, when discharged, to deliver up Toll House.

be

be found therein, together with the Goods, out of ſuch Houſe, and to put the new appointed Collector or Renter in the Poſſeſſion thereof.

For puniſhing Perſons defacing or damaging the Bridge.

XIII. And be it further enacted, That if any Perſon or Perſons ſhall deface, break, or damage, any Part of the ſaid Bridge, or any of the Works authorized to be made by virtue of this Act, or the ſaid recited Act, or ſhall by any Line upon the ſaid Bridge tow any Barge, Boat, or other Veſſel through any of the Arches of the ſaid Bridge, or ſhall laſh, tie, or make faſt any Cord, Rope, or Cable, to the Baluſtrades, Cornice, or other Part of the ſaid Bridge, for the Purpoſe of mooring, or ſtaying any Barge, Boat, or other Veſſel, or ſhall drive any Wheel, Wheelbarrow, or Carriage, or drive or ride any Horſe upon the Foot Pavement of the ſaid Bridge, or on the Foot Path or Pavement of any of the Avenues leading to the ſame, or ſhall place or leave any Rubbiſh or Thing whatſoever on any Part of the ſaid Bridge, or any of the Avenues thereto, ſo as to obſtruct or hinder the free Paſſage over and along the ſame, every Perſon offending in any of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above the Damages occaſioned by ſuch Offender or Offenders.

For Recovery and Application of Penalties and Forfeitures.

XIV. And be it further enacted, That the ſeveral Penalties by this Act impoſed ſhall be levied, recovered, and applied, in ſuch Manner as any Penalties or Forfeitures for Offences againſt the ſaid recited Act are thereby directed to be levied, recovered, and applied.

Tolls, Bridge, &c. veſted in Truſtees.

XV. And be it further enacted, That all and ſingular the Tolls hereby granted, and all other Monies which ſhall be levied or received by virtue of this Act or the ſaid recited Act, and the Right, Intereſt, and Property of the ſaid Bridge and Avenues, and the Lands uſed or enjoyed therewith, or purchaſed for the Uſe of the ſaid Bridge and Avenues, and all and every the Materials as well of the ſaid old Bridge as for rebuilding the ſame Bridge, and the Toll Gates and Toll Houſes, ſhall be and the ſame are hereby veſted in the ſaid Truſtees, and they are hereby authorized to cauſe any Action or Actions to be brought in the Name of their Treaſurer or Clerk, or to direct the preferring of Indictments againſt any Perſon or Perſons who ſhall break or pull down, take or carry away, ſpoil or injure, the ſaid Bridge, or any ſuch Turnpike or Toll Houſe, or any Part thereof, or any of the Works authorized by the ſaid recited Act or this preſent Act, or any of the Materials or other Things provided or purchaſed, or to be provided or purchaſed, by virtue of the ſaid recited Act, or this preſent Act.

Truſtees may ſue and be ſued in the Name of their Treaſurer or Clerk.

XVI. And be it further enacted, That the ſaid Truſtees may ſue and be ſued in the Name of their Treaſurer or Clerk, and that no Action to be brought by or againſt the ſaid Truſtees, or any of them, by virtue of this Act, or the ſaid recited Act, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Treaſurer or Clerk, but the Treaſurer or Clerk for the Time being to the ſaid Truſtees ſhall always be deemed the Plaintiff or Defendant in ſuch Action, as the Caſe ſhall be.

XVII. And be it further enacted, That it ſhall be lawful for the Juſtices, before whom any Perſon ſhall be convicted of any of the

Offences againſt this Act, or the ſaid recited Act, to draw up and record ſuch Conviction according to the Form or to the Effect following; (that is to ſay),

Form of Conviction.

County of } 'BE it remembered, That on this Day
of in the Year of our Lord
A. B. is convicted before me
One of His Majeſty's Juſtices of the Peace
for the ſaid County of [*ſpecifying the Offence, and Time and Place when and where the ſame was committed, as the Caſe ſhall be*]; and I the ſaid Juſtice do adjudge the ſaid to forfeit and pay for the ſame the Sum of
Given under my Hand and Seal, the Day and Year above written.'

Limitation of Actions.

XVIII. And be it further enacted, That no Action or Suit ſhall be brought or proſecuted againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, after the Expiration of Three Calendar Months next after the Cauſe of Action or Suit accrued, and unleſs the Perſon or Perſons intending to bring ſuch Action or Suit do cauſe Notice thereof in Writing, under his or their Hand or Hands, to be given to the Treaſurer or Clerk to the ſaid Truſtees, or the Perſon or Perſons againſt whom ſuch Action or Suit is intended to be brought, at leaſt Twenty-one Days before the commencing thereof, and unleſs ſuch Action or Suit be brought, laid, and tried in the County of *Worceſter*; and the Defendant and Defendants in ſuch Action or Suit may plead the General Iſſue, and give this Act, and the ſpecial Matter in Evidence at any Trial which ſhall be had thereupon, and that the Matter or Thing for which ſuch Action or Suit ſhall be brought was done in purſuance and by the Authority of this Act; and if ſuch Matter or Thing ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall not be commenced within the Time for that Purpoſe before limited, or ſhall be commenced before ſuch Notice thereof as aforeſaid, or ſhall be laid in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; and if a Verdict ſhall be found for ſuch Defendant or Defendants, or if the Plaintiff or Plaintiffs ſhall become Nonſuit, or ſuffer a Diſcontinuance of ſuch Action or Suit, or if upon any Demurrer, Judgement ſhall be given for the Defendant or Defendants, then the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for Recovery thereof as any Defendant hath for Coſts of Suit in any other Caſe by Law.

Perſons aggrieved may appeal.

XIX. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief has been already appointed, ſuch Perſon may appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be held for the County of *Worceſter*, within Four Months after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving or cauſing to be given Ten Days Notice at the leaſt, in Writing, of his or her Intention to bring ſuch Appeal, and of the Cauſe or Matter thereof, to the Clerk or Treaſurer to

the ſaid Truſtees, and within Three Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for ſuch County or Place, with Two ſufficient Sureties conditioned to try ſuch Appeal at and abide the Order of the ſaid Quarter Seſſions; and the ſaid Juſtices at the ſaid Seſſions, upon due Proof of ſuch Notice being given, and of the entering into ſuch Recognizance, ſhall hear and finally determine ſuch Appeal in a ſummary Way, and if they ſee Cauſe may, by Order of ſuch Seſſions, mitigate at their Diſcretion all or any of the ſaid Penalties or Forfeitures, or vacate and ſet aſide any Conviction or Convictions, but not for Want of Form only, or otherwiſe may ratify and confirm the ſame, and award ſuch Coſts as they ſhall think proper; and the Determination of ſuch Quarter Seſſions ſhall be binding and concluſive to all Intents and Purpoſes, and ſhall not be liable to be removed by *Certiorari* or other Proceſs whatſoever.

Publick Act.

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

FINIS.