

THE WHITCHURCH BRIDGE ACT

1792

Produced by

Simon Mumford

THE WHITCHURCH BRIDGE ACT 1792

The following is the text of the Whitchurch Bridge Act 1792.

- N. B. 1. Sub-clause numbers, the Table of Contents and clause headings have been inserted for ease of reference. They do not appear in the original save that the Table of Contents and clause headings are based on the printed marginal notes in the original.
- N. B. 2. This typescript was prepared from an indistinct copy of the 1792 Act. A line of dots has been substituted for words that could not be read.
- N.B.3. Modern spellings have been used in cases where the old spellings hinder comprehension, but otherwise the old spellings and punctuation have been retained. In case of doubt, reference should be made to the original.

Produced by

Simon Mumford Esq

of Wilmot & Co, Solicitors High Street, Fairford, Gloucestershire

1.	Preamble	1
2.	Bridge to be built	2
3.	Materials may be worked on wasteland without satisfaction etc.	2
4.	Bodies corporate etc., empowered to sell premises required for building the Bridge etc.	3
5.	Commissioners to determine differences	3
6.	If parties cannot agree, the matter to be settled by a Jury	4
7.	If a sufficient number of Jurymen do not attend, the Jury to be made up from the standers-by	6
8.	Commissioners or Jury not to act where interested	7
9.	Proprietors not to take possession of premises till payment of purchase money	7
10.	Money payable to bodies corporate etc. to be reinvested in purchase of other estate to the same uses.	7
11.	Paying expenses of the Jury	8
12.	Meetings of Commissioners to be held within a limited distance	9
13.	Annual rents adjudged for damages, to be paid	9
14.	When the Bridge shall be completed, right of, in, and to the ferry to cease, in consideration of £350	9
15.	Proprietors to raise £2,400 by Shares	10
16.	Shares vested in the Proprietors	10
17.	Power to raise £4,000 or more if the £2,400 shall be insufficient	11
18.	New subscribers to become members of the body politic	11
19.	General and special meetings	12
20.	Business to be done at the first General Meeting	12
21.	Subsequent Committees, how to be chosen	13

22.	Committee reports	13
23.	Calls	13
24.	Limiting time for taking advantage of forfeitures	15
25.	Company to have power to remove Committee, Men and Officers	15
26.	Calls on undisposed shares	15
27.	Sales or dispositions of shares	16
28.	Proprietors not to sell shares until calls paid	16
29.	Form of transfer	17
30.	Quorum at Committee meetings	17
31.	Bridge vested in the Company and tolls to be charged	17
32.	No tolls for horses drawing barges into Whitchurch Pound Lock	18
33.	Tolls vested in the Company	18
34.	Tolls may be reduced and raised again	19
35.	Penalty on evading tolls	19
36.	Penalty on conveying for hire, over the river within a certain distance of the bridge	19
37.	Altering the construction of the Lock to prevent evasion of the tolls	20
38.	Rights of the Ferry vested in the Company	20
39.	Damage to Bridge by Barges to be paid for by Owners	20
40.	Penalty on passing a line over the Bridge	20
41.	Damaging the Bridge etc. to be deemed felony	20
42.	Bridge to be deemed extra-parochial	21
43.	When Bridge impassable, a Ferry to be provided	21
44.	For obliging the subscribers to pay their subscriptions	21
45.	Proceedings to be entered in books	21

46.	Summary proceedings	22
47.	Justice of the Peace to take cognisance of any offence	22
48.	Distress not to be deemed unlawful for want of form	22
49.	Form of conviction	23
50.	Appeal	23
51.	Proceedings not to be quashed for want of form	23
52.	Limitation of actions	24
53.	Public Act	24

An Act for building a Bridge, at or near the Ferry
over the River Thames, from Whitchurch,
in the county of Oxford, to the opposite Shore,
in the Parish of Pangbourne, in the county of Berkshire

1. Preamble

- (1) Whereas the building of a Bridge, at or near the ferry over the River Thames, from Whitchurch in the County of Oxford, to the opposite Shore, in the Parish of Pangbourne in the county of Berkshire, will be of great utility and advantage to the public;
- (2) And Whereas the Reverend Lichfield, of the Parish of Goring, in the said county of Oxford, and Hannah his wife, are seised of the said Ferry, in trust for Hannah Dunce, the wife of Joseph Dunce, of Reading in the said county, with remainder to the said Hannah Lichfield, expectant on the decease of the said Hannah Dunce;
- (3) And Whereas the several persons hereinafter named are willing and desirous, at their own costs, to build a Bridge over the said River, at or near the said Ferry, and to keep the same in repair, and the said Hannah Dunce and the said Reverend John Lichfield, and Hannah his wife, are consenting to give up their respective rights in the said Ferry, in consideration of such recompense to be made in respect thereof as is hereinafter mentioned; but the purposes aforesaid cannot be effected without the aid of Parliament;
- (4) May 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 Lord's spiritual and temporal, and Commons, in the present Parliament assembled, and by the authority of the same, that, from and after the passing of this Act James Peter Auriol Esq., the Reverend John Symonds Breedon, Samuel Gardiner Esq., the Reverend Coventry Lichfield Doctor in Divinity, the Reverend John Lichfield, Robert Micklem Esq., Richard Southby Esq., Jonathan Tanner, William Vanderstegen Esq., and William Vanderstegen Esq. junior, and their respective successors, executors, administrators, and assigns, are and shall be united into a company for building a Bridge at or near the said Ferry, over the River Thames, from Whitchurch, in the said county of Oxford, to the opposite shore, in the parish of Pangbourne, in the said county of Berkshire, of such construction as hereinafter is mentioned, and for repairing the same, and for executing the several other powers vested in them by this Act, and shall for those purposes be and are hereby declared to be one body politic and corporate, by the name of The Company of Proprietors of Whitchurch Bridge, and by that name shall have perpetual succession, and a Common Seal, and shall and may sue and be sued in all Courts and places within the Realm, and shall and may do all other matters and things whatsoever in as full and ample manner and form, to all intents and purposes, as any other body or bodies corporate within this Realm can or may such lawfully do;
- (5) And that in every suit to be commenced against the said Proprietors, the process being

served upon their Treasurer or Clerk shall be deemed sufficient service upon the said Proprietors.

2. The Bridge to be built, and how, and in what manner

- (1) And it be further enacted, that it shall be lawful for the said Company of Proprietors, and they are hereby required, by themselves, their agents, officers, workmen, servants or assistants, at their own proper costs and charges, to build a good and substantial bridge with abutments made of stone, brick, or other materials, at or near the said ferry over the River Thames from Whitchurch, in the said county of Oxford, to the opposite shore, in the parish of Pangbourne, in the said county of Berkshire, and to make roads and avenues on each side of the said River to and from such Bridge, for the passage of travellers, cattle and vehicles, and that such roads and avenues to the said Bridge, not exceeding the distance of 500 yards therefrom, shall to all intents and purposes be considered as part and parcel of the said Bridge;
- (2) And that there shall not be more than 24 arches or openings between the abutments of the said Bridge, one arch or opening whereof shall be 24 feet wide at least, and the soffet or crown of the said arch shall not be less than eight feet and a half high above high water mark;
- (3) And all the said arches collectively (exclusive of the piers and abutments) shall not be less than 200 feet wide; and that the way for passengers, vehicles, and cattle, over the said Bridge shall be 12 feet in width at least between the rails or balustrades;
- (4) And the said Company of Proprietors are hereby also authorised and required to make the said roads and avenues to the said Bridge, and also one or more toll house or toll houses on or near the said Bridge, with proper conveniences, and to support, maintain, and keep the said Bridge, toll houses and conveniences and roads and avenues to the said Bridge, forever in good and sufficient repair;
- (5) And the said Company of Proprietors are hereby also authorised to remove any shelves or other obstructions in the said River within 200 yards of the said Bridge, and to take away all beds of gravel, sand, mud, or other impediment within the like distance from the said Bridge, and to dig and cut the banks of the said River, within the same distance on each side, in such manner as they shall judge necessary and proper for erecting and building the said Bridge, and for the preservation thereof, and from time to time to do or cause to be done all other things necessary and proper for erecting, building, making, repairing, supporting and maintaining the said Bridge, toll houses, conveniences and roads or avenues hereby authorised to be erected and made.

3. Materials for the Bridge, etc. may be brought or worked upon any wasteland near the Bridge without satisfaction, etc.

- (1) And be it further enacted, that it shall be lawful for the said Company of Proprietors from time to time, and at all times, from and after the second day of July 1792, at their will and pleasure, to bring, place, lay, work, and use any timber, stone, brick, lime or other

materials for building and erecting, or for repairing or re-building the said Bridge, or for executing any other of the purposes of this Act, in, upon, through, and over any common or waste land within 200 yards of the said Bridge without making any recompense for so doing, and also in, upon, through, and over any private lands or grounds within 200 yards of the said Bridge, doing as little damage as may be, and making satisfaction for such damage to the owners and occupiers of such lands or grounds;

- (2) And that in case of dispute about the quantum of damage and satisfaction, the same shall be settled by any two or more Justices of the Peace for the county wherein the said damage shall be done;
- (3) And such justices are hereby authorised and empowered to hear, settle, and finally determine the same accordingly.

4. Bodies corporate etc., empowered to sell premises required for building the bridge etc

And be it further enacted, that it shall be lawful for all bodies politic, corporate or collegiate, corporations aggregate or sole, and all feoffees in trust, executors, administrators, husbands, guardians, committees for lunatics and idiots, and all other trustees whatsoever, for and on behalf of themselves, their heirs and successors, infants, or issue unborn, lunatics, idiots, feme covert, or cestuique trusts, or other persons whomsoever, and to and for all feme 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 lands, tenements, or hereditaments, of any tenure whatsoever, which may be necessary for the purposes of this Act, to treat, contract, or agree with the said Company of Proprietors 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, husbands, guardians, and trustees, corporations aggregate or sole, and all other persons, are and shall be indemnified for what they shall do by virtue or in pursuance of this Act.

5. Commissioners to determine differences

And be it further enacted, that the Commissioners of the land tax in the counties of Oxford and Berks for the time being, or any three or more of them, shall be and they are hereby constituted and appointed Commissioners for settling, determining, and adjusting all differences which shall happen or arise between the said Company of Proprietors, and all and every person and persons, bodies politic, corporate and collegiate, corporations aggregate or sole, touching and concerning the recompense and satisfaction which shall be made to them, or any of them, for any lands, tenements, or hereditaments, of any tenure whatsoever, necessary for the purposes aforesaid, and to adjust and settle what share and proportion of such recompense and satisfaction every tenant or person having a particular estate, term, or interest in any of the premises, shall have or receive for his, her, or their respective interest and damages, and for the damages they or any of them shall

sustain by and upon account of the erecting and maintaining the said bridge, or by, for, or on account of making any roads or avenues as aforesaid, or the doing or performing any of the matters or things hereinbefore or hereinafter authorised to be done and performed.

6. If parties cannot agree, the matter to be settled by a jury

- (1) And be it further enacted, that if any such owner, proprietor, occupier, trustee or trustees, bodies politic, corporate or collegiate, corporations aggregate or sole, or any other person or persons interested in such lands, tenements, or hereditaments, upon 10 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 bodies corporate or collegiate, corporations aggregate or sole, or at the house of the tenant in possession of the lands, tenements, or hereditaments, shall neglect or refuse to treat, or shall not agree with the same Company of Proprietors for the purchase of any such lands, tenements and hereditaments, or any part or parts thereof, or by their interests therein, or for an annual rent to be paid for the same, or through disability, by reason of donage, coverture, estate tail, or other impediment whatsoever, cannot make an effectual or valid agreement, or by reason of absence shall be prevented from treating as aforesaid, then, in every or any such case, the said Commissioners respectively or any three or more of them, as the case may be, shall cause it to be enquired into and ascertained by and upon the oaths of a jury of 12 indifferent men, what damages shall be sustained by, and what satisfaction and recompense shall be made to such owners, occupiers, and proprietors of, or other person or persons respectively interested in any such lands, tenements, or hereditaments;
- (2) And in order thereto the said Commissioners, or any three or more of them, are hereby authorised and empowered, from time to time, to issue their warrant or warrants, precept or precepts, directed to the Sheriff of the County of Oxford, or the Sheriff of the County of Berks, as the case may be thereby requiring him to impanel, summon, and return a number of substantial and disinterested persons, qualified to serve on juries, not less than 12, nor more than 24, (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 them as shall appear according to or upon such summons, a jury of 12 shall be drawn by such Commissioners, or any three or more of them, or some person to be by them, or any three or more of them, appointed, in such a manner as juries for the trial of issues joined in his majesties courts at Westminster, by an act passed in the third year of his late Majesty King George II, entitled, an Act for the better regulation of Juries, are directed to be drawn;
- (3) Which persons to be impanelled, summoned and returned, are hereby required to appear before the said Commissioners or any three 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 10 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 three or more of them;
- (4) And all parties concerned shall and may have their lawful challenges against any of the

said jurymen; and the said Commissioners, or any three or more of them, are hereby authorised and empowered, 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 three or more of them, or before such jury, touching and concerning the premises;

- (5) And the Commissioners, or any three or more of them, if they shall think fit, shall and may cause the said jury, or any six or more of them, 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;
- (6) And the said jury, upon their oaths, (which oaths, as also the oaths to such person or persons as shall be called to give evidence, the said Commissioners, or any three or more of them, are hereby empowered and required to administer) shall enquire touching the value of such lands, tenements, or hereditaments, and of the respective estates and interests of the person or persons, bodies politic, corporate or collegiate, corporations 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 lands, tenements, or hereditaments, by the doing or performing of any of the matters and things hereinbefore or hereinafter authorised 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 politic, corporate or collegiate, corporations aggregate or sole, for such their estates and interests, and as a compensation or satisfaction for the damages they shall sustain as aforesaid; and the said Commissioners, or any three or more of them, shall give judgment for such sum and sums of money, rent or rents, to be assessed;
- (7) And the verdict of inquisition of such juries, and the judgments, orders and 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 whomsoever, as well absent as present, bodies politic, corporate or collegiate, corporations aggregate or sole, claiming any estate, right, title, trust, use, or interest in, to, or out of such lands, tenements, or hereditaments, either in possession, reversion, remainder, or expectancy, or otherwise, as well infants and issue unborn, lunatics, idiots, and females covert, and persons under any legal incapacity or disability whatsoever, and all other cestuique trusts, his, her, and their heirs, successors, executors, and administrators, and against all other persons whomsoever;
- (8) And all and every such owners, occupiers, and proprietors, and all and every person and persons interested in such lands, tenements, or hereditaments, shall thereby, after payment or tender, and refusal or neglect, in manner as hereinafter 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 such verdicts or inquisitions, and judgments, orders, or decrees, and all other proceedings of the said Commissioners and juries so to be made, given, or pronounced as aforesaid, shall be fairly written on parchment, and signed and sealed by three or more of the said Commissioners, making and pronouncing the same, one of which transcripts shall be forthwith transmitted to the

said Company of Proprietors, their Treasurer or Clerk, and the other to the Clerk of the Peace of the respective counties, as the case may be, to be carefully preserved amongst the records of that county;

- (9) And the said transcripts, so signed and sealed, shall be deemed and taken to be the 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, or his deputy, shall be 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 2p for every 72 words, and so proportionably for any greater number of words;
- (10) And upon payment of the sum or sums of money so assessed by such juries, and adjudged or decreed by such Commissioners to the party or parties concerned or entitled thereto as aforesaid, or to their agent, or legal tender thereof made to him or them, and refusal to accept the same, or in case any such person or persons, after 10 days notice given to him, her, or them, or left at the house of the occupier of the premises, shall refuse or neglect to receive the same, then, upon payment thereof into the hands of such person or persons as the said Commissioners, or any three or more of them, shall by 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 his, her, or their known agent or agents, or after such annual rent or rents shall be so assessed, it shall be lawful for the said Company of Proprietors, and their successors, to have, hold, use and enjoy such lands, tenements, or hereditaments, to and for their own proper use and benefit, and to and for their agents, servants, and workmen to make use of any such lands, tenements, hereditaments, and other premises, for the purposes of this Act; and this Act shall be sufficient to indemnify as well the said Commissioners as the said Company of Proprietors, and all and every person or persons by them, or any of them, authorised and empowered therein, or acting under them, against such owners, proprietors, owners, occupiers, and persons interested, their heirs, successors, executors, administrators, and assigns, and against all and every other person or persons whomsoever, to all intents and purposes whatsoever.

7. If a sufficient number of Jurymen do not attend, the Jury to be made up from the standers-by.

- (1) And be it further enacted, that in case of any default in a sufficient number of Jurymen to be sworn for the purposes of this Act, the said 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;
- (2) And that all persons concerned shall, from time to time have their lawful challenges as aforesaid, against any such Jurymen when they shall come to be sworn;
- (3) And that the said Commissioners, or any three or more of them, acting in the premises, shall have full power, from time to time, to impose any reasonable fine or fines on such Sheriff, his Deputy or Deputies, Bailiffs, or agents respectively, making default in the premises, or upon any person or persons who shall be summoned and returned on any

such Jury or 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 her verdict, or in any other manner wilfully neglect his or her duty in the premises, contrary to the true intent and meaning of this Act, and likewise upon 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 as aforesaid, or appearing shall refuse to be sworn, or to give evidence, or to be examined by or before the said Commissioners, or any three or more of them, and from time to time to levy such fine or fines, by distress and sale of the goods and chattels 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 three or more of the acting Commissioners, to be directed to the constable or other Peace officer of the township, parish, or place where such offender or offenders shall live, which constable, or other Peace office, is hereby required to execute the same, so as no such fine do exceed the sum of £10; which fine shall be paid to the Treasurer of the said Company of Proprietors for the purposes of this Act.

8. Commissioners or Jury not to act where interested

Provided always, that no person or persons whomsoever shall fit to act as a Commissioner or Commissioners, in any case where he or they is or are in any ways, directly or indirectly, interested or concerned in the matter or matters in question; nor shall any person whomsoever be sworn to serve on a Jury, or be examined as a witness, where he or she is any ways, directly or indirectly, interested in any matter in question.

9. Proprietors not to take possession of premises till payment of purchase money

And be it further enacted, that the said Company of Proprietors shall not take possession of, or enter into any of such lands, tenements and hereditaments, until such payment or deposit of the recompense or satisfaction so assessed and adjudged, shall be made as aforesaid, or in case of rent, until the same shall be assessed and adjudged as aforesaid, otherwise than for surveying, taking a level of, and marking out the ground which they intend to make use of for the purposes aforesaid, and which it shall be lawful for them and their workmen, surveyors, and other proper assistants, from time to time and at every convenient time to do, they doing thereby as little damage as may be, and giving 10 days notice to the owner, proprietor, occupier, or possessor of such lands, tenements, or hereditaments, of the time of their coming to make such survey, or to take such levels, or to mark out such ground, in order that such owner, occupier, or possessor may be 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, in case such damage shall exceed the value of one shilling.

10. Money payable to bodies corporate etc. to be reinvested in purchase of other estates to the same uses

And it is hereby further enacted, that all and every sum and sums of money to arise by the sale of any lands, tenements, or hereditaments, which shall be purchased, or valued and assessed by a Jury, for the purposes intended by this Act, of any body corporate or

ecclesiastical, corporation aggregate or sole, feoffee or feoffees in trust, guardian, committee, or other trustee or trustees, or from any feme covert, shall be paid to such person or persons as he, she, or they respectively shall nominate to receive the same, in trust, with all convenient speed, to be laid out in the purchase of other lands, tenements, or hereditaments, which shall be conveyed and settled to and upon, and subject to the like uses, trusts, limitation, remainders, and contingencies as the lands, tenements, or hereditaments which shall be purchased from them respectively, or valued and assessed by a Jury as aforesaid, were respectively settled, limited, or assured at the time of such the purchasing or assessing of the same, or so many thereof as at the time of making such conveyances and settlements shall be existing, and capable of taking effect.

11. Paying expenses of the Jury

- (1) And be it further enacted, that in case any Jury or Juries to be summoned and sworn pursuant to the authority of this Act, shall give in and deliver a verdict or inquisition for more monies, as a recompense or satisfaction for the right, interest, or property of any person or persons in any such lands, tenements or hereditaments, or for any such loss or damage, than what shall have been agreed to and offered by the said Company of Proprietors before the summoning and returning of the said Jury or Juries, as a recompense or satisfaction for any such right, interest, or property, or for any loss or damage as aforesaid, then and in such case the cost and expenses of summoning and maintaining the Jury and witnesses, for ascertaining and determining the value of any such right, property or interest, or the loss or damage sustained as aforesaid, shall be borne and paid by the said Company of Proprietors;
- (2) But if any Jury or Juries so summoned and sworn as aforesaid, shall give in and deliver a verdict or inquisition for no more or for less monies than shall have been agreed to and offered by the said Company of Proprietors before the summoning and returning the said Jury or Juries, as a recompense and satisfaction for any such right, interest, or property in any such lands, tenements, or hereditaments, or loss or damage as aforesaid, then the costs and expenses of summoning and maintaining the said Jury and witnesses shall be borne and paid by the person or persons with whom the said Company of Proprietors shall have such controversy or dispute;
- (3) Which costs and expenses having been ascertained and settled by the said Commissioners, or any three or more of them, shall and may be deducted out of the money so assessed by the said Jury, as so much money advanced to and for the use of such person or persons, and the payment or tender of the remainder of such money shall be deemed and taken, to all intents and purposes, to be a full and sufficient payment or tender:
- (4) Provided always, that in all cases where any person or persons shall, by reason of absence from the kingdom, have been prevented from treating, then such costs and expenses shall be borne and paid, one moiety by the said Company of Proprietors, and the other moiety by such person or persons;
- (5) Provided nevertheless, that all and every person or persons who shall sustain any such

damage or injury shall apply to the Commissioners, and proceed, as hereinbefore directed, to determine and adjust the same, and the recompence and satisfaction to be given in respect thereof, within 6 calender months after any such damage done, or injury received, and not afterwards; anything hereinbefore contained to the contrary notwithstanding.

12. Meetings of Commissioners to be held within a limited distance

And be it further enacted, that no meeting shall be held by the said Commissioners, or any three or more of them, at any place that shall be above 7 miles distance from the place where the controversy, or the matter to be enquired of, shall arise or happen.

13. Annual rents adjudged for damages, to be paid

- (1) And be it further enacted, 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 Company of Proprietors, or their successors, half yearly, to the person or persons who shall be entitled thereto;
- (2) And such person or persons shall have the same estate and interest in such annual rent or rents as they would have had to the said premises in case this Act had not been made;
- (3) And in default of payment thereof by the said Company of Proprietors within 10 days after the same shall become due, (and being lawfully demanded of the Treasurer of the said Company of Proprietors), it shall be lawful for the person or persons who shall from time to time be entitled to the said annual rents, or any of them, to commence or prosecute one or more action or actions at law, on the case or of debt, against the said Company of Proprietors, and their successors, 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.

14. When the Bridge shall be completed, right of, in, and to the ferry to cease, in consideration of £350

- (1) And be it further enacted, that when and so soon as the said Bridge shall be erected and built, and made fit and proper for the passage of travellers, cattle, and carriages, the right of the said Reverend John Lichfield and Hannah his wife, and the said Hannah Dunce, their heirs and assigns, of, in, and to the said ferry, and its emoluments and appurtenances, shall cease, determine, and be forever annihilated:
- (2) And in consideration thereof the said Company of Proprietors shall thereupon pay unto the said Reverend John Lichfield and Hannah his wife, in trust for the said Hannah Dunce aforesaid, their heirs or assigns, the sum of £350;
- (3) And in the meantime, and until the said Bridge shall be completed, it shall be lawful for the said Hannah Dunce, and the said John Lichfield and Hannah his wife, their heirs and assigns, to hold, use, and enjoy the said ferry, and to receive the profits thereof, in such

and the same manner as if this Act had not been made.

15. Proprietors may raise £2,400 among themselves by Shares

- (1) And it be further enacted, that it shall be lawful for the said Company of Proprietors, and their successors, to raise and contribute among themselves, and in such proportions as to them shall seem meet and convenient, any sum of money, for building the said Bridge, and other the purposes aforesaid, not exceeding the sum of £2,400;
- (2) And that the same be divided into 24 shares, at price not exceeding one hundred pounds a share;
- (3) And that no person subscribing to, or becoming a Proprietor in the said undertaking, do become a Proprietor of less than 1 share or more than 8 shares of the whole number of shares to be sold or subscribed for, either in his or her own name, or in the name or names of any person or persons in trust for him or her (except the same come to him or her by will, or as an executor or administrator, or in right of a wife, or by some other act in law), upon pain of forfeiting to the said Company of Proprietors all such shares, exceeding one-third of the whole number of shares as aforesaid,
- (4) And the money to be raised shall be applied, in the first place, in paying the costs and expenses of applying for, obtaining, and passing this Act, and all necessary expenses relating thereto, and the residue of such money shall be applied for and towards the building of the said Bridge, and the completing of the same, and other the works aforesaid, and the payment of the said purchase money of the said right of ferry, and for and towards the other purposes of this Act.

16. The shares vested in the Proprietors

- (1) And it be further enacted, that the said shares into which the said subscription money shall be divided, shall be, and the same are hereby vested in the several persons before named as Proprietors, and their several and respective executors, administrators, and assigns, proportionately to the sum they and each of them shall severally subscribe and pay thereunto, and shall be deemed personal estate;
- (2) And all and every person and persons, his, her and their several and respective executors, administrators, and assigns, who have or have already subscribed, or who shall severally subscribe and pay in the sum of one hundred pounds, or such sum as shall be demanded in part thereof, towards building the said Bridge, and completing the same, and other the works and purposes aforesaid, shall be entitled to receive, after the said Bridge shall be completed, the entire and net distribution of one part or share, proportionate to the sum so subscribed, of and in the profits and advantages that shall and may arise and accrue by virtue of the sum or sums of money to be raised, recovered, or received, by virtue of this Act, and so in proportion for any greater number of shares, not exceeding one third of the whole number of shares as aforesaid,
- (3) And every person having such property of one part or share in the said undertaking, and

- so in proportion as aforesaid, shall bear and pay a proportionable sum of money towards carrying on the said undertaking, in the manner hereby enacted, directed, and appointed;
- (4) And every person possessed of one share in the said undertaking shall have one vote, and every person possessed of two shares shall have two votes, of three shares shall have three votes, of four shares shall have four votes, and no more, in every public meeting to be held as hereinafter appointed, for carrying on the said undertaking;
- (5) Which vote or votes may be given by any Proprietor or Proprietors, either in person, or by his, her, or their proxy or proxies appointed by writing or writings under his, her, or their hand and seal or hands and seals, in case it shall be agreed on at any one of the half-yearly meetings of the said Proprietors to be held by virtue of this Act, that proxies shall be admitted to be used, and an order shall be entered in the books of the said Company to that effect.
- (6) And such vote by proxy shall be as effectual, to all intents and purposes, as if the principal or principals had voted in person;
- (7) And whatever question, election of officers, or other matter or other thing shall be proposed, discussed, or considered in any public meeting to be held in pursuance of this Act, the same shall be finally determined by the majority of votes and proxies then present, and the Chairman at every such meeting, in case of a division of equal numbers, shall have the casting vote, although he shall have voted before;
- (8) Provided that no person shall give or deliver more proxies than for one-third of the whole number of votes, and that no person shall vote as proxy unless he be a Proprietor.

17. Power to raise £4,000 or more if the £2,400 shall be insufficient

- (1) Provided always, and be it further enacted, that in case the sum of £2,400 herein before authorised to be raised shall be found insufficient for building and completing the said Bridge, and other the works and purposes hereby authorised to be done, then and in such case, and not otherwise, it shall be lawful for the said Company of Proprietors, their successors, executors, administrators, and assigns, to raise and contribute amongst themselves, in manner and form aforesaid, and in such shares and proportion as to them shall seem meet, or by the admission of new subscribers, any further or other sum of money for completing and perfecting the said Bridge, and other the works and purposes aforesaid, not exceeding the sum of £4,000;
- (2) And every subscriber towards raising such further or other sums shall have the like vote, by himself or herself, or his or her proxy, and shall also be liable to such forfeitures, and stand interested in the profits of the said bridge, and other the works aforesaid, proportionately to the sum that he, she or they shall subscribe thereunto, as generally and extensively, to all intents and purposes, as if such further or other sum hereby allowed to be subscribed for and raised had been part of the sum originally subscribed, and anything herein contained to the contrary thereof in anywise notwithstanding.

18. New subscribers to become members of the body politic

And it be further enacted, that all and every person and persons who shall be admitted by the said Company of Proprietors, or the major part of them, as new subscribers for the said sum of four thousand pounds, or any part thereof, shall thereupon succeed as a constituent member or constituent members of the body politic incorporated by this Act, and as a Proprietor or Proprietors of the said Company, in the same manner, to all intents, constructions, and purposes, as if he, she, or they had been appointed by this Act a Proprietor or Proprietors of the said Company.

19. General and special meetings - how to be held

- (1) And be it further enacted, that the general meetings of the said Company of Proprietors for putting this Act in execution shall be held on the first Monday in January, not being New Years Day, and on the first Monday in July, in each year, at the villages of Whitchurch and Pangbourne alternately, or at any other place or places which the said Company of Proprietors or three or more of them, shall, at some public meeting to be held in pursuance of this act, appoint for holding any of the said meetings, and that the first general meeting of the said Company of Proprietors shall be held at Whitchurch, on the second day of July 1792, at or before the hour of 12 of the clock in the fore noon;
- (2) But if at any time it shall appear to any three or more of such Proprietors, that for the more effectually putting this act in execution a special meeting of Proprietors is necessary to be held, it shall be lawful for such three or more of them to cause notice to be given thereof in some newspaper circulating in the counties of Oxford and Berks, or in such other manner as the said Company of Proprietors shall at any general meeting direct or appoint, declaring in such notice the place where and the time when such special meeting is to be held, the same not being less than 10 days after such notice given, and likewise specifying in every such notice the reason for and intention of such special meeting respectively and the said Company of Proprietors are hereby authorised to meet pursuant to such notice, and proceed to the execution of the powers by this Act given them, with respect to the matter so specified only; and all such acts of the said Company of Proprietors at such special meetings assembled shall be as valid, to all intents and purposes, as if the same were done at general meetings held in manner hereinbefore appointed.

20. Business to be done at the first General Meeting

- (1) And be it further enacted, that at the first General Meeting of the said Company of Proprietors hereinbefore directed to be held, the Proprietors there assembled, or three or more of such Proprietors, shall choose not less than three persons for the time being Proprietors of the said undertaking, which persons so chosen shall be a Committee to manage, direct, and carry on the building of the said Bridge, and the affairs and business of the said Proprietors for the year then next following, or until another Committee shall be appointed, and to do all matters and things whatsoever relating thereto, and particularly such matters and things as are by this Act directed to be done by such Committees, and as shall, from time to time, be ordered by such general or special meetings as aforesaid;

(2) And at the said first meeting the said proprietors, or three or more of them, shall also choose and appoint a Treasurer without any salary, and also a Clerk with a fixed salary, who shall attend the several meetings of the said Company of Proprietors, and the meetings of the said committees, and make entries of the said proceedings in proper books to be kept by him for that purpose, and do whatsoever shall be ordered at such meetings respectively for the purposes of this Act.

21. Subsequent Committees, how to be chosen

- (1) And be it further enacted, that the said Committee of Proprietors shall be afterwards annually chosen at a General Meeting of Proprietors, and shall meet constantly, every month (or oftener if the said Committee shall find it necessary), at a day, hour, and place to be appointed, until the said Bridge shall be completed, and as often afterwards, at such place to be by them appointed (not being at a greater distance than 7 miles from the bridge) after ten days notice given thereof by the Clerk of the said Company, as occasion shall require;
- (2) And in order to defray the expense of the meetings of the said Committee, it shall be lawful for the said Committee, and they are hereby allowed to expend or retain to themselves such sums of money, out of the capital of the said Company of Proprietors, for their expenses in attending such meetings, as at some previous General Meeting of the said Company of Proprietors shall be settled and allowed.

22. Committees making reports of proceedings to the general assemblies, and to obey their orders.

Provided also, that such committee shall, from time to time, make reports of their proceedings to, and be subject to the examination and control of the said General Meetings of the said Company of Proprietors, and shall pay due obedience to all such orders and directions in and about the premises as shall from time to time be made by the said Company of Proprietors at any General Meeting, such orders and directions not being contrary to any expressed directions or prohibitions in this Act.

23. Committee to make calls of money from the Proprietors, when necessary

- (1) And be it further enacted, that the said Committee of Proprietors shall have power, from time to time, to make such call or calls for money from the proprietors of the said undertaking, to defray the expenses of, or to carry on the same, as they, from time to time, shall find necessary for the purposes aforesaid, so that the first call by virtue of this Act shall not exceed the sum of five pounds for every hundred pounds to be subscribed, and every succeeding call not to exceed the sum of twenty pounds per centum for every such subscription, and so as no calls be made at less than the distance of ten days from each other;
- (2) Which money so called for shall be paid into the hands of the Treasurer to the said Company of Proprietors for the time being, to be paid and applied in such manner as the

said Committee shall, from time to time, appoint and direct, for the building, making, and completing the said Bridge, and other the works and purposes aforesaid;

- (3) And such Committee shall, until the next General Meeting to be holden in manner as aforesaid, have full power and authority to direct and manage all and every affairs of the said Company of Proprietors, as well in buying materials for building the said Bridge, as in appointing one or more collector or collectors of the tolls, and in employing, ordering, and directing the works and workmen, and in placing and displacing such collector or collectors, and all under-officers, clerks, servants and agents, and in making all contracts and bargains concerning the said undertaking, so that no such purchase, bargain, or other matter, be done and transacted without the concurrence of the major part of the said Committee at any time assembled;
- (4) And every owner or owners of one or more share or shares in the said undertaking shall pay his, her, or their share or shares and proportion or proportions of the moneys to be called for as aforesaid, at such time and place as shall be appointed by the said Committee, of which ten days notice (except the first call of five pounds per centum, which shall be at twenty-one days notice) shall be given, by publishing the same in some newspaper circulating in the counties of Oxford and Berkshire;
- (5) And the Clerk of the said Company of Proprietors shall also give notice, by letters directed to each Subscriber or Proprietor, at his, her, or their usual place of abode, of such call, and of the name and place of abode of the Treasurer to whom such payments are to be made;
- (6) And if any person or persons shall refuse or neglect to pay his, her, or their rateable or proportionable part or share of the said money to be called for by the first call to be made by virtue of this Act, at the time and place to be appointed as aforesaid, it shall be lawful for the said Company of Proprietors to sue for and recover the same in any of His Majestys courts of record, by action of debt, or on the case, or by bill, suit, or information, wherein no essoin, protection, or wager of law, not more than one imparlance, shall be allowed;
- (7) And if any person or persons shall refuse or neglect to pay his, her, or their rateable or proportionable part or share of the said money to be called for after the first call as aforesaid, at the time and place so appointed, he, she, or they so neglecting or refusing shall forfeit the sum of twenty shillings for every One hundred pounds of his, her, or their respective share and shares, parts or interests, in the said undertaking;
- (8) And in case any such person or persons shall neglect to pay his, her, or their rateable or proportionable part or share of the said money to be called for as aforesaid, for the space of three calendar months after the time appointed for payment thereof as aforesaid, then be, she, or they so neglecting shall forfeit his, her, and their respective share and shares, parts, and interests in the said undertaking, and all the profit and benefit thereof, all which forfeiture shall go to the rest of the said Company of Proprietors, in trust for and for benefit of themselves, in proportion to their respective interests, or another person shall and may be admitted in the place instead of such person forfeiting as aforesaid, at the

election of the Proprietors, all which said powers, forfeitures, and provisions shall extend to the persons who may become proprietors of new or further shares in the said undertaking, under and by virtue of the powers herein contained for raising an additional sum not exceeding Four thousand pounds.

24. Limiting time for taking advantage of forfeitures

Provided always, that no advantage shall be taken of any forfeiture of any share or shares in the said undertaking, unless the same shall be declared to be forfeited at some General Meeting of the said Company of Proprietors, which shall be held within 6 calendar months next after such forfeiture shall be incurred, and every such forfeiture shall be an indemnity to and for every Proprietor so forfeiting against all actions, suits, and prosecutions whatsoever to be commenced or prosecuted for breach of any contract or other agreement between such Proprietor or Proprietors so forfeiting, and the rest of the Proprietors with regard to carrying on the said undertaking.

25. Company to have power to remove Committee, Men and Officers

And it further enacted, that the said Company of Proprietors shall always have power and authority at any General Meeting to remove or displace any person or persons chosen to be of the Committee as aforesaid, or any collector or collectors, or other officer or officers, and to appoint some other person or persons in the room of the person or persons so removed or displaced, and to revoke, alter, amend, or change any of the rules and directions by this Act prescribed and laid down in regard to their proceedings amongst themselves, as to the major part of them shall seem meet, (the method of calling special or general meetings, and voting and appointing Committees, only excepted), and shall have power to make such rules, bye-laws and orders for the good Government of the said Company of Proprietors, and the good and orderly management of the said bridge, and of the tolls to be taken in respect of the same, and from time to time to alter and repeal the said bye-laws, orders, and regulations, and to impose and inflict such reasonable fines and forfeitures upon all persons offending against the same, not exceeding the sum of £5 for any one offence, as to the major part of such general meeting shall seem meet; such fines or forfeitures to be levied and recovered by such ways or means as fines or forfeitures are by this Act directed to be levied and recovered; which said rules, bye-laws and orders, being put into writing under the common seal of the said Company of Proprietors, shall be binding and be observed by all parties, and shall be sufficient in any court of law or equity to justify all persons who shall act under the same, provided that they be not repugnant to law.

26. Directing how calls on shares undisposed of, belonging to persons dying, shall be made

- (1) And be it further enacted, that if any owner or owners of any share or shares in the said undertaking shall die before calls shall be made for the full sum to be advanced on each share which he, she or they shall have been possessed of or entitled to (without having made provision by will or otherwise, how such share or shares shall be disposed of, and the money paid in upon calls for the future), then and in such cases the executors or administrators of any such owner or owners so dying, and the trustee or trustees, guardian

or guardians of any infant or other person or persons whomsoever, entitled to the estates and effects of such owner or owners deceased, shall be indemnified against all and every such infant or infants, or other person or persons whomsoever, for paying any sum of money when called for as aforesaid to complete any such subscription;

- (2) And if such owner deceased shall not have left assets sufficient, or in case the executors or administrators, trustees, or guardians, shall refuse or neglect to answer such calls and payments, the said Company of Proprietors shall be and are hereby empowered, authorised, and required to admit any other person or persons to be a Proprietor or Proprietors of the share and shares of such owner or owners deceased, on condition that he, she, or they so admitted do and shall, on or before such admission, pay to the executors or administrators of such deceased owner or owners, or to the trustee or trustees, guardian or guardians of any infant, or other person or persons entitled to his, her, or their effects, the full sum and sums of money which shall have been by such owner or owners, in his, her, or their lifetime, by the virtue of any call or calls, or otherwise, advanced upon such share or shares;
- (3) And in default of such calls being answered and made good in manner aforesaid, it shall be lawful for the said Company of Proprietors to sell and dispose of the share or shares of such deceased owner or owners, and pay and apply the money arising by such sale (after deducting the reasonable charges occasioned thereby), to and for the benefit of the representatives of such deceased owner or owners.

27. Proprietors may sell or dispose of their shares

- (1) And be it further enacted, that it shall be lawful for the said several Proprietors to sell or dispose of any share or shares he, she, or they shall and may be entitled to in the said undertaking, subject to the rules and conditions herein mentioned, and any purchaser or purchasers shall, for his, her or their security, as well as that of such Proprietor or Proprietors, have a duplicate or duplicates of the Deed or Conveyance made unto him, her, or them, and executed by both parties, one part whereof so executed shall be delivered to the said Company of Proprietors, or their Clerk for the time being, to be filed and kept for the use of the said Company, and an entry thereof shall be made in a book or books to be kept by the said Clerk for that purpose, for which no more than two shillings and six pence shall be paid;
- (2) And until such duplicate of such deed shall be so delivered unto the said Company of Proprietors or their Clerk, and filed and entered as above directed, such purchaser or purchasers shall have no part or share of the profits of said undertaking paid unto him, her or them, nor any vote as a Proprietor or Proprietors.

28. Proprietors not to sell their shares until calls are paid up

- (1) And be it further enacted, that after any call of such moneys shall be made by authority of this Act, no person or persons shall sell or transfer any share in the said undertaking, until the moneys called for upon their respective share or shares so to be sold shall be paid under the penalty of forfeiting his, her, or their respective share or shares of the said

undertaking to the said Company of Proprietors, in trust for the benefit of all the other Proprietors, unless the purchaser or purchasers shall, at the time of such transfer, pay the money called for, upon such share so transferred, to the Treasurer of the said Company of Proprietors;

- (2) Such forfeiture nevertheless to be notified and declared at a General Meeting in manner before directed with respect to other forfeitures of shares.

29. Form of Transfer

And be it further enacted, that the conveyance or transfer of the said shares shall be in the following form, or to the like effect; to wit:

I A.B. of in consideration of the sum of £ do hereby bargain, sell, and transfer to C.D. his [her or their] executors, administrators, and assigns share [or shares, as the case shall require] of the undertaking for building a Bridge, at or near the ferry over the River Thames, from Whitchurch in the county of Oxford, to the opposite shore in the parish of Pangbourne in the county of Berkshire, to hold unto the said his [her or their] executors, administrators, and assigns, subject to the same rules and orders, and on the same conditions that I now hold the same; and I the said C.D. do accept the said share [or shares] of the said undertaking, subject to the same rules, orders, and conditions. Witness our hands and seals, the day of

30. No business to be done at Committees, unless three Proprietors shall be present

- (1) And be it further enacted, that no resolutions shall be taken, or business done at any meetings of the said Committee, unless all the members of such Committee be present, nor shall the Treasurer or Treasurers issue out any sum or sums of money for the use of the said Committee, without an order signed by the said Committee;
 - (2) And all such orders for the payment of money shall be entered in the Company's books, and the Treasurer or Treasurers shall be allowed all his or their expenses in the execution of his or their office, and shall give such security for properly accounting for and paying all such moneys as shall come into his or their hands, as the said Company of Proprietors shall judge necessary;
 - (3) And the Clerk shall be entrusted with money, from time to time, by an order in writing, signed by the said Committee, upon the Treasurer or Treasurers, to enable him to pay petty expenses, and such small sums as shall be found necessary, and he or they shall account for the same to the Committee, who shall regularly examine and sign the said accounts as often as they shall see fit, and the said Treasurer's accounts shall be examined and compared with the books of the said Committee, and shall be made up, and the balance settled and signed by the said Committee, every half year.

31 Bridge vested in the Company

- (1) And be it further enacted, that the said Bridge and the said toll houses and conveniences

to be erected thereon or near thereto, and also the said ascents or approaches to the said Bridge, and all materials which shall be from time to time gotten or provided for erecting, building, making, maintaining, and repairing the same, shall at all times be vested in the said Company of Proprietors and their successors;

- (2) And when and so soon as the said Bridge, and ascents and approaches thereto, shall be erected and built, and made fit and proper for the passage of travellers, cattle, and vehicles, it shall be lawful for the said Company of Proprietors and their successors, from time to time and at all times then after, to ask, demand, receive, recover, and take, to and for their own proper use and behoof, for pontage, as or in the name of a toll or duty, before any passage over the said intended Bridge shall be permitted, the several sums following; (that is to say),

for every person on foot, one halfpenny:
for every horse, mare, gelding, or mule, laden or unladen, and not drawing, two pence:
for every ass, laden or unladen, drawing or not drawing, one penny halfpenny:
for every bull, ox, cow, steer, heifer, or calf, two pence:
for every sheep or lamb, one halfpenny:
for every boar, sow, or pig, one halfpenny.
for every horse, mare, gelding, mule, or other beast, except asses, drawing any vehicle, two pence:
for every vehicle with two or more wheels, two pence for each and every wheel.

32. No toll for horses drawing barges etc. into Whitchurch Pound Lock

Provided always and be it further enacted, that no toll shall be at any time demanded or taken for the passage of horses going to draw, or returning from drawing, barges or other vessels into Whitchurch Pound Lock only, nor for the person or persons necessarily attending and driving such horses.

33. The tolls vested in the Company, with powers of distress etc..

- (1) And be it further enacted, that the said tolls shall be and the same are vested in the said Company of Proprietors and their successors;
- (2) And if any person shall, after demand made thereof by any collector or collectors to be appointed as aforesaid, refuse to pay the same, it shall be lawful for such collector or collectors, by himself or themselves, or taking such assistance as he or they shall think necessary, to stop and prevent the passage of the person or persons so refusing, or of the horse, beast, cattle, or vehicle, for or in respect of which such tolls ought to be paid, until full payment thereof, or to seize or distrain any horse or horses, or other cattle, together with their bridles, saddles, geav, harness, or accoutrements, or their loading, or any carriage with its loading, upon which such toll is by this Act imposed;
- (3) And if such tolls, and the reasonable charges of such seizure and distress, shall not be paid within the space of four days after such seizure and distress made, the person or

persons so seizing and distraining shall and may sell the horse or horses, cattle, carriages, goods, chattels, or things so seized and distrained, or any part thereof, returning the over plus (if any be) and what shall remain unsold, upon demand, to the owner thereof, after such tolls, and the reasonable charges occasioned by such seizure, distress, and sale, shall be deducted.

34. Tolls may be reduced and raised again

- (1) And be it further enacted, that it shall be lawful for the said Company of Proprietors, from time to time, at any General Meeting to be held in pursuance of this Act, to lessen or reduce all or any of the tolls hereby granted for such time as they shall think proper, and to raise again the tolls so lessened or reduced, or any part thereof, so that the same do never exceed the tolls herein before granted;
- (2) And the tolls so lessened or reduced, or raised again, shall be collected and recovered in the same manner as the tolls hereby granted are authorised or directed to be collected and recovered.

35. Penalty on evading tolls etc.

- (1) And be it further enacted, that if any person shall take off, or cause to be taken off, any horse or other beast from any vehicle, at or near to the said Bridge, with intent to evade, and shall thereby evade, or endeavour to evade, the payment of any part of the said tolls, or shall forge, counterfeit, or alter or deliver to, or receive from any other person or persons, any note or ticket, with intent to avoid the payment of any part of the said tolls, every person so offending shall for every such offence forfeit any sum not exceeding Five pounds;
- (2) And it shall be lawful for such collector or collectors to stop and prevent the passage of every such person until such person shall have paid the said penalty;
- (3) And if any person shall forcibly pass over the said Bridge, without having paid the said tolls, or shall assault, interrupt, or obstruct any person employed in the collection of the said tolls, every person offending in any of such cases shall, for every such offence, forfeit the sum of Five pounds, whereof one moiety shall be paid to the informer, and the other moiety to the Treasurer of the said Company of Proprietors, for the purposes of this Act.

36. Penalty on conveying for hire persons cattle, or any other article, over the river, within a certain distance, otherwise than over the bridge

And be it further enacted, that, after the said bridge shall be completed, if any person shall, for hire or recompense, convey any horse, beast, or other cattle or any stones, bricks, lime manure, or any other article or thing across the said River Thames within the parish of Whitchurch in the said county of Oxford, and the parish of Pangbourne in the said county of Berks, otherwise than over the said Bridge, and if any person shall convey, or permit or suffer to be conveyed, in a boat or boats, or otherwise, any person or persons

across the said river within the said parishes, for or without hire or recompense, every such person shall, for every such offence, forfeit and pay any sum not exceeding £5, one moiety whereof shall be paid to the informer, and the other moiety to the Treasurer of the said Company of Proprietors, for the purposes of this Act.

37. For altering the construction of the Lock to prevent evasion of the tolls
 - (1) And be it further enacted, that the owner or proprietor, owners or proprietors of the present lock, in the said Parish of Whitchurch, shall, and he and they are hereby required to alter the construction of the said lock, so as to prevent as effectually as may be persons passing over the same, whereby the tolls by this Act granted might be evaded;
 - (2) And that in case of persons nevertheless passing across the said river, within the Parishes aforesaid, by means of the lock there, every such person shall be deemed and taken to have been guilty of an evasion of the tolls by this Act granted, and shall be subject and liable to the penalty by this Act inflicted on persons evading the tolls hereby granted.
38. The rights of the Ferry to be vested in the Company of Proprietors

And be it further enacted, that all the rights, privileges, and advantages of the said Hannah Dunce, and the said John Lichfield and Hannah his wife, and their heirs, in respect of the said ferry, shall from and after the building and completing of the said Bridge aforesaid, be vested in the said Company of Proprietors, and their successors, and shall and may be exercised by them as fully and effectually, to all intents and purposes, as the same could or might have been exercised by the owner of the said ferry.
39. Damage done to the Bridge by bargemen to be paid for by the owners

And be it further enacted, that if the person or persons having the care of any barge, boat, or other vessel, which shall be navigated in or upon the said River Thames, shall wilfully, carelessly, or negligently cause, permit, or suffer any damage or injury to be done to the said Bridge by any such barge, boat or other vessel, then and in every such case the owner or owners of every such barge, boat, or other vessel, shall be answerable and liable to make satisfaction to the said Company of Proprietors for such damage or injury, and such satisfaction shall and may be recovered from the owner or owners of such barge, boat, or other vessel, in the like manner as if such damage or injury had been occasioned by or through his or their own negligence or carelessness.
40. Penalty on passing a line over the Bridge

And be it further enacted, that if the person or persons having the care of any barge, boat, or other vessel, which shall be navigated in or upon the said River, shall pass a line over the said Bridge, to the annoyance of passengers and cattle going over the same, every such person shall, for every such offence, forfeit and pay the sum of Twenty shillings, to be paid to the informer.
41. Damaging the bridge etc. to be deemed felony

And be it further enacted, that if any person shall wilfully or maliciously pull down or destroy the said bridge, or any part thereof, or any toll house to be erected by virtue of this Act, every person so offending and being thereof lawfully convicted, shall be deemed guilty of felony.

42. Bridge to be deemed extra parochial, and the centre the boundary between the counties

- (1) And be it further enacted, that the said Bridge, or the tolls thereof, shall not be rated or assessed for or towards any public or parish rate, tax, or duty whatsoever, but the same Bridge, with its appurtenances, shall be deemed extra parochial to all intents and purposes;
- (2) And the said Bridge shall not be adjudged or taken to be a county Bridge, or to subject the counties of Oxford and Berkshire, or either of them, to the repairing amending, or supporting of the same, any law or statute to the contrary hereof notwithstanding.

43. When Bridge impassable, a Ferry to be provided

- (1) And be it further enacted, that in case the said Bridge shall at any time become impassable or unsafe for travellers or vehicles, the said Company of Proprietors, or their successors, shall and are hereby required to cause the same to be forthwith rebuilt or repaired, and made safe and commodious for the passage of travellers, cattle, and vehicles;
- (2) And in the meantime, until the said Bridge shall be so rebuilt or repaired, and made safe and commodious, it shall be lawful for the said Company of Proprietors and their successors, and they are hereby required, during all such time as the said Bridge shall be impassable or unsafe as aforesaid, to provide a proper and convenient ferry for the passage of travellers, cattle, and carriages, over the said River as near to the said Bridge as conveniently may be; and it shall be lawful for such person or persons as the said Company of Proprietors, or their successors, shall appoint for that purpose, to demand, collect and receive for the passage of such travellers, cattle, and carriages in the said ferry, before they respectively shall be permitted to pass, the like tolls as are hereby authorised to be taken for passing over the said Bridge, anything hereinbefore contained to the contrary notwithstanding.

44. For obliging the subscribers to pay their subscriptions

And be it further enacted, that the several persons who have subscribed or shall subscribe money towards defraying the expenses of obtaining and passing this Act, or carrying the purposes thereof into execution, shall and are hereby required to pay the respective sums so subscribed, within such time or times, and in such parts and proportions as the said Company of Proprietors, or their successors, or the said Committee, shall order and direct, and the same shall be paid to the Treasurer of the said Company of Proprietors; and if any such subscriber shall neglect or refuse to pay such money as aforesaid, it shall be lawful for the said Company of Proprietors to sue for and recover the same in the

name of their Treasurer or Clerk, in any of his Majesty's Courts of Record, by action of debt, or on the case, or by bill, suit, or informanion, wherein no essoin, protection, wager of law, or more than one imparlance, shall be allowed.

45. Proceedings to be entered in books

And be it further enacted, that all the orders and proceedings of the said Company of Proprietors, or their Committee, at any of their meetings, shall be entered in a book to be kept for that purpose, and shall be signed by the said Company of Proprietors, or Committees present at such meetings, or the major part of them, unless otherwise directed by this Act, and that such entries to be made and subscribed shall be admitted to be read in evidence in any Court whatsoever, and all notices to be given in pursuance of this Act, the mode of which is not otherwise directed, shall be affixed upon the toll house or toll houses to be erected by virtue of this Act.

46. Information and convictions to be before one justice

- (1) And be it further enacted, that all complaints and information of offences against this Act, for proceedings in which no particular directions are hereby given, and all complaints and information for offences against any rule, order or bye-law to be made in pursuance to this Act (of which rule, order, or bye-law when produced, all Justices are hereby required to take notice) shall and may be made before any Justice of the Peace for the county or division wherein the cause or matter of such complaint or information shall arise, and every such Justice is hereby authorised and empowered to take cognisance therefore, and to summon the person complained of to appear before him, and upon the appearing or not appearing of such person, pursuant to such summons, to hear the matter of every such complaint and information, by examination of any witness or witnesses, upon oath or otherwise (which oath such Justice is hereby empowered to administer), and to make such determination therein, as such Justice shall think proper;
- (2) And upon the conviction of any such person, such Justice shall and may issue a warrant under his hand and seal for levying the penalty or forfeiture by this Act imposed for such offence, by distress and sale of the goods and chattels of the person so convicted; and all such penalties and forfeitures, when recovered after rendering the overplus (if any) when demanded, to the owner of such goods and chattels (the charges of such distress and sale being first deducted), shall be paid one moiety to the informer or informers, and the other moiety to the Treasurer to the said Company of Proprietors, to be applied for the purposes of this Act; and in case sufficient goods and chattels of any person liable to pay any such penalties or forfeitures cannot be found, whereon to make such distress and such penalties or forfeitures shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorised and required, by warrant under his hand and seal, to commit such offender to the common jail or house of correction, for any time not exceeding 3 calendar months, or until such penalties or forfeitures shall be paid or compounded for, which composition the said Company of Proprietors are hereby empowered to make.

47. A Justice of the Peace for Oxfordshire and Berks may take cognisance of any offence

which shall extend to both counties

Provided always, and be it enacted, that in all cases where the commission of any offence against this Act shall not be confined to one county only, but shall extend to both of the said counties of Oxford and Berks, any Justice of the Peace of either of the said counties shall and may take cognisance of, and hear and determine the same, as he would or might have done in case such offence had been committed in the county for which he is empowered to act as a Justice.

48. Distress not to be deemed unlawful for want of form

And be it further enacted, that where any distress shall be made for any sum or sums of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party or parties making the same a trespasser or trespassers, on account of any default or want of form in any proceedings relating thereto, nor shall the party or parties distraining be deemed a trespasser or trespassers ab initio, on account of any irregularity which shall be afterwards done by the party or parties distraining, but the person or persons aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case.

49. Form of conviction

And be it further enacted, that any Justice of the Peace, before whom any person shall be convicted of any offence against this Act, shall and may cause the conviction to be drawn up in the following form, or to the like effect; (that is to say):

Be it remembered, that on the day of in the year of the reign of his Majesty, AB is convicted before me, one of his Majesty's Justices of the Peace for the said county, by virtue of an Act of Parliament made in the 32nd year of the reign of his Majesty King George the III entitled [here set forth the title of the Act, and specify the offence, and the time and place when and where the same was committed, as the case shall be] given under my hand and seal, the day and year aforesaid.

50. Appeal

- (1) Provided always, and be it further enacted, that if any person shall think himself or herself aggrieved by anything done in pursuance of this Act, unless where it is hereby otherwise directed, such person may appeal to the Justices at any general or quarter session of the Peace which shall be holden for the county wherein the cause of appeal shall arise, or conviction on any penalty happen, within four calendar months next after the same shall have arisen, giving or causing to be given fourteen days notice 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 Company of Proprietors, and within seven days after such notice, entering into recognizance before some Justice of the Peace for such county, with two sufficient Sureties, conditioned to try such appeal, and abide the order of and to pay such costs as shall be awarded by the Justices at such session;

(2) And the Justices at the said session, upon due proof of such notice being given aforesaid, and of the entering into such recognizance, shall hear and finally determine the matter of every such appeal in a summary way, and award such costs to the party appealing or appealed against as the said Justices shall think proper; and such determination shall be binding and conclusive to all intents and purposes.

51. Proceedings not to be quashed for want of form, or removed by certiorari

Provided also, and be it further enacted, that no conviction or order which shall be made by any Justice of the Peace, by virtue or in pursuance of this Act, or any other proceedings to be had touching the conviction of any offender or offenders against this Act, shall be quashed or vacated for want of form only, or be removed or removable by certiorari, or any other writ or process, into any of his Majesty's courts of record at Westminster.

52. Limitation of actions

(1) And be it further enacted, that if any action or suit shall be commenced or prosecuted against any person or persons for any matter or thing to be done in pursuance of this Act, every such action or suit shall be commenced within six calendar months next after the cause of action shall have arisen, and not afterwards, and shall be laid or tried in the county where such cause of action shall arise, and not elsewhere; and the defendant or defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the matter or thing for which such action or suit shall be commenced was done in pursuance and by the authority of this Act:

(2) And if the same shall appear to have been done, or if any such action or suit shall be brought or commenced after the time before limited for bringing the same, or shall be laid in any other county or place than as aforesaid, then and in every such case the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall be nonsuited, or suffer a discontinuance of his, her or their action or suit, after the defendant or defendants shall have appeared, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and shall have such remedy for the same as any defendant or defendants has or have for costs of suit in any other cases by law.

53. Public Act

And be it further enacted, that this Act shall be deemed a public act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

FINIS

