ANNO QUARTO

GEORGII IV. REGIS.

Cap. x.

An Act for erecting a Bridge over the Water of *Lary*, from *Pomphlet Point*, to or near to *Great Prince Rock*, in the County of *Devon*.

[2d *May* 1823.]

WHEREAS an Act was passed in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the Improvement of certain Parts of the Harbour of* Catwater, *within the Manor of* Plympton, *in the County of* Devon, *and for more effectually providing for the Security of the Communication from* Pomphlet Point *across the contiguous Water of* Lary, *within the said Manor;* and thereby, after reciting that the Harbour of *Catwater*, within the Port of *Plymouth*, in the County of *Devon*, is a very ancient Harbour, and that such Parts of the said Harbour as lie to the Eastward of a Line drawn from *Monkeydoe*, on the North Side of the said Harbour, to *Ivey Cove*, on the South Side of the same, are reputed to be within the Manor and Honor of *Plympton*, in the said County of *Devon;* and that the Passage across *Catwater* from *Oreston* to *Catdown*, is an ancient established Passage, of which the Right Honourable *John* Earl of *Morley* (then called *John* Lord *Boringdon*), Lord of the said Manor of *Plympton*, is Proprietor, and that the said *John* Earl of *Morley*, (then *John* Lord *Boringdon*) Lord of the said Manor of *Plympton* had, in aid of the said Passage, and to the great Advantage and Convenience of the Public, recently established, by Means of a Ferry Boat, known by the Name of *The Flying Bridge*, a Communication across the contiguous Water of 52G. 3. c. 50.

Lary, from *Pomphlet Point* to the *New Cot* opposite the same, and that it was expedient that such Communication should be rendered more safe and secure, it was enacted, that it should and might be lawful for the said *John* Earl of *Morley* (then *John* Lord *Boringdon*) Lord of the said Manor of *Plympton*, and his Heirs and Assigns, from Time to Time to place, or cause to be placed, across the Water known by the Name of the *Lary*, such Rope or Hawser as might be found necessary for the due and safe Working Passage and Re-passage of the then present or any other Ferry Boat, commonly known by the Name of *The Flying Bridge*, to and from the Point called *Pomphlet Point*, and the *New Cot* opposite to the same: And whereas since the passing of the said Act the said Ferry Boat, called *The Flying Bridge*, hath been maintained by the said *John* Earl of *Morley*, at the said Communication across the Water of *Lary*, to the great Advantage and Convenience of the Public: And whereas in consequence of the great Number of Persons who resort to the said Ferry Boat, called *The Flying Bridge*, and the necessary Delay occasioned by the crossing and re-crossing of the said Boat, it is desirable that a permanent Bridge should be erected across the said Water of *Lary* in lieu thereof: And whereas the said *John* Earl of *Morley* is willing, at his own Expence, to erect a Bridge across the said Water of *Lary*, from Land belonging to him at *Pomphlet Point* aforesaid, to other Land, also belonging to him, situate at or near to a Place called *Great Prince Rock*, in the said County of *Devon*; but inasmuch as the Purpose aforesaid cannot be effected without the Aid of Parliament; 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 passing of this Act it shall be lawful to and for the said *John* Earl of *Morley*, Lord of the said Manor and Honor of *Plympton*, or the Lord of the said Manor and Honor for the Time being, at his or their own Costs and Charges, to erect, complete, and maintain a Bridge across the said Water of *Lary*, from *Pomphlet Point* to or near to *Great Prince Rock* aforesaid, and for that Purpose to construct, build, and keep in Repair such Erections, Piers, Arches, and other Works, and do all such other Things as he or they shall think convenient or necessary for making, effecting, and preserving the said Bridge.

Power to the Earl of Morley to erect the Bridge.

Its Height to be 25 Feet above Mid Tide.

II. And in order that the said *John* Earl of *Morley*, or the Lord of the said Manor and Honor for the Time being, may be enabled to make the extreme Points of the said intended Bridge from *Pomphlet Point* aforesaid, to or near to *Great Prince Rock* aforesaid, accessible with easy Acclivities and Declivities, and at the same Time to erect the said Bridge with as little Inconvenience as may be to the Navigation of the Water which the same is intended to cross; be it enacted, That it shall and may be lawful for the said *John* Earl of *Morley*, or the Lord of the said Manor and Honor for the Time being, so to erect and make the said Bridge, that the same shall in all Parts thereof be of the Height of Twenty-five Feet at the Bottom thereof, above the Surface of the Water at Mid Tide in ordinary Spring Tides, or any greater Height which the said *John* Earl of *Morley*, or the Lord of the said Manor and Honor for the Time being, shall think fit; but it shall not in any Part thereof, where the same shall cross the Water, be of any less Height.

III. And

Power, when necessary to erect a temporary Bridge.

III. And be it further enacted, That in case at any Time or Times after the said Bridge shall have been completed, the Passage over the same may be rendered dangerous, by Means of unforeseen Accidents or Damage, then and as often as it shall so happen, it shall be lawful for the said *John* Earl of *Morley*, or the Owner or Owners, Proprietor or Proprietors for the Time being of the said Bridge, during such Time or Times as shall be necessary for repairing or rebuilding the said Bridge, to erect and build a temporary Bridge at such Place or Places near the Site of the said Bridge as he or they shall think proper, and to receive, for Passage over the said Water of *Lary* such Tolls or Pontage as are herein-after authorized to be taken, for passing over the said intended Bridge.

Power to erect Gates, and take Tolls or Pontage.

IV. And be it further enacted, That the said *John* Earl of *Morley*, or the Owner or Owners, Proprietor or Proprietors of the said Bridge, shall and may erect and set up, or cause to be erected and set up, One or more Gate or Gates, Turnpike or Turnpikes, and Toll House or Toll Houses, in, upon, across, or near to the said Bridge, in such Manner as not to obstruct any ancient Road or Way; and that the Tolls or Pontage following may be demanded and taken by such Collector or Collectors, or other Persons as the said *John* Earl of *Morley*, or the Owner or Owners, Proprietor or Proprietors of the said Bridge, shall from Time to Time appoint, at the said Gate or Turnpike, or One of the said Gates or Turnpikes, for each and every Time of passing over the said Bridge; (that is to say),

Tolls or Pontage.

For every Coach, Chariot, Landau, Berlin, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse or Litter, drawn by Six or more Horses, Mares, Geldings, Mules, or other Cattle, the Sum of Three Shillings:

For every Coach, Chariot, Landau, Berlin, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse or Litter, drawn by Four or more Horses, Mares, Geldings, Mules, or other Cattle, the Sum of Two Shillings and Sixpence:

For every Coach, Chariot, Landau, Berlin, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse or Litter, drawn by Three Horses, Mares, Geldings, Mules, or other Cattle, the Sum of Two Shillings:

For every Coach, Chariot, Landau, Berlin, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse or Litter, drawn by Two Horses, Mares, Geldings, Mules, or other Cattle, the Sum of One Shilling and Sixpence:

For every Chaise, Car or Chair, with Two Wheels, drawn by One Horse, Mare, Gelding, Mule, or other Beast, the Sum of One Shilling:

For every Carriage (without Horses) of any Description which shall be fastened or tied, or in any manner affixed to another Carriage, the Sum of Nine-pence:

For every covered Waggon, drawn by more than Four Horses, or other Beasts, the Sum of Four Shillings:

For every covered Waggon, drawn by Four Horses or other Beasts, the Sum of Three Shillings and Sixpence:

For every covered Waggon, drawn by Three Horses or other Beasts, the Sum of Three Shillings:

For every covered Waggon, drawn by Two Horses or other Beasts, the Sum of Two Shillings and Sixpence:

For every covered Cart, drawn by Three Horses or other Beasts, the Sum of Two Shillings:

For every covered Cart, drawn by Two Horses or other Beasts, the Sum of One Shilling and Nine-pence:

For every covered Cart, drawn by One Horse or other Beast, the Sum of One Shilling and Three-pence:

For every other Waggon, Wain, Tumbril, or Dray, drawn by Four or more Horses or other Beasts, the Sum of Three Shillings and Sixpence:

For every other Waggon, Wain, Tumbril, or Dray, drawn by Four Horses or other Beasts, the Sum of Three Shillings:

For every other Waggon, Wain, Tumbril or Dray, drawn by Three Horses or other Beasts, the Sum of Two Shillings and Sixpence:

For every other Waggon, Wain, Tumbril or Dray, drawn by Two Horses, or other Beasts, the Sum of One Shilling and Nine-pence:

For every other Cart, Wain, Tumbril or Dray, drawn by Three Horses, or other Beasts, the Sum of One Shilling and Sixpence:

For every other Cart, Wain, Tumbril or Dray, drawn by Two Horses, or other Beasts, the Sum of One Shilling and Two-pence:

For every other Cart, Wain, Tumbril or Dray, drawn by One Horse, or other Beast, the Sum of Ten-pence:

For every Horse, Mare, Gelding, Mule or Ass, laden or unladen, (and not drawing), or carrying only one Person, the Sum of Four-pence:

For every Foot Passenger, the Sum of One Penny:

For every Drove of Oxen, Cows, or other Neat Cattle, the Sum of Two Shillings and Sixpence *per* Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Hogs, Swine, Sheep or Lambs, the Sum of One Shilling and Eight-pence *per* Score, and so in proportion for any greater or less Number:

For every Carriage used for the Purpose of drawing or conveying Timber, having the Fellies of the Wheels cylindrical, and of the Breadth of Six Inches or more, with a flat and level Surface, drawn by Eight Horses, or other Beasts, the Sum of Five Shillings; and having the Fellies of the Wheels of a less Breadth than Six Inches, drawn by the like Number of Horses, or other Beasts, the Sum of Twelve Shillings:

For every Carriage used for the drawing or conveying Timber, drawn by Seven Horses, or other Beasts, having the Fellies of the Wheels cylindrical, and of the Breadth of Six Inches or more, with a flat and level Surface, the Sum of Four Shillings and Sixpence; and having the Fellies of the Wheels of a less Breadth than Six Inches, drawn by the like Number of Horses, or other Beasts, the Sum of Ten Shillings:

For every Carriage used for the Purpose of drawing or conveying Timber, drawn by Six Horses, or other Beasts, having the Fellies of the Wheels cylindrical, and of the Breadth of Six Inches or more, with a flat and level Surface, the Sum of Four Shillings; and having the Fellies of the Wheels of a less Breadth than Six Inches, drawn by the like Number of Horses, or other Beasts, the Sum of Nine Shillings:

For every Carriage used for the Purpose of drawing or conveying Timber, drawn by Five Horses, or other Beasts, having the Fellies of the Wheels cylindrical, and of the Breadth of Six Inches or more, with a flat and level Surface, the Sum of Three Shillings and Sixpence; and having the Fellies of the Wheels of a less Breadth than Six Inches, drawn by the like Number of Horses, or other Beasts, the Sum of Eight Shillings:

For every Carriage used for the Purpose of drawing or conveying Timber, drawn by Four Horses, or other Beasts, having the Fellies of the Wheels

Wheels cylindrical, and of the Breadth of Six Inches or more, with a flat and level Surface, the Sum of Two Shillings and Nine-pence; and having the Fellies of the Wheels of a less Breadth than Six Inches, drawn by the like Number of Horses, or other Beasts, the Sum of Six Shillings:

For every Carriage used for the Purpose of drawing or conveying Timber, drawn by Three Horses, or other Beasts, having the Fellies of the Wheels cylindrical, and of the Breadth of Six Inches or more, with a flat and level Surface, the Sum of Two Shillings; and having the Fellies of the Wheels of a less Breadth than Six Inches, drawn by the like Number of Horses, or other Beasts, the Sum of Five Shillings.

Power to diminish Tolls or Pontage.

V. And be it further enacted, That it shall be lawful for the said *John* Earl of *Morley*, or the Owner or Owners, Proprietor or Proprietors of the said Bridge, from Time to Time to lessen and diminish the Tolls or Pontage granted by this Act, and afterwards again to raise and augment the same, but so as not to exceed the Tolls or Pontage hereby authorized to be taken.

Carriages, Foot Passengers, &c. may pass and return on the same Day for one Toll.

VI. Provided always, and be it further enacted, That every Coach, Chariot, Hearse, Chaise, Chair, Waggon, Wain, Cart and other Carriages whatsoever, and the Horses and other Beasts drawing such Carriages respectively, and also all and every Horse, Mule and Ass, laden or unladen and not drawing, and also every Foot Passenger, and also all Oxen, Cows and Neat Cattle, Calves, Hogs, Swine, Sheep and Lambs, for which the Tolls or Pontage hereby granted shall be paid, shall be allowed to pass over the said Bridge, and also return, without being chargeable with the Payment of any Toll or Pontage for returning once on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), the respective Persons attending such Carriages, Horses or other Beasts or Cattle as aforesaid, producing the Tickets denoting such respective Payments, which are herein-after required to be delivered to them on Payment of such Toll or Pontage.

Horses having passed and returning drawing a Carriage, Tolls or Pontage paid on Horses to be deducted.

VII. And be it further enacted, That where any Horse or Horses shall pass over the said Bridge, not drawing any Carriage, and a Toll or Pontage shall be paid on such Horse or Horses at the said Bridge, and the same Horse or Horses shall return drawing any Carriage on the same Day, the Toll or Pontage paid on such Horse or Horses on their originally passing shall be deducted from the Toll or Pontage payable on the same when drawing the Carriage to which they shall be attached on their Return, so that no higher Toll or Pontage shall in the whole be taken than if such Horse or Horses had in the first Place passed over the said Bridge drawing the said Carriage.

Persons, having passed, returning with a Horse or Horses, Tolls or Pontage paid for themselves to be deducted.

VIII. And be it further enacted, That where any Person or Persons shall pass over the said Bridge, not having any Horse or Horses, and who shall pay a Toll or Pontage for himself, herself, or themselves only, and such Person or Persons shall return on the same Day with any Horse or Horses for which a Toll or Pontage on such Return shall also be paid, the Toll or Pontage paid by such Person or Persons on his, her, or their originally passing shall be deducted from the Toll or Pontage payable on the said Horse or Horses when so returning, so that no higher Toll or Pontage shall in the whole be taken than if such Person or Persons had in the first Place passed over the said Bridge with such Horse or Horses.

A Table of Tolls or Pontage to be put up.

IX. And be it further enacted, That before any Tolls or Pontage shall be demanded for passing over the said Bridge, the said *John* Earl of *Morley*, or the Owner or Owners, Proprietor or Proprietors of the said Bridge, shall cause to be put, and afterwards to be continued at the Toll Gate, or every Toll Gate on or near to the said Bridge, a Table painted in distinct and legible Black Letters, on a Board with a White Ground, containing a List of all the Tolls or Pontage payable at the said Bridge, distinguishing the several Tolls or Pontage, and the different Sorts of Carriages for which they are to be paid where there is any Variation therein; and shall provide or cause to be provided, Tickets denoting the Payment of Toll or Pontage, one of which Tickets shall be delivered *gratis* to the Person paying the Toll or Pontage.

Tickets, denoting Payment, to be provided and delivered to Persons paying Toll or Pontage.

To enforce Payment of Toll or Pontage.

X. And be it further enacted, That it shall and may be lawful to and for the Renter or Renters, Collector or Collectors of the said Tolls or Pontage, or any of them, to stop and prevent the Passage of any Person or Persons neglecting or refusing to pay the said Tolls or Pontage, or any of them, or the Horse, Beast, Cattle, Carriage or other Thing for or in respect whereof the said Tolls or Pontage ought to be paid; or if any Person subject or liable to the Payment of any of the said Tolls or Pontage shall, after Demand thereof made, neglect or refuse to pay the same, or any Part or Parts thereof, it shall be lawful for the Renter or Renters, Collector or Collectors of such Tolls or Pontage, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Horse, Beast, Cattle, Carriage or other Thing, upon or in respect of which any such Toll or Pontage is imposed, together with their respective Bridles, Saddles, Gears, Harness, or Accoutrements (except the Bridle or Reins of any Horse or other Beast separate from the Horse or Beast so taken) or any Carriage, in respect of the Horses or Cattle drawing the Carriage on which such Toll or Pontage is imposed, or any of the Goods or Chattels of the Person or Persons so neglecting or refusing to pay; and if the Toll or Pontage, or any Part thereof, so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining, may sell the Horse, Beast, Cattle, Carriage, or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any) and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls or Pontage, and the reasonable Charges occasioned by such Seizure, Distress and Sale, shall be deducted.

Collector may distrain.

If Toll or Pontage and Charges not paid in Four Days, Distress may be sold.

Disputes concerning Tolls or Pontage may be settled by a Justice or Justices of the Peace.

XI. And be it further enacted, That in case any Dispute or Disputes shall happen respecting the demanding or taking, or the Payment of Toll or Pontage, or about the Amount of Toll or Pontage due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by any Justice or Justices of the Peace for the County or Place in which the Cause of Dispute shall arise, who, upon Application made to him or them for that Purpose, shall examine the Matter upon Oath of the Parties or other Witness or Witnesses (which Oath every such Justice or Justices is or are hereby authorized and empowered to administer) and shall determine the Amount of the Toll or Pontage due, and other Matters in Dispute between the Parties, and may also award such Costs to be paid by either Party to the other, as to such Justice

or Justices shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices (which Warrant every such Justice or Justices is or are hereby empowered to issue) and the Overplus (if any) after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

The Royal Family exempted.

XII. Provided always, and be it further enacted, That this Act shall not extend or be construed to extend to charge with Toll any Horses or Carriages attending His Majesty or any of the Royal Family.

Penalty on forging Tickets.

Forcibly, &c. passing.

Taking off Horses, &c.

XIII. And be it further enacted, That if any Person shall give to or receive from any Person, other than the Renters or Collectors of the Tolls or Pontage, or forge, counterfeit, or alter any Note or Ticket directed to be given, with Intent to evade the Payment of the Tolls or Pontage, or any Part thereof; or if any Person shall fraudulently or forcibly pass through any such Toll Gate, or shall leave upon the said Bridge any Horse, Cattle, Beast, or Carriage whatsoever, by reason whereof the Payment of any Tolls or Pontage shall be avoided or lessened; or shall take off or cause to be taken off any Horse or other Beast or Cattle from any Carriage before having passed over the said Bridge, and after having passed the said Bridge shall put on the same, or shall do any other Act whatever, whereby the Payment of all or any of the Tolls or Pontage shall or may be evaded; every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom he or she shall be convicted.

Power to let or compound for Tolls or Pontage.

XIV. And be it further enacted, That it shall be lawful for the said *John* Earl of *Morley*, or the Owner or Owners, Proprietor or Proprietors of the said Bridge, from Time to Time to let the Tolls or Pontage hereby authorized to be taken, or to compound with any Person or Persons, for the Passage by him, her, or them, or his, her, or their Horses, Cattle, or Carriages over the said Bridge, for any Term or Terms of Years, or lesser Period, in such Manner as he or they may think proper.

Collectors permitting Carriages to pass otherwise than allowed by this Act, and not prosecuting, Penalty.

XV. And be it further enacted, That if any Collector or other Person authorized or appointed to collect the Tolls or Pontage on the said Bridge, shall permit or suffer any Person, Horse, Cattle, or Carriage to pass over the said Bridge, through any Toll Gate at which such Collector or other Person shall be stationed, without paying the Toll or Pontage payable, or shall be guilty of any other Misconduct in his or her Office, every Collector or other Person so offending and being thereof convicted before any Justice or Justices, shall forfeit for every such Offence any Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom he or she shall be convicted.

Collectors to put up their Names on a Board;

XVI. And be it further enacted, That every Collector of the said Tolls or Pontage shall place or cause to be placed on some conspicuous Part of the Front of the Toll House at which he or she shall be stationed, and so that the same shall appear to public View, his or her Christian and Surname,

name, painted in Black Letters on a Board with a White Ground, each of such Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and that such Board shall be and remain at such Toll House during the whole of the Time that the Person whose Name shall be expressed thereon shall be on Duty thereat; and every such Collector shall place or cause to be placed, on the Front of the Toll House at which such Collector shall be stationed, the Board hereinbefore directed to be provided by the said *John* Earl of *Morley*, or the Owner or Owners, Proprietor or Proprietors of the said Bridge, containing the List of the Tolls or Pontage; and if any Collector of the said Tolls shall not place such Boards respectively as aforesaid, and keep the same there during the Time he or she shall be such Collector as aforesaid, or shall demand and take a greater or less Toll or Pontage from any Person than he or she shall be authorized to do, or shall refuse to permit or suffer any Person or Persons to read, or shall in anywise hinder any Person or Persons from reading the Inscriptions on such Boards respectively, or shall refuse to tell his or her Christian and Surname to any Person or Persons who shall demand the same on being paid the said Tolls or Pontage, or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or omit to give to the Person paying the Toll or Pontage a Ticket denoting the Payment of the same, or upon the legal Toll or Pontage being paid or tendered, shall unnecessarily detain, or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing over the said Bridge, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger; then and in every such Case every such Toll Collector shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom he or she shall be convicted.

and a Board in Front of Toll House, containing a List of Tolls or Pontage payable.

Collector neglecting to do so, or taking a greater or less Sum than is authorized, or offending in the Particulars herein mentioned;

Penalty.

Collector, &c. discharged, refusing to deliver Possession of House, &c. Justices may remove them and their Goods.

XVII. And be it further enacted, That if any Toll Collector who shall be discharged from his or her Office by the said *John* Earl of *Morley*, or the Owner or Owners, Proprietor or Proprietors of the said Bridge, shall refuse to deliver up the Possession of the Toll House, Buildings, and Appurtenances, which he or she enjoyed in right of his or her Appointment to that Office, within Two Days after Notice of his or her Discharge shall be given to him or her, or left at his or her House; or if the Wife or Family of any Toll Collector, or his or her Deputy, who shall die, be absent, or shall refuse to deliver up the Possession of such Building and Appurtenances within Four Days after any other Collector shall be appointed thereto; then and in either of the said Cases, it shall be lawful for any Justice or Justices of the Peace for the County or Place where such Buildings shall be situate, by Warrant under his or their Hand and Seal, or Hands and Seals, to order a 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 Persons who shall be found therein, together with their Goods, out of such House, and to put the new appointed Collector into the Possession thereof.

For removing Annoyances.

XVIII. And be it further enacted, That it shall be lawful for any Steward, Surveyor, or Agent, to be appointed by the said *John* Earl of *Morley*, or the Owner or Owners, Proprietor or Proprietors of the said Bridge, and such Persons as he or they shall respectively appoint, from Time to Time, to remove all Obstructions, Annoyances, and Encroachments

ments on the said Bridge, or on or by the Side or Sides of any Part of the said Bridge, or the Avenues immediately leading thereto, by any Erection whatsoever, within Fifty Feet of the said Bridge, or by Timber, Stone, or Carriages, or by any Water Troughs, Tubs, or other Things for watering Horses or Cattle, or for any other Purpose, or by Sawpits, Hovels, Ashes, Rubbish, Lime, Sand, or otherwise, or by laying or placing Goods, Wares, and Merchandize, or other Matters or Things in or upon the said Bridge, or in front of any House within Fifty Feet of the said Bridge, or by any other Ways or Means whatsoever, and to open, scour, cleanse, widen, or make deeper any Watercourses adjoining or near thereto, and make the same as deep and large as they shall think necessary.

Penalty on throwing Rubbish on the Bridge.

XIX. And be it further enacted, That if any Person or Persons shall, from and after the said Bridge shall be erected, throw, cast, or lay any Dust, Dirt, Ashes, Rubbish, Dung, or other Filth or Annoyance in or upon the said Bridge, every such Person and Persons, being convicted thereof, shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom he, she, or they shall be convicted, over and above the Charges of removing such Filth or Annoyance, which the said Steward, Surveyor, or Agent is hereby authorized to remove; and all the said Forfeitures, as well as the Charges of removing such Annoyances (which Charges any Justice or Justices of the Peace for the said County of *Devon* is or are hereby authorized to settle and ascertain), shall be levied and raised in the same Manner as other Penalties and Forfeitures are directed to be levied by virtue of this Act.

Penalty on drawing Timber.

XX. And be it further enacted, That if any Person or Persons shall draw or cause to be drawn upon the said Bridge any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon any Wheel Carriage, to trail upon any Part of the said Bridge to the Prejudice thereof; or if any Person or Persons shall ride upon any Footpath or Causeway on the said Bridge, made or set apart for the Use or Accommodation of Foot Passengers, or shall lead or drive any Horse, Ass, Mule, Swine, or Cattle or Carriage of any Description, or any Wheelbarrow, Truck, or Sledge, or any single Wheel of any Waggon, Cart, or Carriage, apart therefrom, upon any such Footpath or Causeway, or shall cause any Injury or Damage to be done to the same, or the Posts, Rails, or Fences thereof; or if any Person driving any Horse or other Beast on the said Bridge carrying any Iron Bar or Rod, Basket, Pack, or Pannier, or any other Matter or Thing, shall place such Bar or Rod, Basket, Pack, or Pannier, Matter or Thing, so that the same or any of them shall project more than Thirty Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or wantonly let off or throw any Squib, Rocket, Serpent, or other Firework upon the said Bridge, or play at Football or any other Game or Games thereon, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, Wain, Cart, or other Carriage whatever upon the said Bridge, or on the Side or Sides thereof, without any proper Person

Riding or driving on Footpath.

Obstructing Travellers.

Making any Bonfires, &c.

Leaving Waggons, &c.

in the sole Custody or Care thereof, longer than may be necessary, except in Cases of Accident, and in Cases of Accident for a longer Time than may be necessary to remove the same; or if any Person shall, after having blocked or stopped any Cart, Waggon, or other Carriage in going up the said Bridge, cause or suffer to be or remain on such Bridge the Stone or other Thing with which such Cart or Carriage shall have been blocked or stopped; or if any Person or Persons shall pull down, damage, injure, or destroy any Lamp or Lamp Post put up, erected, or placed on the said Bridge, or upon, against, or near to any Toll House erected on or near the same, or shall extinguish the Light of any such Lamp, every Person offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above the Damages occasioned thereby, at the Discretion of the Justice or Justices before whom he or she shall be convicted.

For preventing wilful Damage to the Bridge.

XXI. And be it further enacted, That if any Person or Persons shall wilfully or maliciously damage the said Bridge, or any Part thereof, or any Gate, Turnpike, or Toll House belonging thereunto, or shall wilfully or maliciously, and without Authority from the said *John* Earl of *Morley*, or the Owner or Owners, Proprietor or Proprietors of the said Bridge, remove or take away any Works thereunto belonging, or in any way direct or procure the same to be done, or shall be aiding or assisting therein, whereby the said Bridge or the Works thereof may be damaged; any Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom he or she shall be convicted.

Masters of Vessels liable for Damage.

XXII. And be it further enacted, That in case any Damage or Mischief shall be done to the Bridge, or any of the Works which shall be constructed in pursuance of this Act, by any Ship, Lighter, Barge, Boat, or other Vessel, through the Mismanagement or Negligence of any Person having the Command of any such Ship, Lighter, Barge, Boat, or other Vessel, or any of the Mariners or Persons employed therein, then and in every such Case every Master, Owner, or other Person having the Command of such Ship, Lighter, Barge, Boat, or other Vessel, shall be and is hereby made answerable and accountable to the said *John* Earl of *Morley*, or the Owner or Owners, Proprietor or Proprietors of the said Bridge, for the Amount or Value of any such Damage or Mischief; and the same, provided it shall not exceed the Sum of Twenty Pounds, if not forthwith paid and satisfied, shall and may be recovered in such Manner as the Penalties and Forfeitures hereby imposed are in and by this Act directed to be recovered.

Masters to recover from their Servants any Sums paid for their Defaults.

XXIII. And be it further enacted, That in case the Master or Owner or Owners of any such Ship, Lighter, Barge, Boat, or other Vessel shall be compelled to pay any Penalty, or to make Satisfaction for any Damages by reason of any Neglect or Default done or committed by his, her, or their Servants or Mariners, or any of them, such Servants or Mariners, and each and every of them, shall be liable to repay such Penalty or Damages (with the Costs thereof) to such Owner or Owners; and in case of Nonpayment upon Demand thereof, and Oath made by such Owner or Owners of the Payment made by him, her, or them of such Penalty, Satisfaction, or Damages, and that the same, and the

Costs thereof, have not been repaid to him, her, or them by such Servants or Mariners, or any of them, although demanded (such Oath to be made before any One or more Justice or Justices of the Peace of the County or Place where such Penalty or Satisfaction shall have been recovered), the Amount thereof, provided the same shall not exceed the Sum of Twenty Pounds, shall be recovered in the manner as any Penalty is hereby directed to be recovered.

Penalty on assaulting Collector, &c.

XXIV. And be it further enacted, That in case any Person or Persons shall resist or make forcible Opposition against any Person or Persons employed in the due Execution of this Act, or shall assault any Surveyor, Engineer, Steward, or Agent, or any Renter or Renters, or Collector or Collectors of Tolls or Pontage, in the Execution of his or their Office or Offices, or shall make any Rescue of Cattle or other Goods distrained by virtue of this Act, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices of the Peace before whom he or she shall be convicted.

Power to Collectors to detain unknown Persons guilty of Offences.

XXV. And be it further enacted, That it shall be lawful for any Collector, Agent, or any other Person or Persons, with such Assistance as he or they shall think necessary, to seize and detain any Person or Persons to him or them unknown, who shall refuse to pay the Toll or Pontage payable by him, her, or them, or who shall be seen by such Collector, Agent, or other Person or Persons, to commit any other Offences against this Act, and forthwith to convey him, her, them, or any of them, before One or more Justice or Justices of the Peace of the County or Place where such Refusal or Offence shall take place, or be committed, without any other Warrant or Authority than this Act for so doing.

Collectors not incompetent to give Evidence.

XXVI. And be it further enacted, That in case of any Information, Complaint, Dispute, Suit, or Litigation, touching or in anywise relating to the said Tolls or Pontage, or any Offence committed against this Act, the Person or Persons appointed to collect such Tolls or Pontage, or other Person or Persons acting under the Authority of the said *John* Earl of *Morley*, or the Owner or Owners, Proprietor or Proprietors of the said Bridge, shall not be incompetent to give Evidence therein.

Witnesses to be compelled to attend.

XXVII. And be it further enacted, That if any Person who shall be summoned as a Witness to give Evidence before any Justice or Justices of the Peace, respecting any Matter of Fact relating to any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor, or the Person or Persons accused, shall, after a reasonable Sum for his or her Costs and Charges shall have been tendered or paid to him or her, refuse or neglect to appear at the Place and Time by such Summons appointed, without a reasonable Excuse for such Neglect or Refusal, it shall and may be lawful for such Justice or Justices, on Proof of such Summons having been served, to issue his or their Warrant under his or their Hand and Seal, or Hands and Seals, to bring such Person before him or them; and if on Appearance, or on being brought before any Justice or Justices, such Person or Persons shall refuse to be examined on Oath, or being a professed Quaker, on solemn Affirmation, concerning the Premises, without having some just Cause for such Neglect or Refusal, such Person or Persons shall forfeit for every such Neglect or Refusal any Sum not exceeding Ten Pounds, at the Discretion of such Justice or Justices.

XXVIII. And

Recovery and Application of Penalties.

XXVIII. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed, shall, upon Proof and Conviction of the Offences respectively, before any One or more Justice or Justices of the Peace for the County or Place where the same Penalties, Forfeitures, and Fines may be so inflicted or imposed, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justice or Justices is or are in every such Case hereby fully authorized to administer,) be levied, together

Distress.

with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices (which Warrant such Justice or Justices is or are hereby empowered and required to grant), and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand unto the Owner or

Penalties not paid.

Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice or Justices to order the Offender or Offenders

Imprisonment.

so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before such Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices is or are hereby empowered to take by way of Recognizance or otherwise; but if, upon the Return of such Warrant, it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justice or Justices of the Peace as aforesaid, and he or they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or

Commitment.

Offenders to be committed to the Common Gaol or House of Correction of the County, Riding, or Place where the Offender shall be or reside, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall from Time to Time be paid to the said *John* Earl of *Morley*, or the Owner or Owners, Proprietor or Proprietors of the said Bridge, for his and their own Benefit.

Conviction of Offenders.

XXIX. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justice and Justices 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 of Words, or in any other Form of Words, to the same Effect; (that is to say),

County or Borough of to wit. } ‘ BE it remembered, That on the Day of in the Year of our Lord *A. B.* is ‘ convicted before me *C. D.* [*or* before us *C. D.* and *E. F.*] One [*or* ‘ Two, *as the Case may be*] of His Majesty's Justices of the Peace for ‘ the said County or Borough, for [*here specify the Offence, and when*

‘ *and*

'*and where committed*] contrary to an Act passed in the Fourth Year 'of the Reign of King *George* the Fourth, intituled [*here insert the* '*Title of this Act*]; for which Offence I [*or* we] adjudge the said '*A. B.* to have forfeited the Sum of [*or* shall 'be committed to for the Space of .] 'Given under my Hand and Seal [*or* our Hands and Seals], the Day 'and Year first above written.'

Distress not unlawful for Want of Form.

XXX. 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 shall the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or any Proceeding relating thereto, nor shall the Party or Parties be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done in making the Distress.

Informers may have Part of Penalties.

XXXI. Provided nevertheless, and be it further enacted, That it shall be lawful for the said Justice or Justices, from Time to Time, if he or they shall see Cause, to adjudge that Part of any Fines, Penalties, or Forfeitures, shall be paid to and for the Use of the Informer or Informers, or any Person or Persons (not being a Witness or Witnesses) taking or seizing the Person or Persons convicted or assisting therein, or any of them.

Power to appeal.

XXXII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Matter or Thing done by any Justice or Justices in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the first or next General or Quarter Sessions of the Peace to be holden for the County or Place wherein the Cause of such Complaint shall have arisen, the Person or Persons appealing having first given Twenty-one Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Person or Persons appealed against, and within Five Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with sufficient Sureties, to bring such Appeal, and abide the Award or Order of and pay such Costs as shall be awarded by the Justices at such Quarter Sessions, and also to pay the Penalty or Forfeiture in case the Conviction shall be affirmed; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and finally determine the Matter of such Appeal in a summary Way, and to make such Order therein, and to award such Costs to either of the Parties, or otherwise, as they the said Justices shall judge proper; and the said Justices may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and all such Orders and Determinations of the said Justices shall be final, binding, and conclusive on all Parties, to all Intents and Purposes whatsoever; and no Certiorari, or other Writ or Process, for the Removal of any such Conviction, or any Proceedings thereon, into any of His Majesty's Courts of Record at *Westminster*, shall be allowed or granted: Provided always, that in case there shall not be Time to give Notice and enter into Recognizances as aforesaid, before the next Session

Proceedings not to be removed into superior Courts.

to be holden after the Conviction of any Person or Persons appealing, then and in every such Case such Appeal may be made to the next following Session, and shall be there heard and determined.

No Plaintiff to recover in any Action without Notice, or after Tender of Amends.

XXXIII. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing signed by his, her, or their Attorney (specifying the Cause of Action), shall have been given to the Defendant or Defendants at least Twenty-one Days before the same shall have been brought; nor shall the Plaintiff or Plaintiffs recover in any such Action, if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants before such Action brought; but in case no Tender of Amends shall have been made, it shall and may be lawful for the Defendant or Defendants (by Leave of the Court), at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he, she, or they shall think fit, whereupon such Proceedings, Orders, and Judgments shall be made and given in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Limitation of Actions.

XXXIV. And be it further enacted, That in case any Action or Suit shall be commenced or prosecuted against any Person or Persons for any thing done in pursuance of this Act, then and in such Case such Action or Suit shall be commenced or prosecuted within Six Calendar Months next after the Cause of Action shall arise, and not afterwards, and such Action or Actions shall be laid or brought in the County where the Cause of Action shall have arisen and not elsewhere; and the Defendant or Defendants in all Actions or Suits so brought shall and may plead the

General Issue.

General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or that such Action or Suit was brought after the Time so limited, or should be brought in any other County or Place than as aforesaid, then the Jury shall find a Verdict 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 De-

Treble Costs.

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

Bridge when to be built.

XXXV. And be it further enacted, That if the said Bridge shall not, within Five Years from and after the passing of this Act, be completed so as to make the same passable for Horses and Carriages, that then and from thenceforth all and singular the Powers and Authorities hereby given shall cease and determine to all Intents and Purposes whatsoever.

Saving Rights of the Embankment Company.

XXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interests of the Company of Proprietors for embanking Part of the *Lary* near *Plymouth*, acting under Two several Acts of Parliament, one passed

in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable His Majesty to grant certain Parcels of Land, situate between* Great Prince Rock *and the Village of* Crabtree, *called* Tothill Bay *and* Lipson Bay, *near to the Borough of* Plymouth *in the County of* Devon, *to certain Persons therein named, for the Purpose of embanking and preserving the same from the Sea;* and the other passed in the Forty-third Year of the Reign of the same King, intituled *An Act to enable the Company of Proprietors for embanking Part of the* Lary *near* Plymouth, *to make and maintain a Road from a certain Place called* Efford Quay, *in the Parish of* Eggbuckland *in the County of* Devon, *to the Borough of* Plymouth; and that the said Company shall and may, from Time to Time, and at all Times hereafter, hold and enjoy all Lands, Tolls, Profits, and Privileges, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as they have held and enjoyed the same before the passing of this Act. 42 G. 3. c. 32. 43 G. 3. c. 15.

Public Act.

XXXVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, or others, without being specially pleaded.

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