



ANNO DECIMO

VICTORIÆ REGINÆ,

No. 11.

*Ans. by 14 V. No. 21  
82 V. No. 5*



*By His Excellency SIR JOHN EARDLEY EARDLEY-WILMOT,  
Baronet, Lieutenant-Governor of the Island of Van Diemen's  
Land and its Dependencies, with the Advice of the Legislative  
Council.*

*AN ACT for building and maintaining a Bridge over  
the River Derwent at Bridgewater.*

**W**HEREAS it would conduce to the public safety and convenience **PREAMBLE.**  
if a Bridge were built across the River Derwent from the Bridgewater  
Causeway to the opposite side of the said river thereby connecting the  
main line of Road between the City of Hobart Town and Launceston  
and it is expedient that provision be made for that purpose as also for  
the collection and payment of tolls for defraying the expense of erecting  
such Bridge and the approaches thereto and for the repair and susten-  
tation of the said Bridge and approaches—**BE IT THEREFORE**  
**ENACTED** by His Excellency SIR JOHN EARDLEY EARDLEY-WILMOT  
Baronet Lieutenant-Governor of the Island of Van Diemen's Land and  
its Dependencies by and with the advice of the Legislative Council that  
it shall be lawful for His Excellency the Lieutenant-Governor to cause  
a Bridge to be erected across the River Derwent from the Bridgewater  
Causeway to the opposite shore of the said river so as to connect the  
main line of Road from the City of Hobart Town to Launceston accord-  
ing to such plans and specifications as shall be approved of by His  
Excellency with the advice of his Executive Council but no such plan  
or specification shall be approved of as aforesaid which does not provide

Lieutenant-Governor may cause Bridge to be erected according to certain plans.

for some Drawbridge or moveable platform giving a clear opening of not less than thirty-five feet at the least for the passage of steam-boats and masted vessels through such Bridge at some convenient place in the said Bridge.

And may nominate Commissioners.

II. AND BE IT ENACTED that after the approval of any such plan and specifications as aforesaid it shall be lawful for His Excellency the Lieutenant-Governor by any proclamation or proclamations to be issued by him for that purpose from time to time to nominate and appoint one or more persons as and to be the Commissioner or Commissioners for the erecting and maintaining the said Bridge and the approaches thereto which Commissioner or Commissioners shall be styled "The Bridgewater Commissioner or Commissioners" as the case may be.

Tolls of Ferry to be paid to the Commissioners and applied for the building the Bridge as specified in this Act.

III. AND BE IT ENACTED that in order to make provision for the expense of building and maintaining the said Bridge and the approaches thereto the right to all Tolls for the ferrying of passengers goods and cattle across the River Derwent at Bridgewater which are now paid or hereafter may be paid at the said Ferry shall be vested in and the same shall be paid to the Commissioner or Commissioners for the time being or such person as shall be by him or them appointed to receive or collect the same and it shall be lawful for His Excellency the Lieutenant-Governor to order the payment to the said Commissioner or Commissioners of all such sums or sum of money as shall be sanctioned by any vote or votes of the Legislative Council of this Colony to be paid out of the general Revenue thereof for erecting and maintaining the said Bridge and approaches thereto and all such sums as aforesaid shall after deducting thereout the expenses incident to the said Ferry be applied by the said Commissioner or Commissioners to the purposes and in the manner hereinafter directed for the application of the tolls of the said Bridge.

Commissioners may also borrow money on mortgage of tolls of the Ferry and Bridge.

IV. AND BE IT ENACTED that it shall be lawful for the said Commissioners from time to time as occasion may require subject to the approval of the Lieutenant-Governor with the advice of the Executive Council to borrow any sum of money not exceeding the sum of Eight thousand Pounds in the whole at such times and in such amounts as to them may seem expedient for the purpose of erecting and maintaining the said Bridge and approaches thereto and after obtaining such approval as aforesaid to secure the repayment thereof together with interest not exceeding Seven Pounds per centum per annum by demise and mortgage of the tolls receivable at the said Ferry or the tolls to be received at the said Bridge or by demise and mortgage of the tolls of the said Ferry and Bridge together with the toll-houses for collecting the same (the costs and charges of which mortgages shall be paid out of the tolls) and which mortgages shall be in the words or to the effect following that is to say

Form of mortgage.

"By virtue of an Act of this Island passed in the year of the reign of Her present Majesty Queen Victoria intituled [*here set forth the title of this Act*] We whose hands and seals are hereunto subscribed and set being the Commissioners [*or Commissioner*] for the time being for erecting and maintaining the Bridgewater Bridge and the approaches thereto in consideration of the sum of Pounds sterling advanced and paid  
by of to

Gay 71-45  
13-1069

us the said Commissioners [*or* Commissioner] for the time being do hereby grant and assign unto the said \_\_\_\_\_ and his executors such proportion of the Tolls arising and to arise on the said Bridge and the Ferry of Bridgewater and the toll-gates and toll-houses erected or to be erected for collecting the same as the said sum of \_\_\_\_\_ Pounds doth or shall bear to the sum by this Act allowed to be raised by way of mortgage to have hold receive and take the said Tolls toll-gates toll-houses and premises with the appurtenances unto the said \_\_\_\_\_ his executors administrators and assigns for and during the term of \_\_\_\_\_ years from the day of the date of these presents unless the said sum of \_\_\_\_\_ Pounds with interest payable half-yearly after the rate of \_\_\_\_\_ Pounds per centum per annum shall be sooner repaid and satisfied.  
 Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_ ”

and a copy of every such mortgage shall within ten days after the date thereof be delivered by the mortgagee or his assigns to the Registrar of Deeds who is hereby authorised to receive and keep the same on payment of a fee of Five Shillings and no more which copy shall and may at all reasonable times be perused and inspected at the office of the said Registrar without fee or reward and it shall be lawful for all persons respectively to whom any mortgage shall be made as aforesaid or who shall be from time to time entitled to the money thereby secured to assign or transfer his or their right title and interest in and to such mortgage and the principal money and interest thereby secured to any other person or persons whomsoever which assignment or transfer may be made in the following words or words to the like effect to be indorsed on such mortgage security or to be underwritten or thereunto annexed and signed in the presence of and attested by one or more credible witness or witnesses that is to say—

To be deposited with Registrar of Deeds.

“ I *A. B.* [*or I C. D.* assignee executor *or* administrator of *A. B.* as the case may happen] do hereby assign and transfer this mortgage security with all my right and title to the principal money thereby secured and all interest due and to become due upon the same unto *E. F.* his [*or her*] executors administrators or assigns. Dated this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

Form of assignment of mortgage.

Witness—*X. Y.* (signed) *A. B.* [*or C. D.*]”

a copy of which transfer shall be deposited by the person receiving the same in the office of the Registrar of Deeds at Hobart Town within ten days from the date thereof and notice of such transfer shall also be given by the person receiving the same to the said Commissioners for the time being within ten days from the date thereof and such transfer shall then entitle such assignee his executors administrators and assigns to the full benefit of such mortgage security and every such assignee may in like manner assign or transfer the same and so *toties quoties* and it shall not be in the power of any person or persons except the person or persons to whom the same shall be last transferred his her or their respective executors or administrators to release discharge or make void the original mortgage security or the moneys due thereon or any part thereof.

To be also deposited with Registrar.

V. PROVIDED AND BE IT FURTHER ENACTED that it shall not be lawful for any such mortgagee as aforesaid to enter into the receipt or possession of such tolls or toll-houses as in the said preceding section mentioned until default be made in payment of the interest due upon such security for the space of twenty-eight days or upon default of repayment of the principal sum secured by such mortgage

Mortgagee may enter and receive Tolls on default.

## Proviso.

and the interest due in respect thereof—AND PROVIDED that in case the principal sum secured by any such mortgage shall not be repaid at the termination of the period for which such mortgage may be granted that then it shall be lawful for the mortgagee his executors administrators or assigns and for the assignee or transferee of such mortgage his executors administrators or assigns to enter into possession of the toll-houses and receipt of the tolls of the said Bridge and Ferry as the case may be if no other mortgagee shall then be in such possession and to continue in such possession and receipt as aforesaid until the principal sum and interest secured by such mortgage shall be fully paid and satisfied or if there shall be any other mortgagee assignee or transferee as aforesaid in such possession as aforesaid then such mortgage shall be deemed and taken to be a continuing security for payment of the principal and interest mentioned in such mortgage until the same be fully paid and satisfied notwithstanding the period for which such mortgage shall have been granted shall have expired.

Mode of obtaining possession.  
Where several mortgagees tolls to be applied *pari passu*.

VI. AND BE IT ENACTED that if any mortgagee of any such tolls as are hereinbefore mentioned and toll-houses shall seek to enter into the receipt and possession of the said tolls and to obtain possession of the said toll-houses in order to pay himself the principal money and interest or any part thereof due to him it shall be competent to him as lessor of the plaintiff and upon his demise only and without uniting in such demise the other mortgagees of the said tolls and premises to obtain such possession but such person or persons who shall obtain the possession thereof shall not apply the tolls which may consequently be received by him to his own exclusive use and benefit but to and for the use and benefit of all the mortgagees of the said premises *pari passu* and in proportion to the several sums which may be due to them as such mortgagees.

Proceedings by and against the Commissioners.

VII. AND BE IT ENACTED that the right of taking toll at the Ferry at Bridgewater and at the Bridgewater Bridge and the right of property in the said Bridge and the tolls thereof shall be and be deemed and taken to be vested in the Commissioner or Commissioners for the time being who shall sue and be sued plead and be impleaded by the name and style of "The Bridgewater Commissioner or Commissioners" as the case may be for and in respect of all matters and things connected with the execution of his or their office of Commissioner or Commissioners as aforesaid and by no other name or style and no action suit or other proceeding which may be brought by or against such Commissioner or Commissioners shall abate discontinue or be in any way affected by reason of the death resignation removal of any such Commissioner or Commissioners or the appointment of any new Commissioner but the same may be commenced prosecuted and carried on by or against any Commissioner or Commissioners for the time being notwithstanding the cause of action shall have arisen in the time of any previous Commissioner or Commissioners or any such Commissioner or Commissioners as aforesaid shall die resign or be removed from his office after the commencement of any such action suit or other proceeding.

## Rates of tolls.

VIII. AND BE IT ENACTED that tolls not exceeding the several rates of tolls specified in the first Schedule to this Act annexed shall be paid to the said Commissioner or Commissioners or their collectors for the passing the said Bridge in respect of the persons carriages cattle and goods therein also specified.

IX. AND BE IT ENACTED that the approaches to the said Bridge shall be under the control and management of the said Commissioner or Commissioners as the case may be and that the approach to the said Bridge on the south-western side of the River Derwent shall commence at the end of the Bridgewater Causeway adjoining the public road now leading from Hobart Town to New Norfolk and thence through over and along the said causeway to the water's edge and from the water's edge on the opposite shore of the said river to the distance of five hundred yards along the Main Road leading from Hobart Town to Launceston at which place the said Commissioners shall cause two posts of stone to be placed on either side the said road to mark the boundary of the said last-mentioned approach and the said Commissioners shall also cause two similar posts to be placed for the same purpose at the commencement of the approach to the said Bridge on the south-west side of the said river.

Approaches to the Bridge to be defined.

X. AND BE IT ENACTED that it shall be lawful for the said Commissioner or Commissioners to erect and to keep erected on either side of the said river upon the said approaches or upon the said Bridge one toll-house and toll-bar at which tolls shall be taken and all such fences rails bars gates lamps lamp-posts houses stores and other buildings and erections as may be convenient or necessary for the collection of toll securing of cattle or other purposes connected with the safety and convenience of passengers and the sustentation of the said approaches and Bridge and the collecting the tolls of the said Ferry or Bridge the property in all which said toll-houses and other erections and things aforesaid shall be and be deemed and taken to be vested in the said Commissioners and shall and may be so described in any information or indictment touching or relating to the same.

Commissioners may cause necessary erections &c. to be made.

XI. AND BE IT ENACTED that it shall be lawful for the said Commissioners from time to time as they shall see fit to appoint such and so many persons to be Collectors of Tolls of the said Bridge and Ferry who shall for the purposes of this Act be deemed and taken to be the servants of the said Commissioner or Commissioners for the time being.

Collectors of Tolls.

XII. AND BE IT ENACTED that at some conspicuous part of the said approaches on either side the said river the said Commissioners shall cause to be erected a board painted black upon which shall be painted in white in clear legible characters the tolls to be charged and payable at the Bridge and Ferry and every Collector of Tolls for the time being shall cause his Christian and surnames to be painted in legible characters in white upon some board which shall be painted with a black ground to be affixed at the door of the toll-house or on the toll-gate where the toll is to be paid under a penalty in default thereof of not less than Five Pounds.

Tables of tolls to be exhibited.

XIII. AND BE IT ENACTED that if any Collector appointed to collect the tolls shall allow any coach waggon dray cart or other carriage of whatever description or any horse beast or other cattle or any person liable to pay toll to pass through any toll-gate or toll-bar without paying the toll payable thereat in respect of the said Bridge or Ferry or shall demand and take any greater or other toll than by authority of this Act shall be payable or shall unlawfully or negligently obstruct the passage of the said Bridge or Ferry by any passenger or

Misconduct of Collectors.

shall use any abusive or indecent language to any passenger or shall be guilty of any other misconduct in his office every such Collector so offending and being convicted thereof before one Justice shall forfeit and pay a penalty of not less than Forty Shillings nor more than Ten Pounds.

Pass-cheques for  
tolls.

XIV. AND BE IT ENACTED that every Toll-keeper shall at the time of receiving toll at either side of the said Bridge or Ferry deliver to the person paying for the same some pass-cheque or pass-ticket which cheque or ticket shall be presented and given by the person receiving the same to the Collector at the toll-gate on the other side the said Bridge or Ferry and the Collector receiving such cheque or ticket shall thereupon pass the person presenting and giving the same through his gate together with his cattle carriages carts and other things in respect of which he shall have paid toll to the first Collector free of toll through his gate and unless such ticket shall be presented and given to the Collector as aforesaid it shall not be lawful for such Collector to pass any person through the toll-gate without payment of the toll.

Paying over and  
accounting by  
Collectors.

XV. AND BE IT ENACTED that the said toll-collectors shall on Saturday in every week or on any other day when required by the Commissioner or Commissioners for the time being deliver to the said Commissioner or Commissioners or such person as shall be by him or them appointed by any writing under his or their hands to demand and receive the same the full amount of the tolls received by such collectors together with the pass-tickets received by them and if any such collector shall neglect or refuse to pay over the full amount of such tolls to such Commissioner or Commissioners or person as aforesaid such collector shall be deemed and taken to have embezzled the amount of such toll which he shall so neglect or refuse to pay over as aforesaid and shall be liable to be punished as in cases of embezzlement by servants—**PROVIDED AND BE IT FURTHER ENACTED** that if any such collector as aforesaid shall neglect or refuse to give a true account of the pass-tickets or of the tolls received by him or to pay over the same tolls or to deliver the said pass-tickets to the said Commissioner or Commissioners or other person appointed by him or them in manner aforesaid such collector shall in every such case forfeit and pay a sum not less than Fifty Pounds nor more than One hundred Pounds to be recovered by information in a summary manner as hereinafter provided which proceeding by information as last mentioned shall be a bar to any other proceeding for the same matter against such collector under this Act.

Commissioners to  
publish quarterly  
accounts.

XVI. AND BE IT ENACTED that the said Commissioner or Commissioners for the time being shall once in every quarter of year furnish a true and faithful account which shall be signed by such Commissioner or Commissioners of all tolls and other monies received by such Commissioner or Commissioners for or in respect of the said Ferry and Bridge and of the application of such moneys and a like account of all sums of money secured by mortgage upon any such tolls and of the interest then due in respect of every such mortgage and to whom such moneys and interest respectively are due which accounts so signed shall be delivered into the office of the Colonial Secretary and be kept by him.

Powers of and

XVII. AND BE IT ENACTED that it shall be lawful for the said

Commissioner or Commissioners for the time being and all persons acting under his or their authority to erect and build any Bridge across the River Derwent from the Bridgewater Causeway to the opposite shore of the said river according to such plans and specifications as shall be approved by the Lieutenant-Governor with the advice of the Executive Council and to make all such embankments dams jetties and causeways and to erect all such structures in the bed or course of the said river as shall be necessary or convenient for that purpose and no action suit or other proceeding at law shall be had commenced or prosecuted against such Commissioner or Commissioners or against any other person acting under his or their authority his or their servants or workmen for or on account of the erection of any such embankments dams jetties causeways or structures aforesaid and any person who shall wilfully damage any such embankment dam jetty causeway or structure aforesaid shall and may be lawfully arrested by any person who shall see such damage done immediately at the time or immediately after such damage shall be done and it shall also be lawful for any Justice of the Peace to issue his warrant for the apprehension of any such person who shall commit such damage as aforesaid upon any information upon oath to be for that purpose exhibited before such Justice and in case any person so offending shall be arrested as first aforesaid it shall be lawful for the person making the arrest to detain the person so offending until he can be conveniently taken before some Justice of the Peace and it shall be lawful for any Justice of the Peace before whom any person so offending shall be brought to inquire into the matter of the said offence and to examine all witnesses upon oath who shall be produced before him touching such offence and if he shall see fit to commit the person so offending to gaol there to remain until he shall be tried for the said offence and every person so offending shall be guilty of a misdemeanor and shall be punished by fine and imprisonment not exceeding three years.

indemnities to  
Commissioners.

Damaging works  
—punishment for.

XVIII. AND BE IT ENACTED that it shall be lawful for the said Commissioner or Commissioners for the time being to contract with any person or persons for the erection of the said Bridge according to such plans and specifications as shall be approved of in manner hereinbefore mentioned for any such sum or sums of money to be paid in such manner and in such proportions and at such times as shall be approved of by His Excellency the Lieutenant-Governor with the advice of his Executive Council and to secure the payment of such sum or sums of money as shall be agreed upon for the erection of the said Bridge by a mortgage of the tolls of the said Ferry and Bridge which mortgage shall be transferable and assignable and such mortgage transfer and assignment shall be in the words or to the effect set forth in the second Schedule to this Act annexed—PROVIDED ALWAYS that in every such contract there shall be contained a clause that the Contractor or Contractors shall be bound with two sureties in a bond for the due fulfilment of the terms of the said contract in double the amount of the sum for which such Contractors shall agree to build the said Bridge and no such contract shall be valid or binding until the same shall have been signed by the persons contracting to build the said Bridge and until such bond as aforesaid shall be executed.

Commissioner  
may contract  
with any person  
for building  
Bridge.

Proviso.

XIX. AND BE IT ENACTED that every such bond shall be to the Queen her heirs and successors and the sureties in the said bond shall be approved of by the Commissioner or Commissioners for the

Bond by Con-  
tractor.

time being and the said bond shall be executed in the presence of the said Commissioner or Commissioners for the time being and shall be deposited by the said Commissioner or Commissioners in the Office of the Registrar of Deeds who is hereby required to receive and keep the same until the Commissioner or Commissioners for the time being shall certify to the said Registrar by some writing under his or their hands that the contract hath been completed in all respects upon which certificate being given to the said Registrar he shall thereupon cancel the said bond and the same shall thenceforth be of none effect whatsoever.

Custody and application of moneys received by Commissioners.

XX. AND BE IT ENACTED that all moneys which shall be received by the said Commissioner or Commissioners for the time being by virtue of this Act shall be by them paid into some or one of the public Banks in the City of Hobart Town to an account to be opened in such Bank or Banks for that purpose and to be called "The Bridge-water Commissioners' Account" and no sum of money whatsoever shall be drawn out from such account but by a cheque to be signed by the Commissioner if there shall be a sole Commissioner or by two Commissioners if there shall be more than one Commissioner and all moneys which shall be received by the said Commissioner or Commissioners from the tolls of the said Bridge and Ferry shall go and be applied in payment of the expenses of making erecting and maintaining the said Bridge and the approaches thereto and the toll-houses lighting of the said Bridge and collecting of the tolls thereof and of the said Ferry and other expenses incidental to the said Bridge and Ferry as also in payment of the principal moneys and interest which shall be secured upon the tolls of the said Bridge and Ferry as hereinbefore mentioned and after payment of the expenses and charges aforesaid the balance remaining unapplied shall be paid into the public Treasury of this Island and be appropriated in aid of the general Revenue thereof.

Mortgages to Contractors.

XXI. AND BE IT ENACTED that when any mortgage shall be made to any contractor for securing payment to such Contractor of the sum for which he shall have contracted to build the said Bridge or any part thereof such Contractor and his executors administrators and assigns and the transferee and the transferees of such mortgage shall have and enjoy such and the same remedies for recovering payment of principal money and interest secured by the mortgage and shall be bound by the same provisions as are respectively hereinbefore given and made to and for mortgagees advancing and lending money to the said Commissioner or Commissioners.

Governor may lower the rate of tolls or raise the tolls to an amount not exceeding that in the Schedule.

Proviso.

XXII. AND BE IT ENACTED that it shall be lawful for the Lieutenant-Governor by any proclamation to be issued by him from time to time to lower the rates of toll to be paid at the said Ferry and Bridge or either of them and in like manner to raise the said tolls so as they shall not exceed the tolls in the Schedule to this Act mentioned—PROVIDED that no such tolls shall be lowered during the period that the same shall be a security for any of the purposes for which the same may be made a security by this Act.

Distraining for tolls.

XXIII. AND BE IT ENACTED that if any person subject or liable to the payment of any of the tolls under and by virtue of this Act shall after demand thereof made neglect or refuse to pay the same or any part thereof it shall be lawful for the person authorised or appointed

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to collect such tolls by himself or taking such assistance as he shall think necessary to seize and distrain any horse beast cattle carriage or other thing upon or in respect of which any such toll is imposed together with their respective bridles saddles gears harness or accoutrements except the bridles or reins of any horse or other beast separate from the horse or beast or to seize and distrain any carriage in respect of the horse or cattle drawing the carriage on which such toll is imposed or any of the goods or chattels carried in any such carriage or by any such horse or other beast and if the toll 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 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 upon demand to the owner thereof after such tolls and the reasonable charges occasioned by such seizure distress and sale shall be deducted.

XXIV. AND BE IT ENACTED that in case any person shall resist or make forcible opposition against any person employed in the due execution of this Act or shall assault any Collector of Tolls in the execution of his office or shall pass through any toll-gate or rail set up by authority of this Act without paying the toll appointed to be paid at such gate or rail or shall make rescue of cattle or other goods distrained by virtue of this Act every such person offending therein shall for every such offence forfeit any sum not exceeding Ten Pounds.

Resisting or  
assaulting Col-  
lector &c.

XXV. AND WHEREAS offences may be committed against this Act by persons unknown to the Collector or Collectors—BE IT ENACTED that it shall be lawful for such Collector or Collectors and such other person as he or they shall call to his or their assistance without any warrant or other authority than this Act to seize and detain any unknown person who shall commit any such offence and take him before any Justice of the Peace and such Justice shall and is hereby required to proceed and act with respect to such offender or offenders according to the provisions of this Act.

Apprehension of  
transient offend-  
ers.

XXVI. AND BE IT ENACTED that if any person shall haul or draw or cause to be hauled or drawn upon any part of the said Bridge or the approaches thereto any timber stone or other thing otherwise than upon wheeled carriages or shall suffer any timber stone or other thing which shall be carried principally or in part upon wheeled carriages to drag or trail upon such Bridge or the approaches thereto or if any person driving any horse or other beast upon the said Bridge or approaches carrying any iron rod or bar basket or pannier or any other matter or thing shall place such rod or bar basket or pannier matter or thing so as in any manner to obstruct or impede the passage of any person or any horse beast or carriage travelling over such Bridge or approaches 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 discharge any fire-arms or throw any squib rocket serpent or firework whatsoever upon the said Bridge or works or if any person shall leave any waggon wain cart or other carriage whatsoever upon such Bridge or approaches without any proper person in the sole custody or care thereof except in cases of accident or shall lay any timber stone hay straw dung manure soil ashes rubbish or other matter

Penalties for  
injuries and im-  
pediments to and  
on Bridge &c.

or thing whatsoever upon such Bridge or approaches to the prejudice annoyance interruption or personal danger of any person travelling thereon or if any person not properly authorised shall shovel up scrape gather or carry away any stones gravel sand or other materials or soil from off any part of the said Bridge or approaches thereto or if any person shall in any manner wilfully prevent any other person from passing him or any carriage under his care upon the said Bridge or approaches thereto every person offending in any of the cases aforesaid shall forfeit and pay over and above the damages occasioned thereby a sum of Five Pounds for every such offence.

Liability of owners of carts &c. for their drivers.

XXVII. AND BE IT ENACTED that in case the driver of any waggon cart or of any coach or other carriage shall offend against any of the provisions of this Act whereby any penalty shall be incurred and shall refuse to give his name or shall abscond or absent himself so as not to be found then it shall and may be lawful for any Justice of the Peace before whom complaint shall be made and he is hereby required to issue a summons requiring the owner of such waggon cart or other carriage to appear before him to answer the matter of such complaint and if such owner shall refuse or neglect to appear or appearing shall not then or within ten days thereafter produce the driver so offending or disclose his name and place of abode then the said Justice or any other Justice of the Peace on an examination of the circumstances and ascertaining by the examination of witnesses on oath which oath such Magistrate is hereby authorised to administer that such offence has been committed by any such driver of any waggon cart or other carriage shall order and adjudge that the penalty incurred by such driver shall be paid by the owner of such waggon cart or other carriage which penalty shall be recovered and applied in manner hereinafter directed.

Proceedings for penalties.

XXVIII. AND BE IT ENACTED that all offences under this Act not otherwise provided for shall and may upon information in that behalf exhibited be heard and determined and the amount of all damages costs fines and penalties be awarded adjudged and imposed by any one Justice of the Peace in a summary way in the manner provided by the Act of this Island intituled *An Act to regulate Summary Proceedings before Justices of the Peace*.

Appropriation.

XXIX. AND BE IT ENACTED that all fines forfeitures and penalties imposed by authority of this Act the application whereof is not hereinbefore provided for shall go and be applied as to one moiety or half part thereof to the use of the informer and as to the other half part to the use of the said Commissioner or Commissioners for the purposes of this Act.

Construction of terms.

XXX. AND BE IT ENACTED that the term Lieutenant-Governor used in this Act shall be construed to include and intend the person for the time being lawfully administering the Government of this Island and that words importing the singular number shall also be deemed to include the plural and the masculine to mean and intend the feminine in all cases not repugnant to the context.

Opening and closing the passage of the Bridge.

XXXI. AND BE IT ENACTED that when and as often as the said Commissioner or Commissioners shall certify to the Lieutenant-Governor that the said Bridge is completed or fit for the public use or

not in a fit state to be used by the Public then it shall be lawful for the Lieutenant-Governor by any proclamation to be by him for that purpose issued to declare the said Bridge to be open for the public use or to be closed from the public use as the case may be.

XXXII. AND BE IT ENACTED that after the making any such proclamation as aforesaid by which the said Bridge shall be declared open to the public use the said Ferry shall thereupon cease and no writ *ad quod damnum* shall be necessary for the putting an end to the said Ferry and that after the making any such proclamation as aforesaid closing the said Bridge that thereupon the said Ferry shall revive until the making of any proclamation declaring the said Bridge open to public use and so *toties quoties* as any such proclamation respectively shall be made the said Bridge shall be open and the said Ferry shall cease and the said Bridge shall be closed and the said Ferry shall revive.

Use of the Ferry dependent thereupon.

E. EARDLEY-WILMOT.

Passed the Legislative Council, this eighteenth day of August, one thousand eight hundred and forty-six,

ADAM TURNBULL, *Clerk of the Council.*

SCHEDULE 1.

	s.	d.		s.	d.
For every Foot Passenger....	0	3	upon two wheels not drawn		
Horse .....	1	0	by any Horse or other		
Mare .....	1	0	cattle but in any other way		
Gelding .....	1	0	or being attached to some		
Colt .....	0	6	other Carriage drawn by		
Filly .....	0	6	any Horse or other cattle	2	6
Mule .....	0	6	For every Cart Wain Waggon		
Ass .....	0	6	Dray or other Carriage of		
Cow.....	0	6	any description upon four		
Bull.....	0	6	or more wheels drawn by		
Ox .....	0	6	one or more Horses or		
Heifer .....	0	6	other cattle not exceeding		
Steer .....	0	6	four.....	4	0
Calf .....	0	3	If drawn by more than four		
For all Sheep and Goats by the			Horses or other cattle each		
score.....	0	10	Horse and beast to be		
Sheep and Goats less than a			charged separately and the		
score per head.....	0	½	Carriage to be charged se-		
Swine by the score .....	0	10	parately.		
Swine less than a score per head	0	½	For each Cart Wain Waggon		
For every Cart Wain Dray or			Dray or other Carriage		
Carriage of any description			upon four or more wheels		
on two wheels if drawn by			not drawn by any Horse or		
one Horse or other beast ..	2	6	other cattle but in any		
If drawn by two Horses or			other way or being attached		
other beasts .....	3	6	to some other Carriage		
If drawn by more Horses or			drawn by any Horse or		
other beasts the Carriage to			other cattle .....	4	0
be charged separately and			For every Stage Coach or		
the Horses or beasts by the			Carriage carrying Passen-		
head separately.			gers for Hire together with		
For every Cart Wain Dray or			the Passengers Horses and		
Carriage of any description			Driver thereof .....	4	0

## SCHEDULE 2.

By virtue of an Act passed in the \_\_\_\_\_ year of the reign of Her present Majesty intituled [*here set forth the title of this Act*] We [*or I*] whose hands and seals [*or hand and seal*] are [*or is*] hereunto subscribed and set being the Bridgewater Commissioner [*or Commissioners*] in consideration of the sum of \_\_\_\_\_ sterling the price or sum mentioned in a contract made between the said Commissioner [*or Commissioners*] and *E. F. G. H.* and *M. N.* for building the Bridgewater Bridge with the approbation and consent mentioned in the said Act at which price or sum the said Bridge hath been built by the said *E. F. G. H.* and *M. N.* according to the said contract do hereby grant and assign unto the said *E. F. G. H.* and *M. N.* their executors administrators and assigns the Tolls arising and to arise from the Bridgewater Ferry and from the Bridgewater Bridge together with the toll-gates and toll-houses erected or to be erected for collecting the same to have hold receive and take the said Tolls toll-gates toll-houses and premises with the appurtenances unto the said *E. F. G. H.* and *M. N.* their executors administrators and assigns for and during the term of \_\_\_\_\_ years from the day of the date of these presents unless the said sum of \_\_\_\_\_ Pounds with interest after the rate of \_\_\_\_\_ per centum per annum shall be sooner repaid and satisfied.

Given under my [*or our*] hand [*or hands*] this \_\_\_\_\_ day of \_\_\_\_\_

WE *E. F. G. H.* and *M. N.* [*or I A. B.*] Assignee Executor or Administrator of the said [*E. F. G. H. M. N.*] do hereby assign and transfer this Mortgage Security with all my [*or our*] right and title to the principal money thereby secured and all interest now due or hereafter to grow due upon the same unto *X. Y.* his [*or her*] Executors Administrators and Assigns.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18

Witness (Signed)  
*W. S.*