



ANNO SEXTO

VICTORIÆ REGINÆ,

No. 8.

By His Excellency SIR JOHN FRANKLIN, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Greek Order of the Redeemer, and a Captain in Her Majesty's Royal Navy, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council.

AN ACT for making and maintaining a Bridge over the South Esk River at Reibey's Ford.

WHEREAS inasmuch as the making and maintaining a Bridge PREAMBLE.
for the passage of Her Majesty's subjects and also for the passage of cattle carts and carriages over the South Esk River between the parish of Carrick and the parish of Launceston at the place called Reibey's Ford would be of great Public utility by facilitating the conveyance of stock agricultural produce and other commodities from the parish of Carrick and the places adjacent to the town and port of Launceston and also the conveyance of merchandise from the town and port of Launceston and would materially assist the agricultural and commercial interests as well as the general traffic in that part of this Island a sum of Five hundred Pounds hath been voted by the Legislative Council of this Island towards the erection of such Bridge—AND WHEREAS Thomas Reibey of Entally in the said parish of Carrick hath proposed to contract for the erection of a Bridge in the situation aforesaid in accordance with certain plans and specifications produced by him for the sum of One thousand five hundred Pounds and he hath further proposed that the sum of Five hundred Pounds voted as aforesaid shall be paid to him on account and in part satisfaction of the said sum of One thousand five hundred Pounds and that the remaining sum of One thousand Pounds with interest thereon at the rate of fifteen pounds per centum per annum shall be raised and paid to him by such toll as hereinafter is mentioned—AND WHEREAS the said proposals of the said Thomas Reibey cannot be accepted or carried into effect without the

Thomas Reibey
on giving secur-
ity to receive
Five hundred
Pounds.

And to have
power to erect
Bridge.

aid and authority of the Legislative Council—BE IT THEREFORE ENACTED by His Excellency SIR JOHN FRANKLIN Knight Commander of the Royal Hanoverian Guelphic Order Knight of the Greek Order of the Redeemer a Captain in Her Majesty's Royal Navy and Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council as follows (that is to say) if the said Thomas Reibey shall within thirty days after the passing of this Act execute and deliver to the then Colonial Treasurer of this Colony a bond or writing obligatory whereby he the said Thomas Reibey and his executors and administrators shall be bound to Her Majesty the Queen Her Heirs and Successors in the sum of One thousand Pounds of lawful money of Great Britain with a consideration thereunder written for making void such bond if the said Thomas Reibey his executors administrators or assigns shall on or before the first day of October which will be in the year One thousand eight hundred and forty-four erect and complete a Bridge in the situation aforesaid and in accordance with the plans and specifications so as aforesaid produced by the said Thomas Reibey (and which plans and specifications are now in the custody of the Colonial Treasurer of this Colony) or if the said Thomas Reibey shall (in default of so erecting and completing the said Bridge within the period aforesaid) pay to the Colonial Treasurer for the time being of Van Diemen's Land aforesaid on the said first day of October One thousand eight hundred and forty-four to and for the use of Her said Majesty Her Heirs and Successors the sum of Five hundred Pounds with One hundred Pounds for two years' interest thereon then and in such case and immediately on the execution and delivery of such bond it shall be lawful for the Lieutenant-Governor for the time being of Van Diemen's Land to authorise the payment from the Colonial Treasury to the said Thomas Reibey his executors administrators or assigns of the sum of Five hundred Pounds on account and in part satisfaction of the sum of One thousand five hundred Pounds to be received by the said Thomas Reibey for the erection of the said Bridge and from and after the execution and delivery of such bond as hereinbefore is mentioned the said Thomas Reibey his executors administrators and assigns shall be and he and they is and are hereby authorised and empowered by himself or themselves his or their deputies agents officers workmen and servants to make complete and maintain the said Bridge from the parish of Launceston aforesaid over the said river to the parish of Carrick aforesaid and for that purpose to make and complete such works and conveniences when and in such manner as he or they shall think necessary and convenient for the purposes of the said undertaking and also from time to time to alter repair and amend the same and this Act shall be sufficient to indemnify the said Thomas Reibey his executors administrators and assigns and his and their deputies servants agents and workmen and all other persons whomsoever for what he or they or any of them shall necessarily do by virtue of the powers hereby granted subject nevertheless to such provisions and restrictions as are hereinafter mentioned and contained.

Tolls to be taken.

II. AND (in consideration of the said Thomas Reibey undertaking to erect the said Bridge) BE IT FURTHER ENACTED that it shall

be lawful for the said Thomas Reibey his executors administrators and assigns to erect and set up in upon or across the said Bridge or the road or approach thereto and also in upon or across the road or approach to the said Ford called Reibey's Ford or to any other part or parts of the said river within thirty yards of the said Bridge which shall or may be fordable one or more gates or turnpikes and a toll-house to each gate or turnpike with outbuildings suitable thereto and from time to time and at all times hereinafter to ask demand take recover and receive to and for the use and benefit of him and them for the passage of all cattle carts carriages and passengers and all other things which shall pass over or be carried or conveyed over the said Bridge or through over or across the Ford adjoining the same the rates tolls and duties hereinafter mentioned (that is to say)—

For each person crossing the Bridge or the River through the Ford One Penny.

For every horse mare gelding mule ass ox bullock or other beast of draught drawing in any waggon cart or carriage the sum of Sixpence each.

For every horse mare gelding mule ass ox bullock or other beast laden or unladen and not drawing the sum of Fourpence.

For every ox cow or head of cattle the sum of Twopence.

For every calf pig sheep or lamb the sum of One Halfpenny.

—PROVIDED ALWAYS that such tolls as aforesaid shall not be collected until the said intended Bridge shall have been completed and opened for the use of the Public.

Tolls not to be taken till Bridge opened.

III. AND BE IT FURTHER ENACTED that such tolls as aforesaid shall not be collected after the expiration of three calendar months from the completion and opening of the said Bridge unless the said Thomas Reibey or his executors or administrators shall within that period deliver or cause to be delivered to the Colonial Secretary or Acting Colonial Secretary for the time being of Van Diemen's Land a notice in writing purporting that the Bridge hath been so completed and opened—AND if the Lieutenant-Governor for the time being of Van Diemen's Land shall within sixty days after the delivery of such notice as aforesaid appoint one or more person or persons to survey and report upon the said Bridge and Works and if the person or persons so appointed shall within ninety days after the delivery of such notice as aforesaid certify that the same is not built and completed in accordance with the said plans and specifications then the said tolls shall not be thereafter collected until the said Bridge shall be completed to the satisfaction of the same person or persons or some other person or persons to be from time to time appointed as aforesaid—PROVIDED ALWAYS that if such person or persons as aforesaid shall not be appointed as aforesaid or shall not give such certificate as aforesaid within the several periods hereinbefore in that behalf mentioned or if (after giving such certificate) the person or persons giving the same or any other person or persons from time to time appointed as aforesaid shall certify that the said Bridge and works have been subsequently completed in accordance with the said plans and specifications then and in any of the cases last aforesaid the said Bridge

Notice to be given of opening of Bridge and inspectors to be appointed.

If they report that the Bridge is not properly completed tolls not to be collected until the Bridge is certified to be complete.

shall be thereafter deemed and taken to have been completed in accordance with the said plans and specifications and thereupon the bond to be so as aforesaid entered into by the said Thomas Reibey shall be given up to be cancelled—PROVIDED ALSO that nothing herein contained shall be deemed or construed to extend to prevent any person or persons appointed by the Lieutenant-Governor for the time being from surveying at all times the progress of the said Bridge and the works thereof from the commencement to the completion thereof which power is hereby expressly reserved and given.

Power to reduce
tolls.

IV. AND BE IT FURTHER ENACTED that it shall be lawful for the said Thomas Reibey his executors administrators or assigns from time to time and as often as they shall think fit to lessen reduce and vary the rates tolls and duties granted by this Act for and in respect of all or any of the articles persons or things hereinbefore specified and mentioned and again to raise advance and vary the same so as not at any time to exceed the respective amounts hereinbefore set forth and authorised to be collected.

For recovery of
tolls.

Collector may
distrain.

If toll and charges
be not paid in four
days distress may
be sold.

V. AND BE IT FURTHER 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 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 bridle or reins of any horse or other beast separate from the horse or beast) or 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 persons so seizing and distraining may sell the horse beast cattle carriages 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 and the reasonable charges occasioned by such seizure distress and sale shall be deducted.

Application of
tolls.

VI. AND BE IT FURTHER ENACTED that the funds which shall be received by the said Thomas Reibey or his executors administrators or assigns under this Act shall be applied in the first place in satisfaction and discharge of all necessary expenses attending the putting and carrying this Act into execution and in the next place in maintaining and repairing the said Bridge and works (after the completion thereof respectively) and in payment of the necessary salaries of the clerks officers and servants and all other necessary expenses to be incurred by the said Thomas Reibey his executors administrators or assigns in respect of the said Bridge or works (after the completion

thereof) and after the payment thereof in for and towards the paying or retaining unto the said Thomas Reibey his executors administrators and assigns interest upon the said sum of One thousand Pounds or so much thereof as shall from time to time remain due from the time of the completion of the said Bridge and Works after the rate of fifteen pounds per centum per annum and after payment of the said interest then in or towards the paying off such portion of the said principal sum of One thousand Pounds to the said Thomas Reibey his executors administrators or assigns as the sums in hand will from time to time amount to.

VII. AND BE IT FURTHER ENACTED that as soon as the said principal sum of One thousand Pounds with interest thereon at the rate of fifteen pounds per centum per annum as aforesaid shall be paid off and discharged then and in such case the said Bridge and Ford shall be thrown open to the Public freed and discharged from the payment of toll and from thenceforth the said Bridge and works shall become a Public highway—AND if all such payments as aforesaid shall not be made within thirty years from the completion and opening of the said Bridge the said Bridge shall nevertheless be thrown open as a Public highway as aforesaid at the expiration of the said period of thirty years.

After thirty years (or sooner if certain payments made) Bridge to be thrown open toll free.

VIII. AND BE IT FURTHER ENACTED that the said Thomas Reibey his executors administrators or assigns shall as soon as he or they shall cause any tolls to be levied under this Act and he and they are hereby required to put up and afterwards to be continued at every toll-gate a table painted in distinct and legible black letters on a board with a white ground containing a list of all the tolls payable at such gate distinguishing the several tolls and for what they are to be paid where there shall be any variation therein.

A table of the tolls to be put up.

IX. AND BE IT FURTHER ENACTED that if any dispute shall happen or arise about the amount of the tolls due or the charges of making keeping or selling any distress made for non-payment of any tolls it shall be lawful for the collector or the person distraining to retain such distress or the money arising from the sale thereof (as the case may be) until the amount of the tolls due and the charges of the making keeping and selling the distress be ascertained by some Justice of the Peace who upon application made to him for that purpose shall examine the matter on the oath of the parties or other witness or witnesses (which oath such Justice is hereby authorised and empowered to administer) and shall determine the amount of the tolls due and shall award such costs and charges to either party as to the said Justice shall appear right and proper.

Any Justice may settle disputes concerning tolls.

X. AND BE IT FURTHER ENACTED that no toll shall be demanded or taken by virtue of this Act for any persons or for any horses or carriages attending the Lieutenant-Governor or the person administering the government for the time being or returning therefrom or for any horse or other beast or cattle or for any waggon cart or other carriage going empty to fetch or convey or employed in carrying or con-

Exemptions from tolls horses and carriages attending the Lieutenant-Governor &c. or conveying materials for roads and bridges.

Or for horses of officers or soldiers on duty.

Or for conveying baggage or any such Ordnance or Public stores.

Persons claiming exemption fraudulently to be fined.

Toll collectors to put up their names on a board.

A board to be placed up containing a list of the tolls.

Collector neglecting so to do or taking a greater or less toll than what is authorised or obstructing passengers to forfeit not exceeding Five Pounds.

veying or returning empty therefrom having been employed only in carrying or conveying on the same day any stones bricks timber gravel or other materials for making or repairing any Public road or highway or for building rebuilding or repairing any present or any future bridge or any such road or highway or for any person *bonâ fide* engaged therewith or of or from any person going to or returning from his usual place of religious worship tolerated by law on Sundays or on any day on which Divine Service is celebrated or going to or returning from school or for any person whatever under the age of ten years passing or repassing once on the same day or for any horses or carriages of whatever description or the drivers or persons engaged with such horses or carriages employed in conveying the mails of letters or expresses under the authority of the Postmaster-General or of the Colonial Government either when employed in conveying or guarding such mails or expresses or in returning therefrom or for any officers or soldiers or any constables or police or their horses or carriages or any person or persons in their charge or custody whilst on their march or on duty or for any horse or other beast or any cart carriage or waggon employed in carrying or conveying or returning empty therefrom having been employed only in carrying or conveying the arms or baggage of any such officers or soldiers or any Ordnance or Barrack or Commissariat or other Public stores belonging to Her Majesty or for the use of any Public establishment or employed in carrying or conveying or returning empty therefrom having been employed only in carrying or conveying any sick wounded or disabled soldiers and the driver and other persons *bonâ fide* engaged therewith.

XI. AND BE IT FURTHER ENACTED that if any person shall by any fraudulent or collusive means whatsoever claim or take the benefit of any exemption from toll or of any other exemption in this Act contained every such person shall for every such offence forfeit and pay any sum not exceeding Five Pounds and in all cases the proof of exemption shall be upon the person claiming the same.

XII. AND BE IT FURTHER ENACTED that every collector of the tolls by this Act authorised to be raised shall cause to be placed in the Public view on some conspicuous part of the front of the toll-house at which he shall be stationed and during the whole time that he shall be on duty thereat his Christian and surname painted in black on a board with a white ground each of such letters to be at least two inches in length and of a breadth in proportion and shall also place in the front of such toll-house the board hereinbefore directed to be provided by the said Thomas Reibey his executors administrators or assigns and also the list of the tolls payable at such gate and if any collector shall not place such boards respectively in the manner and during the time aforesaid or shall demand and take a greater or less toll from any person than he shall be authorised to do or shall demand and take a toll from any person who shall be exempt from the payment thereof and who shall claim such exemption or shall refuse to permit any person to read or shall in anywise hinder any person from reading the inscriptions on such boards respectively or shall refuse to tell his Christian and surname to any per-

son who shall demand the same on being paid the said tolls or any of them or shall in answer to such demand give a false name or upon the legal toll being paid or tendered shall unnecessarily detain or wilfully obstruct or prevent any passenger from passing through any toll-gate 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 any sum not exceeding Five Pounds for every such offence.

XIII. AND BE IT FURTHER 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 the tolls in the execution of his office or shall pass through any toll gate or rail set up or to be set up by authority of the said Thomas Reibey his heirs executors or administrators without paying the toll appointed to be paid at such gate or rail or shall hinder or 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 at the discretion of the Justice of the Peace before whom he shall be convicted.

Persons resisting the execution of this Act or assaulting collector to forfeit not exceeding Ten Pounds.

XIV. AND WHEREAS offences may be committed against this Act by persons unknown to the collector or other officer—BE IT THEREFORE FURTHER ENACTED that it shall be lawful for the said Thomas Reibey his executors administrators and assigns or his or their clerk or collector or other officers respectively 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.

For securing transient offenders.

XV. AND BE IT FURTHER ENACTED that it shall and may be lawful for the said Thomas Reibey his executors administrators and assigns to let to farm the tolls of the gate or gates erected upon or near to the said Bridge.

Power for Mr. Reibey to farm out the tolls.

XVI. AND BE IT FURTHER ENACTED that all contracts and agreements to be made or entered into for the farming or letting the tolls signed by the said Thomas Reibey his executors administrators or assigns and the lessee or farmer and his sureties of such tolls respectively shall be valid and effectual to all intents and purposes notwithstanding the same may not be by deed or under seal any law to the contrary thereof notwithstanding.

Contracts and agreements to be valid when signed by Mr. Reibey his executors &c.

XVII. AND BE IT FURTHER ENACTED that in case any dispute suit or litigation shall arise touching or in anywise relating to the tolls granted by this Act the person appointed to collect the same or any other person acting under the authority of the said Thomas Reibey his executors administrators and assigns shall not be incompetent to give

Collectors and others not to be incompetent to give evidence.

evidence in any such dispute suit or litigation on account of his being interested in the concerns of the said Thomas Reibey his executors administrators or assigns.

The property of toll-houses &c. vested in Mr. Reibey his heirs &c.

XVIII. AND BE IT FURTHER ENACTED that the right interest and property of and in the said Bridge and works and all the toll-gates and toll-houses and other erections and buildings lamps bars toll-boards direction-boards posts rails fences and other things which shall have been erected and provided or which in pursuance of this Act shall be erected and provided with the several conveniences and appurtenances thereunto respectively belonging and the materials of which the same shall consist and all materials tools and implements which shall be provided for repairing the said Bridge and works shall be vested in the said Thomas Reibey his executors administrators and assigns.

Statement of debts revenues and expenditure to be made and published in Gazette.

XIX. AND BE IT FURTHER ENACTED that the said Thomas Reibey his executors administrators and assigns shall from time to time and at all times until the said Bridge and Ford shall be thrown open to the Public as aforesaid keep or cause to be kept true and just accounts of all monies received and paid by him or them or by any person or persons in his or their employ for or on account of or in anywise connected with the said Bridge and Ford and shall on the thirty-first day of December in every year except the same should be Sunday and in that event on the day following make out a correct statement of the debts revenues and expenditure received or incurred on account of the said Bridge in the form contained in the Schedule to this Act annexed which statement shall within fourteen days thereafter be published by the said Thomas Reibey his executors administrators or assigns in the Hobart Town Gazette.

Accounts to be inspected and verified.

XX. AND BE IT FURTHER ENACTED that it shall be lawful for the Lieutenant-Governor for the time being of Van Diemen's Land from time to time to appoint one or more person or persons to inspect and examine the accounts to be kept by the said Thomas Reibey or his executors administrators or assigns of such receipts and payments as aforesaid and of all other receipts and payments in respect of the said Bridge and works after the completion and opening thereof and that all accounts books of account papers and documents in anywise relating to the said Bridge or to the receipts or expenditure of the said Thomas Reibey his executors administrators or assigns in relation thereto (after the completion and opening thereof) shall at all times be open to the inspection of and to be copied by the person or persons so as aforesaid to be appointed or any of them and that the said Thomas Reibey or his executors administrators or assigns shall on the thirty-first day of December in every year except the same should be Sunday and in that event on the day following verify such annual accounts as hereinbefore are mentioned by declaration to be made under the provisions of the Act of this Island intituled *An Act for the Abolition of extra-judicial and unnecessary Oaths.*

XXI. AND BE IT FURTHER ENACTED that if any person shall haul or draw or caused to be hauled or drawn upon any part of such Bridge or works 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 works to the prejudice thereof or if any person driving any horse or other beast on the said Bridge or works carrying any iron bar or rod basket or pannier or any other matter or thing shall place such bar or rod 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 works 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 works 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 or thing whatsoever upon such Bridge or works to the prejudice annoyance interruption or personal danger of any person travelling thereon or if any person not authorised by the said Thomas Reibey his executors administrators or assigns 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 works 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 works every person offending in any of the cases aforesaid shall forfeit and pay over and above the damages occasioned thereby a sum not exceeding Five Pounds for every such offence—PROVIDED that the informer shall not be competent to give evidence in support of any such provocation.

Penalty on persons drawing timber &c.

Or obstructing passage of travellers.

Or making bonfires.

Or leaving waggons.

Or laying timber &c.

XXII. AND BE IT FURTHER 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 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.

If driver offend against the provisions of any Act and abscond the master to pay the penalty.

XXIII. AND BE IT FURTHER ENACTED that the owner of Owners made liable for damage.

any waggon or other carriage or of any ox cow or other cattle passing upon the said Bridge or works shall be and he is hereby made answerable for any damages spoil or mischief that shall be done by his waggon or other carriage or cattle as aforesaid or by any of the waggoners or other person belonging to or employed in or about the same respectively to the said Bridge and other works by any means whatsoever and the said owner of such waggon or other carriage or cattle as aforesaid shall for every such damage pay the said Thomas Reibey his executors administrators or assigns or the person injured the damages to be ascertained by a Justice of the Peace not exceeding the sum of Twenty Pounds and also shall over and above such damages forfeit and pay the costs charges and expenses attending such conviction and if the owner of any waggon or other carriage passing the same Bridge or works shall be compelled to make any satisfaction for any damages by reason of any wilful act neglect or default of his servant or waggoner then every such servant or waggoner shall be liable to repay such satisfaction for damages with the costs attending the same to such owner and in case of non-payment thereof on demand the same shall be recovered in like manner as any penalty can or may by virtue of this Act be recovered.

Offences may be prosecuted before one Justice of Peace.

XXIV. AND BE IT ENACTED that all offences under this Act not otherwise provided for shall or 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 and that if any person shall feel aggrieved by any judgment or conviction by any Justice under this Act such person shall be entitled to appeal from such judgment or conviction in the manner in that behalf provided in and by the Act of this Colony intituled *An Act to regulate Summary Proceedings before Justices of the Peace*.

Power of appeal.

Distribution of penalties.

XXV. AND BE IT ENACTED that one moiety of every penalty and forfeiture arising under this Act shall be to Her Majesty Her heirs and successors and the other moiety to him or them who shall inform or sue for the same.

Bridge to be a Public Bridge for certain purposes.

XXVI. AND BE IT ENACTED that the said Bridge shall be and be deemed and taken to be a Public Bridge for the purposes of the Act of Parliament made in the Seventh and Eighth Years of His late Majesty King George the Fourth intituled *An Act for consolidating and amending the Laws in England relative to Malicious Injuries to Property*.

Limitation of actions.

XXVII. AND BE IT FURTHER ENACTED that if any action or suit shall be commenced against any person for anything done in pursuance of this Act then and in every such case such action or suit shall be commenced or prosecuted within three months after the fact committed and not afterwards or if any such action or suit shall be brought after the time limited for bringing the same then the Jury shall find for the defendant and if the plaintiff shall become nonsuit or

discontinue his action after the defendant shall have appeared or have a verdict against him or if upon demurrer judgment shall be given against the plaintiff the defendant shall and may recover treble costs and have the like remedy for recovery thereof as any defendant hath in any cases by law.

Treble costs to defendants.

XXVIII. AND BE IT FURTHER ENACTED that in case all or any of the tolls arising by virtue of this Act shall have been or shall be demised or let to farm to any person in any manner whatsoever and the lessee thereof shall neglect or refuse to perform the terms and conditions on which the same shall be so demised or let or in case the rent agreed to be paid by such lessee shall be in arrear by the space of fourteen days next after any of the days on which the same ought to be paid or in case any such lease or agreement shall in any other matter become void or determined then and in any of those cases and after two days' notice in writing under the hand of the said Thomas Reibey his executors administrators or assigns shall have been given to such lessee or left for him at or upon the toll-house or other building place or property held by or in the possession of such lessee requiring him to give up possession of such toll-house or other building place or property it shall and may be lawful for any Justice of the Peace by warrant under his hand and seal to order a constable or other peace officer with such assistance as shall be necessary to enter upon and take possession of any toll-house toll-gate bar or chain and the buildings and appurtenances thereto belonging and to remove and put out such lessee or other person who shall be found therein together with his goods out of and from the possession of the said toll-house buildings and appurtenances and from the collection of tolls and to put the said Thomas Reibey his heirs executors or administrators or other person acting by or under his or their authority into the possession thereof and thereupon it shall be lawful for the said Thomas Reibey his heirs executors and administrators (if he or they shall think fit) to vacate and determine the contract or agreement (if any) for demising or letting the said tolls to such lessee and the same shall be from that time utterly void to all intents and purposes save as to the covenants or agreements for payment up to that time of the rent thereby reserved or other covenants or agreements on the lessee's part which shall have been broken as if such demise or agreement had never been made and it shall be lawful for the said Thomas Reibey his heirs executors and administrators in every such case to demise or let to farm the said tolls again to any other person or cause them to be collected as if no former demise or agreement had been made relative thereto any rule of law or right to the contrary notwithstanding.

Enabling the said Thomas Reibey to take possession of the toll-house &c. when let to farm or held by the collector in default of performance of conditions &c.

XXIX. AND BE IT ALSO ENACTED that the words and expressions hereinbefore mentioned which in their ordinary signification have a more confined or a different meaning shall in this Act except where the nature of the provision or the context of the Act shall exclude such construction be interpreted as follows that is to say the words Bridge and works shall extend to all approaches piers embankments arches buttresses drains toll-houses buildings walls gates chains rails posts bars or fences erected made or set up or to be erected made or set up by the

Interpretation of Act.

said Thomas Reibey his executors administrators or assigns in pursuance of this Act and the word collector shall extend as well to any collector appointed by the said Thomas Reibey his heirs executors or administrators as also to any collector appointed by any lessee of the said tolls and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

Act to be a Public Act.

XXX. AND BE IT ENACTED that this Act shall be and be deemed and taken to be a Public Act and shall be judicially taken notice of as such in all cases without being specially pleaded.

JOHN FRANKLIN.

Passed the Legislative Council this twenty-sixth day of September, one thousand eight hundred and forty-two,

FR. HARTWELL HENSLOWE, *Clerk of the Council.*