Anno ſeptimo

# Georgii III. Regis.

## An Act for building a Bridge croſs *Stonehouſe* Creek, from *Stonehouſe* to *Plymouth* Dock, in the County of *Devon*.



WHEREAS the Ferry over Stonehouſe Creek, leading from Stonehouſe to Plymouth Dock, in the County of Devon, and which is the direct and neareſt Way from the Town of Plymouth to the ſaid Dock, is very inconvenient, and on account of the Narrowneſs of the Avenues and Approaches leading to and from the ſaid Ferry, and other Obſtructions, can now be made uſe of by Foot Paſſengers only: And whereas the building a good and ſubſtantial Bridge over the ſaid Creek, as well for the ſafe and commodious Paſſage of Perſons on Foot, as of Carts, Waggons, and other Carriages, and the opening of proper and convenient Avenues and Roads to ſuch Bridge from the ſaid Town and Dock of Plymouth, would not only be more ſafe and convenient for Foot Paſſengers, but would open a much ſhorter and more eaſy Communication between the ſaid Town and Dock of Plymouth and Stonehouſe aforeſaid Preamble.

for all Carriages: And whereas the Right Honourable George Lord Edgcumbe, and Sir John Saint Aubin Baronet, are Owners and Proprietors, as Tenants in Common, of the ſaid Ferry, and have propoſed, and are willing and deſirous, at their own joint and equal Expence, to build a Carriage Bridge over the ſaid Creek, at or near the ſaid Ferry, and make and open proper and convenient Roads and Avenues to the ſame, whereby great Advantages will accrue to the Publick: But as the ſaid good Purpoſes 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 it ſhall and may be lawful to and for the ſaid George Lord Edgcumbe and Sir John Saint Aubin, their reſpective Heirs and Aſſigns, and they, their reſpective Heirs and Aſſigns, are hereby authorized and impowered, and ſhall have full Power and Authority by virtue of this Act, at their and each of their own proper Coſts and Charges, by themſelves, their and each of their Deputies, Agents, Officers, Workmen, Servants, and others, to build a Bridge croſs the ſaid Creek from Stonehouſe to the oppoſite Shore in the Pariſh of Stoke Damerel, in the ſaid County of Devon, at any Place or Places, and as near as conveniently may be to the preſent Ferry; and for the Purpoſes aforeſaid, they and each of them, their and each of their Heirs and Aſſigns, ſhall have full Power and Authority, by themſelves, their, and each, and every, of their Servants, Agents, Workmen, and others, to remove any Shelves or other Obſtructions in the ſaid Creek, and to dig up and take away all Beds of Gravel, Sand, Mud, and any other Impediment, and to deepen and widen the ſaid Creek between Stonehouſe and the oppoſite Shore in the Pariſh aforeſaid; and alſo to dig and cut the Banks of the ſaid Creek in ſuch Manner as ſhall be neceſſary and proper for the building the ſaid Bridge, and for preſerving the ſame, and the Navigation of the ſaid Creek, and to work, dig for, get, take, carry away, and make uſe of, any Stone, Sand, Gravel, or other Materials, from and out of any Quarry, Lands, or Grounds, lying near or adjoining to the ſaid Creek (the ſame not being Land or Ground whereon any Houſe is built, or incloſed for an Orchard or Garden to a Houſe) and not otherwiſe neceſſary to be pulled down or laid open for the Purpoſes of this Act

Lord *Edgcumbe* and Sir *John Saint Aubin* impowered to build a Bridge over *Stonehouſe* Creek,

(be it the Soil or Ground of the King's moſt Excellent Majeſty, His Heirs, or Succeſſors, or of any other Perſon or Perſons, Bodies Politick, Corporate, or Collegiate whatſoever) and to erect and make in or over the ſaid Creek, and the Lands adjoining or near to the ſame, any Campſhots, Trenches, and Landing-places, and to pull down and remove any Houſes or other Buildings, Wharfs, Gates, or other Erections, and to amend, alter, turn, or remove, any Foot Bridge, Foot Path, and Horſe Path, and to turn, widen, or alter, any Highway, or make any new Road leading to the ſaid intended Bridge from the ſaid Dock, and alſo from the ſaid Town of Plymouth, in the ſaid County of Devon, ſo as not to obſtruct any common Highway leading to, from, or through, the ſaid Town of Plymouth; and, from time to time, and at all Times hereafter, to do all other Matters and Things neceſſary and convenient for erecting and maintaining the ſaid Bridge, and preſerving the ſame, and the ſaid Navigation, and for the Improvement thereof, they the ſaid George Lord Edgcumbe and Sir John Saint Aubin, their Heirs, and Aſſigns, doing as little Damage as may be; and firſt making Satisfaction and Recompence to the Owners, Proprietors, and Occupiers of, and Perſons intereſted in, any Houſes, Buildings, or other Erections, Lands, Tenements, and Hereditaments, that ſhall be made uſe of, pulled down, dug, damaged, or prejudiced by, for, or upon account of erecting and maintaining the ſaid Bridge, or preſerving and improving the ſame, and the Navigation near thereunto, or by, for, or upon account of turning, widening, altering, and making, any Paths or Highways as aforeſaid, or by, for, or upon account of the doing and performing of any other Matter or Thing herein before authorized to be done and performed.

and make Roads to and from the ſame;

making Satisfaction to the Owners.

And be it further enacted, That it ſhall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Husbands, Guardians, Committees for Lunaticks and Ideots, and other Truſtees whatſoever, for and on the Behalf of themſelves, their Heirs and Succeſſors, Infants, or Iſſue unborn, Lunaticks, Ideots, Femes-covert, or Ceſtuique Truſts, or other Perſons whatſoever, and to and for all Femes-covert, who are or ſhall be ſeiſed in their own Right, and to and for all and every Perſon or Perſons whomſoever, who are or ſhall be ſeiſed or poſſeſſed of, or intereſted in, any ſuch Houſes, Buildings,

Bodies Politick, &c. impowered to treat.

Erections, Lands, Tenements, or Hereditaments, of any Tenure whatſoever, to treat, contract and agree, with the ſaid George Lord Edgcumbe and Sir John Saint Aubyn, their and each of their Heirs and Aſſigns, for the Purchaſe thereof, or of any Part thereof, or for their Intereſt therein, or by way of annual Rent for the ſame, and to ſell and convey the ſame, as Occaſion ſhall be or require; and all Contracts, Agreements, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes; any Law, Statute, Uſage, or any other Matter or Thing whatſoever, to the contrary thereof in any wiſe notwithſtanding: And all Feoffees in Truſt, Executors, Adminiſtrators, Husbands, Guardians, and Truſtees, Corporations Aggregate or Sole, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

Commiſſioners of Land Tax to ſettle Differences and Damages.

And be it further enacted, That the Commiſſioners of the Land Tax for the ſaid County of Devon, or any Five or more of them, together aſſembled in ſuch Manner as is herein after-mentioned, ſhall be, and they are hereby conſtituted and appointed, Commiſſioners for ſettling, determining, and adjuſting, all Differences which ſhall happen to ariſe between the ſaid George Lord Edgcumbe and Sir John Saint Aubyn, their or either of their Heirs and Aſſigns, or any of them, and all and every or any Perſon or Perſons, Bodies Politick, Corporate, and Collegiate, Aggregate or Sole, touching and concerning the Recompence and Satisfaction which ſhall be made to them, or any of them, for any Houſes, Buildings, or other Erections, Lands, Tenements, or Hereditaments, of any Tenure whatſoever, neceſſary for the Purpoſes aforeſaid, and to adjuſt and ſettle what Share and Proportion of ſuch Recompence and Satisfaction every Tenant or other Perſon having a particular Eſtate, Term, or Intereſt, in any of the Premiſſes, ſhall have or receive for his, her, or their reſpective Intereſt and Damages, and for the Damages they, or any of them, ſhall ſuſtain, by and upon account of the erecting and maintaining the ſaid Bridge, and preſerving or improving the ſame, and the ſaid Navigation, or by, for, or upon account of, pulling down or removing any Houſes, Buildings, or other Erections, or turning, widening, altering, or making, any Paths, Highways, or Roads as aforeſaid, or the doing and performing of any of the Matters or Things herein before authorized to be done and performed.

And be it further enacted, That if any ſuch Owner, Proprietor, Occupier, Truſtee or Truſtees, Bodies Politick, Corporate, or Collegiate, Aggregate or Sole, or any other Perſon or Perſons intereſted in any ſuch Houſes, Buildings, or other Erections, Lands, Tenements, or Hereditaments, upon Fourteen Days Notice to him, her, or them, given, or left in Writing at the Dwelling-houſe or Houſes, or Place or Places of Abode, of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politick, Corporate, or Collegiate, Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of ſuch Houſes, Buildings, or other Erections, Lands, Tenements, or Hereditaments, ſhall neglect or refuſe to treat, or ſhall not agree with the ſaid George Lord Edgcumbe and Sir John Saint Aubin, their reſpective Heirs or Aſſigns, for the Purchaſe of any ſuch Houſes, Buildings, Erections, Lands, Tenements, and Hereditaments, or any Part or Parts thereof, or for their Intereſt therein, or for an annual Rent to be paid for the ſame, or through Diſability, by reaſon of Non-age, Coverture, Eſtate Tail, or other Impediment whatſoever, cannot make any effectual or valid Agreement, or by reaſon of Abſence ſhall be prevented from treating as aforeſaid; then, and in every or any ſuch Caſe, the ſaid Commiſſioners, or any Five or more of them, ſhall cauſe it to be enquired into and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men, what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to, ſuch Owners, Occupiers, or Proprietors of, or other Perſon or Perſons reſpectively intereſted in, any ſuch Houſes, Buildings, Erections, Lands, Tenements, or Hereditaments; and in order thereto the ſaid Commiſſioners, or any Five or more of them, are hereby impowered and authorized, from time to time, to iſſue their Warrant or Warrants, Precept or Precepts, directed to the Sheriff of the ſaid County of Devon, thereby requiring him to impanel, ſummon, and return a Number of ſubſtantial and diſintereſted Perſons, Inhabitants of the ſaid County, and qualified to ſerve on Juries, not leſs than Forty eight, nor more than Seventy two; which Perſons ſuch Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, ſummon, and return accordingly; and out of ſuch Perſons ſo to be impanelled, ſummoned, and returned, or out of ſuch of them as ſhall appear according to or upon ſuch Summons, a Jury of Twelve ſhall be drawn by ſuch Commiſſioners, or any Five or more of them, or ſome Perſon to be by them, or any Five or more of them, appointed,

Owners, &c. neglecting to treat,

Jury to ſettle the Damages and Recompence.

Commiſſioners to iſſue Warrants to the Sheriff to impanel a Jury.

appointed, in such Manner as Juries for the Trial of Issues joined in His Majesty's Courts at Westminster, by an Act passed in the Third Year of His late Majesty, intituled, An Act for the better Regulation of Juries, are directed to be drawn; which Persons so to be impanelled, summoned, and returned, are hereby required to appear before the said Commissioners, or any Five or more of them, at such Time and Place as in such Warrant or Warrants, Precept or Precepts, shall be directed and appointed (of which Time and Place all Parties interested shall have Fourteen Days Notice given or left in Manner as aforesaid) and to attend them from Day to Day until they shall be discharged by such Commissioners, or any Five or more of them; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not be at Liberty to challenge the Array for Affinity: And the said Commissioners, or any Five or more of them, are hereby authorized and impowered, by Precept or Precepts under their Hands, from time to time, as Occasion shall require, to call before them any Person or Persons, in order to be examined as a Witness or Witnesses upon Oath before the said Commissioners, or any Five or more of them, or such Jury, touching or concerning the Premisses; and such Commissioners, or any Five or more of them, if they shall think fit, shall and may cause the said Jury to view the Place or Places in question; and shall have Power to adjourn such Meeting from Day to Day as Occasion shall require, and to command such Jury, Witnesses, and Parties, to attend until all the Matters for which they were summoned shall be concluded: And the said Jury, upon their Oaths (which Oaths, as also the Oath or Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners, or any Five or more of them, are hereby impowered and required to administer) shall inquire touching the Value of such Houses, Buildings, or other Erections, Lands, Tenements, and Hereditaments, and of the respective Estate and Interest of all Persons, Bodies Politick, Corporate, or Collegiate, Aggregate or Sole, seised or possessed of, or interested therein, or of or in any Part thereof, or the Damages which shall or may be done to any Houses, Buildings, Lands, Tenements, Hereditaments, or Premisses, by the doing and performing any of the Matters and Things herein before authorized to be done and performed; and shall assess the Sum or Sums, Rent or Rents,

Commissioners may examine Witnesses.

Jury to inquire into the Value of Houses, &c.

to

to be paid to every ſuch Perſons, Bodies Politick, Corporate, or Collegiate, Aggregate or Sole, for ſuch their Eſtates and Intereſts, and as a Recompence and Satisfaction for the Damages they ſhall ſuſtain as aforeſaid; and the ſaid Commiſſioners, or any Five or more of them, ſhall give Judgement for ſuch Sum or Sums of Money, Rent or Rents, ſo to be aſſeſſed; and the Verdicts or Inquiſitions of ſuch reſpective Juries, and the Judgements, Orders, or Decrees thereupon, ſhall be final, binding, and concluſive, to all Intents and Purpoſes whatſoever, againſt the King's Majeſty, his Heirs, and Succeſſors, and all Parties or Perſons whatſoever, as well abſent as preſent, Bodies Politick, Corporate, or Collegiate, Aggregate or Sole, claiming any Eſtate, Right, Title, Truſt, Uſe, or Intereſt, in, to, or out of, ſuch Houſes, Buildings, Lands, Tenements, Hereditaments, or Premiſſes, either in Poſſeſſion, Reverſion, Remainder, Expectancy, or otherwiſe, as well Infants and Iſſue unborn, Lunaticks, Ideots, Femes-covert, and Perſons under any legal Incapacity or other Diſability whatſoever, and all other Ceſtuique Truſts, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, as againſt all other Perſons whomſoever; and all and every ſuch Owners, Occupiers, and Proprietors, and all and every Perſon and Perſons intereſted in ſuch Houſes, Buildings, Lands, Tenements, Hereditaments, and Premiſſes, ſhall thereby, after Payment or Tender, and Refuſal or Neglect, in Manner as herein after-mentioned, be from thenceforth, to all Intents and Purpoſes, diveſted of all Right, Claim, Intereſt, or Property, of, in, to, or out of, the ſame; and Two Tranſcripts of all ſuch Verdicts or Inquiſitions, and Judgements, Orders, or Decrees, and all other Proceedings of the ſaid Commiſſioners and Juries ſo to be made, given, and pronounced as aforeſaid, ſhall be fairly written on Parchment, ſigned and ſealed by Five or more of the Commiſſioners making and pronouncing the ſame; One of which Tranſcripts, ſo ſigned and ſealed, ſhall be forthwith tranſmitted to the ſaid George Lord Edgcumbe and Sir John Saint Aubin, their or One of their Heirs or Aſſigns; and the other of the ſaid Tranſcripts, ſo ſigned and ſealed, ſhall be forthwith tranſmitted to the Clerk of the Peace of the ſaid County of Devon, to be carefully preſerved amongſt the Records of the ſaid County; and the ſaid Tranſcripts, ſo ſigned and ſealed, ſhall be deemed and taken to be Records to all Intents and Purpoſes whatſoever; and the ſaid Tranſcripts, or true Copies thereof, ſigned and

2 Tranſcripts of Proceedings to be made.

Tranſcripts or Copies to be Evidence.

proved to be ſigned by the ſaid Clerk of the Peace, ſhall be deemed good and effectual Evidence in any Court of Law or Equity whatſoever, and all Perſons may have Recourſe to the ſame gratis, and take Copies thereof, paying for every Copy not exceeding the Sum of Six Pence for every Two hundred Words, and ſo proportionably for any leſſer Number of Words; and upon Payment of the Sum or Sums of Money ſo aſſeſſed by ſuch Juries, and adjudged or decreed by ſuch Commiſſioners to the Party or Parties concerned and intitled thereto as aforeſaid, or to their Agents, or legal Tender thereof made to him, her, or them, and Refuſal to accept the ſame; or in caſe any ſuch Perſon or Perſons, after Fifteen Days Notice given to him, her, or them, or left at the Houſe of the Occupier of the Premiſſes, ſhall refuſe or neglect to receive the ſame, then upon Payment thereof into the Hands of ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Five or more of them, ſhall, by any Writing under their Hands, appoint, for the Uſe of the Party or Parties intereſted as aforeſaid, and to be paid upon Demand to him, her, or them, or to his, her, or their Agent or Agents; or after ſuch annual Rent or Rents ſhall be ſo aſſeſſed, it ſhall and may be lawful to and for the ſaid George Lord Edgcumbe and Sir John Saint Aubin, their and each of their Heirs and Aſſigns, to have, hold, uſe, and enjoy, ſuch Houſes, Buildings, Lands, Tenements, Hereditaments, and Premiſſes, to and for their and each and every of their own proper Uſe and Benefit, and to and for their and each and every of their Agents, Workmen, and Servants, to pull down and diſpoſe of any ſuch Houſes, Buildings, and Tenements, and to make uſe of any ſuch Lands, Hereditaments, and other Premiſſes, for the Purpoſes of this Act; and this Act ſhall be ſufficient to indemnify as well the ſaid Commiſſioners, as the ſaid George Lord Edgcumbe and Sir John Saint Aubin, their and each of their Heirs and Aſſigns, and all and every Perſon or Perſons by them, or either or any of them, authorized and impowered therein, or acting under them, or any or either of them, againſt ſuch Owners, Proprietors, Occupiers, and Perſons intereſted, their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns, and againſt all and every other Perſon or Perſons whomſoever, to all Intents and Purpoſes whatſoever.

In Default of a ſufficient Number of Jurymen, Standers-by may be returned.

And be it further enacted, That in caſe of any Default of a ſufficient Number of Jurymen to be ſworn for the Purpoſes of this Act, the ſaid Sheriff, or his Deputy, ſhall return other honeſt and indifferent Men of

the Standers-by, or that can be ſpeedily procured to attend that Service, as ſhall be neceſſary to make up the Number of Twelve to ſerve on ſuch Jury; and that all Perſons concerned ſhall, from time to time, have their lawful Challenges as aforeſaid againſt any of ſuch Jurymen when they come to be ſworn; and that the ſaid Commiſſioners, or any Five or more of them, acting in the Premiſſes, ſhall have full Power, from time to time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his and their Deputy or Deputies, Bailiffs or Agents reſpectively, making ſuch Default in the Premiſſes, or upon any Perſon or Perſons who ſhall be ſummoned and returned on ſuch Juries, and ſhall not appear, or who ſhall refuſe to be ſworn on the ſaid Jury or Juries, or being ſo ſworn, ſhall not give his or their Verdict, or in any other Manner wilfully neglect his or their Duty in the Premiſſes, contrary to the true Intent and Meaning of this Act; and likewiſe upon ſuch Perſon or Perſons ſummoned as aforeſaid to give Evidence, who ſhall neglect or refuſe to appear at ſuch Time or Times, Place or Places, as ſhall be appointed for that Purpoſe as aforeſaid; or appearing, ſhall refuſe to be ſworn or to give Evidence, or to be examined by or before the ſaid Commiſſioners, or any Five or more of them, and, from time to time, to levy ſuch Fine or Fines by Diſtreſs and Sale of the Goods and Chattles of any Perſon or Perſons offending in any of the Matters or Things aforeſaid, by Warrant or Warrants under the Hands and Seals of ſuch Five or more of the acting Commiſſioners, to be directed to the Conſtable or other Peace Officer of the Townſhip, Pariſh, or Place, where ſuch Offender or Offenders ſhall live, which Conſtable, or other Peace Officer, is hereby required to execute the ſame, ſo as that no ſuch Fine exceed the Sum of Forty Shillings; which Fines ſhall be paid to the ſaid George Lord Edgcumbe and Sir John Saint Aubin, their reſpective Heirs or Aſſigns, or to ſuch Perſon or Perſons as they ſhall reſpectively appoint to receive the ſame.

Perſons intereſted not to act.

Provided always, and be it further enacted, That no Perſon or Perſons whomſoever ſhall ſit or act as a Commiſſioner or Commiſſioners in any Caſe where he or they is or are any ways, directly or indirectly, intereſted or concerned of or in the Matter or Matters in queſtion; nor ſhall any Perſon whomſoever be ſworn to ſerve on any Jury, or be examined as a Witneſs, where he or ſhe is any ways, directly or indirectly, intereſted in any Matter in queſtion.

Provided

Possession not to be taken till Payment.

Provided also, and be it further enacted, That the said George Lord Edgcumbe and Sir John Saint Aubin, their Heirs or Assigns, or any of them, shall not take Possession of or intromit themselves, or any of them, into any such Houses, Lands, Tenements, or Hereditaments, until such Payment or Deposit of the Recompence or Satisfaction so assessed and adjudged shall be made as aforesaid, or in case of Rent until the same shall be so assessed and adjudged, otherwise than by surveying, taking a Level of, and marking out, the Ground which they, or any of them, intend to make use of for the Purposes aforesaid, and which it shall and may be lawful to and for them, or any of them, with Workmen, Surveyors, and other proper Assistants, from time to time, and at every convenient Time, to do, they doing thereby as little Damage as may be, and giving Four Days Notice to the Owner, Proprietor, Occupier, or Possessor, of such Houses, Lands, Tenements, or Hereditaments, of the Time of their or any of their coming to make such Survey, or to take such Levels, or to mark out such Grounds, in order that such Owner, Occupier, or Possessor, may be there present, if he, she, or they, shall think fit, and making Satisfaction for all Damages that shall be done to any Grass or Corn by making such Survey, taking such Level, or marking out such Ground, so as such Damage exceed the Value of One Shilling.

Future Damages to be ascertained by a Jury.

Provided also, and be it further enacted, That if any Person or Persons, at any Time after the said George Lord Edgcumbe and Sir John Saint Aubin, their Heirs or Assigns, their or any of their Agents or Workmen, shall begin to erect the said Bridge, shall sustain any Damage or Injury in his, her, or their Houses, Buildings, Lands, or other Hereditaments, for which he, she, or they shall have had no Recompence, by any Act, Neglect, or Default, of the said George Lord Edgcumbe and Sir John Saint Aubin, their or either of their Heirs or Assigns; then, and in such Case, the said Commissioners, or any Five or more of them, shall inquire of, and ascertain, such Damage and Recompence, by a Jury to be impanelled and returned as aforesaid, in like Manner and Form as Damages and Recompence are herein before appointed to be assessed and adjudged; and in Default of Payment thereof, by a certain Day to be appointed by the said Commissioners, or any Five or more of them, the said Commissioners, or any Five or more of them, shall and may, by Warrant under their Hands and Seals, authorize and impower such Person or Persons as they shall think fit, to levy the same by Distress and Sale of the

the Goods and Chattles of the ſaid George Lord Edgcumbe and Sir John Saint Aubin, their Heirs or Aſſigns, or any of them, together with ſuch Coſts and Charges as ſuch Commiſſioners, or any Five or more of them, ſhall, in ſuch their Warrant, direct; rendering to the ſaid George Lord Edgcumbe and Sir John Saint Aubin, their Heirs or Aſſigns, the Overplus (if any be) after deducting the Charges of ſuch Diſtreſs and Sale, or otherwiſe ſuch Party or Parties ſo grieved ſhall and may have ſuch Remedy for ſuch Sum and Sums of Money ſo aſſeſſed, and not paid, according to the Judgement of ſuch Commiſſioners as aforeſaid, by Action of Debt in any of His Majeſty's Courts of Record at Weſtminſter, or in any other Court of Record, againſt the ſaid George Lord Edgcumbe and Sir John Saint Aubin, their or either of their Heirs or Aſſigns.

When to apply for Damages.

Provided nevertheleſs, That all and every Perſon or Perſons, who ſhall ſuſtain any ſuch Damage or Injury, ſhall apply to the ſaid Commiſſioners, who ſhall proceed as herein before directed to determine and adjuſt the ſame; and the Recompence or Satisfaction to be made or given in reſpect thereof, ſhall be ſo made or given within Six Months after any ſuch Damage done, or Injury received, and not afterwards; any thing herein before contained to the contrary notwithſtanding: And the ſaid George Lord Edgcumbe and Sir John Saint Aubin, their and each of their Heirs and Aſſigns, are to have a ſpecial Regard to the neighbouring Lands and Tenements, and to provide and take care, from time to time, that there be no overflowing thereof occaſioned by the ſaid Bridge, or if any ſuch at any Time or Times happen, forthwith to remedy and provide againſt the ſame for the future.

Meetings of Commiſſioners.

And be it further enacted, That no Meeting ſhall be held by the ſaid Commiſſioners, or any Five or more of them, at any Place that ſhall be above Two Miles Diſtance from the Place where the Controverſy, or the Matter to be inquired of, ſhall ariſe and be.

Action for Rent.

And be it further enacted, That all and every annual Rent or Rents to be agreed for or aſſeſſed as aforeſaid, for any Lands, Tenements, or other Hereditaments, ſhall, from time to time, as the ſame ſhall become due, be paid by the ſaid George Lord Edgcumbe and Sir John Saint Aubin, their ſeveral and reſpective Heirs or Aſſigns, in Moieties quarterly, to the Perſon or Perſons who ſhall be intitled thereto; and ſuch Perſon or Perſons ſhall have the ſame Eſtate and Intereſt in ſuch annual Rent or Rents as they would have had in the ſaid Premiſſes in caſe this Act had never been made; and in De-

fault of Payment thereof by the ſaid George Lord Edgcumbe and Sir John Saint Aubin, their Heirs or Aſſigns, within Thirty Days after the ſame ſhall become due (and being lawfully demanded) it ſhall and may be lawful for the Perſon or Perſons who ſhall, from time to time, be intitled to the ſaid annual Rents, or any of them, to commence and proſecute One or more Action or Actions at Law, on the Caſe, or in Debt, againſt the ſaid George Lord Edgcumbe and Sir John Saint Aubin, their Heirs or Aſſigns; and ſhall and may, upon all ſuch Action or Actions, recover the Money then due, together with Coſts of Suit, and have ſuch Remedies for the ſame as are allowed by Law in other Caſes.

Bridge veſted in Ld *Edgcumbe* and Sir *John St Aubin* as Tenants in common.

And be it further enacted, That for and in Conſideration of the great Charges that the ſaid George Lord Edgcumbe and Sir John Saint Aubin, and each of them, their and each of their Heirs or Aſſigns, will be obliged to defray in erecting the ſaid Bridge, and repairing and ſupporting the ſame, and alſo in doing and performing the ſeveral other Matters and Things neceſſary and herein before authorized to be done and performed, the ſaid Bridge, when built, ſhall be and is hereby veſted in equal Moieties in the ſaid George Lord Edgcumbe and Sir John Saint Aubin, their and each of their Heirs and Aſſigns, for ever, as Tenants in Common; and it ſhall and may be lawful to and for the ſaid George Lord Edgecumbe and Sir John Saint Aubin, their Heirs, and Aſſigns, from time to time, and at all Times hereafter, to aſk, demand, receive, recover, and take, to and for their and each of their own proper Uſe and Behoof, in reſpect of their and each of their Charges aforeſaid, for Pontage, or in the Name of a Toll or Duty, before any Paſſage over the ſaid Bridge ſhall be permitted, the ſeveral Sums following; that is to ſay,

Tolls:

For every Chaiſe, Chair, or Calaſh, drawn by One Horſe, the Sum of Two Pence.

For every Cart, Dray, Carr, Sledge, or other Carriage, drawn by One Horſe, Mule, or Aſs, the Sum of Two Pence.

For every Coach, Chariot, Berlin, Chaiſe, Chair, or Calaſh, drawn by Two Horſes, the Sum of Three Pence.

For every Coach, Chariot, Berlin, Chaiſe, Chair, or Calaſh, drawn by more than Two Horſes, the Sum of Six Pence.

For

For every Waggon, Wain, Dray, Cart, Cart, Sledge, or other Carriage, drawn by Two Horses or Oxen, the Sum of Three Pence.

For every Waggon, Wain, Dray, Carr, Cart, or Sledge, or other Carriage, drawn by Three or Four Horses or Oxen, the Sum of Four Pence.

For every Waggon, Wain, Dray, Carr, Cart, Sledge, or other Carriage, drawn by more than Four Horses or Oxen, the Sum of Six Pence.

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny.

For every Foot Passenger whatsoever, One Halfpenny.

For every Drove of Oxen, or Neat Cattle, the Sum of Ten Pence per Score, and after that Rate for any greater or lesser Number.

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence per Score, and after that Rate for any greater or lesser Number.

How to be taken.

Which said respective Sums of Money shall be demanded and taken in the Name of Pontage, or as a Toll or Duty; and the Monies to be received as aforesaid, and all other Monies to be received by Authority of this Act, are hereby vested, in equal Moieties, in the said George Lord Edgcumbe and Sir John Saint Aubin, their and each of their Heirs and Assigns, as Tenants in Common, and the same and every Part thereof shall be paid to them accordingly; and the said George Lord Edgcumbe and Sir John Saint Aubin, their Heirs and Assigns, are hereby authorized by themselves, or by any Person or Persons appointed by them, to levy the Toll or Duty hereby made payable upon any Person or Persons who shall, after Demand thereof made, neglect or refuse to pay the same as aforesaid; and they the said George Lord Edgcumbe and Sir John Saint Aubin, their and each of their Heirs and Assigns, shall and may deny and refuse to permit any Passage over the said Bridge until Payment thereof; and he, she, or they, or any Person or Persons appointed by him, her, or them, are hereby impowered to seize and distrain any Horse, Cattle, or other Thing, upon or in respect of which such Tolls or Duties shall be payable, or any other of the Goods and Chattles of such Person or Persons who ought to pay the same, and shall and may detain such Distress for any Time not exceeding the Space of Four Days; and then if the Tolls or Duties for which the same Distress shall be so made, together with the

Charges attending the diſtraining and keeping the ſame, ſhall not be fully paid and ſatisfied, ſhall and may ſell the ſame, rendering the Overplus (if any be) after Deduction of the Charges of diſtraining, keeping, and ſelling, ſuch Goods.

Exemptions from Tolls.

Provided always, That no Perſon, who ſhall have paid Toll as a Foot Paſſenger for paſſing over the ſaid Bridge, and who ſhall have paid the Toll hereby granted for the Paſſing of any Horſe, Mule, or Aſs, or of any Carriage drawn by One Horſe or more Horſes or Oxen over the ſaid Bridge, ſhall be ſubject to the Payment of any Toll on the returning or coming back only of the ſame Foot Paſſenger, Horſe, Mule, or Aſs, or of the ſame Carriage, drawn by the ſame Horſe, Horſes, or Oxen, over the ſaid Bridge the ſame Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night; every ſuch Foot Paſſenger producing to the Collector of the ſaid Tolls, and every Perſon riding upon or driving any ſuch Horſe, Mule, or Aſs, or driving or attending upon any ſuch Carriage returning as aforeſaid, delivering to the ſaid Collector a Ticket denoting ſuch previous Payment; which Note or Ticket the ſaid Collector is hereby required to give gratis at the Time of the Payment of the ſaid reſpective Tolls; and that the Rider or Driver of any Horſe, Mule, or Aſs, or the Driver of any Cart or other Carriage, drawn by Horſes or other Cattle, ſhall be permitted to paſs over the ſaid Bridge Toll-free; any thing herein contained to the contrary notwithſtanding.

Tolls may be altered.

And be it further enacted, That if the ſaid George Lord Edgcumbe and Sir John Saint Aubin, their Heirs or Aſſigns, ſhall at any Time or Times hereafter think proper to lower the ſaid Tolls, or any of them, and to take leſs for paſſing over the ſaid Bridge than the Sums herein before mentioned; it ſhall and may be lawful for them ſo to do, and afterwards at their Will and Pleaſure again to raiſe the ſaid Tolls, ſo as not to exceed the ſaid reſpective Sums herein before-mentioned, as Pontage or Toll for paſſing over the ſaid Bridge; any thing herein before-mentioned to the contrary notwithſtanding.

And, for preventing of the wilful or malicious deſtroying or damaging the ſaid Bridge, or any Part thereof, or interrupting the Building of the ſame, be it further enacted, That if any Perſon or Perſons ſhall wilfully or maliciouſly burn, blow up, pull down, or otherwiſe deſtroy the ſaid Bridge, or any Part thereof, or any of the

Perſons guilty of malicious Acts, how puniſhable.

Materials

Materials made uſe of or employed in building the ſame, or attempt ſo to do, or ſhall unlawfully, wilfully, and maliciouſly, and without Authority from the ſaid George Lord Edgcumbe and Sir John Saint Aubin, their or either of their Heirs or Aſſigns, remove or take away any Works or Materials thereunto belonging, or in any wiſe direct or procure the ſame to be done, whereby the ſaid Bridge, or the Works or Materials thereof, may be damaged, or the Lives of Paſſengers endangered; ſuch Offender or Offenders, being lawfully convicted thereof, ſhall be adjudged guilty of Felony, and ſhall ſuffer as a Felon.

And, for preventing Treſpaſſes, and Miſchiefs that may be done and committed by any evil-minded or diſorderly Perſons, rowing, navigating, or managing of any Boats, Barges, Lighters, or other Veſſels, in or upon the ſaid Creek; and to the end that the Maſters and Owners of ſuch Boats, Barges, Lighters, or other Veſſels, may be more careful therein, be it further enacted, That every Maſter or Maſters, Owner and Owners of any Boat or other Veſſel, ſhall be, and is hereby made anſwerable and reſponſible for any wilful Damage or Miſchief that ſhall be done by his or their Boat or Veſſel, or by any of the Boatmen, or Watermen, or Crew, of or in ſuch Boat or Veſſel, to the ſaid Bridge, or any Part thereof, or to any of the Works which ſhall be erected by virtue of this Act; and the ſaid Maſter or Maſters, Owner or Owners of every ſuch Boat or Veſſel, ſhall and may be, by the ſaid George Lord Edgcumbe and Sir John Saint Aubin, their Heirs or Aſſigns, ſued for every ſuch Treſpaſs or Damage, which ſhall be done, in any Court of Record whatſoever. Maſters of Barges anſwerable for the Damages done by their Men.

And whereas it may happen that the ſaid Bridge may in Times to come receive ſuch Damage as aforeſaid, or by Tempeſt, or other unforeſeen Accident, that the Paſſage thereof may for ſome Time become dangerous or impracticable; be it further enacted, That in all ſuch Caſes it ſhall be lawful for the ſaid George Lord Edgcumbe and Sir John Saint Aubin, their Heirs and Aſſigns, from time to time, as often as Occaſion ſhall require, to provide a proper and convenient Ferry or Ferries croſs the ſaid Creek, at ſuch Place or Places as they ſhall judge to be moſt proper and convenient, and as near to the ſaid Bridge as conveniently may be, and there to take, for Paſſage over the ſaid Creek by ſuch Ferry or Ferries, ſuch Rates and Duties as are hereby directed to be paid for paſſing over the ſaid Bridge. Ferry to be provided, at the like Tolls,



b

When Bridge not paſſable.

Provided always, That ſuch Ferry or Ferries ſhall not continue for any longer Time than the Paſſage over the ſaid Bridge ſhall or may be dangerous or impracticable as aforeſaid.

Bridge not liable to Taxes &c.

And be it further enacted, That the ſaid Bridge when erected ſhall be called by the Name of Stonehouſe Bridge, and ſhall be ſo named and intitled in all legal Proceedings whatſoever, and ſhall not be rated or aſſeſſed for or towards the Payment of the Land Tax, or any other Publick or Parochial Rate or Tax whatſoever; and that the ſaid Bridge ſhall not be deemed a County Bridge, ſo as to ſubject the County of Devon to the repairing or ſupporting the ſame.

Tolls, &c. how ſubjected.

Provided always, and be it enacted, That the ſaid George Lord Edgcumbe and Sir John Saint Aubin, their Heirs and Aſſigns reſpectively, ſhall, from and after erecting of the ſaid Bridge, ſtand and be ſeiſed thereof, and the Tolls hereby granted, to ſuch and the ſame Uſes, Truſts, and Eſtates, and ſubject to the ſame Wills, Settlements, Limitations, Remainders, Charges, Tenures, Rents, and Incumbrances, as the ſaid Ferry now is, or ſhould and would have been ſubject and liable to be charged with and affected by, in caſe the ſame had remained or continued, or this Act had not been made; any thing herein contained to the contrary notwithſtanding.

Limitation of Actions.

And be it further enacted, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done or to be done in purſuance of this preſent Act, in every ſuch Caſe the Action or Suit ſhall be commenced within Six Months next after the Fact committed, and not afterwards; and ſhall be laid in the ſaid County of Devon, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit

General Iſſue.

ſhall and may plead the General Iſſue, Not Guilty, and give this Act and the Special Matter in Evidence at the 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 be ſo done, or that ſuch Action or Actions ſhall be brought after the Time before limited for bringing the ſame, or ſhall be laid in any other County or Place, that then the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their Action or Suit, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs; or if upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plain-

Treble Coſts.

tiffs, the Defendant or Defendants ſhall recover Treble Coſts,

Coſts, and ſhall have ſuch Remedy for the ſame as any Defendant or Defendants hath or have for Coſts of Suit in other Caſes by Law.

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

FINIS.