

PYRMONT BRIDGE
COMPANY.

An Act to incorporate “The Pyrmont Bridge Company” and for other purposes therein mentioned. [15th December, 1855.]

Preamble.

WHEREAS a joint stock company called “The Pyrmont Bridge Company” has been lately established at Sydney in the Colony of New South Wales under and subject to the rules regulations and provisions contained in a certain deed of settlement bearing date the second day of July in the year of our Lord one thousand eight hundred and fifty-five purporting to be a deed of settlement of the said company And whereas by the said deed of settlement the several parties thereto have respectively and mutually covenanted and agreed that they and such other persons as should become proprietors of shares in the said company as therein provided should become a company under the name of “The Pyrmont Bridge Company” for constructing and maintaining a bridge across Darling Harbour in Port Jackson in the said Colony from the Market Wharf in the city of Sydney to Union-street Pyrmont in the said city capable of admitting vessels of all classes whether navigated by steam or otherwise to pass and repass through the same And for making and maintaining a bridge or viaduct across Blackwattle Swamp in the said harbour from Pyrmont to the Glebe And all necessary roads and approaches to such bridges and viaducts and for the connection thereof with the said bridge from Market-street to Union-street aforesaid And for connecting such bridge with the Parramatta and Balmain Roads respectively at some convenient points and with the terminus of the Sydney Railway on Darling Harbour And for the erection of offices workshops cranes weighing and other machines steam-engines appliances and conveniences necessary for the construction and purposes of such bridges when constructed or any of them And for the purchase and hire of one or more tugs or vessels to be employed in connection with the said bridge from Market-street to Union-street aforesaid and otherwise in and about the said harbour And for the acquisition of profits to be derived from tolls to be taken at such bridges and roads or any of them And it was by the said deed of settlement agreed that the capital of the said company should consist of fifty thousand pounds divided into ten thousand shares of five pounds each or so much thereof as might from time to time be necessary and of such further sum or sums not exceeding the sum of one hundred thousand pounds as might thereafter be raised by the creation allotment and sale of new shares as therein provided And whereas by the said deed of settlement provision has been made for the due management of the affairs of the company
by

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by directors to be from time to time elected and appointed by the shareholders of the said company And whereas the said company is desirous of being incorporated and it is expedient that the said company should be incorporated accordingly subject to the provisions hereinafter contained Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof as follows—

1. Such and so many persons as have already become or at any time or times hereafter shall or may in the manner provided by and subject to the rules regulations and provisions contained in the said deed of settlement become proprietors of shares of or in the capital for the time being of the said company shall (subject nevertheless to the conditions regulations and provisions hereinafter contained) be one body politic and corporate in name and in deed by the name of “The Pymont Bridge Company” and by that name shall and may sue and be sued by any persons whether members of the said corporation or not and shall and may implead and be impleaded in all Courts whatsoever at law or in equity and may prefer lay and prosecute any indictment information and prosecution against any person whomsoever for any stealing embezzlement fraud forgery or other crime or offence and in all indictments informations and prosecutions it shall be lawful to state the money goods effects bills notes securities or other property of the said company to be the money goods effects bills notes securities or other property of the said corporation and to designate the said company by its corporate name whenever for the purpose of any allegation of an intent to defraud or otherwise howsoever such designation shall be necessary and the said corporation shall have perpetual succession and a common seal and the said common seal may be altered varied and changed from time to time at the pleasure of the said corporation.

2. The several laws rules regulations clauses and agreements contained in the said deed of settlement or to be made under or by virtue or in pursuance thereof shall be deemed and considered to be and shall be the by-laws for the time being of the said corporation save and except in so far as any of them are or shall or may be altered varied or repealed by or are or shall or may be inconsistent or incompatible with or repugnant to any of the provisions of this Act or of any of the laws or statutes now or hereafter to be in force in the said Colony but no rule or by-law shall on any account or pretence whatsoever be made by the said corporation either under or by virtue of the said deed of settlement or of this Act in opposition to the general scope or true intent and meaning of this Act or of any of the laws or statutes in force for the time being in the said Colony Provided that a true copy of the said deed of settlement and of any by-laws to be made by virtue or in pursuance thereof attested by three of the directors of the company shall be registered at the office for the registration of deeds in the Supreme Court of the said Colony before the same shall be of any validity whatever as the by-laws of the said corporation.

3. It shall be lawful for the said corporation from time to time to extend its capital by the creation allotment and disposal of new shares in the manner set forth and subject to the rules regulations and provisions contained in the said deed of settlement.

4. The capital or joint stock and all the funds and property of the said corporation and the several shares therein and the profits and advantages to be derived therefrom shall be and be deemed personal estate and be transferable and transmissible accordingly subject to the regulations of the said deed of settlement.

5. The corporation shall not be bound in any manner by any trusts or equitable interests or demands affecting any shares of the capital standing in the name of any person as the ostensible proprietor thereof

Company incorpo-
rated.

Deed of settlement
to constitute the by-
laws of the corpora-
tion.

Increase of capital.

Capital and shares to
be personalty.

Corporation not
bound by trusts or
equitable interests
affecting shares.

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thereof or be required to take any notice of such trusts or equitable interests or demands but the receipt of the person in whose name the shares shall stand in the books of the corporation shall notwithstanding such trusts or equitable interests or demands and notice thereof to the said corporation be a good valid and conclusive discharge to the corporation for or in respect of any dividend or other money payable by the said corporation in respect of such shares in accordance with the regulations in that behalf contained in the said deed of settlement and a transfer of the said shares as directed by the said deed by the person in whose name such shares shall so stand shall notwithstanding as aforesaid be binding and conclusive as far as may concern the said corporation against all persons claiming by virtue of such trusts or equitable interests or demands. Provided always that nothing therein contained shall be deemed or taken to interfere with or abridge the right and power of a Court of Equity to restrain the payment of any such dividend or other money payable thereafter by the corporation in respect of any such shares or the transfer thereafter of any such shares or to direct the payment of such dividends or other money by the corporation or the transfer of such shares by the person in whose name they may stand to such other person as such Court may think fit.

Permission to erect
piers landing-places
&c.

6. It shall be lawful for the said corporation and they are hereby authorized and empowered to make and construct a good and substantial bridge of not less than thirty feet in width across Darling Harbour from the Market Wharf to or near to Union-street aforesaid with all necessary piers landing-places buildings engines works and conveniences and upon the completion of the said bridge with roads and approaches thereto to receive and take the tolls for the use thereof hereinafter specified and authorized to be taken and from and after such completion as aforesaid to make and continue a road from such bridge through the Ultimo Estate to Blackwattle Bay aforesaid and to erect a good and substantial bridge or viaduct across the same to the Glebe and to make and continue a road from the said bridge or viaduct to the Glebe Road at one or more points and from the Glebe Road aforesaid to the Parramatta Road at or near to Camperdown and to the Balmain Road at Leichardt Town and also to make a branch road from the Pymont end of the said bridge across Darling Harbour to the terminus of the Sydney Railroad. Provided that before any such bridge or viaduct shall be commenced to be built a plan and specification thereof shall be laid before and approved by the Governor and Executive Council and provided further that no bridge or viaduct erected by the said corporation shall be so constructed as to obstruct the navigation of Darling Harbour aforesaid.

Survey to be made
before commence-
ment of works.

7. Before commencing any such bridges roads and works as aforesaid by this Act authorized to be made the said corporation shall by some qualified engineer to be by them appointed cause to be made a proper survey or surveys over or through which it is proposed the same should be constructed with a map describing the houses buildings grounds and premises required to be used or taken for the purposes aforesaid together with a book of reference in which shall be entered the names of the owner or proprietor (if known) of each and every portion of the said sites and lands on or through which it is proposed to construct the said bridges roads and works and the nature and quality the state of cultivation the inclosures (if any) and the quantity of such land which shall or may be required for such bridges roads and works respectively.

Plan.

Book of reference.

Power to enter upon
lands to make
surveys &c.

8. It shall be lawful for the said corporation their directors surveyors engineers agents and workmen and all other persons by them authorized and they are hereby empowered to enter into and upon all or any lands of any person at or near the site of the intended works

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works and to survey and take levels of same or of any part thereof and to stake or otherwise ascertain and set out the lines and superficial areas of the proposed works and roads in and over the said lands or such parts thereof as may be necessary for the laying out making constructing and the convenient operation of works roads matters and conveniences as are hereby authorized to be made and also to take all such steps as shall be found necessary to ascertain the nature of the soil and substrata of such lands or any part thereof for all or any of the purposes aforesaid the said corporation their agents and workmen doing as little damage as may be in the execution of such survey and if required so to do making full satisfaction in manner hereinafter mentioned to all persons interested in any lands which shall be injured by such survey or by any steps which may be taken to ascertain the nature of the soil or the substrata of such lands as aforesaid and this Act shall be sufficient to indemnify the said corporation and all other persons for what they or any of them shall do by virtue of the powers hereby granted in the execution of such survey and examination as aforesaid.

9. All maps plans and books of reference relating to such survey or surveys as aforesaid shall for thirty days before the commencement of the formation of any such bridges works and roads as are hereby authorized to be made or any part thereof be kept in the office of the said corporation at Sydney and all persons shall and may have free liberty and permission to view and examine the same at all convenient times after the publication of the notice hereinafter mentioned.

Map and book of reference to be kept in the office of the corporation.

10. When and so often as the said corporation shall have determined upon making any bridges works and roads as aforesaid the said corporation shall by advertisement in the *New South Wales Government Gazette* and in one or more of the Sydney newspapers at least thirty days before the commencement of the formation of any such bridges works and roads respectively give notice that they intend to make the same or such part thereof as the said corporation may think fit in accordance with the said survey and the map or plan and book of reference.

Corporation to give notice of their intention to make bridges works and roads.

11. A copy of the map or plan and book of reference relating to every such survey or surveys shall thirty days before the commencement of the formation of any such bridges works and roads as are hereby authorized be transmitted to the Colonial Secretary and shall be by him laid before the Governor and his Executive Council.

Map &c. to be submitted to the Governor and Executive Council.

12. It shall be lawful for the company by their directors agents officers surveyors and workmen and all other persons by them authorized to take and appropriate to the use of the said company and for the purposes of this Act such of the lands so as aforesaid staked or otherwise ascertained or set out and shewn in the said map or plan and book of reference as they shall think necessary for the making and constructing and the convenient operation and use of the said bridges works and roads hereby authorized to be made and constructed without any previous agreement with the owner or occupier of the said lands the said company their agents and workmen doing as little damage as may be in the execution of the powers hereby granted. And the said company if required to do so making full compensation in manner hereinafter mentioned to all persons interested in any lands which shall be taken used or injured for all damages to be by them sustained in or by the execution of the power hereby granted.

Power to take lands for purposes of company.

13. When the corporation shall have finally determined on the appropriation for the purposes of this Act of such land as shall have been so shewn in the said map or plan and book of reference subject to such modifications as shall have been required by the said Governor and Executive Council the said corporation shall by advertisement in

When appropriation of lands finally determined plans thereof shall be kept in the office of the corporation for public inspection.

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the *Government Gazette* and in one or more of the Sydney newspapers give notice that such appropriation has been so determined upon in accordance with the said map or plan or book of reference subject to such alterations as shall have been made therein upon such final determination and the said map or plan and book of reference and an amended map or plan or book of reference if any alteration shall have been made therein shall be kept in the office of the said corporation at Sydney and all persons shall have free liberty to view and examine the same at all convenient times after the publication of the last mentioned advertisement and such last mentioned advertisement shall be deemed an act of final appropriation of the lands determined to be taken.

Lands taken to vest without conveyance.

14. When any lands which the company are by this Act authorized to take without the previous consent of the owner or occupier shall have been set out taken and appropriated for the purposes herein mentioned such lands and the fee simple and inheritance thereof and all the estate use trust and interest of all persons therein shall thenceforth be vested in and become the sole property of the said company for the purposes of this Act for ever and it shall not be necessary to obtain a conveyance from the owners or persons interested in such lands to the said corporation.

Right to compensation.

15. The owners and all persons interested in any lands taken appropriated used or prejudiced by the corporation their officers agents or workmen under any of the provisions herein contained and all persons who shall have sustained any loss or damage whatever in or by the execution of this Act shall be entitled to reasonable compensation for the loss or injury sustained by them and such compensation shall be ascertained assessed and awarded as hereinafter mentioned Provided that such compensation shall be claimed within the period of two years from the date of the advertisement hereinbefore required of the intention of the corporation to make such part of the said works hereby authorized as shall have occasioned the taking and appropriation of the lands in which the claimant was interested.

Period within which such compensation to be claimed.

Corporation may plead a tender or pay money into Court.

16. And in case the corporation and claimant shall not agree as to the sum to be paid for such compensation as aforesaid the amount to be paid shall be determined in the Supreme Court by an action for damages to be brought by the claimant against the corporation or upon an issued agreed to by the claimant and corporation respectively provided that in all cases in which an action shall be brought in the Supreme Court in respect of any claim for such compensation as aforesaid it shall be lawful for the corporation to plead any tender which they may have made in bar of such action on paying into Court in the usual way according to the practice of the Court the amount of money tendered or to pay into Court such sum of money as the corporation shall think fit and to plead such payment in bar of the further maintenance of such action and whichever party shall succeed in such action or upon such issue as aforesaid shall be entitled to costs to be awarded and recovered according to the practice of the Court.

Purchase money and compensation how to be estimated.

17. In estimating the purchase money or compensation to be paid by the corporation in any of the cases aforesaid regard shall be had by the jury not only to the value of the land to be purchased or taken by the corporation but also to the damage (if any) to be sustained by the owner of the lands by reason of the severing of the lands taken from the other lands of such owner or otherwise injuriously affecting such other lands by the exercise of the powers of this Act and they shall assess the same according to what they shall find to have been the value of such lands estate or interest at the time notice was given of such lands being required for the bridges roads and other works and the said jury in assessing such compensation are authorized and empowered

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empowered and shall take into consideration the enhancement in value of the adjoining land belonging to the party to whom compensation is to be made by the increased facilities of access or otherwise by reason of the making of such bridges roads and other works in reduction of such compensation.

18. Where such inquiry shall relate to the value of lands taken and appropriated by the corporation and also to compensation claimed for injury done or to be done to the lands held therewith the jury shall deliver their verdict separately for the sum of money to be paid for the taking of the lands required for the works or of any interest therein belonging to the party with whom the question of disputed compensation shall have arisen and for the sum of money to be paid by way of compensation for the damage (if any) to be sustained by the owner or occupier of the lands by reason of any act matter or thing otherwise injuriously affecting such lands by the exercise of the powers of this Act.

Sums to be paid for purchase of lands and for damages to be assessed separately.

19. It shall be lawful for the said corporation to purchase and hold and for any person to convey to the said corporation any lands other than the lands hereby authorized to be taken without the previous consent of the owner or occupier which may be conveniently and advantageously used in connection with the said landing-places piers bridges and other works or otherwise in carrying out the purposes and objects of this Act.

Other lands may be purchased and conveyed.

20. Before it shall be lawful to put in force any of the powers hereinbefore conferred in relation to the purchase of lands otherwise than by agreement for the objects and purposes of the said bridges works and road not less than four thousand shares shall have been actually subscribed for and the sum of ten thousand pounds paid up.

4,000 shares to be subscribed before compulsory powers put in force.

21. A certificate under the hands of two Justices of the Peace in Petty Sessions certifying that the prescribed number of shares have been taken and the required sum been paid up shall be sufficient evidence thereof and on the application of the said corporation and the production of such evidence as the Justices shall think proper and sufficient such Justices shall grant such certificate accordingly.

Evidence of subscription of required capital as above.

22. At any time after the passing of this Act the said corporation shall absolutely sell and dispose of all superfluous lands purchased and taken by them as aforesaid and apply the purchase money arising from such sales to the purposes of this Act or as provided by the deed of settlement of the said corporation.

Lands not wanted to be sold.

23. It shall be lawful for the said corporation from time to time and at all times hereafter to ask demand take recover and receive to and for the use and benefit of the said corporation all such tolls and rates as may be established from time to time by the said corporation not exceeding the tolls or rates specified in the Schedule annexed to this Act unless the increase shall have been previously approved by the Governor General and Executive Council to be payable by and in respect of passengers vehicles cattle sheep horses and live stock crossing the said bridges or any of them and also to take wharfage or other rates or remuneration from vessels using any piers landing-places wharfs or places to be constructed by the corporation under the provisions of this Act Provided that the corporation shall at all times provide steam vessels or steam tugs of sufficient power or such other conveniences as shall be approved by the Governor General and Executive Council to warp or tow into and out of that part of Darling Harbour which lies to the south of the said intended bridge vessels of all classes resorting thereto free of all costs to any such vessel and shall enter into such bond or other security for the due regular and punctual performance of such service as the said Governor General and his Executive Council shall require.

Rates granted to the corporation.

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Restrictions on liability.

24. The total amount of debts engagements and liabilities of the said corporation shall not in any case exceed the amount of capital stock subscribed and actually paid up.

Exemption of the Governor and servants and persons in the employment of Government clergy men mails and military from payment of tolls.

25. No toll shall be demandable or taken by virtue of this Act for or in respect of any horses or carriages of or belonging to the Governor of the said Colony for the time being or to any person in actual attendance upon him or for or in respect of the horses beasts carts carriages and other vehicles of and belonging to the Government and employed at the time of passing the toll-bar or bars toll-gate or gates at or upon the said bridges in the Government service or for or in respect of any horse beast carriage or other vehicle conveying any clergyman in the discharge of his duty or for or in respect of any horse beast carriage or other vehicle carrying the Post Office mails nor shall any toll be demandable or taken by virtue of this Act from any of Her Majesty's officers and soldiers being in proper staff or regimental or military uniform dress or undress in respect of themselves or their horses nor shall toll be demandable or taken by virtue of this Act in respect of any carriages or horses belonging to Her Majesty or employed in her service when conveying persons baggage arms or ammunition or returning therefrom.

Liberty to erect toll-bars and appoint collectors.

26. It shall be lawful for the said corporation to erect or cause to be erected a toll-bar or gate or toll-bars or gates at or upon the said bridges and roads and at or upon such part or parts thereof as to the said corporation shall seem fit and to collect and receive the said tolls thereat or to nominate and appoint some fit and proper person or persons to attend the said toll-bar or gate or toll-bars or gates to collect and receive the tolls thereat.

Bridge to be a public bridge at the end of one hundred years.

27. At the expiration of the said term of one hundred years and at the expiration of this Act then and from thenceforth the said bridges shall be and shall be deemed to be public bridges.

If bridge &c. not completed within three years powers of this Act to determine.

28. If the said bridge across Darling Harbour with the approaches thereto be not fully and properly completed within three years next after the passing of this Act the powers given in and by the same shall cease and determine.

Tolls may be let.

29. It shall and may be lawful for the said corporation to demise and let to farm the tolls demandable under and by virtue of this Act at or upon the said bridges and the said lessee or lessees shall have the same powers of demanding and collecting and taking the said tolls as are hereby given to the said corporation.

Lessee may appoint collectors.

30. The said lessee or lessees of the said tolls during such time as the said tolls shall be so leased as aforesaid shall and may nominate and appoint such other person or persons as he she or they may think necessary to collect demand or take such tolls so demised leased and farmed and such person or persons so appointed as aforesaid shall and may use all means and methods for the recovery thereof in case of non-payment or evasion as the said corporation and such lessee or lessees might or could do under and by virtue of this Act.

In case of non-payment of rent or avoidance of lease lessees and occupiers removable by order of a Justice of the Peace.

31. In case the tolls demandable at or upon the said bridges shall be demised by the said corporation to any person or persons and the lessee or lessees shall neglect or refuse to perform the conditions on which the same shall be so let or in case the rent or rents agreed to be paid by such lessee or lessees or any part thereof shall be in arrear for the space of fourteen days next after the day on which the same ought to be paid or the term for which such lessee or lessees held the same shall in any other manner become void it shall and may be lawful for any Justice of the Peace upon complaint made upon oath by or on behalf of the said corporation 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 the

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the said bridges and the toll-house or houses at or thereupon and all buildings and appurtenances thereto belonging and to remove or put out such lessee or lessees and the collectors keepers servants or other person or persons who shall be found therein together with his her or their goods from the possession thereof and from the collection of the tolls in respect thereof and the lease contract or agreement for the same shall thenceforth cease and be utterly void to all intents and purposes whatsoever save and except as to the conditions and agreements for payment up to that time of the rent payable for the same and the other conditions or agreements contained therein on the lessee's part and behalf and which shall or may have been broken and the same tolls and toll-houses may be given let or demised to any other person or persons and may in the mean time be collected by the said corporation or his or their servants and agents in that behalf.

32. In case the lessee or the lessees of the said tolls shall on the expiration of the term for which the same shall have been so let or demised to him or them neglect or refuse to deliver up possession to the said corporation to any new lessee or lessees possession of the toll-house or toll-houses at or upon the said bridges or either of them and all buildings and appurtenances thereto belonging it shall and may be lawful for any Justice of the Peace upon complaint made upon oath by or on behalf of the said corporation by warrant under his hand and seal to order any constable with all such assistance as shall be necessary to enter upon and take possession of the toll-houses and all buildings and appurtenances thereto belonging and to remove and put out such lessee or lessees collectors keepers servants and other person or persons as shall be found therein together with his her or their goods and chattels from the possession thereof.

33. The said corporation are hereby required and the lessee or lessees of the said tolls shall and are hereby required during the whole time that he or they shall take or continue to be the lessee or lessees of the said tolls to put up or cause to be put up and continued in some conspicuous place at or near the toll-gate or toll-gates or at and upon the toll-house or toll-houses at or upon the said bridges a table painted in distinct legible black letters on a board with a white ground containing a list of the tolls payable at the said bridges distinguishing severally the amount of tolls and the different sorts of cattle beasts carriages or other vehicles for which they are severally to be paid where there shall be any variation therein and the said corporation and the said lessee or lessees during the whole time that he or they shall continue to take or be the lessee or lessees of the said tolls shall place on some conspicuous place near to such board the christian and surname of the collector or keeper of the said tolls who shall be on duty for the time being and shall continue the same during the whole time such collector or keeper shall be on duty and shall change the same on every change that may take place in such collector or keeper on duty to the names of the collector or keeper that may succeed as often as any such change may take place and if the said corporation while they shall take the said tolls or their lessee or lessees shall neglect or refuse to put up such table of tolls as aforesaid or to cause the name or names of the said collectors or keepers of such tolls for the time being to be put up as aforesaid or if the collector or keeper of such tolls shall not be in attendance at all times by day and by night at the place at which he is stationed or ought to be or shall demand and take a greater toll from any person than he shall be authorized to do or shall refuse to permit and suffer any person or persons to read or shall in any manner hinder or prevent any person or persons from reading the inscription on the said boards or the name or names so fixed up as aforesaid or shall refuse

On determination of lease and refusal to quit Justice of the Peace may remove lessee.

Table of tolls to be affixed to toll-house.

Name of collector to be put up in a conspicuous place &c.

Penalty in case of default.

to

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to tell his christian name and surname to any person or persons who shall demand to know the same on paying the said tolls or any of them or upon the legal toll being tendered or paid shall unnecessarily detain or wilfully obstruct hinder or delay any passenger or passengers from going through the toll-gate or toll-gates at or upon the said bridge then and in each and every such case the said collector or collectors of the said tolls shall forfeit and pay for every such offence any sum not exceeding forty shillings to be recovered as hereinafter provided.

Persons refusing to pay toll may be prevented passing.

34. If any person liable to the payment of the said tolls under this Act shall after demand neglect or refuse to pay the same or any part thereof it shall be lawful for any person having right or authority to collect the same to prevent such person or persons from passing through the said toll-gate or toll-gates and to shut close and fasten the said gates and to keep and continue the same closed and fastened.

Penalty on forcibly passing bridges without paying toll.

35. If any person or persons shall resist or make forcible opposition against or shall assault any person or persons having right or authority to collect the said toll in the execution of their duty or shall pass through the toll-gate or toll-gates at or upon the said bridges or either of them without paying the legal toll to which he or they is or are liable or shall fraudulently or forcibly evade or do any act whatever in order or with intent to evade the payment of the said toll or tolls and whereby the same shall be evaded every such person shall for every such offence forfeit and pay a sum not exceeding five pounds.

If lessee or collector of tolls detain or obstruct passengers

36. If any lessee or collector of tolls under this Act or any keeper of a gate on either of the said bridges shall upon the legal toll being tendered or paid unnecessarily or for an unreasonable time detain or wilfully obstruct hinder or delay any passenger or passengers with or without his her or their horses beasts carriages carts and other vehicles from passing over either of the said bridges or if any such lessee or collector of tolls or keeper of a gate on either of the said bridges shall make use of any uncivil scurrilous threatening or abusive language or behaviour to any traveller or passenger travellers or passengers over the said bridge then and in each and every such case the said lessee or collector of tolls or keeper of a gate on either of the said bridges shall forfeit and pay for every such offence any sum not exceeding five pounds to be recovered and applied as hereinafter mentioned.

or if insolent to passengers lessee or lessees or collector to be fined.

Collector may seize and distrain for non-payment of tolls.

37. If any person subject or liable to the payment of any of the tolls under or by virtue of this Act shall after demand thereof neglect or refuse to pay the same or any part or parts thereof it shall be lawful for the person or persons having right or authority to collect such tolls by himself or themselves or taking such as he or they shall think necessary to seize and distrain any horse beast cattle sheep 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 or any of the goods or chattels of the person or persons so neglecting or refusing to pay and if the toll or any part thereof so neglected or refused to be paid and the reasonable charges of such seizure and distress and of keeping and maintaining the same shall not be paid within the space of one day next after such seizure and distress made the person or persons so seizing and distraining may sell the horse beast cattle sheep 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 maintenance and sale shall be deducted.

Penalty for injuring or destroying toll-gate &c.

38. If any person or persons whomsoever shall wilfully or maliciously injure pull or cut down pluck up throw down break level or otherwise damage demolish or destroy any toll-gate or any chain post rail

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rail wall bar or other fence or fences or lamp or lamps of or belonging to any toll-gate at or upon either of the said bridges or any house or houses erected for the use of any such toll-gate or table of tolls put up at any such toll-gate or toll-gates on the said bridges or any arch wall abutment prop or fence belonging thereto or any part of the said bridges whatsoever then and in each and every such case every person so offending shall forfeit and pay for every such offence a sum not exceeding ten pounds over and above the damages occasioned thereby to be recovered as hereinafter mentioned one moiety of which penalty or penalties when recovered shall go to and be paid to the informer and the other moiety thereof with the amount of the said damages shall be to the use of the said corporation.

39. All horses cattle sheep and other beasts for which toll shall be demanded or payable under this Act shall be counted by the lessee or collector of tolls under this Act or keeper of the gate at either of the said bridges before such horses cattle sheep and other beasts shall pass over the said bridges.

All cattle horses &c. to be counted by lessee collector or keeper before passing the bridge.

40. It shall be lawful for any one or more Justice or Justices of the Peace to hear and determine in a summary way all offences committed against the true intent and meaning of this Act and for that purpose to summon before him or them any party or parties accused of being an offender or offenders against the true intent and meaning of this Act and in case the party accused shall not appear on such summons or offer some reasonable excuse for his default then and in every such case any such Justice or Justices is or are hereby authorized and required to proceed to make inquiry touching the matters complained of and to examine any witness or witnesses who shall be offered on either side on oath and which oath every such Justice is hereby authorized to administer and after hearing the parties who shall appear and the witnesses offered on either side such Justice or Justices shall convict or acquit the party or parties accused and if the penalty or money forfeited or directed to be paid in any such conviction be not duly paid every such Justice or Justices shall thereupon issue a warrant under his or their hand and seal directed to any constable or constables and thereby require him or them to make distress of the goods or chattels of the offender or offenders to satisfy such penalty or money forfeited or directed to be paid and the cost of the prosecution and distress and if within five days from the distress being taken the penalty or money forfeited or required to be paid and costs shall not be paid the goods seized shall be appraised and sold rendering the overplus if any after deducting the penalty or sum of money required to be paid and the costs and charges of the prosecution distress and sale to the owner or owners thereof which costs and charges shall be ascertained by the Justice or Justices before whom any such offender or offenders shall have been convicted and for want of such distress then every such Justice or Justices shall on the application of any prosecutor or prosecutors and proof on oath made of the conviction and non-payment of the penalty or sum of money directed to be paid and the charges thereon by warrant under his or their hand and seal or hands and seals commit every such offender or offenders to some one of the common gaols of the said Colony for any period not exceeding three months Provided always that no person or persons shall be convicted of any offence or offences contrary to the provisions of this Act in a summary way before any Justice or Justices of the Peace after the expiration of three months from the time when any such offence or offences shall have been committed.

Justices of the Peace to hear and determine offences summarily.

41. No dividend or bonus shall in any case be declared or paid out of the subscribed capital for the time being of the said corporation

Dividend from the profits.

nor

Pyrmont Bridge Company.

nor otherwise than out of the declared surplus capital net gains and profits of the business.

Actions or suits for calls.

42. In any action or suit to be brought by the said corporation against any proprietor of any shares in the capital of the said corporation to recover any sum of money due and payable to the said corporation for or by reason of any call made by virtue of this Act or of the said deed of settlement it shall be sufficient for the corporation to declare and allege that the defendant being a proprietor of such or so many shares in the capital of the said corporation is indebted to the said corporation in such sum of money (as the call in arrear shall amount to) for such call of such sum of money upon such or so many shares belonging to the said defendant whereby an action hath accrued to the said corporation without setting forth any special matter and on the trial of such action or suit it shall not be necessary to prove the appointment of the directors who made such call or any other matters except that the defendant at the time of making such call was a holder or proprietor of one or more share or shares in the capital of the said corporation and that such call was in fact made and that such notice thereof and of the time fixed for the payment thereof was given as is directed by the said deed of settlement and the said corporation shall thereupon be entitled to recover what shall appear due.

Contracts &c. under the deed of settlement before Act.

43. Nothing herein contained shall prejudice or be deemed to prejudice any call made or any contract or other act deed matter or thing entered into made or done by the said corporation prior to or under or by virtue of the said deed of settlement before this Act shall come into operation but the same call contract act deed matter or thing shall be as valid and effectual to all intents and purposes as if this Act had not been passed and may be enforced in like manner as if the said company had been incorporated before the same call contract act deed matter or thing had been made entered into or done.

Execution against shareholders.

44. If any execution either at law or in equity shall have been issued against the property or effects of the said corporation and if there cannot be found sufficient corporate property whereon to levy such execution then such execution may be issued against any of the shareholders to the extent of their shares respectively in the capital of the corporation not then paid up Provided always that no such execution shall issue against any shareholder except upon the order of the Court in which the action suit or other proceeding shall have been brought or instituted made upon motion in open Court after sufficient notice to the persons sought to be charged and upon such motion such Court may order execution to issue accordingly and for the purpose of ascertaining the names of the shareholders and the amount of capital remaining to be paid upon their respective shares it shall be lawful for any person entitled to any such execution at all reasonable times to inspect without fee the register of shareholders required by the said deed of settlement to be kept in the office of the said corporation and so much of the share account of such shareholders as shall be sufficient to shew the amount of their respective shares so remaining to be paid up Provided further that in the event of the assets of the corporation being insufficient to meet its engagements the shareholders shall in addition to the amount already paid and to be paid upon their shares in the capital of the said corporation be responsible to the extent only of a sum equal to the amount of their said shares.

Liability of shareholders.

Reimbursement of shareholders.

45. If by means of any such execution any shareholder shall have paid any sum of money beyond the amount then due from him in respect of calls he shall forthwith be reimbursed such additional sum by the directors out of the funds of the corporation.

Custody and use of corporate seal.

46. The directors for the time being shall have the custody of the common seal of the said corporation and the form thereof and all other

Pymont Bridge Company.

other matters relating thereto shall from time to time be determined by the directors in the same manner as is provided in and by the said deed of settlement for the determination of other matters by the board of directors and the directors present at a board of directors of the said corporation shall have power to use such common seal for the affairs and concerns of the said corporation and under such seal to authorize and empower any person without such seal to execute any deeds and do all or any such other matters and things as may be required to be executed and done on behalf of the said corporation in conformity with the provisions of the said deed of settlement and of this Act but it shall not be necessary to use the corporate seal in respect of any of the ordinary business of the corporation or for the appointment of an attorney or solicitor for the prosecution or defence of any action suit or proceeding.

47. In case it shall at any time be thought expedient by the said corporation to raise any sum or sums of money by way of loan it shall be lawful for the said corporation by any order of any general meeting of the said corporation to borrow and take up at interest in addition to the money which the said corporation are authorized to raise in extension of their capital as aforesaid any such sum as to them shall seem meet and convenient not exceeding at any time one half of the amount of the capital of the said corporation then actually paid up and the said corporation after an order shall have been made for that purpose by any general meeting are hereby authorized and empowered to assign the property of the said corporation and the rates arising or to arise by virtue of this Act or any part thereof (the costs and charges of assigning the same to be paid out of the said rates) as a security for any such sum of money to be borrowed as aforesaid with interest to such person or to his trustee as shall advance the same all which said mortgages or assignments shall be made under the common seal of the said corporation and in the words or to the effect following that is to say—

Proprietors may raise an additional sum if necessary by mortgage.

“ No.

Form of mortgage.

“ The Pymont Bridge Company by virtue of an Act passed in
 “ the year of the reign of Her Majesty Queen
 “ Victoria intituled ‘ *An Act to incorporate a Company to*
 “ *be called “The Pymont Bridge Company”*’ in considera-
 “ tion of the sum of paid to
 “ the said company by
 “ of doth assign unto the said
 “ his (*or her*) executors administrators and assigns the said
 “ company’s undertaking and all and singular the rates
 “ arising by virtue of the said Act and all the estate right
 “ title and interest of in and to the same To hold unto
 “ the said his (*or her*) executors adminis-
 “ trators and assigns until the said sum of
 “ together with interest for the same after the rate of
 “ for every one hundred pounds for a year
 “ shall be fully paid and satisfied.

“ Given under the common seal on this
 “ day of in the year of our Lord 18 .”

And all and every the person and persons to whom such mortgage or assignment shall be made shall be equally entitled one with the other to his her or their proportion or proportions of the said rates and premises according to the respective sums in such mortgages or assignments mentioned to be advanced without any preference by reason of the priority of date of any such mortgage or assignment or any other account whatsoever and an entry or memorial of every such mortgage or assignment containing the number and date thereof and the name

Pymont Bridge Company.

49. No person to whom any such mortgage or assignment shall be made or transferred as aforesaid shall be deemed a proprietor of any share or shall be capable of acting or voting by virtue of such assignment either as principal or by proxy as such at any meeting of the said corporation for or on account of his having lent or advanced any sum of money on the credit of any such mortgage or assignment.

Mortgagees not to vote.

50. In case the said corporation shall raise any sum or sums of money by mortgage and shall afterwards be required or be desirous to pay off and shall pay off all or any part of the principal sum secured by such mortgages or any of them then and in every such case it shall be lawful for the said corporation and they are hereby authorized and empowered immediately or at any time or times thereafter again to raise in lieu of the principal money so paid off or to be paid off by them so much and such sum and sums of money as they shall from time to time have paid off or be required or be desirous to pay off to the holders of the mortgages or any of them or any part thereof and so from time to time as often as the same shall happen but so nevertheless that the mortgage debts of the said corporation shall not in any event exceed one-third of the amount of the capital of the said corporation actually paid up.

In case mortgage is paid off power to raise the amount again.

51. It shall be lawful for the Governor of the said territory for the time being with the advice of the Executive Council thereof at any time after the expiration of seven years from the completion of the said bridges to purchase the same with all their appurtenances in the name and on the behalf of Her Majesty or Her Successors upon giving to the said company three calendar months notice in writing of the intention so to do and upon payment to the said company of a sum equal to the whole sum expended in erecting and completing the said bridges and their appurtenances and the roads and approaches thereto together with a premium thereon of ten per cent. Provided always that the said company shall within one calendar month after the completion of the said bridges roads and appurtenances file in the office of the Colonial Secretary of the said Colony a true and faithful account in detail of all costs and expenses occasioned by and incident to the erection of the said bridges roads and appurtenances and verified by the declaration of the chairman of the said company and that the amount of such costs and expenses shall be the sum upon which such premium shall be estimated. Provided also that at any time during the continuance of the said term of one hundred years if it be considered expedient and a general meeting of the said company shall have authorized the same it shall be lawful for the said company to sell and dispose of the said bridges roads and appurtenances and to assign the interest of the said company in the same to Her Majesty and Her Successors upon such other terms as may in such case be agreed upon between the said company and the Governor of the said Colony for the time being and that upon the completion of such sale the right of the said company to demand and take tolls and their liability to keep and maintain the said bridges and roads in repair under this Act shall cease and determine.

After the expiration of seven years the bridges &c. may be purchased by the Government.

52. The said corporation shall keep at all times in good and substantial repair and fit for use all bridges viaducts and other works which they are empowered to construct by virtue of this Act and if any such bridge viaduct or other work shall at any time require repair and such repair shall not be effected within six months after a notice from the Attorney General of the Colony requiring the same to be effected shall have been served on the said corporation all such bridges viaducts and works shall thereupon become public property and may be immediately taken possession of by the Government and

Corporation shall keep bridges &c. in good repair.

all

Moreton Bay Immigration and Land Company.

all notices summonses and process to be served on the said corporation may be served upon the chairman or secretary of such corporation.

Corporation dissolved if provisions of this Act not complied with.

53. If the said corporation shall fail to observe or comply with any of the provisions hereof it shall be *ipso facto* dissolved and the said bridges viaducts and other works shall become public property and shall be immediately taken possession of by the Government Provided that in the event of such bridges viaducts and other works becoming public property under this or the last preceding section of this Act the said corporation shall be entitled to demand from the Government by way of compensation such sum of money as they may have actually expended in and about the construction of the said bridges viaducts and works to be ascertained as is hereinbefore provided in the case of a purchase of the same by the Government but without any premium.

SCHEDULE.

SCALE OF TOLLS.

	The sum of
For every foot passenger not driving	2d.
„ passenger other than the driver in a cart dray or other such vehicle (Children under ten years of age free)	2d.
„ horse and rider	3d.
„ cart dray or other such vehicle with two wheels and drawn by one horse	3d.
„ And for every additional horse	1d.
„ wain wagon or other such carriage with four wheels drawn by two horses	9d.
„ And for every additional horse	2d.
„ gig chaise or other such carriage with two wheels drawn by one horse	6d.
„ two horses	9d.
„ coach carriage or other such vehicle with four wheels and drawn by one horse	9d.
„ And for every additional horse	3d.
„ sheep lamb pig or goat	½d.
„ ox or head of neat cattle	1d.
„ horse mare gelding ass or mule	2d.