

Penrith Nepean Bridge Company.

PENRITH NEPEAN
BRIDGE COMPANY.

An Act to incorporate a Company to be called
“The Penrith Nepean Bridge Company” and
to enable the said Company to erect and
maintain a Bridge over the River Nepean at
Penrith in direct continuation of the present
line of the Great Western Road and to take
Toll thereat for a term of years and for other
purposes therein mentioned. [15th December,
1851.]

Preamble.

WHEREAS the very considerable traffic between the western part of this Colony and its shipping port is greatly impeded and delayed at the passage of the River Nepean at Penrith the only mode of transit being by the Government punt or ferry known as Emu Ferry and the tolls payable thereat are onerous and disproportioned to the convenience afforded to the public by the same And whereas the building and maintaining a bridge over the said river uniting the Great Western Road in a direct line across it would prevent such impediments and delays and the loss and inconvenience to the public consequent thereon and be a great public good and it is deemed right to grant encouragement to enterprising persons who may be desirous and willing to make and maintain such bridge by granting to them an Act of Incorporation And whereas the eastern bank of the said river at the point where the main public road diverges to the punt is comprised in a grant by the Crown to Daniel Woodriff and it is necessary in erecting the said bridge that a portion containing seventy-eight feet in length from east to west and eighty feet in breadth from north to south of the said eastern bank should be occupied by the eastern abutments of the same And whereas the public will be greatly benefited by the facility afforded by a bridge at the said spot and it is therefore expedient to authorize the erection of such part of the bridge as may be required to be on the said eastern bank upon payment of reasonable compensation to the present proprietor thereof for the land to be occupied thereby Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That John Tindale James Ryan John Perry George Thomas Clarke John Mac Henry Alfred Cox Robert Fitzgerald Archibald Bell Cox Jeremiah Grant Edward Flood Edward King Cox John Lakeman Mortimer Andrew Kerr Henry Hall Henry Wilson Henry Whyte John Wallis Thomas Boulton Perry and all and every other person and corporation who shall hereafter become subscribers to the said undertaking and their several and respective successors executors administrators and assigns shall be and are united into a company for making building completing and maintaining a substantial bridge of a width not to be less than twenty-six feet at the spot on the river bank in the borough of Penrith where the road diverges at a right angle to descend to the present ferry to continue the line of the Great Western Road in the county of Cumberland on the east side of the River Nepean straight to the line of the Bathurst or Great Western Road on the opposite or west side of the same in the county of Cook and for that purpose shall be one body corporate by the name and style of the Penrith Nepean Bridge Company and by that

Proprietors incorporated by the name of “The Penrith Nepean Bridge Company.”

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that name shall have perpetual succession and a common seal and by that name shall and may sue and be sued plead and be impleaded answer and be answered unto defend and be defended in all Courts and places whatsoever and the said company shall from time to time and at all times have full power and authority to constitute make ordain and establish such by-laws regulations and ordinances as may be deemed necessary for the good rule and government of the said company Provided that such by-laws be not inconsistent herewith or with any laws in force in this Colony or repugnant to the laws of England.

Seal.
Power to sue and be sued and to make by-laws.

2. And be it enacted That the capital stock of the company hereby established shall be six thousand pounds sterling and shall be divided into twelve hundred shares of five pounds each and such shares shall be numbered beginning with number one and so on in regular arithmetical progression ascending whereof the common excess or difference shall always be one and every such share shall always be distinguished by the number to be applied to the same and the said shares shall be and are hereby vested in the persons hereinbefore named and in such other persons as shall take shares in the said company and their successors and their several and respective executors administrators and assigns and upon taking any share every subscriber shall pay to the manager or other proper officer of the said company the sum of two shillings and sixpence sterling for ever share which shall be so taken and shall pay the remaining amount of every such share to such person or persons and in such parts or proportions as the directors of the said company shall deem necessary and from time to time call for and require Provided always that no such call shall exceed the sum of ten shillings for or in respect of any one share and that no call or calls be made but at the distance of two months at the least from another and that notice of every such call shall be given in the *New South Wales Government Gazette* and in one or more of the newspapers published in the city of Sydney thirty days at the least before the day appointed for the payment of the same and on the demand of the holder of any share the company shall cause a certificate under the seal of the said company of the proprietorship of such share to be delivered to such shareholder and the same shall be according to the form in Schedule A to this Act annexed or to the like effect and that the said shares shall be and be deemed personal estate and transferable and transmissible accordingly and that every such share shall entitle the holder thereof to a proportionate part of the profit and dividends of the said Company.

Capital divided into twelve hundred shares of five pounds each.

Periods for calls and amount of payment.

Share to be personal estate.

3. And be it enacted That the said company shall as soon as the same can be done cause the names additions and addresses of the several proprietors of shares in the capital stock of the said company together with the number of shares to which they shall be respectively entitled and also the proper number by which every such share shall be distinguished and the amount of the subscriptions paid thereon to be fairly and distinctly entered in a register book to be kept in the office of the said company for that purpose and to be called "The Register of Shareholders" to the end that each proprietor for the time being and his interest in the company may be known and that when and so often as any change of ownership in such shares shall take place by transfer or otherwise such change of ownership shall be duly entered in the said book.

Register of shareholders to be kept.

4. And be it enacted That it shall be lawful for the proprietor of any share in the said undertaking and his executors or administrators to sell and dispose of any share to which he shall be entitled therein subject to the provisions herein contained and the form of conveyance of shares may be in the following words or to the like effect

Shares may be sold.

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8. And be it enacted That the several persons who have subscribed or who shall hereafter subscribe any money towards the said undertaking or their legal representatives respectively shall pay the sums respectively so subscribed or such portions thereof as shall from time to time be called for by the directors of the said company at such times and places as shall be appointed by the said directors and with respect to the provisions in this Act contained for enforcing the payment of calls the word "shareholder" shall extend to and include the personal representatives of such shareholder.

Subscribers to the stock or their representatives to pay as appointed by the directors.

Term "shareholder" includes representatives.

9. And be it enacted That it shall be lawful for the directors of the said company from time to time to make such calls of money upon the several shareholders in respect of the amount of capital subscribed or owing by them respectively as they shall deem necessary provided that thirty days notice at the least be given of each and every such call and that successive calls be not made at less than the prescribed interval of two months as aforesaid and that no call exceed the prescribed amount aforesaid and that every shareholder shall be liable to pay the amount of the calls so made in respect of the shares held by him to the persons and at the times and places from time to time appointed by the said company or the directors thereof.

Power to make calls upon the shareholders and obligation to pay.

10. And be it enacted That if before or on the day appointed for such payment any shareholder shall not pay the amount of any call to which he is liable every such shareholder shall be liable to pay interest for the same at the rate of seven pounds per centum per annum from the day appointed for the payment thereof to the time of the actual payment.

Interest to be paid on overdue calls.

11. And be it enacted That it shall be lawful for the said company if they think fit to receive from any of the shareholders who shall be willing to advance the same all or any part of the moneys due upon their respective shares beyond the sums actually called for.

Power to receive advances from shareholders.

12. And be it enacted That if at any time appointed by the said company or the directors thereof for the payment of any call any shareholder shall fail to pay the amount of such call to which he shall be liable it shall be lawful for the said company to sue such shareholder for the amount thereof in any Court of law or equity having competent jurisdiction and to recover the same with interest as aforesaid from the day on which such call was payable.

Power to sue defaulting shareholders.

13. And be it enacted That the production of the register of shareholders required to be kept in the office of the said company shall be *prima facie* evidence of such defendant's being a shareholder and of the number and amount of his shares.

Register of the shareholders to be *prima facie* evidence.

14. And be it enacted That if any shareholder shall fail to pay any call payable by him together with interest if any shall have accrued due thereon the directors of the said company at any time after the expiration of two months from the day appointed for payment of such call may if they shall think fit declare the share in respect of which such default shall have been made forfeited and that whether the said company shall have sued for the amount of such call or not.

Shares in arrear may be declared forfeited.

15. And be it enacted That before declaring any share forfeited the directors of the said company shall cause notice of their intention to declare such share to be forfeited to be left at or transmitted by post to the usual or last known place of abode of the person appearing by the register of shareholders required to be kept in the office of the said company to be the proprietor of such share and if the holder of any such share shall be beyond the limits of this Colony or if his or their usual or last place of abode be not known to the said directors or if the interest in any share shall be known to the said directors to have become transmitted otherwise than by transfer and so the address

Twenty-one days notice to be given of intention to declare share forfeited.

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of the party to whom the said share may for the time being belong shall not be known to the said directors the said directors shall give public notice of such intention in the *New South Wales Government Gazette* and also in one or more of the newspapers published in the city of Sydney and the several notices aforesaid shall be given twenty-one days at least before the said directors shall make such declaration of forfeiture.

Forfeited shares may be sold.

16. And be it enacted That after such forfeiture as aforesaid it shall be lawful for the said directors to sell the forfeited share or shares either by public auction or private contract and if there be more than one forfeited share then either separately or together as to them shall seem fit and any shareholder may purchase any forfeited share so sold as aforesaid and the receipt of the officer of the said company authorized by the directors to receive payment of the price of such share shall constitute a good title to such share and a certificate of proprietorship shall be delivered to such purchaser and thereupon he shall be deemed the holder of such share discharged from all calls made prior to such purchase and he shall not be bound to see to the application of the purchase money nor shall his title to such share be affected by an irregularity in the proceedings in reference to such sale.

Evidence of proprietorship in purchaser of forfeited shares.

No more shares to be sold than are sufficient to pay off arrears and expenses.

17. And be it enacted That the said company shall not sell or transfer more of the shares of any such defaulter than shall be sufficient as nearly as can be ascertained at the time of such sale to pay the arrears then due from such defaulter on account of any calls together with the interest payable in respect thereof and the expense attending such sale and declaration of forfeiture and if the money produced by the sale of any such forfeited share be more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale and the expenses attending the declaration of forfeiture and sale thereof with the proof thereof and the certificate of proprietorship to the purchaser the surplus shall on demand be paid to the defaulter.

On payment of arrears before sale shares to revert to the party.

18. And be it enacted That if payment of such arrears of call and interest and expenses be made before any shares so forfeited and vested in the said company shall have been sold as aforesaid such share shall revert to the party to whom the same belonged before such forfeiture in such manner as if such call had been duly paid.

On payment of £3,000 company authorized to commence work.

19. And be it enacted That so soon as the capital stock of the said company shall have been actually subscribed for and the sum of three thousand pounds paid up and not before it shall be lawful for the said company and they are hereby authorized and empowered by themselves their agents deputies officers and workmen to construct and build or cause to be constructed built and completed a good substantial bridge not less than twenty-six feet wide over the River Nepean from the spot where the road diverges at a right angle to descend to the present ferry on the eastern bank of the said river in a direct line across to the western bank continuing thereby the Great Western Road in a straight line to Emu Plains in the county of Cook and to dig and make proper foundations in the said river or on the banks thereof and to cut remove and carry away all roots of trees beds of gravel sand mud or other impediment whatsoever which may in any way interrupt or hinder the erecting or completing the said bridge and generally to do and execute all and every other act matter and thing required and necessary convenient or useful for erecting building preserving protecting and repairing the said bridge and the course or channel of the said river and making such proper embankments ways and approaches thereto as may be required according to the true intent and meaning of this Act.

Power to company to construct a bridge on land described in

20. And be it enacted That it shall be lawful for the said company their agents deputies officers and workmen to make construct and

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and build whatever portion of the said bridge or the road to or over the same shall require to be on the land and within the lines described in the Schedule hereto annexed marked B the property of one Daniel James Woodriff but so that the said road and part of the bridge shall not occupy in any part thereof a greater space in breadth than eighty feet including the abutments supports and foundations thereof Provided always that the said bridge shall be constructed and brought into use within the term of three years from the passing of this Act.

Schedule B the property of Daniel James Woodriff.

21. And be it enacted That the ground and soil of the said portion of land so required for the purposes of the said bridge and contained within the lines so set out in the Schedule aforesaid together with such right of ingress upon the adjacent land as shall be necessary for the erecting constructing and building the said bridge and for the repair thereof shall be vested by virtue of this Act and without the necessity of any deed of conveyance of the land in the said company for the purpose of the said bridge and roadway for their use and the use of their servants agents deputies and workmen subject to the provisoes hereinbefore contained.

Site of such portion of land to be vested in the company without conveyance.

22. Provided nevertheless and be it enacted That the said company shall pay to the said Daniel James Woodriff at the rate of twenty pounds per acre for such land of the said Daniel James Woodriff as the said bridge and roadway including the supports embankments abutments and foundations thereof shall occupy but in case the said Daniel James Woodriff shall deem the said price or compensation insufficient it shall be lawful for him within the space of twenty-four calendar months from the passing of this Act to apply to His Excellency the Governor to appoint and he shall thereupon appoint accordingly Commissioners to inquire into and assess the same in like manner as is enacted and directed in the case of a road through private property proclaimed by the Government under and by virtue of an Act of the Governor and Legislative Council passed in the fourth year of the reign of His late Majesty King William the Fourth intituled "*An Act for making altering and improving the Roads throughout the Colony of New South Wales and for opening and improving the Streets in the Towns thereof*" and for the purpose of such assessment the said Commissioners or any two of them shall have and possess all the powers vested in them or any two of them by the said Act and the like duties powers and regulations shall attach and apply to the parties jurors witnesses and others occupied and concerned in relation thereto and in case the price assessed on such inquiry be in excess of the sum awarded by this Act such excess shall in addition to the price awarded by this Act be paid by the said company accordingly together with the costs of the inquiry but if the price awarded upon the said inquiry shall not exceed the sum awarded by this Act the costs of the inquiry shall be paid by the parties demanding the same the amount of which costs shall be assessed and the person or persons by and to whom the same shall be paid shall be ascertained by the said Commissioners and may be recovered by action of debt if not paid on demand pursuant to such order.

Compensation to be paid to Daniel James Woodriff at £20 per acre.

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23. Provided also and be it enacted That the said company shall make and complete and from time to time keep in repair a good and substantial two-railed fence at a distance of one rod upon each side of so much of the said bridge or roadway as shall pass on the land of the said Daniel James Woodriff dividing the same from the land adjacent and if any damage shall be committed to or upon such adjacent land in the building erecting constructing or repairing the said bridge by the said company they shall forthwith make good the same and if the said company shall make default in erecting or keeping repaired the said fence the said Daniel James Woodriff his heirs

Fence to be made and kept in repair by company on each side of bridge.

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notice three or more of the said shareholders are hereby authorized to give and there shall be held in each and every year after the present year two general meetings of the shareholders to be convened upon the first Wednesday in the months of January and July in each year at the hour of eleven in the forenoon in the said borough or at such other hour or place as the said company at the preceding general meeting shall from time to time direct and appoint of which future general meeting not less than fifteen days notice shall be given by such public advertisements as hereinbefore mentioned or in such other manner as the said company at their respective general meeting shall direct and at such first general meeting the shareholders then present shall by themselves or their proxies proceed to elect by the majority of votes of shareholders at the time possessed of not less than four shares each seven persons out of such shareholders as at the time of such election shall respectively be possessed in their own right of not less than thirty shares each in the said company to be directors to manage and conduct the affairs of the said company and the directors so chosen shall choose out of their number one who shall be the chairman of the said company Provided always that the omission to meet as hereinbefore required shall work no forfeiture but the shareholders may be afterwards called together by the directors of the said company for the time being.

Omission to meet not to work a forfeiture.

28. And be it enacted That at each general meeting which shall be held in the month of July in each year two directors shall retire from office such retirement to be decided by lot until all the first set of directors in office at the first general meeting shall have so retired and then in each succeeding year the directors who shall have been longest in office shall retire and so on from time to time during the continuance of the said company and at every such general meeting in the month of July in each and every year the shareholders then present by themselves or their proxies shall elect two new directors in the place of the directors who shall have so retired in the manner hereinbefore provided for the election of the first set of directors Provided always that every director who shall by rotation or otherwise go out of office on any general day of election shall be eligible to be immediately re-elected a director of the said company and any director who shall at any time be re-elected shall be deemed to have been in office only from the time of such re-election and that all the first set of directors shall have so retired before any new or re-elected director shall retire.

Retirement of directors.

Directors retiring may be immediately re-elected.

29. And be it enacted That in case any general meeting of the company at which a new director ought to have been chosen shall have been adjourned from any cause whatever and a new director shall not have been chosen at such meeting then and in every such case the directors in office for the time being shall continue and have full power to act until a new director shall be duly chosen.

Director to continue till new one elected.

30. And be it enacted That every vacancy in the office of director occasioned by death resignation disqualification or removal or by any other means than by going out of office by rotation as aforesaid shall be filled up by the election of a new director at a special general meeting of the shareholders to be convened by the board of directors for that purpose within two calendar months next after such vacancy shall occur and every shareholder who shall be elected to supply any vacancy in the office of director occasioned by the death resignation disqualification or removal of any director as aforesaid shall continue in office so long only as the person in whose place or stead he may be elected would have been entitled to continue in office if such death resignation disqualification or removal had not happened.

Vacancy in office of director to be filled up within two months.

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No person concerned in contracts under company shall be capable of being a director.

31. Provided always and be it enacted That no person being concerned or interested in any contract under the said company shall be capable of being a director of the said company and no director shall be capable of being interested in any contract with the company during the time he shall be a director.

Directors to appoint officers.

32. And be it enacted That the said directors shall have the power of nominating appointing and discharging all and every the officers and persons connected with the said company at such salaries or rates of remuneration as to the said directors shall seem proper and shall have the management and superintendence of the affairs of the said company and they may lawfully exercise all the powers of the said company except as to such matters as are directed by this Act to be transacted by a general meeting of the company but the exercise of all such powers shall be subject to the by-laws rules and regulations of the said company and the shareholders shall have power from time to time to alter and amend or to make such rules by-laws and regulations for the good government of the said company and of such bridge works and property hereinbefore mentioned and for the due collection of the tolls to be hereinafter reserved and for the well governing the workmen and other persons employed by the said company and for regulating the securities to be required from the officers and persons who shall be entrusted with the moneys of the said company as to the major part of the shareholders shall seem meet which said rules by-laws and regulations being put into writing under the common seal of the said company shall be published in the *New South Wales Government Gazette* and also in one or more of the newspapers published in the city of Sydney and shall be binding upon and observed by all parties and shall be sufficient in any Court of law to justify all persons who shall act under the same.

Call of extraordinary meeting of the company.

33. And be it enacted That it shall be lawful for not less than five shareholders holding in the aggregate two hundred shares by writing under their hands at any time to require the said directors to call an extraordinary meeting of the said company and such requisition shall fully express the object of the meeting required to be called and shall be left at the office of the said company and forthwith upon the receipt of such requisition the directors shall convene a meeting of the shareholders and if after fifteen days after such notice the directors shall fail to call such meeting the shareholders aforesaid qualified as aforesaid may call such meeting by giving thirty days public notice thereof in the *New South Wales Government Gazette* and in one of the newspapers published in the city of Sydney.

Fifteen days notice of all meetings of company.

34. And be it enacted That fifteen days notice at the least of all meetings whether general or extraordinary shall be given by advertisement in one of the newspapers published in the city of Sydney which notice shall specify the place day and hour of meeting and every notice of an extraordinary meeting shall specify the purpose for which such meeting is called.

Tolls granted to the company.

35. And in consideration of the great charges and expenses which the said company must necessarily incur in erecting building completing and sustaining in good repair the said bridge and the road over the same Be it enacted That upon the proper completion thereof within three years from the passing of this Act and provided the same be kept in proper repair by the said company it shall be lawful for the said company their servants agents or tenants during the residue of the term of thirty-three years hereinafter specified for the continuance of this Act to ask demand recover and receive at a toll-bar or gate to be erected on or at the said bridge the tolls to be hereafter determined by the directors of the said company provided such tolls shall in no case exceed the tolls specified in the third Schedule marked

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marked C annexed to this Act and no higher tolls shall be charged demanded or received than such as are specified in the said Schedule for each and every person animal cart carriage dray wagon and other vehicle which shall pass over such bridge.

36. And be it enacted That it shall be lawful for the said company to erect or cause to be erected a toll-bar or gate at upon or near to such part of the said bridge as to the said company shall seem expedient and to collect and receive the aforesaid tolls thereat or to nominate and appoint some fit and proper person to attend the said toll-bar or gate to collect and receive the tolls thereat Provided that at the expiration of this Act the said bridge toll-house land premises and appurtenances shall be and from thenceforth be deemed to be public property and vested in the Crown accordingly.

Liberty to erect toll-bar and appoint collectors.

37. And be it enacted That toll shall not be demandable or taken by virtue of this Act for 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 any horse beast carriage or other vehicle conveying any clergyman in the discharge of his duty or any other person or persons going to or returning from the proper church chapel or other place of worship of the person or persons riding or driving the same nor for any clergyman or minister or other person or persons going to or returning from his her or their proper place of worship on Sunday Christmas Day or Good Friday nor for or in respect of any horse beast carriage or other vehicle carrying the Post Office mails nor from any of Her Majesty's officers and soldiers being in proper staff regimental or military uniform dress or undress nor from any policeman or constable carrying his staff of office or in his proper dress in respect of themselves or their horses nor for any carriages or horses belonging to Her Majesty or employed in her service when conveying persons baggage arms or ammunition or returning therefrom nor for any person or persons horse beast carriage or other vehicle employed in the repairs of the public roads or bridges whilst engaged in carrying on such repairs or drawing materials for the same.

Exemption of Governor and servants clergymen mails military police and persons employed on the roads from payment of tolls.

38. And be it enacted That it shall and may be lawful for the said company to demise and to farm let the tolls demandable under and by virtue of this Act at or upon the said bridge and the lessee or lessees shall have the same powers of demanding collecting and taking the said tolls as are hereby given to the said company.

Tolls may be let.

39. And be it enacted That the said lessee or lessees during such time as the said tolls shall be so leased to them as aforesaid shall and may nominate and appoint such other person or persons as he she or they may think necessary to collect demand and take the 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 company and such lessee or lessees might or could do under and by virtue of this Act.

Lessee may appoint collectors.

40. And be it enacted That in case the tolls demandable at or upon the said bridge shall be demised by the said company 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 ten 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 manner become void or have expired and the lessee or lessees neglect or refuse to deliver up possession to the said company it shall and may be lawful for any Justice of the Peace upon complaint made upon oath by or on behalf of the directors of the said company by warrant under his hand and seal

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

seal

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seal to order a constable or other peace officer with such assistance as may be necessary to enter upon and take possession of the said bridge and the toll-house at or thereon and all appurtenances thereto belonging and to remove and 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 thereof and the lease contract or agreement for the same shall thenceforth cease and be utterly void to all intents and purposes except as to the 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-house may be given let or demised to any other person or persons and may in the meantime be collected by the said company their servants or agents in that behalf.

Table of tolls to be affixed to toll-house together with name of collector.

41. And be it enacted That the said company 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 at or upon the toll-house at or on the said bridge a table in distinct legible black letters on a board with a white ground containing at the top thereof the name of the bridge and also a list of the tolls payable at the said bridge 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 that the said company 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 of the said tolls 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 company 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 collector or keeper of such tolls for the time being to be put up as aforesaid or if the collector or keeper of such tolls be not 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 or take a greater toll from any person than he is hereby 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 to tell his christian and surnames to any person or persons who on paying the said toll shall demand to know the same 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 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 and applied as hereinafter mentioned.

Persons refusing to pay may be prevented passing.

42. And be it enacted That if any person liable to the payment of any 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 the person having right or authority at the time to collect the same to prevent such person or persons from passing through the said toll-gate and to shut close and fasten the same and to keep and continue the same closed and fastened until the said toll be paid.

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43. And be it enacted That all cattle horses sheep and other beasts for which toll is demandable and payable under this Act shall be counted by the lessee or collector of tolls or keeper of the said gate under this Act before such cattle horses sheep or other beasts shall pass over the said bridge.

Cattle horses or sheep to be counted by lessee or collector before passing.

44. And be it enacted That 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 at or upon the said bridge or shall drive or cause to be driven any cattle horse sheep or other beast for which toll shall be payable through the said toll-gate without paying the legal toll to which he or they is or are liable every such person shall for every such offence forfeit and pay a sum not exceeding five pounds to be recovered and applied as hereinafter mentioned.

Penalty on passing bridge without paying toll.

45. And be it enacted That if any lessee or collector of tolls under this Act or any keeper of a gate on the said bridge shall upon the legal toll being tendered or paid unnecessarily or for any unreasonable time detain or wilfully obstruct hinder or delay any passenger or passengers or his or their horses beasts carriages carts and other vehicles from passing over the said bridge or if any such lessee or collector of tolls or keeper of any gate on the said bridge 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 the said bridge shall forfeit and pay for every such offence any sum not exceeding five pounds to be recovered and applied as hereinafter directed.

If lessee or collector detain or obstruct passengers or be insolent to be fined.

46. And be it enacted That if any person or persons shall unlawfully and maliciously pull down or in any way destroy or do any injury to the said bridge with intent and so as thereby to render such bridge or any part thereof dangerous or impassable every such offender shall be deemed guilty of felony and being convicted thereof in any Court of competent jurisdiction shall be liable to be kept to hard labour on the roads or other public works of the Colony for such term as the said Court shall think fit.

Persons destroying or injuring bridge to be deemed guilty of felony.

47. And be it enacted That if any person or persons whatsoever shall wilfully or maliciously injure pull or cut down pluck up throw down break level or otherwise damage demolish or destroy any toll-gate chain post rail bar wall or other fence or fences lamp or lamps belonging to the toll-gate at or upon the said bridge or table of tolls put up thereat or any part of the said bridge then and in each and every such case the person so offending shall forfeit and pay for every such offence a sum not exceeding ten pounds over and above the damage occasioned thereby to be recovered and applied as hereinafter mentioned.

Penalty for injuring or destroying toll-gate or any part of the said bridge.

48. And be it enacted That 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 (except in cases of felony hereinbefore mentioned) and for that purpose to summon before him or them any party or parties accused of being an offender or offenders against the same and in case the party accused shall not appear on such summons or offer 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 which oath every such Justice is hereby authorized to administer and after hearing the parties who shall appear and the witnesses offered on

Justice of the Peace to hear and determine offences.

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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 conviction be not duly paid forthwith then every such Justice or Justices shall on the 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 as aforesaid after the expiration of three months from the time when any such offence or offences shall have been committed.

Application of penalties recovered.

49. And be it enacted That one moiety of all penalties or sums of money recovered under this Act shall be paid to the informer and the other moiety to Her Majesty Her Heirs and Successors for the public uses of the Colony and for the support of the Government thereof.

Conviction not to be quashed for want of form or removable by *certiorari*.

50. And be it enacted That no summary conviction under this Act shall be quashed for want of form or be removed or removable by writ of *certiorari* or otherwise into the Supreme Court and no warrant or commitment shall be held void by reason of any defect therein provided that it be therein alleged that the party has been convicted and that there be a good and valid conviction to sustain the same.

Half-yearly dividends of profits to be made.

51. And be it enacted That the directors of the said company shall at each of the half-yearly general meetings make dividends of the surplus tolls and profits arising to the said company after deducting therefrom the costs charges and expenses of the said company as well as of the repairs of the said bridge toll-gate or toll-house belonging to them as for the salaries and allowances of the several officers and agents and for such other purposes connected with the said company as may be deemed proper by the said directors consistent with the by-laws rules and regulations of the said company.

Receipts of guardians of minors &c. to be good discharges.

52. And be it enacted That if any money be payable from the said company to any shareholder or other person being a minor idiot or lunatic the receipt of the guardian of such minor or the receipt of the committee of such idiot or lunatic shall be a sufficient discharge to the said company.

Portion of profits may be reserved before declaring dividends.

53. And be it enacted That before apportioning the profits to be divided among the shareholders the said directors may if they think fit set aside therefrom such sum as they may think proper to meet contingencies or for improving or repairing the said bridge toll-gate or anything connected therewith and may divide the balance only among the shareholders.

No dividend to be paid on shares in arrear.

54. And be it enacted That no dividend shall be paid in respect of any share until all calls then due in respect of such and every other share held by the person to whom such dividend may be payable shall have been paid.

Execution against shareholders to the extent of their unpaid shares.

55. And be it enacted That if any execution either at law or in equity shall have been issued against the property or effects of the said company and if there cannot be found sufficient 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 company not then paid up Provided always that no such execution shall issue against any shareholder except upon the order of any Court in which the action suit or other proceeding shall have been brought or instituted made upon motion in open Court after sufficient notice in writing 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

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of capital remaining to be paid up on their respective shares it shall be lawful to any person entitled to any such execution at all reasonable times to inspect the register of shareholders required to be kept in the office of the said company as aforesaid without fee. Provided further that nothing herein contained shall extend to charge or make liable any shareholder of the said company or his real or personal estate with or for any debt or demand whatever due or to become due from or by the said company or in anywise relating to the said undertaking for any of the matters or things authorized in this Act to be made done or completed beyond the extent of his shares in the capital of the said company not then paid up any law custom or usage to the contrary thereof in anywise notwithstanding.

Shareholders not liable beyond the amount of their unpaid shares.

56. And be it enacted That 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 company.

Shareholders to be reimbursed amounts paid beyond calls due.

57. And be it enacted That it shall be lawful for the said company by order of any general meeting of the said company to raise any further sum or sums of money not exceeding altogether nine thousand pounds in addition to the said capital of six thousand pounds for erecting building completing and maintaining the bridge toll-gate and toll-house hereby authorized and the said company are hereby authorized and empowered to raise any such further sum or sums by contribution amongst themselves or by the admission of other persons as subscribers to the said company and by issuing new shares of five pounds each to such contributors or subscribers but so that each such contributor or subscriber shall not pay a less price than five pounds for each new share and that all such new shares shall be and be deemed personal estate and be transmissible accordingly and every person who shall contribute and pay up on or in respect of such new shares or who may become entitled thereto and their several and respective successors executors administrators and assigns shall be and are hereby declared to be owners or proprietors of shares in the said company and shall become united to and incorporated with the said company.

Power to raise a further capital of £9,000.

58. And be it enacted That all the money to be raised by the said company by virtue of this Act shall be laid out and applied in the first place for and towards the payment discharge and satisfaction of all costs charges and expenses incurred in applying for obtaining and passing this Act and of all other expenses preparatory or relating thereto and all the residue and remainder of such money shall be applied in and towards the erecting building completing and maintaining the said bridge toll-gate and house at near or on the same and other the purposes of this Act.

Application of money to be raised.

59. And be it enacted That the chairman of the said company shall within thirty days from and after the first day of January in each and every year or as soon thereafter as may be practicable cause a true and correct list of the names of all the persons who shall be then existing proprietors or shareholders of the said company with their respective places of abode and descriptions verified by a declaration to be made by such chairman in pursuance of the Act of the Governor and Legislative Council 9 Victoria No. 9 to be recorded in the office of the Registrar General of the said Colony and the same shall be open for inspection at all reasonable times by any person requiring the same on the payment of a fee of one shilling for each such inspection and if any such chairman shall omit or neglect to cause such list to be recorded in manner aforesaid or shall wilfully falsify any such list he shall be subject and liable to a penalty of fifty pounds to be recovered by an action of debt in the Supreme Court or any other Court of competent jurisdiction of the said Colony or its dependencies by any person who shall

Names of proprietors to be recorded yearly.

Penalty for neglect.

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shall sue for the same Provided that such action be commenced within two years from the time the offence shall be alleged to have been committed.

Persons whose names are recorded to be deemed proprietors.

60. And be it enacted That every person whose name shall be so recorded as aforesaid shall be thereby considered taken and held *prima facie* to be a proprietor or shareholder of the said company and shall be liable as such until a new list of the names of the proprietors or shareholders of the said company shall be recorded as aforesaid or until he shall have retired from and given notice in the *New South Wales Government Gazette* of his retirement from the said company Provided however that nothing herein contained shall be deemed to absolve any person from liability on account of any debts incurred by the said company during the time such person remained a proprietor or member of the same or to render any individual proprietor or member of the said company liable for any debts incurred by the said company except so far as he may be liable under the provisions of this Act.

The Government to have the right of purchasing the bridge and its appurtenances at a fixed price.

61. And be it enacted That 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 bridge to purchase the same with all its 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 bridge and its appurtenances 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 bridge 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 bridge 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 the said premium shall be estimated Provided also that at any time during the continuance of the said term of thirty-three 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 bridge and its 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 bridge in repair under this Act shall cease and determine.

Proviso that a verified account of the costs of the bridge be filed in the office of the Colonial Secretary.

Company may sell at any time during the term of thirty-three years.

Power to dissolve the corporation after thirty-three years.

62. And be it enacted That at any time after the expiration of thirty-three years from the passing of this Act it shall be lawful for the Governor for the time being of the said Colony with the advice of the Executive Council thereof by advertisement in the *Government Gazette* of the said Colony to dissolve and determine the said corporation and thereupon the said corporation of the Penrith Nepean Bridge Company shall *ipso facto* be dissolved and cease.

Duration of Act.

63. And be it enacted That this Act shall continue and be in force thirty-three years Provided that unless the said bridge shall be properly built and perfected within three years after the passing of this Act this Act shall thereupon cease to be in force and the said company be *ipso facto* dissolved.

Rights of the Crown not affected.

64. And be it enacted That nothing in this Act contained shall be deemed to affect or apply to any right title or interest of Her Majesty

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Majesty Her Heirs and Successors or of any body or bodies politic or corporate or of any other person or persons excepting such as are mentioned herein or of those claiming by or under him or them.

65. And be it enacted That this Act shall be deemed and taken ^{This Act to be deemed} to be a public Act and shall be judicially taken notice of as such by ^{a public Act.} all Judges Justices and others without being specially pleaded.

SCHEDULE A.

FORM OF CERTIFICATE OF SHARE.

No.

PENRITH NEPEAN BRIDGE COMPANY.

THIS is to certify that A. B. of _____ is the proprietor of the _____ share (or shares) numbered _____ of the Penrith Nepean Bridge Company subject to the regulations of the said company Given under the common seal of the company the _____ day of _____ in the year of our Lord one thousand eight hundred and _____ .

SCHEDULE B.

WOODRIF'S LAND.

ALL that parcel of land situated on the bank of the Nepean River in the borough of Penrith and county of Cumberland bounded on the east by the roadway of the Western Road on the north and south by westerly continuations of the north and south boundaries of the Western Road and on the west by the Nepean River and comprising by admeasurement 22 $\frac{1}{8}$ perches more or less.

SCHEDULE C.

TABLE OF TOLLS.

	s.	d.
For every person crossing the bridge in any manner	0	1
„ horse mare gelding ass or mule drawing or not drawing	0	4
„ ox or head of neat cattle drawing	0	2
„ „ in a drove	0	1
„ sheep lamb pig or goat	0	0 $\frac{1}{4}$
„ carriage on springs with two wheels	0	6
„ carriage on springs with four wheels	1	0
„ vehicle with two wheels without springs	0	4
„ vehicle with four wheels without springs	0	8

No double toll to be charged on Sunday nor shall the above tolls be demandable more than once a day.