



ANNO TERTIO

## VICTORIÆ REGINÆ,

No. 7.

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

*AN ACT for making and maintaining a Bridge over the South Esk River at Norfolk Plains.*

## PREAMBLE.

WHEREAS in or about the month of June one thousand eight hundred and thirty-five the several persons whose names are hereinafter mentioned considering that the making and maintaining of a Bridge for the passage of Her Majesty's subjects and also for the passage of cattle carts and carriages over the South Esk River at Norfolk Plains would be a great convenience to themselves and of great public utility by facilitating the conveyance of stock agricultural produce and other commodities from the parish of Longford and the places adjacent to the town and port of Launceston and also the conveyance of merchandise from the town and port of Launceston and would materially assist the agricultural and commercial interest as well as the general traffic of that part of the Island and tend to the improvement of the estates and property in the vicinity of such Bridge did agree to subscribe and did subscribe certain monies for the erection thereof according to certain plans and specifications communicated by them to the then Lieutenant-Governor of this Colony—AND WHEREAS the said plans and specifications were approved of by the said Lieutenant-Governor and previously to the erection of the said Bridge the said several parties applied to the said Lieutenant-Governor for permission to levy tolls on the said Bridge when the same should be erected for the purpose of repaying them their outlay thereon with interest at the rate of ten per

centum per annum and the said Lieutenant-Governor upon such application intimated to the said parties his approval thereof—AND WHEREAS the said Bridge has been erected and is now nearly completed across the South Esk River aforesaid between the parishes of Longford and Perth and the said parties are desirous and willing to complete and maintain the same on the terms herein-before mentioned but the same cannot be effected without the aid and authority of the Legislative Council—BE IT THEREFORE ENACTED by His Excellency SIR JOHN FRANKLIN Knight Commander of the Royal Hanoverian Guelphic Order Knight of the Greek Order of the Redeemer a Captain in Her Majesty's Royal Navy and Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council as follows (that is to say) that Thomas Archer Esquire William Archer Esquire John Anderson Brown builder James Corbett ironmonger Michael Connolly merchant Rowland Robert Davies clerk William Gore Elliston gentleman Thomas Fletcher gentleman Lewis William Gilles Esquire Samuel Cox yeoman Joseph Cox yeoman William Young gentleman Alexander Garcia carrier Alfred William Horne Esquire Joseph Heazlewood yeoman Frederick James Houghton shopkeeper James Hortle gentleman James Keane yeoman William Mason of Norfolk Plains yeoman John Charles Nicholson gentleman William Paton surgeon James Parsons overseer Thomas Tucker Parker gentleman Henry Reed merchant Charles Reid merchant Thomas Reibey Esquire Joseph Solomon and Judah Solomon merchants Alexander Suter baker William Saltmarsh yeoman James Saltmarsh yeoman George Briscoe Skardon Esquire James Denton Toosey gentleman William Pritchard Weston Esquire Abraham Walker Esquire Felix Wakefield surveyor Thomas Williams merchant and Richard White gentleman and the executors or administrators respectively of William Field gentleman deceased and of James Houghton gentleman deceased and of Thomas Marryatt gentleman deceased and the several and respective executors administrators and assigns of the said several parties shall be and are hereby united into a company for completing and maintaining the said Bridge by this Act authorised to be executed according to the rules orders and directions hereinafter mentioned and specified and the said company of proprietors shall be and are hereby authorised and empowered by themselves their deputies agents officers workmen and servants to make good complete and maintain the said Bridge from the parish of Longford aforesaid over the said river to the parish of Perth aforesaid and for that purpose to make and complete such works and conveniences when and in such man-

Proprietors formed into a company.

Their power to erect and complete Bridge.

ner as the said company of proprietors shall think necessary and convenient for the purposes of the said undertaking and also from time to time to alter repair and amend the same and this Act shall be sufficient to indemnify the said company of proprietors and their deputies servants agents and workmen and all other persons whomsoever for what they or any of them shall do by virtue of the powers hereby granted subject nevertheless to such provisions and restrictions as are hereinafter mentioned and contained.

The money raised to be divided into shares which shall be numbered in progression.

II. AND BE IT FURTHER ENACTED that the sums of money already subscribed for by the said company of proprietors for making and completing the said Bridge and other works and conveniences belonging or requisite thereto shall be divided into shares of ten pounds each and such shares shall be numbered in regular progression 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 several persons so raising and contributing to the same and their several and respective executors administrators and assigns to their and every of their proper use and benefit proportionably to the sum they have severally raised and contributed or shall severally raise and contribute.

Names of proprietors and the numbers of their shares to be entered in a book.

III. AND (for the better securing to the several proprietors their respective shares therein) BE IT FURTHER ENACTED that the said company or their committee of management shall as soon as the same can be done cause the names and additions of the several persons who are or shall be entitled to any share in the said undertaking and the number of shares to which they are or shall be respectively entitled and also the proper number by which every such share shall be distinguished to be fairly entered in a register book to be kept by the clerk to the said company which said book shall from time to time be altered and corrected and new books from time to time be prepared as the change of proprietors and transfer of shares shall render necessary or expedient and the said company shall also cause as many certificates or instruments to be prepared as there shall be shares in the said undertaking bearing respectively the same numbers as in the said books such certificates or instruments to be signed by the clerk for the time being and thereupon to cause to be delivered to every subscriber upon demand a certificate specifying the share or shares to which he is entitled in the said undertaking and every such subscriber shall pay to the clerk of the said company ten shillings and no more for every such certificate or instrument.

Certificates for the shares to be delivered to the subscribers.

IV. AND BE IT FURTHER ENACTED that if any of the certificates for or respecting the shares of the said company of proprietors aforesaid shall be worn out or damaged then upon the same being brought and shown at some general meeting of the said company of proprietors such certificate may be cancelled and destroyed and other similar certificates given under the hand of the clerk of the said company to the person in whom the property of such certificates and the shares therein mentioned shall be at that time vested and in case such certificate shall be burnt or totally destroyed then upon due proof thereof a like certificate shall be given to the person who was the owner of or entitled to such certificate so burnt or destroyed.

For granting new certificates when old ones are destroyed or worn out.

V. AND BE IT FURTHER ENACTED that it shall be lawful for the several proprietors of any shares in the said company their respective executors administrators and assigns to sell and transfer the shares of which they shall be respectively possessed and every such transfer shall or may be made by the owner indorsing his name on the back of the certificate thereof and by delivering the same to the intended transferee or his agent—PROVIDED ALWAYS that such transfer together with the certificate of the share shall forthwith be delivered to or left with the clerk of the said company for the purpose of registering such transfer and no transfer shall be deemed complete until such registry and no such purchaser shall be entitled to vote at any meeting of the said company in respect of such purchased share until the expiration of three calendar months from the period of such registry.

Transfer of shares by indorsement on the certificate.

VI. PROVIDED ALWAYS AND BE IT FURTHER ENACTED that the shares in the said undertaking and in the profits and advantages thereof shall be and be deemed personal estate and as such personal estate shall be transmissible accordingly.

Shares to be deemed personal estate.

VII. AND BE IT FURTHER ENACTED that the several persons who have subscribed any money for or towards making and maintaining the said Bridge and other works hereby authorised to be made and their respective executors and administrators shall and they are hereby required to pay the sum of money by them respectively subscribed at such time and place as shall be directed by the said company of proprietors or their committee in manner hereinafter mentioned and in case any person shall refuse or neglect to pay the same at the time and in the manner required for that purpose it shall be lawful for the

Compelling payment of subscriptions.

said company of proprietors to sue for and recover the same in any court of law or equity.

First meeting of  
company.

VIII. AND BE IT FURTHER ENACTED that the first general meeting of the said company shall be called within three calendar months from the passing of this Act by public advertisement in two of the newspapers published in Launceston signed by three of the shareholders of the said company fourteen days prior to such meeting or in default of such notice shall be held at Longford on the first Monday in the month of November next at noon which meeting may from time to time be adjourned to such time and place or places as the said company shall direct.

Special meetings  
how to be called.

IX. AND BE IT FURTHER ENACTED that it shall be lawful for any three or more of the proprietors of the said company who shall be together holders of ten shares at the least to call a special general meeting of the proprietors at large for the purpose of taking their opinion and determination of any matter or thing relating to the said company by a notice stating the object and the time and place of such meeting to be advertised in two of the newspapers published in Launceston fourteen days prior to such meeting and every such special general meeting shall have power to determine all matters and things not provided for by this Act.

Proceedings to be  
entered in a book.

X. AND BE IT FURTHER ENACTED that all orders and proceedings of the said company with the names of the proprietors present at every meeting shall be entered in a book to be kept by the clerk to the said company for that purpose and be signed by the chairman of the meeting at which such orders or proceedings shall be from time to time made or had and that such book shall be open at all seasonable times to the inspection of any of the proprietors without fee or reward which said book and also the book directed to be kept for registering the said shares and transfers and all entries in such books respectively shall and may be read in evidence in all Courts whatsoever in all cases of appeal and in all prosecutions suits and actions whatsoever.

Subscribers to be  
deemed proprie-  
tors.

XI. AND BE IT FURTHER ENACTED that every of the persons named in the first section of this Act who hath subscribed for a share in the said undertaking and every other person who by virtue of this Act shall become entitled to and be in the actual possession of such a share

the carriages or things so seized and distrained or a sufficient part thereof returning the overplus of the money to arise by such sale (if any) and what shall remain unsold upon demand to the owner thereof after such tolls and the reasonable charges occasioned by such seizure distress and sale shall be deducted.

XV. AND BE IT FURTHER ENACTED that by and out of the funds which shall be received under this Act the said company shall in the first place pay all necessary expenses attending the putting and carrying this Act into execution and in the next place in making maintaining and repairing the said Bridge and works and in paying the necessary salaries of the clerks officers and servants and all other just claims upon the said company and after the payment thereof in paying interest upon all the shares of the said proprietors from time to time remaining due from the time of their advancing the same after the rate of ten per centum per annum and after payment of the said interest then in paying off rateably such portion of the principal monies due and owing to the said shareholders as the sums in hand will from time to time amount to—AND in case the said company shall desire so to do it shall be lawful for them so long as the said company shall consist of not less than five several proprietors on giving fourteen days previous notice thereof by advertisement instead of paying the said sums in discharge of the said principal monies rateably amongst all the proprietors to determine by lot to which of such proprietors the whole or any portion thereof shall be so paid and to pay the same to such proprietor or proprietors only or with the consent of all the proprietors to pay the same to any one or more of the proprietors.

Application of  
tolls.

XVI. AND BE IT FURTHER ENACTED that as soon as the said principal monies due and owing to the said proprietors with interest thereon at the rate of ten per centum per annum as aforesaid shall be paid off and discharged then and in such case the said Bridge shall be thrown open to the public freed and discharged from the payment of toll and from thenceforth the said Bridge and works shall become the property of Her Majesty her heirs and successors and shall be deemed a public highway—PROVIDED that the Lieutenant-Governor shall have power to continue such a rate of toll as to him shall seem fit for the purpose of keeping in repair the said Bridge.

After payment of  
shares the Bridge  
to be thrown open  
to the public.

XVII. AND BE IT FURTHER ENACTED that the said com- Company to put

up a table of the pany shall as soon as they shall cause any tolls to be levied under this Act and they are hereby required to put up and afterwards to be continued at every toll-gate a table painted in distinct and legible black letters on a board with a white ground containing a list of all the tolls payable at such gate distinguishing the several tolls and for what they are to be paid where there shall be any variation therein.

Any justice may settle disputes concerning tolls.

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

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

XIX. AND BE IT FURTHER ENACTED that no toll shall be demanded or taken by virtue of this Act for any persons or for any horses or carriages attending the Lieutenant-Governor or the person administering the Government for the time being or returning therefrom or for any horse or other beast or cattle or for any waggon cart or other carriage going empty to fetch or convey or employed in carrying or conveying or returning empty therefrom having been employed only in carrying or conveying on the same day any stones bricks timber gravel or other materials for making or repairing any public road or highway or for building rebuilding or repairing any present or any future bridge on any such road or highway or for any person bonâ fide engaged therewith or of or from any person going to or returning from his usual place of religious worship tolerated by law on Sundays or on any day on which Divine service is celebrated or going to or returning from school or for any person whatever under the age of ten years passing or repassing once on the same day or for any horses or carriages of whatever description or the drivers or persons engaged with such horses or carriages employed in conveying the mails of letters or expresses under the authority of the Postmaster-general or of the Colonial Government

either when employed in conveying or guarding such mails or expresses or in returning therefrom or for any officers or soldiers or any constables or police or their horses or carriages whilst on their march or on duty or for any horse or other beast or any cart carriage or waggon employed in carrying or conveying or returning empty therefrom having been employed only in carrying or conveying the arms or baggage of any such officers or soldiers or any ordnance or barrack or commissariat or other public stores belonging to Her Majesty or for the use of any public establishment or employed in carrying or conveying or returning empty therefrom having been employed only in carrying or conveying any sick wounded or disabled soldiers and the driver and other persons bonâ fide engaged therewith.

Or for horses or officers or soldiers on duty.

Or for conveying baggage or any such ordnance or public stores.

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

Persons claiming exemption fraudulently to be fined.

XXI. AND BE IT FURTHER ENACTED that every collector of the tolls by this Act authorised to be raised shall cause to be placed in the public view on some conspicuous part of the front of the toll-house at which he shall be stationed and during the whole time that he shall be on duty thereat his christian and surname painted in black on a board with a white ground each of such letters to be at least two inches in length and of a breadth in proportion and shall also place in the front of such toll-house the board hereinbefore directed to be provided by the said company and also the list of the tolls payable at such gate and if any collector shall not place such boards respectively in the manner and during the time aforesaid or shall demand and take a greater or less toll from any person than he shall be authorised to do or shall demand and take a toll from any person who shall be exempt from the payment thereof and who shall claim such exemption or shall refuse to permit any person to read or shall in any wise hinder any person from reading the inscriptions on such boards respectively or shall refuse to tell his christian and surname to any person who shall demand the same on being paid the said tolls or any of them or shall in answer to such demand give a false name or upon the legal toll being paid or tendered shall unnecessarily detain or wilfully obstruct or prevent any passenger

Toll-collectors to put up their names on a board.

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

Collector neglecting to do so or taking a greater or less toll than what is authorised or obstructing passengers to forfeit not exceeding £5.



from passing through any toll-gate or shall make use of any scurrilous or abusive language to any proprietor of the said company or to any traveller or passenger then and in every such case every such toll-collector shall forfeit and pay any sum not exceeding five pounds for every such offence.

Persons resisting the execution of this Act or assaulting collectors to forfeit not exceeding £10.

XXII. AND BE IT FURTHER ENACTED that in case any person shall resist or make forcible opposition against any person employed in the due execution of this Act or shall assault any collector of the tolls in the execution of his office or shall pass through any toll-gate rail or other fence set up or to be set up by authority of the said company without paying the toll appointed to be paid at such gate or other fence or shall hinder or make rescue of cattle or other goods distrained by virtue of this Act every such person offending therein shall for every such offence forfeit any sum not exceeding ten pounds at the discretion of the justice of the peace before whom he shall be convicted.

For securing transient offenders.

XXIII. AND WHEREAS offences may be committed against this Act by persons unknown to the collector or other officer—BE IT THEREFORE FURTHER ENACTED that it shall be lawful for any of the proprietors of the said company or their clerk or their collector or other officers respectively and such other person as he or they shall call to his or their assistance without any warrant or other authority than this Act to seize and detain any unknown person who shall commit any such offence and take him before any justice of the peace and such justice shall and is hereby required to proceed and act with respect to such offender or offenders according to the provisions of this Act.

Power for the company to farm out the tolls.

XXIV. AND BE IT FURTHER ENACTED that it shall and may be lawful for the said company at a public meeting to let to farm the tolls of the gate or gates erected upon or near to the said Bridge.

Contracts and agreements to be valid when signed by the clerk or treasurer.

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

his executors administrators or assigns shall be deemed a proprietor of and shall have a vote for every such share in the stated and special general meetings to be held as herein appointed for carrying on the said undertaking which vote may be given by him or by his proxy constituted under his hand every such proxy being a proprietor of the said company and every such vote by proxy shall be as good and sufficient to all intents and purposes as if such principal had voted in person and every such matter which shall be proposed or considered in any meeting of the said company shall be determined by the majority of votes and proxies then present the appointment of which proxies may be made according to the following form (that is to say)

"I A. B. of one of the proprietors of shares in the Norfolk Plains Bridge Company do hereby nominate constitute and appoint C. D. of to be my proxy in my name and in my absence to vote or give my assent to or dissent from any business matter or thing relating to the said undertaking that shall be mentioned or proposed at any meeting of the company of proprietors of the said undertaking in such manner as the said C. D. shall think proper according to his opinion and judgment for the benefit of the said undertaking or any thing appertaining thereto.

"In witness whereof I have hereunto set my hand the  
day of 18 "

And every election of committees and officers and questions and things whatsoever which shall be proposed or considered in any general or special meeting of the said company to be held by virtue of this Act shall be finally determined by a majority of votes and proxies then present and at every such meeting one of the proprietors then present shall be appointed chairman who shall not only be entitled to vote as a proprietor or proxy but in case of an equality of votes shall have the decisive and casting vote—PROVIDED ALWAYS that no person shall be entitled to vote at any meeting until all sums subscribed for by him shall have been fully paid.

XII. AND (in consideration of the great charge and expense which the said company of proprietors have incurred in making and must sustain in maintaining the said Bridge and other works) BE IT FURTHER ENACTED that until the said Bridge shall be thrown open to the public as hereinafter mentioned it shall be lawful for the said company of proprietors to have the use and occupation of the toll-house already erected near the said Bridge and also to erect and set up

in upon or across the said Bridge and works one or more gates or turn-pikes and 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 company of proprietors for the passage of all cattle carts carriages and passengers and all other things which shall pass over or be carried or conveyed over the said Bridge the rates tolls and duties hereinafter mentioned (that is to say)

For each Person crossing the Bridge One Penny :

For every Horse Mare Gelding Mule Ass Ox Bullock or other beast of draught drawing in any Waggon Cart or Carriage the sum of Sixpence each :

For every Horse Mare Gelding Mule Ass Ox Bullock or other beast laden or unladen and not drawing the sum of Fourpence :

For every Calf Pig Sheep or Lamb the sum of One Halfpenny per head.

Power to reduce tolls.

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

For recovery of tolls.

XIV. AND BE IT FURTHER ENACTED that if any person subject or liable to the payment of any of the tolls under and by virtue of this Act shall after demand thereof made neglect or refuse to pay the same or any part thereof it shall be lawful for the person authorised or appointed to collect such tolls by himself or taking such assistance as he shall think necessary to seize and distrain any horse beast cattle carriage or other thing upon or in respect of which any such toll is imposed together with their respective bridles saddles gears harness or accoutrements (except the bridle or reins of any horse or other beast separate from the horse or beast) or any carriage in respect of the horse or cattle drawing the carriage on which such toll is imposed or any of the goods or chattels carried in any such carriage or by any such horse or other beast and if the toll or any part thereof so neglected or refused to be paid and the reasonable charges of such seizure and distress shall not be paid within the space of four days next after such seizure and distress made the person so seizing and distraining may sell the horse beast cat-

Collector may distrain.

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

XXVI. AND BE IT FURTHER ENACTED that in case any dispute suit or litigation shall arise touching or in any wise relating to the tolls granted by this Act the person appointed to collect the same or any proprietor or other person acting under the authority of the said company shall not be incompetent to give evidence in any such dispute suit or litigation on account of his being interested in the concerns of the said company.

Collectors and others not to be incompetent to give evidence.

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

The property of toll-houses &c. vested in company.

XXVIII. AND BE IT FURTHER ENACTED that from and after the passing of this Act all actions and suits to be commenced instituted or carried on by or on behalf of the said company shall and lawfully may be commenced instituted and prosecuted or carried on in the name of the clerk or treasurer of the said company for the time being as the nominal plaintiff for and on behalf of the said company and that all actions or suits to be commenced or instituted against the said company shall or may be commenced instituted and prosecuted against the said clerk or treasurer as the nominal defendant for and on behalf of the said company and the death resignation or removal or other act of such clerk or treasurer shall not abate any such action or suit—PROVIDED ALWAYS that no action or suit by or against the said company nor any execution or other proceeding in pursuance thereof shall be prevented or hindered by reason of the defendant or plaintiff as the case may be being a partner in the said company.

Company to sue and be sued in the name of the clerk or treasurer.

Partnership not to be pleaded by any shareholder when defendant and vice versa.

XXIX. AND BE IT ENACTED that every judgment decree or order in any action suit or proceeding at law or in equity against any such clerk or treasurer shall have the same effect and operation upon the joint stock and property of the said company and the persons and sepa-

Judgments against clerk or treasurer may be enforced against proprietors.

rate property of every proprietor of the said company as if every such proprietor had been party to such action suit or proceeding and such judgment decree or order had been obtained against him her or them jointly and severally and may be enforced accordingly against either such joint stock and property or against the persons and separate property of every such proprietor.

Act to extend to future proprietors.

XXX. AND BE IT ENACTED that this Act and the powers and provisions herein contained shall at all times extend to the said company and every person who shall be a proprietor thereof for the time being at whatever time he may have become a proprietor of the said company and whether originally a proprietor thereof or not.

Notice &c. served on clerk to be deemed service on company.

XXXI. AND BE IT ALSO ENACTED that the service of any notice writ or other legal proceeding upon the clerk of the said company or at his office or last or most usual place of abode shall be deemed good and sufficient service of the same on the said company.

For appointing officers and auditing accounts of treasurer clerk and surveyor at general annual meeting.

XXXII. AND BE IT FURTHER ENACTED that the said company shall and they are hereby required to hold one general annual meeting in each year and thereat to elect a clerk a treasurer and (if necessary) a collector for the ensuing year and to examine audit and settle the accounts of the treasurer and clerk appointed by them and to require such treasurer and clerk to produce their books accounts papers and vouchers and to examine into the revenues and debts and when the accounts of the said treasurer and clerk shall be settled and allowed by the said company the same shall be signed by the chairman of such meeting and when and as soon as the said accounts of the said treasurer and clerk shall be audited allowed and signed the clerk of the said company shall forthwith make out a statement of the debts revenues and expenditure due to or received or incurred on account of the said company in the form contained in the Schedule to this Act annexed which said statement shall be submitted to the proprietors of the said company assembled at such meeting and the said statement being so approved and signed the said clerk shall within fourteen days thereafter cause the same to be inserted in the Government Gazette.

Statement of the revenue and expenditure to be made out according to the form in Schedule annexed and being approved shall be inserted in Gazette.

Penalty on persons drawing timber &c.

XXXIII. AND BE IT FURTHER ENACTED that if any person shall haul or draw or cause to be hauled or drawn upon any part of such Bridge or works any timber stone or other thing otherwise than

upon wheeled carriages or shall suffer any timber stone or other thing which shall be carried principally or in part upon wheeled carriages to drag or trail upon such Bridge or works to the prejudice thereof or if any person driving any horse or other beast on the said Bridge or works carrying any iron bar or rod basket or pannier or any other matter or thing shall place such bar or rod basket or pannier matter or thing so as in any manner to obstruct or impede the passage of any person or any horse beast or carriage travelling over such Bridge or works or if any person shall make or assist in making any fire or fires commonly called bonfires or shall set fire to or wantonly let off or discharge any fire-arms or throw any squib rocket serpent or firework whatsoever upon the said Bridge or works or if any person shall leave any waggon wain cart or other carriage whatsoever upon such Bridge or works without any proper person in the sole custody or care thereof except in cases of accident or shall lay any timber stone hay straw dung manure soil ashes rubbish or other matter or thing whatsoever upon such Bridge or works to the prejudice annoyance interruption or personal danger of any person travelling thereon or if any person shall without being thereto authorised by the said company shovel up scrape gather or carry away any stones gravel sand or other materials or soil from off any part of the said Bridge or works or if any person shall in any manner wilfully prevent any other person from passing him or any carriage under his care upon the said Bridge or works every person offending in any of the cases aforesaid shall forfeit and pay over and above the damages occasioned thereby a sum not exceeding five pounds for every such offence—PROVIDED that the informer shall not be competent to give evidence in support of any such prosecution.

By obstructing  
passage of travel-  
lers.

By making bon-  
fires.

By leaving wag-  
gons.

By laying timber  
&c.

XXXIV. AND BE IT FURTHER ENACTED that in case the driver of any waggon cart or of any coach or other carriage shall offend against any of the provisions of this Act whereby any penalty shall be incurred and shall refuse to give his name or shall abscond or absent himself so as not to be found then it shall and may be lawful for any justice of the peace before whom complaint shall be made and he is hereby required to issue a summons requiring the owner of such waggon cart or other carriage to appear before him to answer the matter of such complaint and if such owner shall refuse or neglect to appear or appearing shall not then or within ten days thereafter produce the driver so offending or disclose his name and place of abode then the said justice or any other justice of the peace on an examination of the circumstances and ascertaining by the examination of witnesses on oath that such offence

If driver offend  
against the provi-  
sions of any act  
and abscond the  
master to pay the  
penalty.

has been committed by any such driver of any waggon cart or other carriage shall order and adjudge that the penalty incurred by such driver shall be paid by the owner of such waggon cart or other carriage which penalty shall be recovered and applied in manner herein directed.

Owners made liable for damage.

XXXV. AND BE IT FURTHER ENACTED that the owner of any waggon or other carriage or of any ox cow or other cattle passing upon the said Bridge or works shall be and he is hereby made answerable for any damages spoil or mischief that shall be done by his waggon or other carriage or cattle as aforesaid or by any of the waggons or other person belonging to or employed in or about the same respectively to the said Bridge and other works by any means whatsoever and the said owner of such waggon or other carriage or cattle as aforesaid shall for every such damage pay the said company or the person injured the damages to be ascertained by a justice of the peace—PROVIDED that such damages do not exceed the sum of twenty pounds and also shall over and above such damages forfeit and pay the costs charges and expenses attending such conviction and if the owner of any waggon or other carriage passing the same Bridge or works shall be compelled to make any satisfaction for any damages by reason of any wilful act neglect or default of his servant or waggoner then every such servant or waggoner shall be liable to repay such satisfaction for damages with the costs attending the same to such owner and in case of non-payment thereof on demand the same shall be recovered in like manner as any penalty can or may by virtue of this Act be recovered.

Offences may be prosecuted before one justice of peace.

Power of appeal.

XXXVI. AND BE IT ENACTED that all offences under this Act not otherwise provided for shall or may upon information in that behalf exhibited be heard and determined and the amount of all damages costs fines and penalties be awarded adjudged and imposed by any one justice of the peace in a summary way and that if any person shall feel aggrieved by any judgment or conviction by any justice under this Act such person shall be entitled to appeal from such judgment or conviction in the manner in that behalf provided in and by the Act of this colony intituled "An Act to regulate summary proceedings before Justices of the Peace"—PROVIDED ALWAYS that no appeal shall be allowed against any judgment or conviction for any damages costs fines or penalties which shall not exceed the sum of forty shillings.

Distribution of penalties.

XXXVII. AND BE IT ENACTED that one moiety of every penalty and forfeiture arising under this Act shall be to Her Majesty her heirs

and successors and the other moiety to him or them who shall inform or sue for the same.

XXXVIII. AND BE IT ENACTED that the said Bridge shall be and be deemed and taken to be a public Bridge for the purposes of the act of parliament made in the seventh and eighth years of His late Majesty King George the Fourth intituled "An Act for consolidating and amending the Laws in England relative to Malicious Injuries to Property."

Bridge to be a public Bridge for certain purposes.

XXXIX. AND BE IT FURTHER ENACTED that if any action or suit shall be commenced against any person for anything done in pursuance of this Act then and in every such case such action or suit shall be commenced or prosecuted within three months after the fact committed and not afterwards or if any such action or suit shall be brought after the time limited for bringing the same then the jury shall find for the defendant and if the plaintiff shall become nonsuit or discontinue his action after the defendant shall have appeared or have a verdict against him or if upon demurrer judgment shall be given against the plaintiff the defendant shall and may recover treble costs and have the like remedy for recovery thereof as any defendant hath in any cases by law.

Limitation of actions.

General issue.

Treble costs to defendants.

XL. AND BE IT FURTHER ENACTED that in case all or any of the tolls arising by virtue of this Act shall have been or shall be demised or let to farm to any person in any manner whatsoever and the lessee thereof shall neglect or refuse to perform the terms and conditions on which the same shall be so demised or let or in case the rent agreed to be paid by such lessee shall be in arrear by the space of seven days next after any of the days on which the same ought to be paid or in case any such lease or agreement shall in any other manner become void or determined then and in any of those cases and after two days' notice to such lessee in writing under the hand of the clerk or treasurer of the said company requiring such lessee to deliver up possession of the property of the company then held by or in the possession of such lessee it shall and may be lawful for any justice of the peace by warrant under his hand and seal to order a constable or other peace officer with such assistance as shall be necessary to enter upon and take possession of any toll-house toll-gate bar or chain and the buildings and appurtenances thereto belonging and to remove and put out such lessee or other person who shall be found therein together with his goods out of and from the

Enabling the company to take possession of the toll-house &c. when let to farm or held by the collectors for the trustees in default of performance of conditions &c.



possession of the said toll-house buildings and appurtenances and from the collection of tolls and to put the said company or their new-appointed officer or other person acting by or under their authority into the possession thereof and thereupon it shall be lawful for the said company (if they shall think fit) to vacate and determine the contract or agreement (if any) for demising or letting the said tolls to such lessee and the same shall be from that time utterly void to all intents and purposes save as to the covenants or agreements for payment up to that time of the rent thereby reserved or other covenants or agreements on the lessee's part which shall have been broken as if such demise or agreement had never been made and it shall be lawful for the said company in every such case to demise or let to farm the said tolls again to any other person or cause them to be collected as if no former demise or agreement had been made relative thereto any rule of law or right to the contrary notwithstanding.

Interpretation of  
Act.

**XLI. AND BE IT ALSO ENACTED** that the words and expressions hereinafter mentioned which in their ordinary signification have a more confined or a different meaning shall in this Act except where the nature of the provision or the context of the Act shall exclude such construction be interpreted as follows that is to say the words Bridge and works shall extend to all roads approaches piers embankments arches buttresses drains toll-houses buildings walls gates chains rails posts bars or fences already erected made or set up or to be erected made or set up by the said company in pursuance of this Act and the word collector shall extend as well to any collector appointed by the said company as also to any collector appointed by any lessee of the said tolls and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

Act to be a public  
Act.

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

**JOHN FRANKLIN.**

Passed the Legislative Council this sixth  
day of July one thousand eight hun-  
dred and thirty-nine.

**ADAM TURNBULL, Clerk of the Councils.**

**GENERAL STATEMENT** of the INCOME and EXPENDITURE of the NORFOLK  
PLAINS BRIDGE COMPANY between the day of  
and the day of

<b><u>Expenditure.</u></b>	<b><u>Income.</u></b>
£ s. d.	£ s. d.
To Account of Labour between the day of                      and the day of                      for maintenance or repair of Bridge and Works .....	By Balance in Treasurer's hands .....
To Surveyor's Account for work executed by contract specifying the amount done and the rate of contract made .....	By Amount of Rent received from the Lessees or Tolls received from the Gate- keeper between the day of                      and the day of                      .....
To Account for repairs or maintenance or building of houses gates or other build- ings .....	By Incidental Receipts .....
To salaries and other payments of Clerks or other Officers .....	
To Printing Advertising and Stationery ..	
To Interest of Shares .....	
To Incidental Charges .....	
£ _____	£ _____

	£ s. d.		£ s. d.
An Account of the Amount of Debt bearing Interest .....		Arrears of Rents (or Tolls) due not received as under .....	
An Account of Interest due .....		Insert the names of the Lessees and when due .....	
An Account of Floating Debt .....		Also insert any other Monies due to the Company on any other account.....	
	£		£