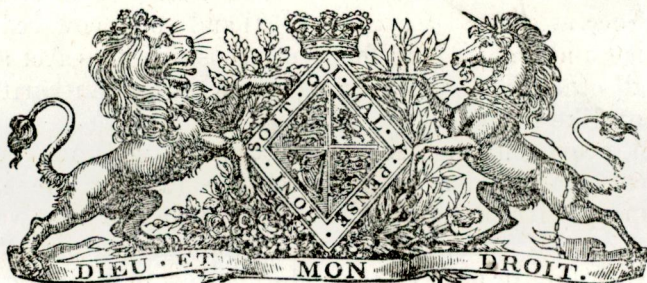


This PRIVATE BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL, for its concurrence.

*Legislative Assembly Chamber,
Sydney, 1 November, 1861. }*

*CHA. TOMPSON,
Clerk of Legislative Assembly.*

New South Wales.



ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

An Act to Incorporate the "Wagga Wagga Bridge Company."

WHEREAS a Joint Stock Company has been lately established at Preamble.
Wagga Wagga in the Colony of New South Wales under the name
of the "Wagga Wagga Bridge Company" and subject to the articles and
conditions contained in a certain Indenture of Settlement of the said
5 Company hereinafter styled the "Settlement" bearing date the twenty-
third day of August one thousand eight hundred and sixty And whereas
by the said settlement the several parties thereto have reciprocally
covenanted that they and all future proprietors of shares in the said
Company should become a Company under the name aforesaid for making
10 completing and maintaining a substantial Bridge over the River Murrum-
bidgee at Wagga Wagga at a site which has been approved by the
Government and for the authority to receive tolls at such Bridge
And whereas the said Bridge would be greatly for the benefit of the
public generally as well as of the inhabitants of Wagga Wagga and its
15 immediate neighbourhood And whereas by the said settlement provision
has been made for the due management of the affairs of the Company by
directors to be elected as therein mentioned and the first such directors are
therein and hereinafter named And whereas the capital of the said
Company is by the said indenture fixed for the present at the sum of four
20 thousand pounds with power if deemed expedient to increase the same
And whereas shares in the said Company to the whole amount of the said
capital have already been allotted and taken and the sum of four hundred

Wagga Wagga Bridge Company's Incorporation—1861.

pounds has been actually paid up in part of the said amount And whereas the said Company have obtained leave and license from the Crown to use and appropriate for all necessary purposes of the said Bridge and the approaches thereto such lands of the Crown as are hereinafter mentioned
 5 And whereas the said Company are desirous of being incorporated and it is expedient that the said Company should be incorporated accordingly Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the
 10 authority of the same as follows :—

1. The persons who have already become or who at any time here-
 after shall as provided by and subject to the articles and conditions con-
 tained in the said Settlement become proprietors of shares in the capital
 of the said Company shall be one body politic and corporate by the name
 15 of the "Wagga Wagga Bridge Company" hereinafter styled the
 "Company" and by that name may sue and be sued in all Courts and
 shall have perpetual Succession and a common Seal and be empowered to
 take purchase hold alien and demise land for the purposes of this Act and
 shall have and enjoy all other the rights privileges powers and authorities
 20 of a Corporation for any like purpose.

2. The several provisions in the said settlement and all regu-
 lations or by-laws made thereunder shall be the by-laws for the time
 being of the said Company with power to the said Company to alter vary
 or repeal the same or any of them and to make others not inconsistent
 25 with or repugnant to this Act or any law or statute now or hereafter in
 force in the said Colony or in Great Britain Provided that a true copy
 of the said settlement and of any by-laws to be made thereunder attested
 by three Directors of the Company shall be registered at the office of the
 Registrar General before such by-laws shall be valid.

3. Frederick Anslow Tompson George Forsyth Allen Bradley
 30 Morgan Henry Baylis and Henry Wallace shall be the first Directors
 of the said Company.

4. The capital of the said Company shall be four thousand pounds
 Provided that it shall be lawful for the said Company from time to time
 35 to extend the same by the creation allotment and disposal of new shares
 in the manner set forth and subject to the articles and conditions of the
 said settlement.

5. The capital or joint stock and all the funds and property of the
 said Company and the several shares therein and the profit and advantages
 40 to be derived therefrom shall be and be deemed personal estate and be
 transferable and transmissible accordingly subject to the provisions of the
 said settlement.

6. It shall be lawful for the said Company to make and construct
 a good and substantial Bridge of not less than twenty-five feet in width
 45 across the River Murrumbidgee at a site which has been approved of by
 the Government between Crampton-street and Travers-street in the Town-
 ship of Wagga Wagga with all necessary wharves piers embankments
 landing places buildings gates and other works and conveniences and to
 make proper roads and approaches to the said Bridge from the existing
 50 public streets and roads through over and along the waste lands of the
 Crown contiguous thereto and upon the completion of the said Bridge to
 receive and take the tolls for the use thereof hereinafter specified Provided
 that the said Bridge shall be so constructed as not to obstruct the naviga-
 tion of the said river.

7. It shall be lawful for the said Company their directors
 55 surveyors engineers agents and workmen and all other persons by them
 authorized to enter into and upon all or any lands of the Crown at or
 near the site of the intended works and to survey and take levels of some
 or any part thereof and to take or otherwise ascertain and set out the
 lines

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lines and superficial areas of the proposed works and roads in and over the said lands or such parts thereof as may be necessary for the laying out making constructing and the convenient operation of such works roads matters and conveniences as are hereby authorized to be made and also to
 5 take all such steps as shall be necessary to ascertain the nature of the soil and substrata of such lands or any part thereof for all or any of the purposes aforesaid and to take remove carry away and use any earth stone gravel timber or any other material from such lands of the Crown which may be proper for making maintaining altering repairing or using the
 10 said bridge.

8. As soon as conveniently may be after the completion of the whole work authorized by this Act the said Company shall absolutely sell Superfluous land to be sold. and dispose of all superfluous lands if any which may have been purchased by them under this Act for any of the purposes aforesaid and shall apply
 15 the purchase money arising from such sales to the purposes of this Act or as provided by the said settlement.

9. It shall be lawful for the said Company from time to time and Tolls and rates. at all times hereafter to ask demand take recover and receive to and for the use and benefit of the said Company all such tolls and rates as may
 20 be established from time to time by the said Company not exceeding the tolls or rates specified in the first Schedule hereto And also to take such wharfage or other rates or remuneration from vessels using any piers landing places wharves or places to be constructed by the said Company under the provisions of this Act as may in like manner be established.

25 10. The total amount of debts engagements and liabilities of the Liabilities not to exceed paid up capital. said Company shall not in any case exceed the amount of capital stock for the time being subscribed for and actually paid.

11. No toll shall be demandable or taken by virtue of this Act Exemptions from toll. for or in respect of any horses or carriages belonging to the Governor or
 30 to any person in actual attendance upon him or for or in respect of the horses beasts carts carriages and other vehicles belonging to the Government and employed at the time of passing any toll-bar or toll-gate at or upon the said bridge in the Government service or for or in respect of any horse or beast or any carriage or other vehicle conveying any clergyman
 35 in the discharge of his duty or carrying the Post Office mails nor shall any toll be demandable or taken by virtue of this Act from any Volunteers while on duty or upon their way to or from duty or from any of Her Majesty's Officers and Soldiers being in proper staff or regimental or military uniform dress or undress in respect of themselves or their horses
 40 or in respect of any carriages or horses belonging to Her Majesty or employed in her service when conveying persons baggage arms or ammunition or returning therefrom or from any person proceeding to or returning from Divine Service on Sundays.

12. It shall be lawful for the said Company to cause to be erected Toll-bars and gates. toll-bars or gates at or upon the said bridge and roads and at or upon such parts thereof as to the said Company shall seem fit and to collect and authorize some fit persons to attend the same and to collect and receive tolls thereat.

13. At and from the expiration of the term of ninety-nine years After ninety-nine years bridge to be public. the said bridge shall be and be deemed a public bridge.

14. If the said bridge across the Murrumbidgee with the approaches If not completed in three years Act to be void. thereto be not fully and properly completed within three years next after the passing of this Act all the powers hereby given shall cease and determine.

55 15. It shall be lawful for the said Company to demise and let to Tolls may be leased. farm the tolls demandable under this Act at or upon the said bridge and the lessees shall have the same power of demanding and collecting and taking the said tolls as are hereby given to the said Company.

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16. Such lessees may while the said tolls shall be so leased Lessees may appoint collectors. appoint such other persons as they may think necessary to collect demand and take the tolls so leased and the persons so appointed may use all means for the recovery thereof in the case of non-payment or evasion as the said Company and such lessees might or could do under this Act.

17. In case the tolls demandable at or upon the said bridge Summary remedies against defaulting lessees. shall be so demised and the lessee shall neglect or refuse to perform the conditions on which the same shall be let or in case the rent agreed to be paid by such lessee or any part thereof shall be in arrear for fourteen days next after the day on which the same ought to be paid or the term for which such lessee held the same shall in any manner become void or voidable it shall be lawful for any Justice of the Peace upon complaint made upon oath by or on behalf of the said Company by warrant under his hand and seal to order a constable or other peace officer with such assistance as shall be necessary to enter upon and take possession of the said bridge and the toll-house at or upon the same and all buildings and appurtenances thereto belonging and to remove or put out such lessee and the collectors keepers servants or other persons found therein together with their goods from the possession thereof and from the collection of the tolls in respect thereof and the lease contract or agreement for the same shall thenceforth cease and be utterly void except as to the conditions and agreements for payment up to that time of the rent payable for the same or the other conditions or agreements contained therein on the lessees' part and which shall have been broken and the same tolls may be demised to any other person and may in the meantime be collected by the said Company his or their servants and agents.

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

19. The said Company or the lessees of the said tolls for the time being in receipt thereof are hereby required to put up and continue in some conspicuous place at or near any toll-gate or at and upon any toll-house at or upon the said bridge a table painted in distinct legible black letters on a board with a white ground containing a list of the tolls payable at the said bridge distinguishing severally the amount of toll and the different sorts of cattle beasts carriages or other vehicles for which they are severally to be paid when there shall be any variation therein and the said Company and lessees shall place in some conspicuous position near to such board the christian and surname of the collector or keeper of the said tolls who shall be on duty for the time being and shall continue the same during the whole time such collector or keeper shall be on duty and shall change such name according to every change of such collector or keeper and if the said Company while they shall take the said tolls or their lessees shall neglect or refuse to put up such table or such name or if the collector or keeper of such tolls shall not be in attendance at all times by day and by night at the place at which he is stationed or ought to be or shall demand and take a greater toll from any person than he shall be authorized to do or shall refuse to permit any person to read or shall in any manner hinder or prevent any person from reading the inscriptions on the said boards or any name so fixed up as aforesaid or shall refuse to tell his own christian name and surname to any person who shall demand to know the same on paying

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paying any of the said tolls or upon the legal toll being tendered or paid shall unnecessarily detain or wilfully obstruct hinder or delay any passenger from going through any toll-gate such collector shall be liable for every such offence to a penalty not exceeding forty shillings.

5 20. If any person liable to the payment of any toll under this Act shall after demand neglect or refuse to pay the same or any part thereof it shall be lawful for any person having right or authority to collect the same to prevent such person from passing through the toll-gate and to close and fasten the same and to keep the same closed and fastened
10 until such toll be paid.

Persons refusing toll may be stopped.

21. If any person shall resist or forcibly oppose or assault any person having right or authority to collect the said toll in the execution of his duty or shall pass through any toll-gate at or upon the said bridge without paying the legal toll to which he is liable or shall fraudulently or
15 forcibly evade or do any act whatever in order or with intent to evade the payment of such toll and whereby the same shall be evaded every such person shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for evading toll.

22. If any lessee or collector of tolls under this Act or any keeper
20 of a gate at or on the said bridge shall upon the legal toll being tendered or paid unnecessarily or for an unreasonable time detain or wilfully obstruct hinder or delay any passenger with or without his 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 a gate on the said
25 bridge shall make use of any uncivil scurrilous threatening or abusive language or behaviour to any traveller or passenger over the said bridge such lessee or collector of tolls or keeper of a gate shall be liable for every such offence to a penalty not exceeding five pounds.

Penalties against collectors for misconduct.

23. If any person liable to the payment of any toll under this
30 Act shall after demand thereof neglect or refuse to pay the same or any part thereof it shall be lawful for the person having right or authority to collect such toll by himself or taking such assistance as he shall think necessary to seize and distrain any horse beast cattle sheep carriage or other thing upon or in respect of which any such toll is imposed together
35 with their respective bridles saddles gear or harness and if the toll or any part thereof so neglected or refused to be paid and all reasonable charges of and attending such seizure shall not be paid within one day thereafter the person so seizing and distraining may sell the animal or thing so seized returning to the owner upon demand the overplus of the
40 proceeds (if any) and what shall remain unsold.

Collector may summarily distrain for toll unpaid.

24. If any person shall wilfully or maliciously injure pull or cut
down pluck up throw down break level or otherwise destroy or damage
any toll-gate or any chain post rail wall bar or other fence or any lamp
belonging to any toll-gate at or upon the said bridge or any house erected
45 for the use of any such toll-gate or any table of tolls such person shall be liable for every such offence to a penalty not exceeding ten pounds over and above the damages occasioned thereby the whole to be recovered as if it were a penalty only.

Damages and penalty for wilful injury to works.

25. All horses cattle sheep and other beasts for which toll shall
50 be payable under this Act shall be counted by the lessee or collector of tolls under this Act or keeper of the gate at either side of the said bridge before such horses cattle sheep or other beasts shall pass over and off the said Bridge.

Beasts liable to toll to be counted.

26. The said Company shall have as against all persons except
55 the Crown the absolute and exclusive right of ferry over and across the said River Murrumbidgee for the full and clear distance of two miles on each side of the said bridge up and down the said river and every person establishing or attempting to establish for hire or profit any ferry over and across the said river within that distance shall be deemed to

Right of ferry within certain limits of bridge.

have

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have committed a trespass at law against the said Company and shall also be liable for every such offence to a penalty not exceeding fifty pounds.

27. No dividend or bonus shall in any case be declared or paid out of the subscribed capital for the time being of the said Company or otherwise than out of the declared net gains and profits of the concern. No dividend out of capital.

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

29. Nothing herein contained shall prejudice any call made or any contract or other act deed matter or thing entered into made or done by the said Company prior to or under or by virtue of the said settlement before this Act shall come into operation but the same shall be as valid and effectual to all intents and purposes as if this Act had passed and the said Company had been incorporated before the same had been made entered into or done. Acts under settlement previously hereto valid.

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

31. If by means of any such execution any shareholders 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 to the extent to which they shall be sufficient for that purpose. Shareholders paying in excess under execution to recover against Company.

Wagga Wagga Bridge Company's Incorporation—1861.

32. The Directors for the time being shall have the custody of the Common Seal of the said Company and the form thereof and all other matters relating thereto shall from time to time be determined by the Directors in the same manner as is provided in and by the said settlement for the determination of other matters by the Board of Directors and the Directors present at a Board of Directors of the said Company shall have power to use such Common Seal for the affairs and concerns of the said Company and under such Seal to execute any deeds and do any such other matters and things as may be required to be executed and done on behalf of the said Company in conformity with the provisions of the said settlement and this Act but it shall not be necessary to use the Common Seal in respect of any of the ordinary business of the said Company or for the appointment of an attorney or solicitor for the prosecution or defence of any action suit or proceeding.
33. In case it shall at any time be thought expedient by the said Company to raise any money by way of loan it shall be lawful for the said Company to borrow and take up at interest in addition to the money which the said Company are authorized to raise in extension of their capital as aforesaid any such sum as to them shall seem necessary or convenient not exceeding at any time one half of the amount of the capital of the said Company then actually paid up and the said Company after an order shall have been made for that purpose by any general meeting are hereby authorized to assign by way of mortgage the property of the said Company and the tolls or rates arising or to arise under this Act or any part thereof respectively as a security for any such money to be borrowed as aforesaid with interest not exceeding the rate of ten pounds per centum per annum and all mortgages so made shall be in the words or to the effect of the second Schedule hereto and shall be executed under the common seal of the said Company And all persons to whom any such mortgage shall be made shall be equally entitled one with the other to their respective proportions of the said tolls rates and premises according to the respective sums in such mortgages mentioned to be advanced without any preference by reason of priority of date or otherwise and an entry or memorial of every such mortgage containing the number and date thereof and the names of the persons with the proper additions to whom the same shall have been made and of the sums borrowed together with the rate of interest to be paid thereon shall within fourteen days next after the date thereof be entered in a book to be kept at the office of the said Company at Wagga Wagga which book may be perused at all reasonable times by any proprietor or creditor of the said Company or other person interested therein without fee or reward and every person to whom any such mortgage shall have been made or who shall be entitled to the money due thereon may from time to time transfer his right and interest therein to any person by indorsement in the words or to the effect of the third Schedule hereto and every such transfer shall within twenty-eight days after the date thereof be produced to the manager or clerk of the said Company who shall cause an entry or memorial to be made thereof in the same manner as the original mortgage or assignment for which the said clerk shall be paid such sum as the said Company shall appoint not exceeding two shillings and sixpence and after such entry made every such transfer shall entitle the transferee his executors administrators and assigns to the full benefit thereof and payment thereon and it shall not be in the power of any person who shall have made such transfer to make void release or discharge the same or any sum of money thereon due or thereby secured or any part thereof.
34. The interest of the money which shall be raised by mortgage as aforesaid shall be paid half-yearly to the several persons entitled thereto in preference to any interest or dividends due or payable under this

Custody of seal and its use.

Company may borrow money within limit on mortgage.

Payment of interest on mortgages.

Wagga Wagga Bridge Company's Incorporation—1861.

this Act to the shareholders or any of them and shall from time to time be fully paid and discharged or provided for before the yearly or other interest or dividends due to the shareholders or any of them shall be paid made or provided And in case such interest or any part thereof shall be behind and unpaid for the space of twenty-one days next after the same shall have become due and payable as aforesaid and shall not be paid within seven days next after demand thereof in writing made to the said Company or left at the office thereof any Justices of the Peace in Petty Sessions assembled on request made by or on behalf of any mortgagee or transferee of a mortgage whose interest shall be so in arrears shall by an Order under their hands appoint some person to receive the tolls or rates liable for payment of such interest so due and unpaid as aforesaid and the money so to be received by such person is hereby declared to be so much money received by or to the use of the person to whom such interest shall be then due until the same together with the costs and charges of recovering and receiving the tolls or rates shall be fully satisfied and paid and after such interest and costs shall have been paid and satisfied the power and authority of such receiver for the purposes aforesaid shall cease and determine or otherwise the said interest so due and unpaid as aforesaid shall be sued for and recovered with costs by an action of debt in the nearest District Court.

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

36. In case the said Company shall raise any money by mortgage and shall afterwards be required or be desirous to pay off and shall pay off all or any part of the principal sum secured by such mortgage the said Company may immediately or at any time thereafter again raise in lieu of the principal money so paid off or to be paid off by them so much money as they shall from time to time have paid off or be required or be desirous to pay off to the holders of the mortgages or any of them or any part thereof and so from time to time as often as the same shall happen but so nevertheless that the mortgage debts of the said Company shall not in any event exceed the proportion aforesaid of the paid up capital of the said Company.

37. It shall be lawful for the Governor with the advice of the Executive Council at any time after the expiration of twenty-one years from the completion of the said bridge to purchase the same with all appurtenances in the name and on behalf of Her Majesty upon giving to the said Company three 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 and the roads and approaches thereto together with a premium thereon of ten per cent. Provided that the said Company shall within two years after the completion of the said bridge roads and appurtenances file in the Office of the Minister for Public Works a true account in detail of all costs and expenses occasioned by and incident to the erection of the said bridge roads and appurtenances verified by the declaration of the Chairman of the said Company and that the amount of such costs and expenses shall be the sum upon which such premium shall be estimated Provided also that at any time during the continuance of the said term of twenty-one 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 roads and appurtenances and to assign the interest of the said Company in the same to Her Majesty upon such other terms as may in such case be agreed upon between the said

Mortgagee or transferee not to be proprietor.

Mortgages may be renewed within same limit.

After twenty-one years bridge &c. may be bought by Government.

Wagga Wagga Bridge Company's Incorporation—1861.

said Company and the Governor with the advice aforesaid 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 and roads in repair under this Act shall cease and determine.

5 38. The said Company shall keep at all times in good and substantial repair and fit for use the said bridge and its appurtenances and all other works which they are empowered to construct and use by virtue of this Act And if any repair required thereto or to any part thereof shall not be effected within six months after a notice in writing from the
10 Minister for Public Works requiring the same to be effected shall have been served on the Chairman or Secretary of the said Company or if the said Company shall make wilful default in any of the requirements or provisions of this Act the said bridge with its appurtenances and all right to tolls in respect thereof shall thereupon become public property and
15 may be immediately taken possession of by the Minister for Public Works for and on behalf of the Crown Provided that in such event the said Company shall be entitled to demand and recover from the Government by way of compensation such sum of money as they may have actually expended in and about the construction of the said bridge and appurte-
20 nances to be ascertained by arbitration as hereinafter provided.

Bridge &c. to be kept in repair or become public property.

Proviso for compensation.

39. In any case of disagreement between the said Company and any proprietor or any other person or with the Government upon any question arising under this Act the matter may be settled by arbitration as follows The disputants shall each name an arbitrator any such
25 arbitrator on the part of the Government being named by the Minister for Public Works and the arbitrators shall before proceeding to arbitrate name an umpire who shall act in case of their differing And such arbitrators and umpire shall have all usual powers and authorities as to examining parties and witnesses on oath if thought fit and otherwise
30 incident to arbitrators generally And the decision of such arbitrators or such umpire shall be absolutely final and binding on the several parties.

Arbitration.

40. All penalties under this Act may be recovered summarily before any two Justices of the Peace.

Penalties.

35 41. This Act shall be styled and may be cited as the "Wagga Wagga Bridge Company's Act of 1861."

Short Title.

FIRST SCHEDULE.—SCALE OF CHARGES.

	s.	d.
For every foot passenger.....	0	3
For every pig or goat	0	2
40 For every sheep or lamb	0	0½
For every horse mare ass or mule	1	0
For every head of neat cattle.....	0	4
For every cart dray or other vehicle drawn by one or more beast	1	0 per wheel
For every such beast	0	4

45 N.B.—No second tolls payable upon returning the same day nor double tolls on Sunday.

SECOND

Wagga Wagga Bridge Company's Incorporation—1861.

SECOND SCHEDULE.

No.

The Wagga Wagga Bridge Company by virtue of the "Wagga Wagga Bridge Company's Act of 1861" in consideration of the sum of _____ paid to the said Company
 5 by _____ of _____ hereby assign to the said
 his (or her) executors administrators and assigns the said Company's undertaking and all
 the tolls and rates arising under the said Act and all the estate right title and interest of in
 and to the same To hold to the said _____ his (or her) executors administrators
 and assigns until the said sum of _____ together with interest for the same after
 10 the rate of _____ per centum per annum shall be fully paid.

Given under the Common Seal this
 thousand eight hundred and sixty

day of

One

THIRD SCHEDULE.

I (or we) of _____ in consideration of the sum of _____ paid
 15 by _____ of _____ do hereby transfer the within mortgage and all
 my (or our) right and property therein to the said _____ his (or her) executors
 administrators and assigns

Dated this
 and sixty

day of

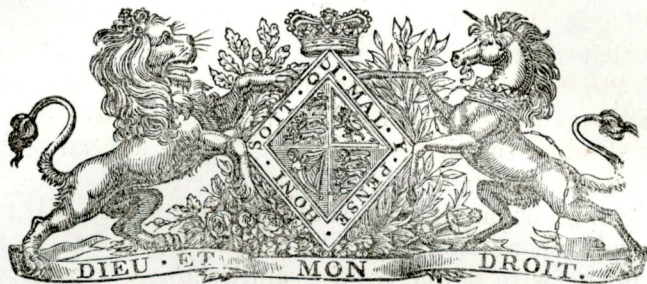
One thousand eight hundred

This PRIVATE BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL, for its concurrence.

*Legislative Assembly Chamber,
Sydney, 1 November, 1861. }*

CHA. TOMPSON,
Clerk of Legislative Assembly.

New South Wales.



ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

(As amended in Committee of the Whole.)

An Act to Incorporate the "Wagga Wagga Bridge Company."

WHEREAS a Joint Stock Company has been lately established at Preamble.
Wagga Wagga in the Colony of New South Wales under the name
of the "Wagga Wagga Bridge Company" and subject to the articles and
conditions contained in a certain Indenture of Settlement of the said
Company hereinafter styled the "Settlement" bearing date the twenty-
5 third day of August one thousand eight hundred and sixty And whereas
by the said settlement the several parties thereto have reciprocally
covenanted that they and all future proprietors of shares in the said
Company should become a Company under the name aforesaid for making
completing and maintaining a substantial Bridge over the River Murrum-
10 bidgee at Wagga Wagga at a site which has been approved by the
Government and for the authority to receive tolls at such Bridge
And whereas the said Bridge would be greatly for the benefit of the
public generally as well as of the inhabitants of Wagga Wagga and its
immediate neighbourhood And whereas by the said settlement provision
15 has been made for the due management of the affairs of the Company by
directors to be elected as therein mentioned and the first such directors are
therein and hereinafter named And whereas the capital of the said
Company is by the said indenture fixed for the present at the sum of four
thousand pounds with power if deemed expedient to increase the same
20 And whereas shares in the said Company to the whole amount of the said
capital have already been allotted and taken and the sum of four hundred
107—A (b) pounds

NOTE.—The words to be inserted are printed in black letter.

Wagga Wagga Bridge Company's Incorporation—1861.

pounds has been actually paid up in part of the said amount And whereas the said Company have obtained leave and license from the Crown to use and appropriate for all necessary purposes of the said Bridge and the approaches thereto such lands of the Crown as are hereinafter mentioned
 5 And whereas the said Company are desirous of being incorporated and it is expedient that the said Company should be incorporated accordingly Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the
 10 authority of the same as follows :—

1. The persons who have already become or who at any time here-
 after shall as provided by and subject to the articles and conditions con-
 tained in the said Settlement become proprietors of shares in the capital
 of the said Company shall be one body politic and corporate by the name
 15 of the "Wagga Wagga Bridge Company" hereinafter styled the
 "Company" and by that name may sue and be sued in all Courts and
 shall have perpetual Succession and a common Seal and be empowered to
 take purchase hold alien and demise land for the purposes of this Act and
 shall have and enjoy all other the rights privileges powers and authorities
 20 of a Corporation for any like purpose.

2. The several provisions in the said settlement and all regu-
 lations or by-laws made thereunder shall be the by-laws for the time
 being of the said Company with power to the said Company to alter vary
 or repeal the same or any of them and to make others not inconsistent
 25 with or repugnant to this Act or any law or statute now or hereafter in
 force in the said Colony or in Great Britain Provided that a true copy
 of the said settlement and of any by-laws to be made thereunder attested
 by three Directors of the Company shall be registered at the office of the
 Registrar General before such by-laws shall be valid.

30 3. Frederick Anslow Tompson George Forsyth Allen Bradley
 Morgan Henry Baylis and Henry Wallace shall be the first Directors
 of the said Company.

4. The capital of the said Company shall be four thousand pounds
 Provided that it shall be lawful for the said Company from time to time
 35 to extend the same by the creation allotment and disposal of new shares
 in the manner set forth and subject to the articles and conditions of the
 said settlement.

5. The capital or joint stock and all the funds and property of the
 said Company and the several shares therein and the profit and advantages
 40 to be derived therefrom shall be and be deemed personal estate and be
 transferable and transmissible accordingly subject to the provisions of the
 said settlement.

6. It shall be lawful for the said Company to make and construct
 a good and substantial Bridge of not less than twenty-five feet in width
 45 across the River Murrumbidgee at a site which has been approved of by
 the Government between Crampton-street and Travers-street in the Town-
 ship of Wagga Wagga with all necessary wharves piers embankments
 landing places buildings gates and other works and conveniences and to
 make proper roads and approaches to the said Bridge from the existing
 50 public streets and roads through over and along the waste lands of the
 Crown contiguous thereto and upon the completion of the said Bridge to
 receive and take the tolls for the use thereof hereinafter specified Provided
 that the said Bridge shall be so constructed as not to obstruct the naviga-
 tion of the said river that is to say that a height of not less than seven
 55 feet be preserved between the top of the highest bank of the said river
 at the site of the said Bridge and the lower surface of the said Bridge.

7. It shall be lawful for the said Company their directors
 surveyors engineers agents and workmen and all other persons by them
 authorized to enter into and upon all or any lands of the Crown at or
 near

Company incorpo-
rated.

Deed of Settlement
confirmed.

First Directors.

Capital.

Property to be per-
sonalty.

Works to be done.

Power to enter
lands &c. for
survey.

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near the site of the intended works and to survey and take levels of some or any part thereof and to take or otherwise ascertain and set out the lines and superficial areas of the proposed works and roads in and over the said lands or such parts thereof as may be necessary for the laying out
 5 making constructing and the convenient operation of such works roads matters and conveniences as are hereby authorized to be made and also to take all such steps as shall be necessary to ascertain the nature of the soil and substrata of such lands or any part thereof for all or any of the purposes aforesaid and to take remove carry away and use any earth stone
 10 gravel timber or any other material from such lands of the Crown which may be proper for making maintaining altering repairing or using the said bridge.

8. As soon as conveniently may be after the completion of the whole work authorized by this Act the said Company shall absolutely sell
 15 and dispose of all superfluous lands if any which may have been purchased by them under this Act for any of the purposes aforesaid and shall apply the purchase money arising from such sales to the purposes of this Act or as provided by the said settlement.

Superfluous land to be sold.

9. It shall be lawful for the said Company from time to time and
 20 at all times hereafter to ask demand take recover and receive to and for the use and benefit of the said Company all such tolls and rates as may be established from time to time by the said Company not exceeding the tolls or rates specified in the first Schedule hereto And also to take such wharfage or other rates or remuneration from vessels using any piers
 25 landing places wharves or places to be constructed by the said Company under the provisions of this Act as may in like manner be established.

Tolls and rates.

10. The total amount of debts engagements and liabilities of the said Company shall not in any case exceed the amount of capital stock
 for the time being subscribed for and actually paid.

Liabilities not to exceed paid up capital.

11. No toll shall be demandable or taken by virtue of this Act
 30 for or in respect of any horses or carriages belonging to the Governor or to any person in actual attendance upon him or for or in respect of the horses beasts carts carriages and other vehicles belonging to the Government and employed at the time of passing any toll-bar or toll-gate at or
 35 upon the said bridge in the Government service or for or in respect of any horse or beast or any carriage or other vehicle conveying any clergyman in the discharge of his duty or carrying the Post Office mails nor shall any toll be demandable or taken by virtue of this Act from any Volunteers while on duty or upon their way to or from duty or from any of Her
 40 Majesty's Officers and Soldiers being in proper staff or regimental or military uniform dress or undress in respect of themselves or their horses or in respect of any carriages or horses belonging to Her Majesty or employed in her service when conveying persons baggage arms or ammunition or returning therefrom or from any person proceeding to or returning
 45 from Divine Service on Sundays.

Exemptions from toll.

12. It shall be lawful for the said Company to cause to be erected
 toll-bars or gates at or upon the said bridge and roads and at or upon
 such parts thereof as to the said Company shall seem fit and to collect
 and authorize some fit persons to attend the same and to collect and
 50 receive tolls thereat.

Toll-bars and gates.

13. At and from the expiration of the term of ninety-nine years
 the said bridge shall be and be deemed a public bridge.

After ninety-nine years bridge to be public.

14. If the said bridge across the Murrumbidgee with the approaches
 thereto be not fully and properly completed within three years next after
 55 the passing of this Act all the powers hereby given shall cease and determine.

If not completed in three years Act to be void.

15. It shall be lawful for the said Company to demise and let to
 farm the tolls demandable under this Act at or upon the said bridge and
 the lessees shall have the same power of demanding and collecting and
 60 taking the said tolls as are hereby given to the said Company.

Tolls may be leased.

Wagga Wagga Bridge Company's Incorporation—1861.

16. Such lessees may while the said tolls shall be so leased Lessees may appoint
 appoint such other persons as they may think necessary to collect demand collectors.
 and take the tolls so leased and the persons so appointed may use all
 means for the recovery thereof in the case of non-payment or evasion as
 5 the said Company and such lessees might or could do under this Act.

17. In case the tolls demandable at or upon the said bridge Summary remedies
 shall be so demised and the lessee shall neglect or refuse to perform the against defaulting
 conditions on which the same shall be let or in case the rent agreed to be lessees.
 paid by such lessee or any part thereof shall be in arrear for fourteen days
 10 next after the day on which the same ought to be paid or the term for
 which such lessee held the same shall in any manner become void or
 voidable it shall be lawful for any Justice of the Peace upon complaint
 made upon oath by or on behalf of the said Company by warrant under his
 hand and seal to order a constable or other peace officer with such assist-
 15 ance as shall be necessary to enter upon and take possession of the said
 bridge and the toll-house at or upon the same and all buildings and appur-
 tenances thereto belonging and to remove or put out such lessee and the
 collectors keepers servants or other persons found therein together with
 their goods from the possession thereof and from the collection of the tolls
 20 in respect thereof and the lease contract or agreement for the same shall
 thenceforth cease and be utterly void except as to the conditions and
 agreements for payment up to that time of the rent payable for the same
 or the other conditions or agreements contained therein on the lessees' part
 and which shall have been broken and the same tolls may be demised to
 25 any other person and may in the meantime be collected by the said
 Company his or their servants and agents.

18. In case any lessee of the said tolls shall on the expiration of Summary ejectment
 the term for which the same shall have been demised neglect or refuse to of lessees holding
 deliver up to the said Company or to any new lessee possession of any over.
 30 toll-house at or upon the said bridge or any buildings and appurtenances
 thereto belonging it shall be lawful for any Justice of the Peace upon
 complaint made upon oath by or on behalf of the said Company by warrant
 under his hand and seal to order any constable with all such assistance
 as shall be necessary to enter upon and take possession of such toll-houses
 35 buildings and appurtenances and to put out such lessee collectors keepers
 servants and other persons found therein together with their goods and
 chattels from the possession thereof.

19. The said Company or the lessees of the said tolls for the time Table of tolls.
 being in receipt thereof are hereby required to put up and continue in some
 40 conspicuous place at or near any toll-gate or at and upon any toll-house
 at or upon the said bridge a table painted in distinct legible black letters
 on a board with a white ground containing a list of the tolls payable at
 the said bridge distinguishing severally the amount of toll and the different
 sorts of cattle beasts carriages or other vehicles for which they are severally
 45 to be paid when there shall be any variation therein and the said Company
 and lessees shall place in some conspicuous position near to such board the
 christian and surname of the collector or keeper of the said tolls who
 shall be on duty for the time being and shall continue the same during
 the whole time such collector or keeper shall be on duty and shall change
 50 such name according to every change of such collector or keeper and if the
 said Company while they shall take the said tolls or their lessees shall
 neglect or refuse to put up such table or such name or if the collector or
 keeper of such tolls shall not be in attendance at all times by day and by
 night at the place at which he is stationed or ought to be or shall demand
 55 and take a greater toll from any person than he shall be authorized to do
 or shall refuse to permit any person to read or shall in any manner hinder
 or prevent any person from reading the inscriptions on the said boards or
 any name so fixed up as aforesaid or shall refuse to tell his own christian
 name and surname to any person who shall demand to know the same on
 paying

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paying any of the said tolls or upon the legal toll being tendered or paid shall unnecessarily detain or wilfully obstruct hinder or delay any passenger from going through any toll-gate such collector shall be liable for every such offence to a penalty not exceeding forty shillings.

5 20. If any person liable to the payment of any toll under this Act shall after demand neglect or refuse to pay the same or any part thereof it shall be lawful for any person having right or authority to collect the same to prevent such person from passing through the toll-gate and to close and fasten the same and to keep the same closed and fastened
10 until such toll be paid.

Persons refusing toll may be stopped.

21. If any person shall resist or forcibly oppose or assault any person having right or authority to collect the said toll in the execution of his duty or shall pass through any toll-gate at or upon the said bridge without paying the legal toll to which he is liable or shall fraudulently or
15 forcibly evade or do any act whatever in order or with intent to evade the payment of such toll and whereby the same shall be evaded every such person shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for evading toll.

22. If any lessee or collector of tolls under this Act or any keeper
20 of a gate at or on the said bridge shall upon the legal toll being tendered or paid unnecessarily or for an unreasonable time detain or wilfully obstruct hinder or delay any passenger with or without his 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 a gate on the said
25 bridge shall make use of any uncivil scurrilous threatening or abusive language or behaviour to any traveller or passenger over the said bridge such lessee or collector of tolls or keeper of a gate shall be liable for every such offence to a penalty not exceeding five pounds.

Penalties against collectors for misconduct.

23. If any person liable to the payment of any toll under this
30 Act shall after demand thereof neglect or refuse to pay the same or any part thereof it shall be lawful for the person having right or authority to collect such toll by himself or taking such assistance as he shall think necessary to seize and distrain any horse beast cattle sheep carriage or other thing upon or in respect of which any such toll is imposed together
35 with their respective bridles saddles gear or harness and if the toll or any part thereof so neglected or refused to be paid and all reasonable charges of and attending such seizure shall not be paid within one day thereafter the person so seizing and distraining may sell the animal or thing so seized returning to the owner upon demand the overplus of the
40 proceeds (if any) and what shall remain unsold.

Collector may summarily distrain for toll unpaid.

24. If any person shall wilfully or maliciously injure pull or cut down pluck up throw down break level or otherwise destroy or damage
45 any toll-gate or any chain post rail wall bar or other fence or any lamp belonging to any toll-gate at or upon the said bridge or any house erected for the use of any such toll-gate or any table of tolls such person shall be liable for every such offence to a penalty not exceeding ten pounds over and above the damages occasioned thereby the whole to be recovered as if it were a penalty only.

Damages and penalty for wilful injury to works.

25. All horses cattle sheep and other beasts for which toll shall
50 be payable under this Act shall be counted by the lessee or collector of tolls under this Act or keeper of the gate at either side of the said bridge before such horses cattle sheep or other beasts shall pass over and off the said Bridge.

Beasts liable to toll to be counted.

26. The said Company shall have as against all persons except
55 the Crown the absolute and exclusive right of ferry over and across the said River Murrumbidgee for the full and clear distance of two miles on each side of the said bridge up and down the said river and every person establishing or attempting to establish for hire or profit any ferry over and across the said river within that distance shall be deemed to have

Right of ferry within certain limits of bridge.

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have committed a trespass at law against the said Company and shall also be liable for every such offence to a penalty not exceeding fifty pounds.

27. No dividend or bonus shall in any case be declared or paid out of the subscribed capital for the time being of the said Company or otherwise than out of the declared net gains and profits of the concern. No dividend out of capital.

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

29. Nothing herein contained shall prejudice any call made or any contract or other act deed matter or thing entered into made or done by the said Company prior to or under or by virtue of the said settlement before this Act shall come into operation but the same shall be as valid and effectual to all intents and purposes as if this Act had passed and the said Company had been incorporated before the same had been made entered into or done. Acts under settlement previously hereto valid.

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

31. If by means of any such execution any shareholders 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 to the extent to which they shall be sufficient for that purpose. Shareholders paying in excess under execution to recover against Company.

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32. The Directors for the time being shall have the custody of the ^{Custody of seal and its use.} Common Seal of the said Company and the form thereof and all other matters relating thereto shall from time to time be determined by the Directors in the same manner as is provided in and by the said settlement for the determination of other matters by the Board of Directors and the Directors present at a Board of Directors of the said Company shall have power to use such Common Seal for the affairs and concerns of the said Company and under such Seal to execute any deeds and do any such other matters and things as may be required to be executed and done on behalf of the said Company in conformity with the provisions of the said settlement and this Act but it shall not be necessary to use the Common Seal in respect of any of the ordinary business of the said Company or for the appointment of an attorney or solicitor for the prosecution or defence of any action suit or proceeding.

33. In case it shall at any time be thought expedient by the said ^{Company may borrow money within limit on mortgage.} Company to raise any money by way of loan it shall be lawful for the said Company to borrow and take up at interest in addition to the money which the said Company are authorized to raise in extension of their capital as aforesaid any such sum as to them shall seem necessary or convenient not exceeding at any time one half of the amount of the capital of the said Company then actually paid up and the said Company after an order shall have been made for that purpose by any general meeting are hereby authorized to assign by way of mortgage the property of the said Company and the tolls or rates arising or to arise under this Act or any part thereof respectively as a security for any such money to be borrowed as aforesaid with interest not exceeding the rate of ten pounds per centum per annum and all mortgages so made shall be in the words or to the effect of the second Schedule hereto and shall be executed under the common seal of the said Company And all persons to whom any such mortgage shall be made shall be equally entitled one with the other to their respective proportions of the said tolls rates and premises according to the respective sums in such mortgages mentioned to be advanced without any preference by reason of priority of date or otherwise and an entry or memorial of every such mortgage containing the number and date thereof and the names of the persons with the proper additions to whom the same shall have been made and of the sums borrowed together with the rate of interest to be paid thereon shall within fourteen days next after the date thereof be entered in a book to be kept at the office of the said Company at Wagga Wagga which book may be perused at all reasonable times by any proprietor or creditor of the said Company or other person interested therein without fee or reward and every person to whom any such mortgage shall have been made or who shall be entitled to the money due thereon may from time to time transfer his right and interest therein to any person by indorsement in the words or to the effect of the third Schedule hereto and every such transfer shall within twenty-eight days after the date thereof be produced to the manager or clerk of the said Company who shall cause an entry or memorial to be made thereof in the same manner as the original mortgage or assignment for which the said clerk shall be paid such sum as the said Company shall appoint not exceeding two shillings and sixpence and after such entry made every such transfer shall entitle the transferee his executors administrators and assigns to the full benefit thereof and payment thereon and it shall not be in the power of any person who shall have made such transfer to make void release or discharge the same or any sum of money thereon due or thereby secured or any part thereof.

34. The interest of the money which shall be raised by mortgage ^{Payment of interest on mortgages.} as aforesaid shall be paid half-yearly to the several persons entitled thereto in preference to any interest or dividends due or payable under this

Wagga Wagga Bridge Company's Incorporation—1861.

this Act to the shareholders or any of them and shall from time to time be fully paid and discharged or provided for before the yearly or other interest or dividends due to the shareholders or any of them shall be paid made or provided And in case such interest or any part thereof shall be behind and unpaid for the space of twenty-one days next after the same shall have become due and payable as aforesaid and shall not be paid within seven days next after demand thereof in writing made to the said Company or left at the office thereof any Justices of the Peace in Petty Sessions assembled on request made by or on behalf of any mortgagee or transferee of a mortgage whose interest shall be so in arrears shall by an Order under their hands appoint some person to receive the tolls or rates liable for payment of such interest so due and unpaid as aforesaid and the money so to be received by such person is hereby declared to be so much money received by or to the use of the person to whom such interest shall be then due until the same together with the costs and charges of recovering and receiving the tolls or rates shall be fully satisfied and paid and after such interest and costs shall have been paid and satisfied the power and authority of such receiver for the purposes aforesaid shall cease and determine or otherwise the said interest so due and unpaid as aforesaid shall be sued for and recovered with costs by an action of debt in the nearest District Court.

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

36. In case the said Company shall raise any money by mortgage and shall afterwards be required or be desirous to pay off and shall pay off all or any part of the principal sum secured by such mortgage the said Company may immediately or at any time thereafter again raise in lieu of the principal money so paid off or to be paid off by them so much money as they shall from time to time have paid off or be required or be desirous to pay off to the holders of the mortgages or any of them or any part thereof and so from time to time as often as the same shall happen but so nevertheless that the mortgage debts of the said Company shall not in any event exceed the proportion aforesaid of the paid up capital of the said Company.

37. It shall be lawful for the Governor with the advice of the Executive Council at any time after the expiration of twenty-one years from the completion of the said bridge to purchase the same with all appurtenances in the name and on behalf of Her Majesty upon giving to the said Company three 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 and the roads and approaches thereto together with a premium thereon of ten per cent. Provided that the said Company shall within two years after the completion of the said bridge roads and appurtenances file in the Office of the Minister for Public Works a true account in detail of all costs and expenses occasioned by and incident to the erection of the said bridge roads and appurtenances verified by the declaration of the Chairman of the said Company and that the amount of such costs and expenses shall be the sum upon which such premium shall be estimated Provided also that at any time during the continuance of the said term of twenty-one 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 roads and appurtenances and to assign the interest of the said Company in the same to Her Majesty upon such other terms as may in such case be agreed upon between the said

Mortgagee or transferee not to be proprietor.

Mortgages may be renewed within same limit.

After twenty-one years bridge &c. may be bought by Government.

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said Company and the Governor with the advice aforesaid 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 and roads in repair under this Act shall cease and determine.

5 38. The said Company shall keep at all times in good and substantial repair and fit for use the said bridge and its appurtenances and all other works which they are empowered to construct and use by virtue of this Act. And if any repair required thereto or to any part thereof shall not be effected within six months after a notice in writing from the
10 Minister for Public Works requiring the same to be effected shall have been served on the Chairman or Secretary of the said Company or if the said Company shall make wilful default in any of the requirements or provisions of this Act the said bridge with its appurtenances and all right to tolls in respect thereof shall thereupon become public property and
15 may be immediately taken possession of by the Minister for Public Works for and on behalf of the Crown. Provided that in such event the said Company shall be entitled to demand and recover from the Government by way of compensation such sum of money as they may have actually expended in and about the construction of the said bridge and appurte-
20 nances to be ascertained by arbitration as hereinafter provided.

Bridge &c. to be kept in repair or become public property.

Proviso for compensation.

39. In any case of disagreement between the said Company and any proprietor or any other person or with the Government upon any question arising under this Act the matter may be settled by arbitration as follows. The disputants shall each name an arbitrator any such
25 arbitrator on the part of the Government being named by the Minister for Public Works and the arbitrators shall before proceeding to arbitrate name an umpire who shall act in case of their differing. And such arbitrators and umpire shall have all usual powers and authorities as to examining parties and witnesses on oath if thought fit and otherwise
30 incident to arbitrators generally. And the decision of such arbitrators or such umpire shall be absolutely final and binding on the several parties.

Arbitration.

40. All penalties under this Act may be recovered summarily before any two Justices of the Peace.

Penalties.

35 41. This Act shall be styled and may be cited as the "Wagga Wagga Bridge Company's Act of 1861."

Short Title.

FIRST SCHEDULE.—SCALE OF CHARGES.

	s.	d.
For every foot passenger.....	0	3
For every pig or goat	0	2
40 For every sheep or lamb	0	0½
For every horse mare ass or mule	1	0
For every head of neat cattle.....	0	4
For every cart dray or other vehicle drawn by one or more beast	1	0 per wheel
For every such beast	0	4

45 N.B.—No second tolls payable upon returning the same day nor double tolls on Sunday.

SECOND

Wagga Wagga Bridge Company's Incorporation—1861.

SECOND SCHEDULE.

No.

The Wagga Wagga Bridge Company by virtue of the "Wagga Wagga Bridge Company's Act of 1861" in consideration of the sum of _____ paid to the said Company
 5 by _____ of _____ hereby assign to the said
 his (or her) executors administrators and assigns the said Company's undertaking and all
 the tolls and rates arising under the said Act and all the estate right title and interest of in
 and to the same To hold to the said _____ his (or her) executors administrators
 and assigns until the said sum of _____ together with interest for the same after
 10 the rate of _____ per centum per annum shall be fully paid.

Given under the Common Seal this _____
 thousand eight hundred and sixty

day of

One

THIRD SCHEDULE.

I (or we) of _____ in consideration of the sum of _____ paid
 15 by _____ of _____ do hereby transfer the within mortgage and all
 my (or our) right and property therein to the said _____ his (or her) executors
 administrators and assigns

Dated this _____
 and sixty

day of

One thousand eight hundred

WAGGA WAGGA BRIDGE COMPANY'S BILL.

*SCHEDULE of the Amendment made by the Legislative Council in the Bill, intituled,
"An Act to Incorporate the 'Wagga Wagga Bridge Company,'" returned to the
Legislative Assembly with Message of 21 November, 1861.*

R. O'CONNOR,
Clerk of the Legislative Council.

Page 2, clause 6, line 54. *After "river" insert "that is to say that a height of not less than
"seven feet be preserved between the top of the highest bank of the said river
"at the site of the said Bridge and the lower surface of the said Bridge."*

This PRIVATE BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL, for its concurrence.

*Legislative Assembly Chamber,
Sydney, 1 November, 1861. }*

CHA. TOMPSON,
Clerk of Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill, with an Amendment.

*Legislative Council Chamber,
Sydney, 21st November, 1861. }*

R. O'CONNOR,
Clerk of the Legislative Council.

New South Wales.



ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

An Act to Incorporate the "Wagga Wagga Bridge Company."

WHEREAS a Joint Stock Company has been lately established at Preamble.
Wagga Wagga in the Colony of New South Wales under the name
of the "Wagga Wagga Bridge Company" and subject to the articles and
conditions contained in a certain Indenture of Settlement of the said
5 Company hereinafter styled the "Settlement" bearing date the twenty-
third day of August one thousand eight hundred and sixty And whereas
by the said settlement the several parties thereto have reciprocally
covenanted that they and all future proprietors of shares in the said
Company should become a Company under the name aforesaid for making
10 completing and maintaining a substantial Bridge over the River Murrumbidgee at Wagga Wagga at a site which has been approved by the
Government and for the authority to receive tolls at such Bridge
And whereas the said Bridge would be greatly for the benefit of the
public generally as well as of the inhabitants of Wagga Wagga and its
15 immediate neighbourhood And whereas by the said settlement provision
has been made for the due management of the affairs of the Company by
directors to be elected as therein mentioned and the first such directors are
therein and hereinafter named And whereas the capital of the said
Company is by the said indenture fixed for the present at the sum of four
20 thousand pounds with power if deemed expedient to increase the same
And whereas shares in the said Company to the whole amount of the said
capital have already been allotted and taken and the sum of four hundred
pounds

NOTE.—The words to be inserted are printed in black letter.

Wagga Wagga Bridge Company's Incorporation—1861.

- pounds has been actually paid up in part of the said amount And whereas the said Company have obtained leave and license from the Crown to use and appropriate for all necessary purposes of the said Bridge and the approaches thereto such lands of the Crown as are hereinafter mentioned
- 5 And whereas the said Company are desirous of being incorporated and it is expedient that the said Company should be incorporated accordingly Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the
- 10 authority of the same as follows :—
1. The persons who have already become or who at any time here- Company incorpo-
after shall as provided by and subject to the articles and conditions con- rated.
tained in the said Settlement become proprietors of shares in the capital
of the said Company shall be one body politic and corporate by the name
- 15 of the "Wagga Wagga Bridge Company" hereinafter styled the
"Company" and by that name may sue and be sued in all Courts and
shall have perpetual Succession and a common Seal and be empowered to
take purchase hold alien and demise land for the purposes of this Act and
shall have and enjoy all other the rights privileges powers and authorities
- 20 of a Corporation for any like purpose.
2. The several provisions in the said settlement and all regu- Deed of Settlement
lations or by-laws made thereunder shall be the by-laws for the time confirmed.
being of the said Company with power to the said Company to alter vary
or repeal the same or any of them and to make others not inconsistent
- 25 with or repugnant to this Act or any law or statute now or hereafter in
force in the said Colony or in Great Britain Provided that a true copy
of the said settlement and of any by-laws to be made thereunder attested
by three Directors of the Company shall be registered at the office of the
Registrar General before such by-laws shall be valid.
- 30 3. Frederick Anslow Tompson George Forsyth Allen Bradley First Directors.
Morgan Henry Baylis and Henry Wallace shall be the first Directors
of the said Company.
4. The capital of the said Company shall be four thousand pounds Capital.
Provided that it shall be lawful for the said Company from time to time
- 35 to extend the same by the creation allotment and disposal of new shares
in the manner set forth and subject to the articles and conditions of the
said settlement.
5. The capital or joint stock and all the funds and property of the Property to be per-
said Company and the several shares therein and the profit and advantages sonalty.
40 to be derived therefrom shall be and be deemed personal estate and be
transferable and transmissible accordingly subject to the provisions of the
said settlement.
6. It shall be lawful for the said Company to make and construct Works to be done.
a good and substantial Bridge of not less than twenty-five feet in width
- 45 across the River Murrumbidgee at a site which has been approved of by
the Government between Crampton-street and Travers-street in the Town-
ship of Wagga Wagga with all necessary wharves piers embankments
landing places buildings gates and other works and conveniences and to
make proper roads and approaches to the said Bridge from the existing
- 50 public streets and roads through over and along the waste lands of the
Crown contiguous thereto and upon the completion of the said Bridge to
receive and take the tolls for the use thereof hereinafter specified Provided
that the said Bridge shall be so constructed as not to obstruct the naviga-
tion of the said river that is to say that a height of not less than seven
- 55 feet be preserved between the top of the highest bank of the said river
at the site of the said Bridge and the lower surface of the said Bridge.
7. It shall be lawful for the said Company their directors Power to enter
surveyors engineers agents and workmen and all other persons by them lands &c. for
authorized to enter into and upon all or any lands of the Crown at or survey.
near

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near the site of the intended works and to survey and take levels of some or any part thereof and to take or otherwise ascertain and set out the lines and superficial areas of the proposed works and roads in and over the said lands or such parts thereof as may be necessary for the laying out
 5 making constructing and the convenient operation of such works roads matters and conveniences as are hereby authorized to be made and also to take all such steps as shall be necessary to ascertain the nature of the soil and substrata of such lands or any part thereof for all or any of the purposes aforesaid and to take remove carry away and use any earth stone
 10 gravel timber or any other material from such lands of the Crown which may be proper for making maintaining altering repairing or using the said bridge.

8. As soon as conveniently may be after the completion of the whole work authorized by this Act the said Company shall absolutely sell
 15 and dispose of all superfluous lands if any which may have been purchased by them under this Act for any of the purposes aforesaid and shall apply the purchase money arising from such sales to the purposes of this Act or as provided by the said settlement. Superfluous land to be sold.

9. It shall be lawful for the said Company from time to time and
 20 at all times hereafter to ask demand take recover and receive to and for the use and benefit of the said Company all such tolls and rates as may be established from time to time by the said Company not exceeding the tolls or rates specified in the first Schedule hereto And also to take such wharfage or other rates or remuneration from vessels using any piers
 25 landing places wharves or places to be constructed by the said Company under the provisions of this Act as may in like manner be established. Tolls and rates.

10. The total amount of debts engagements and liabilities of the said Company shall not in any case exceed the amount of capital stock
 for the time being subscribed for and actually paid. Liabilities not to exceed paid up capital.

30 11. No toll shall be demandable or taken by virtue of this Act for or in respect of any horses or carriages belonging to the Governor or to any person in actual attendance upon him or for or in respect of the horses beasts carts carriages and other vehicles belonging to the Government and employed at the time of passing any toll-bar or toll-gate at or
 35 upon the said bridge in the Government service or for or in respect of any horse or beast or any carriage or other vehicle conveying any clergyman in the discharge of his duty or carrying the Post Office mails nor shall any toll be demandable or taken by virtue of this Act from any Volunteers while on duty or upon their way to or from duty or from any of Her
 40 Majesty's Officers and Soldiers being in proper staff or regimental or military uniform dress or undress in respect of themselves or their horses or in respect of any carriages or horses belonging to Her Majesty or employed in her service when conveying persons baggage arms or ammunition or returning therefrom or from any person proceeding to or returning
 45 from Divine Service on Sundays. Exemptions from toll.

12. It shall be lawful for the said Company to cause to be erected
 toll-bars or gates at or upon the said bridge and roads and at or upon such parts thereof as to the said Company shall seem fit and to collect and authorize some fit persons to attend the same and to collect and
 50 receive tolls thereat. Toll-bars and gates.

13. At and from the expiration of the term of ninety-nine years
 the said bridge shall be and be deemed a public bridge. After ninety-nine years bridge to be public.

14. If the said bridge across the Murrumbidgee with the approaches thereto be not fully and properly completed within three years next after
 55 the passing of this Act all the powers hereby given shall cease and determine. If not completed in three years Act to be void.

15. It shall be lawful for the said Company to demise and let to
 farm the tolls demandable under this Act at or upon the said bridge and the lessees shall have the same power of demanding and collecting and
 60 taking the said tolls as are hereby given to the said Company. Tolls may be leased.

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16. Such lessees may while the said tolls shall be so leased Lessees may appoint collectors.
 appoint such other persons as they may think necessary to collect demand
 and take the tolls so leased and the persons so appointed may use all
 means for the recovery thereof in the case of non-payment or evasion as
 5 the said Company and such lessees might or could do under this Act.

17. In case the tolls demandable at or upon the said bridge Summary remedies against defaulting lessees.
 shall be so demised and the lessee shall neglect or refuse to perform the
 conditions on which the same shall be let or in case the rent agreed to be
 paid by such lessee or any part thereof shall be in arrear for fourteen days
 10 next after the day on which the same ought to be paid or the term for
 which such lessee held the same shall in any manner become void or
 voidable it shall be lawful for any Justice of the Peace upon complaint
 made upon oath by or on behalf of the said Company by warrant under his
 hand and seal to order a constable or other peace officer with such assist-
 15 ance as shall be necessary to enter upon and take possession of the said
 bridge and the toll-house at or upon the same and all buildings and appur-
 tenances thereto belonging and to remove or put out such lessee and the
 collectors keepers servants or other persons found therein together with
 their goods from the possession thereof and from the collection of the tolls
 20 in respect thereof and the lease contract or agreement for the same shall
 thenceforth cease and be utterly void except as to the conditions and
 agreements for payment up to that time of the rent payable for the same
 or the other conditions or agreements contained therein on the lessees' part
 and which shall have been broken and the same tolls may be demised to
 25 any other person and may in the meantime be collected by the said
 Company his or their servants and agents.

18. In case any lessee of the said tolls shall on the expiration of Summary ejectment of lessees holding over.
 the term for which the same shall have been demised neglect or refuse to
 deliver up to the said Company or to any new lessee possession of any
 30 toll-house at or upon the said bridge or any buildings and appurtenances
 thereto belonging it shall be lawful for any Justice of the Peace upon
 complaint made upon oath by or on behalf of the said Company by warrant
 under his hand and seal to order any constable with all such assistance
 as shall be necessary to enter upon and take possession of such toll-houses
 35 buildings and appurtenances and to put out such lessee collectors keepers
 servants and other persons found therein together with their goods and
 chattels from the possession thereof.

19. The said Company or the lessees of the said tolls for the time Table of tolls.
 being in receipt thereof are hereby required to put up and continue in some
 40 conspicuous place at or near any toll-gate or at and upon any toll-house
 at or upon the said bridge a table painted in distinct legible black letters
 on a board with a white ground containing a list of the tolls payable at
 the said bridge distinguishing severally the amount of toll and the different
 sorts of cattle beasts carriages or other vehicles for which they are severally
 45 to be paid when there shall be any variation therein and the said Company
 and lessees shall place in some conspicuous position near to such board the
 christian and surname of the collector or keeper of the said tolls who
 shall be on duty for the time being and shall continue the same during
 the whole time such collector or keeper shall be on duty and shall change
 50 such name according to every change of such collector or keeper and if the
 said Company while they shall take the said tolls or their lessees shall
 neglect or refuse to put up such table or such name or if the collector or
 keeper of such tolls shall not be in attendance at all times by day and by
 night at the place at which he is stationed or ought to be or shall demand
 55 and take a greater toll from any person than he shall be authorized to do
 or shall refuse to permit any person to read or shall in any manner hinder
 or prevent any person from reading the inscriptions on the said boards or
 any name so fixed up as aforesaid or shall refuse to tell his own christian
 name and surname to any person who shall demand to know the same on
 paying

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paying any of the said tolls or upon the legal toll being tendered or paid shall unnecessarily detain or wilfully obstruct hinder or delay any passenger from going through any toll-gate such collector shall be liable for every such offence to a penalty not exceeding forty shillings.

5 20. If any person liable to the payment of any toll under this Act shall after demand neglect or refuse to pay the same or any part thereof it shall be lawful for any person having right or authority to collect the same to prevent such person from passing through the toll-gate and to close and fasten the same and to keep the same closed and fastened
10 until such toll be paid.

Persons refusing toll may be stopped.

21. If any person shall resist or forcibly oppose or assault any person having right or authority to collect the said toll in the execution of his duty or shall pass through any toll-gate at or upon the said bridge without paying the legal toll to which he is liable or shall fraudulently or
15 forcibly evade or do any act whatever in order or with intent to evade the payment of such toll and whereby the same shall be evaded every such person shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for evading toll.

22. If any lessee or collector of tolls under this Act or any keeper of a gate at or on the said bridge shall upon the legal toll being tendered or paid unnecessarily or for an unreasonable time detain or wilfully obstruct hinder or delay any passenger with or without his 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 a gate on the said
25 bridge shall make use of any uncivil scurrilous threatening or abusive language or behaviour to any traveller or passenger over the said bridge such lessee or collector of tolls or keeper of a gate shall be liable for every such offence to a penalty not exceeding five pounds.

Penalties against collectors for misconduct.

23. If any person liable to the payment of any toll under this Act shall after demand thereof neglect or refuse to pay the same or any part thereof it shall be lawful for the person having right or authority to collect such toll by himself or taking such assistance as he shall think necessary to seize and distrain any horse beast cattle sheep carriage or other thing upon or in respect of which any such toll is imposed together
30 with their respective bridles saddles gear or harness and if the toll or any part thereof so neglected or refused to be paid and all reasonable charges of and attending such seizure shall not be paid within one day thereafter the person so seizing and distraining may sell the animal or thing so seized returning to the owner upon demand the overplus of the
40 proceeds (if any) and what shall remain unsold.

Collector may summarily distrain for toll unpaid.

24. If any person shall wilfully or maliciously injure pull or cut down pluck up throw down break level or otherwise destroy or damage any toll-gate or any chain post rail wall bar or other fence or any lamp belonging to any toll-gate at or upon the said bridge or any house erected
45 for the use of any such toll-gate or any table of tolls such person shall be liable for every such offence to a penalty not exceeding ten pounds over and above the damages occasioned thereby the whole to be recovered as if it were a penalty only.

Damages and penalty for wilful injury to works.

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

Beasts liable to toll to be counted.

26. The said Company shall have as against all persons except the Crown the absolute and exclusive right of ferry over and across the said River Murrumbidgee for the full and clear distance of two miles on each side of the said bridge up and down the said river and every person establishing or attempting to establish for hire or profit any ferry over and across the said river within that distance shall be deemed to have

Right of ferry within certain limits of bridge.

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have committed a trespass at law against the said Company and shall also be liable for every such offence to a penalty not exceeding fifty pounds.

27. No dividend or bonus shall in any case be declared or paid out of the subscribed capital for the time being of the said Company or otherwise than out of the declared net gains and profits of the concern. No dividend out of capital.

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

29. Nothing herein contained shall prejudice any call made or any contract or other act deed matter or thing entered into made or done by the said Company prior to or under or by virtue of the said settlement before this Act shall come into operation but the same shall be as valid and effectual to all intents and purposes as if this Act had passed and the said Company had been incorporated before the same had been made entered into or done. Acts under settlement previously hereto valid.

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

31. If by means of any such execution any shareholders 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 to the extent to which they shall be sufficient for that purpose. Shareholders paying in excess under execution to recover against Company.

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32. The Directors for the time being shall have the custody of the Common Seal of the said Company and the form thereof and all other matters relating thereto shall from time to time be determined by the Directors in the same manner as is provided in and by the said settlement for the determination of other matters by the Board of Directors and the Directors present at a Board of Directors of the said Company shall have power to use such Common Seal for the affairs and concerns of the said Company and under such Seal to execute any deeds and do any such other matters and things as may be required to be executed and done on behalf of the said Company in conformity with the provisions of the said settlement and this Act but it shall not be necessary to use the Common Seal in respect of any of the ordinary business of the said Company or for the appointment of an attorney or solicitor for the prosecution or defence of any action suit or proceeding.
33. In case it shall at any time be thought expedient by the said Company to raise any money by way of loan it shall be lawful for the said Company to borrow and take up at interest in addition to the money which the said Company are authorized to raise in extension of their capital as aforesaid any such sum as to them shall seem necessary or convenient not exceeding at any time one half of the amount of the capital of the said Company then actually paid up and the said Company after an order shall have been made for that purpose by any general meeting are hereby authorized to assign by way of mortgage the property of the said Company and the tolls or rates arising or to arise under this Act or any part thereof respectively as a security for any such money to be borrowed as aforesaid with interest not exceeding the rate of ten pounds per centum per annum and all mortgages so made shall be in the words or to the effect of the second Schedule hereto and shall be executed under the common seal of the said Company And all persons to whom any such mortgage shall be made shall be equally entitled one with the other to their respective proportions of the said tolls rates and premises according to the respective sums in such mortgages mentioned to be advanced without any preference by reason of priority of date or otherwise and an entry or memorial of every such mortgage containing the number and date thereof and the names of the persons with the proper additions to whom the same shall have been made and of the sums borrowed together with the rate of interest to be paid thereon shall within fourteen days next after the date thereof be entered in a book to be kept at the office of the said Company at Wagga Wagga which book may be perused at all reasonable times by any proprietor or creditor of the said Company or other person interested therein without fee or reward and every person to whom any such mortgage shall have been made or who shall be entitled to the money due thereon may from time to time transfer his right and interest therein to any person by indorsement in the words or to the effect of the third Schedule hereto and every such transfer shall within twenty-eight days after the date thereof be produced to the manager or clerk of the said Company who shall cause an entry or memorial to be made thereof in the same manner as the original mortgage or assignment for which the said clerk shall be paid such sum as the said Company shall appoint not exceeding two shillings and sixpence and after such entry made every such transfer shall entitle the transferee his executors administrators and assigns to the full benefit thereof and payment thereon and it shall not be in the power of any person who shall have made such transfer to make void release or discharge the same or any sum of money thereon due or thereby secured or any part thereof.
34. The interest of the money which shall be raised by mortgage as aforesaid shall be paid half-yearly to the several persons entitled thereto in preference to any interest or dividends due or payable under this

Custody of seal and its use.

Company may borrow money within limit on mortgage.

Payment of interest on mortgages.

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this Act to the shareholders or any of them and shall from time to time be fully paid and discharged or provided for before the yearly or other interest or dividends due to the shareholders or any of them shall be paid made or provided And in case such interest or any part thereof shall be behind and unpaid for the space of twenty-one days next after the same shall have become due and payable as aforesaid and shall not be paid within seven days next after demand thereof in writing made to the said Company or left at the office thereof any Justices of the Peace in Petty Sessions assembled on request made by or on behalf of any mortgagee or transferee of a mortgage whose interest shall be so in arrears shall by an Order under their hands appoint some person to receive the tolls or rates liable for payment of such interest so due and unpaid as aforesaid and the money so to be received by such person is hereby declared to be so much money received by or to the use of the person to whom such interest shall be then due until the same together with the costs and charges of recovering and receiving the tolls or rates shall be fully satisfied and paid and after such interest and costs shall have been paid and satisfied the power and authority of such receiver for the purposes aforesaid shall cease and determine or otherwise the said interest so due and unpaid as aforesaid shall be sued for and recovered with costs by an action of debt in the nearest District Court.

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

36. In case the said Company shall raise any money by mortgage and shall afterwards be required or be desirous to pay off and shall pay off all or any part of the principal sum secured by such mortgage the said Company may immediately or at any time thereafter again raise in lieu of the principal money so paid off or to be paid off by them so much money as they shall from time to time have paid off or be required or be desirous to pay off to the holders of the mortgages or any of them or any part thereof and so from time to time as often as the same shall happen but so nevertheless that the mortgage debts of the said Company shall not in any event exceed the proportion aforesaid of the paid up capital of the said Company.

37. It shall be lawful for the Governor with the advice of the Executive Council at any time after the expiration of twenty-one years from the completion of the said bridge to purchase the same with all appurtenances in the name and on behalf of Her Majesty upon giving to the said Company three 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 and the roads and approaches thereto together with a premium thereon of ten per cent. Provided that the said Company shall within two years after the completion of the said bridge roads and appurtenances file in the Office of the Minister for Public Works a true account in detail of all costs and expenses occasioned by and incident to the erection of the said bridge roads and appurtenances verified by the declaration of the Chairman of the said Company and that the amount of such costs and expenses shall be the sum upon which such premium shall be estimated Provided also that at any time during the continuance of the said term of twenty-one 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 roads and appurtenances and to assign the interest of the said Company in the same to Her Majesty upon such other terms as may in such case be agreed upon between the said

Mortgagee or transferee not to be proprietor.

Mortgages may be renewed within same limit.

After twenty-one years bridge &c. may be bought by Government.

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said Company and the Governor with the advice aforesaid 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 and roads in repair under this Act shall cease and determine.

- 5 38. The said Company shall keep at all times in good and substantial repair and fit for use the said bridge and its appurtenances and all other works which they are empowered to construct and use by virtue of this Act. And if any repair required thereto or to any part thereof shall not be effected within six months after a notice in writing from the
10 Minister for Public Works requiring the same to be effected shall have been served on the Chairman or Secretary of the said Company or if the said Company shall make wilful default in any of the requirements or provisions of this Act the said bridge with its appurtenances and all right to tolls in respect thereof shall thereupon become public property and
15 may be immediately taken possession of by the Minister for Public Works for and on behalf of the Crown. Provided that in such event the said Company shall be entitled to demand and recover from the Government by way of compensation such sum of money as they may have actually expended in and about the construction of the said bridge and appurte-
20 nances to be ascertained by arbitration as hereinafter provided.

39. In any case of disagreement between the said Company and any proprietor or any other person or with the Government upon any question arising under this Act the matter may be settled by arbitration as follows. The disputants shall each name an arbitrator any such
25 arbitrator on the part of the Government being named by the Minister for Public Works and the arbitrators shall before proceeding to arbitrate name an umpire who shall act in case of their differing. And such arbitrators and umpire shall have all usual powers and authorities as to examining parties and witnesses on oath if thought fit and otherwise
30 incident to arbitrators generally. And the decision of such arbitrators or such umpire shall be absolutely final and binding on the several parties.

40. All penalties under this Act may be recovered summarily before any two Justices of the Peace.

- 35 41. This Act shall be styled and may be cited as the "Wagga Wagga Bridge Company's Act of 1861."

FIRST SCHEDULE.—SCALE OF CHARGES.

	s.	d.
For every foot passenger.....	0	3
For every pig or goat	0	2
40 For every sheep or lamb	0	0½
For every horse mare ass or mule	1	0
For every head of neat cattle.....	0	4
For every cart dray or other vehicle drawn by one or more beast	1	0 per wheel
For every such beast	0	4

- 45 N.B.—No second tolls payable upon returning the same day nor double tolls on Sunday.

SECOND

Wagga Wagga Bridge Company's Incorporation—1861.

SECOND SCHEDULE.

No.

The Wagga Wagga Bridge Company by virtue of the "Wagga Wagga Bridge Company's Act of 1861" in consideration of the sum of _____ paid to the said Company
 5 by _____ of _____ hereby assign to the said
 his (or her) executors administrators and assigns the said Company's undertaking and all
 the tolls and rates arising under the said Act and all the estate right title and interest of in
 and to the same To hold to the said _____ his (or her) executors administrators
 10 and assigns until the said sum of _____ together with interest for the same after
 the rate of _____ per centum per annum shall be fully paid.

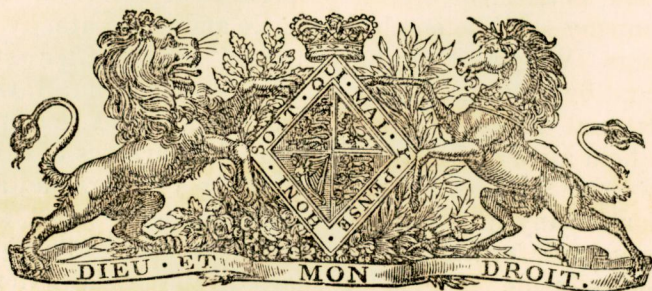
Given under the Common Seal this _____ day of _____ One
 thousand eight hundred and sixty

THIRD SCHEDULE.

I (or we) of _____ in consideration of the sum of _____ paid
 15 by _____ of _____ do hereby transfer the within mortgage and all
 my (or our) right and property therein to the said _____ his (or her) executors
 administrators and assigns

Dated this _____ day of _____ One thousand eight hundred
 and sixty

New South Wales.



ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

An Act to Incorporate the "Wagga Wagga Bridge Company."
[Assented to, 5th December, 1861.]

WHEREAS a Joint Stock Company has been lately established at Preamble.
Wagga Wagga in the Colony of New South Wales under the name
of the "Wagga Wagga Bridge Company" and subject to the articles and
conditions contained in a certain Indenture of Settlement of the said
Company hereinafter styled the "Settlement" bearing date the twenty-
third day of August one thousand eight hundred and sixty And whereas
by the said settlement the several parties thereto have reciprocally
covenanted that they and all future proprietors of shares in the said
Company should become a Company under the name aforesaid for making
completing and maintaining a substantial Bridge over the River Murrum-
bidgee at Wagga Wagga at a site which has been approved by the
Government and for the authority to receive tolls at such Bridge
And whereas the said Bridge would be greatly for the benefit of the
public generally as well as of the inhabitants of Wagga Wagga and its
immediate neighbourhood And whereas by the said settlement provision
has been made for the due management of the affairs of the Company by
directors to be elected as therein mentioned and the first such directors are
therein and hereinafter named And whereas the capital of the said
Company is by the said indenture fixed for the present at the sum of four
thousand pounds with power if deemed expedient to increase the same
And whereas shares in the said Company to the whole amount of the said
capital have already been allotted and taken and the sum of four hundred
pounds

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pounds has been actually paid up in part of the said amount And whereas the said Company have obtained leave and license from the Crown to use and appropriate for all necessary purposes of the said Bridge and the approaches thereto such lands of the Crown as are hereinafter mentioned And whereas the said Company are desirous of being incorporated and it is expedient that the said Company should be incorporated accordingly Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

Company incorpo-
rated.

1. The persons who have already become or who at any time hereafter shall as provided by and subject to the articles and conditions contained in the said Settlement become proprietors of shares in the capital of the said Company shall be one body politic and corporate by the name of the "Wagga Wagga Bridge Company" hereinafter styled the "Company" and by that name may sue and be sued in all Courts and shall have perpetual Succession and a common Seal and be empowered to take purchase hold alien and demise land for the purposes of this Act and shall have and enjoy all other the rights privileges powers and authorities of a Corporation for any like purpose.

Deed of Settlement
confirmed.

2. The several provisions in the said settlement and all regulations or by-laws made thereunder shall be the by-laws for the time being of the said Company with power to the said Company to alter vary or repeal the same or any of them and to make others not inconsistent with or repugnant to this Act or any law or statute now or hereafter in force in the said Colony or in Great Britain Provided that a true copy of the said settlement and of any by-laws to be made thereunder attested by three Directors of the Company shall be registered at the office of the Registrar General before such by-laws shall be valid.

First Directors.

3. Frederick Anslow Tompson George Forsyth Allen Bradley Morgan Henry Baylis and Henry Wallace shall be the first Directors of the said Company.

Capital.

4. The capital of the said Company shall be four thousand pounds Provided that it shall be lawful for the said Company from time to time to extend the same by the creation allotment and disposal of new shares in the manner set forth and subject to the articles and conditions of the said settlement.

Property to be per-
sonalty.

5. The capital or joint stock and all the funds and property of the said Company and the several shares therein and the profit and advantages to be derived therefrom shall be and be deemed personal estate and be transferable and transmissible accordingly subject to the provisions of the said settlement.

Works to be done.

6. It shall be lawful for the said Company to make and construct a good and substantial Bridge of not less than twenty-five feet in width across the River Murrumbidgee at a site which has been approved of by the Government between Crampton-street and Travers-street in the Township of Wagga Wagga with all necessary wharves piers embankments landing places buildings gates and other works and conveniences and to make proper roads and approaches to the said Bridge from the existing public streets and roads through over and along the waste lands of the Crown contiguous thereto and upon the completion of the said Bridge to receive and take the tolls for the use thereof hereinafter specified Provided that the said Bridge shall be so constructed as not to obstruct the navigation of the said river that is to say that a height of not less than seven feet be preserved between the top of the highest bank of the said river at the site of the said Bridge and the lower surface of the said Bridge.

Power to enter
lands &c. for
survey.

7. It shall be lawful for the said Company their directors surveyors engineers agents and workmen and all other persons by them authorized to enter into and upon all or any lands of the Crown at or near

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near the site of the intended works and to survey and take levels of some or any part thereof and to take or otherwise ascertain and set out the lines and superficial areas of the proposed works and roads in and over the said lands or such parts thereof as may be necessary for the laying out making constructing and the convenient operation of such works roads matters and conveniences as are hereby authorized to be made and also to take all such steps as shall be necessary to ascertain the nature of the soil and substrata of such lands or any part thereof for all or any of the purposes aforesaid and to take remove carry away and use any earth stone gravel timber or any other material from such lands of the Crown which may be proper for making maintaining altering repairing or using the said bridge.

8. As soon as conveniently may be after the completion of the whole work authorized by this Act the said Company shall absolutely sell and dispose of all superfluous lands if any which may have been purchased by them under this Act for any of the purposes aforesaid and shall apply the purchase money arising from such sales to the purposes of this Act or as provided by the said settlement. Superfluous land to be sold.

9. It shall be lawful for the said Company 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 all such tolls and rates as may be established from time to time by the said Company not exceeding the tolls or rates specified in the first Schedule hereto And also to take such wharfage or other rates or remuneration from vessels using any piers landing places wharves or places to be constructed by the said Company under the provisions of this Act as may in like manner be established. Tolls and rates.

10. The total amount of debts engagements and liabilities of the said Company shall not in any case exceed the amount of capital stock for the time being subscribed for and actually paid. Liabilities not to exceed paid up capital.

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

12. It shall be lawful for the said Company to cause to be erected toll-bars or gates at or upon the said bridge and roads and at or upon such parts thereof as to the said Company shall seem fit and to collect and authorize some fit persons to attend the same and to collect and receive tolls thereat. Toll-bars and gates.

13. At and from the expiration of the term of ninety-nine years the said bridge shall be and be deemed a public bridge. After ninety-nine years bridge to be public.

14. If the said bridge across the Murrumbidgee with the approaches thereto be not fully and properly completed within three years next after the passing of this Act all the powers hereby given shall cease and determine. If not completed in three years Act to be void.

15. It shall be lawful for the said Company to demise and let to farm the tolls demandable under this Act at or upon the said bridge and the lessees shall have the same power of demanding and collecting and taking the said tolls as are hereby given to the said Company. Tolls may be leased.

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Lessees may appoint
collectors.

16. Such lessees may while the said tolls shall be so leased appoint such other persons as they may think necessary to collect demand and take the tolls so leased and the persons so appointed may use all means for the recovery thereof in the case of non-payment or evasion as the said Company and such lessees might or could do under this Act.

Summary remedies
against defaulting
lessees.

17. In case the tolls demandable at or upon the said bridge shall be so demised and the lessee shall neglect or refuse to perform the conditions on which the same shall be let or in case the rent agreed to be paid by such lessee or any part thereof shall be in arrear for fourteen days next after the day on which the same ought to be paid or the term for which such lessee held the same shall in any manner become void or voidable it shall be lawful for any Justice of the Peace upon complaint made upon oath by or on behalf of the said Company by warrant under his hand and seal to order a constable or other peace officer with such assistance as shall be necessary to enter upon and take possession of the said bridge and the toll-house at or upon the same and all buildings and appurtenances thereto belonging and to remove or put out such lessee and the collectors keepers servants or other persons found therein together with their goods from the possession thereof and from the collection of the tolls in respect thereof and the lease contract or agreement for the same shall thenceforth cease and be utterly void except as to the conditions and agreements for payment up to that time of the rent payable for the same or the other conditions or agreements contained therein on the lessees' part and which shall have been broken and the same tolls may be demised to any other person and may in the meantime be collected by the said Company his or their servants and agents.

Summary ejectment
of lessees holding
over.

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

Table of tolls.

19. The said Company or the lessees of the said tolls for the time being in receipt thereof are hereby required to put up and continue in some conspicuous place at or near any toll-gate or at and upon any toll-house at or upon the said bridge a table painted in distinct legible black letters on a board with a white ground containing a list of the tolls payable at the said bridge distinguishing severally the amount of toll and the different sorts of cattle beasts carriages or other vehicles for which they are severally to be paid when there shall be any variation therein and the said Company and lessees shall place in some conspicuous position near to such board the christian and surname of the collector or keeper of the said tolls who shall be on duty for the time being and shall continue the same during the whole time such collector or keeper shall be on duty and shall change such name according to every change of such collector or keeper and if the said Company while they shall take the said tolls or their lessees shall neglect or refuse to put up such table or such name or if the collector or keeper of such tolls shall not be in attendance at all times by day and by night at the place at which he is stationed or ought to be or shall demand and take a greater toll from any person than he shall be authorized to do or shall refuse to permit any person to read or shall in any manner hinder or prevent any person from reading the inscriptions on the said boards or any name so fixed up as aforesaid or shall refuse to tell his own christian name and surname to any person who shall demand to know the same on paying

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paying any of the said tolls or upon the legal toll being tendered or paid shall unnecessarily detain or wilfully obstruct hinder or delay any passenger from going through any toll-gate such collector shall be liable for every such offence to a penalty not exceeding forty shillings.

20. If any person liable to the payment of any toll under this Act shall after demand neglect or refuse to pay the same or any part thereof it shall be lawful for any person having right or authority to collect the same to prevent such person from passing through the toll-gate and to close and fasten the same and to keep the same closed and fastened until such toll be paid. Persons refusing toll may be stopped.

21. If any person shall resist or forcibly oppose or assault any person having right or authority to collect the said toll in the execution of his duty or shall pass through any toll-gate at or upon the said bridge without paying the legal toll to which he is liable or shall fraudulently or forcibly evade or do any act whatever in order or with intent to evade the payment of such toll and whereby the same shall be evaded every such person shall for every such offence be liable to a penalty not exceeding five pounds. Penalty for evading toll.

22. If any lessee or collector of tolls under this Act or any keeper of a gate at or on the said bridge shall upon the legal toll being tendered or paid unnecessarily or for an unreasonable time detain or wilfully obstruct hinder or delay any passenger with or without his 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 a gate on the said bridge shall make use of any uncivil scurrilous threatening or abusive language or behaviour to any traveller or passenger over the said bridge such lessee or collector of tolls or keeper of a gate shall be liable for every such offence to a penalty not exceeding five pounds. Penalties against collectors for misconduct.

23. If any person liable to the payment of any toll under this Act shall after demand thereof neglect or refuse to pay the same or any part thereof it shall be lawful for the person having right or authority to collect such toll by himself or taking such assistance as he shall think necessary to seize and distrain any horse beast cattle sheep carriage or other thing upon or in respect of which any such toll is imposed together with their respective bridles saddles gear or harness and if the toll or any part thereof so neglected or refused to be paid and all reasonable charges of and attending such seizure shall not be paid within one day thereafter the person so seizing and distraining may sell the animal or thing so seized returning to the owner upon demand the overplus of the proceeds (if any) and what shall remain unsold. Collector may summarily distrain for toll unpaid.

24. If any person shall wilfully or maliciously injure pull or cut down pluck up throw down break level or otherwise destroy or damage any toll-gate or any chain post rail wall bar or other fence or any lamp belonging to any toll-gate at or upon the said bridge or any house erected for the use of any such toll-gate or any table of tolls such person shall be liable for every such offence to a penalty not exceeding ten pounds over and above the damages occasioned thereby the whole to be recovered as if it were a penalty only. Damages and penalty for wilful injury to works.

25. All horses cattle sheep and other beasts for which toll shall be payable under this Act shall be counted by the lessee or collector of tolls under this Act or keeper of the gate at either side of the said bridge before such horses cattle sheep or other beasts shall pass over and off the said Bridge. Beasts liable to toll to be counted.

26. The said Company shall have as against all persons except the Crown the absolute and exclusive right of ferry over and across the said River Murrumbidgee for the full and clear distance of two miles on each side of the said bridge up and down the said river and every person establishing or attempting to establish for hire or profit any ferry over and across the said river within that distance shall be deemed to have Right of ferry within certain limits of bridge.

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have committed a trespass at law against the said Company and shall also be liable for every such offence to a penalty not exceeding fifty pounds.

No dividend out of capital.

27. No dividend or bonus shall in any case be declared or paid out of the subscribed capital for the time being of the said Company or otherwise than out of the declared net gains and profits of the concern.

Proceedings on actions for calls.

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

Acts under settlement previously hereto valid.

29. Nothing herein contained shall prejudice any call made or any contract or other act deed matter or thing entered into made or done by the said Company prior to or under or by virtue of the said settlement before this Act shall come into operation but the same shall be as valid and effectual to all intents and purposes as if this Act had passed and the said Company had been incorporated before the same had been made entered into or done.

Liability of share holders.

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

Shareholders paying in excess under execution to recover against Company.

31. If by means of any such execution any shareholders 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 to the extent to which they shall be sufficient for that purpose.

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32. The Directors for the time being shall have the custody of the Common Seal of the said Company and the form thereof and all other matters relating thereto shall from time to time be determined by the Directors in the same manner as is provided in and by the said settlement for the determination of other matters by the Board of Directors and the Directors present at a Board of Directors of the said Company shall have power to use such Common Seal for the affairs and concerns of the said Company and under such Seal to execute any deeds and do any such other matters and things as may be required to be executed and done on behalf of the said Company in conformity with the provisions of the said settlement and this Act but it shall not be necessary to use the Common Seal in respect of any of the ordinary business of the said Company or for the appointment of an attorney or solicitor for the prosecution or defence of any action suit or proceeding.

Custody of seal and its use.

33. In case it shall at any time be thought expedient by the said Company to raise any money by way of loan it shall be lawful for the said Company to borrow and take up at interest in addition to the money which the said Company are authorized to raise in extension of their capital as aforesaid any such sum as to them shall seem necessary or convenient not exceeding at any time one half of the amount of the capital of the said Company then actually paid up and the said Company after an order shall have been made for that purpose by any general meeting are hereby authorized to assign by way of mortgage the property of the said Company and the tolls or rates arising or to arise under this Act or any part thereof respectively as a security for any such money to be borrowed as aforesaid with interest not exceeding the rate of ten pounds per centum per annum and all mortgages so made shall be in the words or to the effect of the second Schedule hereto and shall be executed under the common seal of the said Company And all persons to whom any such mortgage shall be made shall be equally entitled one with the other to their respective proportions of the said tolls rates and premises according to the respective sums in such mortgages mentioned to be advanced without any preference by reason of priority of date or otherwise and an entry or memorial of every such mortgage containing the number and date thereof and the names of the persons with the proper additions to whom the same shall have been made and of the sums borrowed together with the rate of interest to be paid thereon shall within fourteen days next after the date thereof be entered in a book to be kept at the office of the said Company at Wagga Wagga which book may be perused at all reasonable times by any proprietor or creditor of the said Company or other person interested therein without fee or reward and every person to whom any such mortgage shall have been made or who shall be entitled to the money due thereon may from time to time transfer his right and interest therein to any person by indorsement in the words or to the effect of the third Schedule hereto and every such transfer shall within twenty-eight days after the date thereof be produced to the manager or clerk of the said Company who shall cause an entry or memorial to be made thereof in the same manner as the original mortgage or assignment for which the said clerk shall be paid such sum as the said Company shall appoint not exceeding two shillings and sixpence and after such entry made every such transfer shall entitle the transferee his executors administrators and assigns to the full benefit thereof and payment thereon and it shall not be in the power of any person who shall have made such transfer to make void release or discharge the same or any sum of money thereon due or thereby secured or any part thereof.

Company may borrow money within limit on mortgage.

34. The interest of the money which shall be raised by mortgage as aforesaid shall be paid half-yearly to the several persons entitled thereto in preference to any interest or dividends due or payable under

Payment of interest on mortgages.

this

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this Act to the shareholders or any of them and shall from time to time be fully paid and discharged or provided for before the yearly or other interest or dividends due to the shareholders or any of them shall be paid made or provided And in case such interest or any part thereof shall be behind and unpaid for the space of twenty-one days next after the same shall have become due and payable as aforesaid and shall not be paid within seven days next after demand thereof in writing made to the said Company or left at the office thereof any Justices of the Peace in Petty Sessions assembled on request made by or on behalf of any mortgagee or transferee of a mortgage whose interest shall be so in arrears shall by an Order under their hands appoint some person to receive the tolls or rates liable for payment of such interest so due and unpaid as aforesaid and the money so to be received by such person is hereby declared to be so much money received by or to the use of the person to whom such interest shall be then due until the same together with the costs and charges of recovering and receiving the tolls or rates shall be fully satisfied and paid and after such interest and costs shall have been paid and satisfied the power and authority of such receiver for the purposes aforesaid shall cease and determine or otherwise the said interest so due and unpaid as aforesaid shall be sued for and recovered with costs by an action of debt in the nearest District Court.

Mortgagee or transferee not to be proprietor.

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

Mortgages may be renewed within same limit.

36. In case the said Company shall raise any money by mortgage and shall afterwards be required or be desirous to pay off and shall pay off all or any part of the principal sum secured by such mortgage the said Company may immediately or at any time thereafter again raise in lieu of the principal money so paid off or to be paid off by them so much money as they shall from time to time have paid off or be required or be desirous to pay off to the holders of the mortgages or any of them or any part thereof and so from time to time as often as the same shall happen but so nevertheless that the mortgage debts of the said Company shall not in any event exceed the proportion aforesaid of the paid up capital of the said Company.

After twenty-one years bridge &c. may be bought by Government.

37. It shall be lawful for the Governor with the advice of the Executive Council at any time after the expiration of twenty-one years from the completion of the said bridge to purchase the same with all appurtenances in the name and on behalf of Her Majesty upon giving to the said Company three 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 and the roads and approaches thereto together with a premium thereon of ten per cent. Provided that the said Company shall within two years after the completion of the said bridge roads and appurtenances file in the Office of the Minister for Public Works a true account in detail of all costs and expenses occasioned by and incident to the erection of the said bridge roads and appurtenances verified by the declaration of the Chairman of the said Company and that the amount of such costs and expenses shall be the sum upon which such premium shall be estimated Provided also that at any time during the continuance of the said term of twenty-one 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 roads and appurtenances and to assign the interest of the said Company in the same to Her Majesty upon such other terms as may in such case be agreed upon between the

said

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said Company and the Governor with the advice aforesaid 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 and roads in repair under this Act shall cease and determine.

38. The said Company shall keep at all times in good and substantial repair and fit for use the said bridge and its appurtenances and all other works which they are empowered to construct and use by virtue of this Act. And if any repair required thereto or to any part thereof shall not be effected within six months after a notice in writing from the Minister for Public Works requiring the same to be effected shall have been served on the Chairman or Secretary of the said Company or if the said Company shall make wilful default in any of the requirements or provisions of this Act the said bridge with its appurtenances and all right to tolls in respect thereof shall thereupon become public property and may be immediately taken possession of by the Minister for Public Works for and on behalf of the Crown. ^{Bridge &c. to be kept in repair or become public property.} Provided that in such event the said Company shall be entitled to demand and recover from the Government by way of compensation such sum of money as they may have actually expended in and about the construction of the said bridge and appurtenances to be ascertained by arbitration as hereinafter provided. ^{Proviso for compensation.}

39. In any case of disagreement between the said Company and any proprietor or any other person or with the Government upon any question arising under this Act the matter may be settled by arbitration as follows. The disputants shall each name an arbitrator any such arbitrator on the part of the Government being named by the Minister for Public Works and the arbitrators shall before proceeding to arbitrate name an umpire who shall act in case of their differing. And such arbitrators and umpire shall have all usual powers and authorities as to examining parties and witnesses on oath if thought fit and otherwise incident to arbitrators generally. And the decision of such arbitrators or such umpire shall be absolutely final and binding on the several parties. ^{Arbitration.}

40. All penalties under this Act may be recovered summarily before any two Justices of the Peace. ^{Penalties.}

41. This Act shall be styled and may be cited as the "Wagga Wagga Bridge Company's Act of 1861." ^{Short Title.}

FIRST SCHEDULE.—SCALE OF CHARGES.

	s.	d.
For every foot passenger.....	0	3
For every pig or goat	0	2
For every sheep or lamb	0	0½
For every horse mare ass or mule	1	0
For every head of neat cattle.....	0	4
For every cart dray or other vehicle drawn by one or more beast	1	0 per wheel
For every such beast	0	4

N.B.—No second tolls payable upon returning the same day nor double tolls on Sunday.

SECOND

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SECOND SCHEDULE.

No.

The Wagga Wagga Bridge Company by virtue of the "Wagga Wagga Bridge Company's Act of 1861" in consideration of the sum of _____ paid to the said Company by _____ of _____ hereby assign to the said his (or her) executors administrators and assigns the said Company's undertaking and all the tolls and rates arising under the said Act and all the estate right title and interest of in and to the same To hold to the said _____ his (or her) executors administrators and assigns until the said sum of _____ together with interest for the same after the rate of _____ per centum per annum shall be fully paid.

Given under the Common Seal this _____ day of _____ One thousand eight hundred and sixty _____

THIRD SCHEDULE.

I (or we) of _____ in consideration of the sum of _____ paid by _____ of _____ do hereby transfer the within mortgage and all my (or our) right and property therein to the said _____ his (or her) executors administrators and assigns

Dated this _____ day of _____ One thousand eight hundred and sixty _____

By Authority: THOMAS RICHARDS, Government Printer, Sydney, 1861.

[Price, 3d.]