



CHAP. xxxii.

An Act to authorise the construction of a Bridge over the River Cam in the county of Cambridge, to be called "the Clayhithe Bridge," with Approaches; and for other purposes.

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[25th May 1871.]

WHEREAS the construction of a bridge over the River Cam at Clayhithe, in the parishes of Horningsea and Waterbeach, all in the county of Cambridge, with a new road and certain improvements of existing roads in those parishes, would be of great local and public advantage, and the persons herein-after named, with others, are willing at their own expense to construct such bridge and works:

And whereas a plan and section showing the lines and levels of the bridge and other works, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes of the bridge and works, have been deposited with the clerk of the peace for the county of Cambridge, and that plan, section, and book of reference are in this Act referred to as the deposited plan, section, and book of reference:

And whereas the objects aforesaid cannot be accomplished without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

1. This Act may be cited for all purposes as "Clayhithe Bridge Act, 1871." Short title.

2. "The Companies Clauses Consolidation Act, 1845," Parts 1 and 3 of "The Companies Clauses Act, 1863," relating respectively to cancellation and surrender of shares and to debenture stock;

[Local.-32.]

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Provisions of general Acts herein named incorporated.

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“The Lands Clauses Consolidation Acts, 1845, 1860, and 1869;”

The clauses and provisions of “The Railways Clauses Consolidation Act, 1845,” with respect to the temporary occupation of lands near the railway during the construction thereof;

are (except where expressly varied by this Act) incorporated with and form part of this Act: Provided that in the incorporated clauses and provisions of the last-mentioned Act the word “railway” shall mean the bridge and other works by this Act authorised.

Interpreta-
tion of
terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction: Provided that in this Act and in those incorporated Acts the word “lands” includes ferries and rights of ferry; the expression “the Company” means the Company incorporated by this Act; the expression “the undertaking” means the bridge and other works by this Act authorised; the expression “the conservators” means the conservators of the River Cam in the county of Cambridge; “toll-gate” means and includes all toll-gates from time to time erected upon or across the bridge or the approaches thereto; the word “carriage” means and includes all carriages, coaches, stage coaches, omnibuses, cabs, flies, vans, caravans, chariots, chaises, postchaises, curricles, phaetons, cars, gigs, dog-carts, calashes, taxed carts, chairs, and other vehicles, by whatever names known, respectively adapted or used for the conveyance of persons or light articles, and also all hearses and breaks and all other vehicles not comprised by this Act in the word “cart” or “waggon;” the word “cart” and the word “waggon” respectively mean and include all carts, waggons, wains, vans, caravans, drays, timber carriages, drags, sledges, and other vehicles, by whatever names known, which are adapted or used for the conveyance of heavy articles; the expression “court of competent jurisdiction,” or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute; and the expression “superior courts” shall include county courts in all cases where the amount of the debt or demand is within the jurisdiction for the time being of county courts.

Company
incorporated.

4. John Halsey Law, Edward Mason, Charles Leeds Saunders, William Banyard, and John Saunders, and all other persons and corporations who have already subscribed or shall hereafter subscribe to the undertaking, and their executors, administrators,

successors, and assigns respectively, shall be united into a company for the purpose of making and maintaining the bridge, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "the Clayhithe Bridge Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

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5. Subject to the provisions of this Act, the Company may make, in the lines and according to the levels shown on the deposited plan and section, the bridge, new road, and widenings and improvements of roads herein-after described, and may enter upon, take, and use such of the lands delineated on the deposited plan and described in the deposited book of reference as may be required for that purpose.

Power to
make bridge,
&c. according
to deposited
plans.

The works herein-before referred to and authorised by this Act will be wholly situate in the county of Cambridge, and are the following:—

(A.) (The Clayhithe Bridge.) A bridge over the River Cam (otherwise Cham or Grant) at Clayhithe, with all necessary works and conveniences for the passage of horses, cattle, vehicles, and foot passengers, such bridge to commence in Horningsea parish, in Cambridgeshire, at a point in the parish road leading from Horningsea village to Clayhithe Ferry, where it abuts on the said river, and at or near the north-western corner of the farm buildings of Clayhithe Farm, and to terminate in Waterbeach parish, in Cambridgeshire, at a point on or near the towing-path adjoining the western side of the said river there, and one hundred yards or thereabouts (measuring along the said towing-path) to the southward of the public-house called the House of Lords.

(B.) A new road for horses, cattle, vehicles, and foot passengers, wholly in Waterbeach parish aforesaid, to commence at or near the termination of the said bridge as herein-before described, and to terminate by a junction with the parish road leading from Clayhithe Ferry to Waterbeach village, at the distance (measuring along that road) of eighty-five yards or thereabouts to the westward of the said public-house.

(C.) A widening and improvement (wholly in Horningsea parish aforesaid) of the said parish road from Horningsea village to Clayhithe Ferry, where it abuts on the said river, which widening and improvement will be on the north-eastern side of the said road, and will be of the length of fifty

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yards or thereabouts, and will be nearly opposite to the said farm buildings of Clayhithe Farm.

(D.) A widening and improvement (wholly in Waterbeach parish aforesaid) of the said parish road leading from Clayhithe Ferry to Waterbeach village aforesaid, which widening and improvement will be made on the western side of that road, and will commence at or near the termination as herein-before described of the new road (B.), and will extend thence along the said parish road towards Waterbeach for the distance of one hundred yards or thereabouts, and will terminate at the end of that distance.

(E.) Another widening and improvement (wholly in Waterbeach parish aforesaid) of the last-mentioned parish road, which widening and improvement (E.) will commence at a point one hundred and eighty yards or thereabouts (measuring along the same road) from the termination as herein-before described of the said widening and improvement (D.), and will continue thence in northerly and westerly directions for a distance of fifty yards or thereabouts, and will terminate at the end of that distance.

Company
may make
fences.

6. The Company may, upon any lands taken by them under the powers of this Act, construct all necessary and proper fences, drains, culverts, footpaths, toll-gates, toll-houses, and other buildings, works, and conveniences connected with or for the purposes of the bridge, new road, and widenings and improvements of roads; but so nevertheless that every such drain, culvert, or other work or convenience shall be so constructed that all water thereby abstracted from the River Cam, or from any stream or spring feeding such river, shall (unless the conservators otherwise agree) be immediately returned into that river, or into one of its feeders, and so that no foul or impure matter shall thereby pass into the river which does not now pass into it.

Maintenance
of works.

7. The bridge (A.) and the buildings, works, and conveniences connected therewith shall be maintained by and at the expense of the Company, and each of the other works, B., C., D., and E., by this Act authorised, and the works and conveniences connected therewith, shall be maintained by and at the expense of the body or persons liable to the maintenance of parish roads in the parish in which the respective work will be made.

Power to
cross roads.

8. For the purpose of the undertaking and for the maintenance and repair of the bridge the Company from time to time may cross, divert, alter, or stop up temporarily any roads, highways, footpaths, streams, watercourses, drains, sewers, and pipes, ways, and approaches

shown on the deposited plans and specified in the deposited book of reference, or on or under any lands so shown and specified; but so nevertheless that the waters of any stream or watercourse which feeds the River Cam, and which shall be diverted or altered, shall be immediately returned into that river or into one of its feeders, and compensation shall be made by the Company to the conservators or their lessee of the tolls of the river for any suspension of or interference with the navigation of the river arising from or consequent upon the exercise of any of the powers hereby given to the Company, such compensation to be settled in case of disagreement (whether the amount claimed shall exceed or shall not exceed fifty pounds) in the manner prescribed by the twenty-second and twenty-fourth sections of the Lands Clauses Consolidation Act, 1845, in the case of disputes as to compensation under that Act where the amount claimed does not exceed fifty pounds.

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9. If any omission, mis-statement, or erroneous description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands described on the plan or in the book of reference, the Company may, after giving ten days notice to the owner, lessee, or occupier of the lands affected by such proposed correction, apply to two justices for the correction thereof, and if it shall appear to such justices that such omission, mis-statement, or erroneous description arose from mistake they shall certify the same accordingly, and they shall in such certificate state the particulars of any such omission, and in what respect any such matter shall have been mis-stated or erroneously described; and such certificate shall be deposited with the clerk of the peace for the county of Cambridge, and shall be kept by such clerk of the peace along with the other documents to which it relates, and thereupon such plan and book of reference shall be deemed to be corrected according to such certificate, and the Company may proceed with the works in accordance with such certificate.

Errors and omissions in plan, &c. may be corrected by justices, who shall certify the same.

Certificate to be deposited.

10. The Company may, in the construction of the works, deviate from the lines thereof to the extent delineated upon the deposited plan, but not in any case into any land not described in the deposited plan and book of reference without the previous consent in writing of the owner, lessee, and occupier of such land, and the Company may deviate from the levels of the works as marked on the deposited section to any extent not exceeding five feet.

Deviations from lines on plan and sections.

11. The Company shall, before they open the bridge for public traffic, enter upon, purchase, and take the additional property following; (to wit,)

Power to purchase Clayhithe Ferry, &c.

The Clayhithe Ferry and the rights of ferry connected therewith, and the said public-house called the House of Lords, and the

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adjacent lands, buildings, quays, wharves, and premises in the parishes of Waterbeach and Horningsea aforesaid, delineated on the deposited plan and described in the deposited books of reference, and numbered thereon respectively from 7 to 21 F. (inclusive of both those numbers).

Additional property not to be deemed part of undertaking.

Power to mortgage additional property.

12. The additional property shall not be deemed part of the undertaking of the Company charged with the general mortgages or debenture stock thereof.

13. The Company may from time to time borrow on mortgage of the additional property or of any part thereof any sums of money, and may convey or assign the additional property or any part thereof as security for the money so borrowed, and any such mortgage or security shall not attach upon or affect the undertaking of the Company, or any lands or hereditaments of the Company other than the additional property, or such part thereof as shall be specifically mentioned in the mortgage or security, and the Company may also sell or dispose of the additional property in such manner and on such terms and conditions as they think fit, and either before or after the making of any such mortgage or security, and may upon any such sale or mortgage reserve to themselves the ferry and rights of ferry.

Protection of lenders and purchasers.

14. Any person lending money to the Company on any such mortgage or security, or purchasing the additional property or any part thereof from the Company, shall not be bound or entitled to inquire as to the observance by them of any provision of this Act, or be bound to see to the application, or be answerable for any loss, misapplication, or non-application of any money paid by him.

Capital.

15. The capital of the Company shall be four thousand pounds, in four hundred shares of ten pounds each.

Shares not to issue until one fifth paid up.

16. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

17. One fifth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval between successive calls, and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Power to borrow on mortgage.

18. The Company may from time to time borrow on mortgage (in addition to borrowing on the security of the additional property) any sum not exceeding in the whole one thousand pounds, but no

part thereof shall be borrowed until the whole capital of four thousand pounds is subscribed for, issued, and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

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19. The mortgagees of the Company (other than mortgagees of the additional property or any part thereof) may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three hundred pounds in the whole.

Arrears may be enforced by appointment of a receiver.

20. The Company may create and issue debenture stock.

Debenture stock.

21. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied to the purposes of this Act only.

Application of moneys.

22. The first ordinary meeting of the Company shall be held within six months after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held in the months of June and January in every year, or at such other stated periods as shall be appointed for that purpose by an order of a general meeting.

First ordinary meeting.

23. The quorum of general meetings of the Company shall be five shareholders present in person or by proxy, holding in the aggregate not less than three hundred pounds in the capital of the Company.

Quorum of general meetings.

24. The number of directors, until reduced under the powers of this Act, shall be five.

Number of directors.

25. The Company may reduce the number of the directors to not less than three.

Power to reduce number.

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Qualification
of directors.
Quorum.

26. The qualification of a director' shall be the possession in his own right of not less than ten shares.

27. The quorum of a meeting of directors, until reduced under the powers of this Act, shall be three.

First
directors.Election of
directors.

28. John Halsey Law, Edward Mason, Charles Leeds Saunders, William Banyard, and John Saunders shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained, and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Powers for
compulsory
purchases
limited.

29. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of two years from the passing of this Act.

Period for
completion
of works.

30. The bridge and other works (B., C., D., and E.) shall be completed within three years from the passing of this Act, and if the same shall not be completed within that period, then on the expiration thereof the powers by this Act granted to the Company for making and completing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

For prevent-
ing obstruc-
tions to the
River Cam.

31. The Company, their agents, servants, or workmen, shall not alter or divert the course or channel of the said River Cam, and shall not, without the consent of the conservators, obstruct the same more than to such an extent, not exceeding ten feet from each bank, as may be necessary during the construction of the bridge and works, and shall not destroy or injure any weirs, abutments, floodgates, towing-path, or other works belonging to the conservators, without the consent of the conservators or their clerk or surveyor, and in carrying into effect the powers of this Act the Company shall do as little damage thereto as may be, and shall make full satisfaction to the conservators for all damages by them sus-

tained by reason thereof, and shall not in anywise interfere with the exercise of any of the powers, rights, or privileges conferred on the conservators by "The River Cam Navigation Act, 1851," otherwise than as expressly authorised by this Act.

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32. The bridge and the girders thereof shall be so constructed as to leave a clear waterway of fifty-five feet in width and ten feet in height from the ordinary top-water level of the river to the soffit of the bridge, and in other respects the bridge and the girders thereof shall be so constructed as to give and afford the greatest clear way and span for the passage of water and vessels that may be consistent with the security and stability of the bridge.

Provision as to construction of works, &c.

33. The Company and the conservators may from time to time enter into and carry into effect all such arrangements as they think fit with respect to the execution and maintenance of any of the works by this Act authorised, the appropriation and use of any of their respective buildings and property, the employment and payment (jointly or otherwise) of any of their respective servants, and the application of their respective funds and revenues to the purposes of such arrangements, and with respect to any incidental matters.

Company and conservators may make arrangements.

34. From and after the completion of the bridge, new road, and widenings and improvements, they shall be deemed a public bridge and public highways; and subject to the provisions of this Act all persons, with or without horses, animals, and carriages, shall have free liberty on payment of the tolls by this Act granted to pass over the same without any interruption, but the bridge shall not be deemed a county bridge so as to make the county of Cambridge liable to repair, light, or watch the same.

Bridge to be public but not county bridge.

35. Provided always, that if the Company and the justices of the peace for the county of Cambridge at any time hereafter so agree, the bridge may be transferred to and vested in the said justices upon such terms and conditions and in such manner as may be agreed upon, and thereupon the bridge shall become a county bridge, and be repaired and maintained accordingly.

Provision for vesting bridge in county.

36. After the day on which the bridge is opened for public traffic no person, animal, or carriage shall, with intent to evade the tolls, pass or be driven or be taken over, through, or across the river by means of any ford at any place within a distance of five hundred yards measured in a straight line from either side of the bridge, and if any person, animal, or carriage pass or be driven or taken over, through, or across the river at any ford within those limits without payment of the toll to be demanded and taken for the passing of the person, animal, or carriage over the bridge, every such passenger

Fords to be disused.

A.D. 1871. and every person having charge of the animal or carriage shall for every such offence forfeit not exceeding five pounds: Provided always, that this section shall not apply to any bargeman or his horse or horses actually employed in navigating the river, nor to any of the conservators of the river, or of their officers or their workmen passing to or from their work or occupation in connexion with the river, but every such bargeman, horse, conservator, officer, or workman may pass or be driven or taken over, through, or across the river by means of any ford, or otherwise, at any place whatever (except over the said bridge), without payment of any toll under this Act, but if any person shall claim or take the benefit of the foregoing proviso, not being entitled thereto, every such person shall for every such offence forfeit any sum not exceeding forty shillings.

Securing compensation in respect of lands injuriously affected.

37. The Company shall, before they open the bridge for public traffic, make full compensation to the owners and lessee of the said ferry or either of them in respect of any lands which may be retained by them or either of them, and injuriously affected by the discontinuance of the ferry, such compensation to be settled in case of difference in the manner provided by "The Lands Clauses Consolidation Act, 1845."

Power to erect toll-gates and collect tolls.

38. The Company may erect upon or across the bridge or the approaches thereto any toll-gates and toll-houses, with outhouses and conveniences thereto, and from time to time alter or take down and rebuild or discontinue and remove the same or any of them, as they should think proper, and take thereat as toll for each time of passing the bridge any sum they shall from time to time direct, not exceeding the sums following; (that is to say,)

For every horse or beast drawing any carriage, sixpence:

For every horse or beast drawing any cart, threepence:

For every horse, mule, or ass not drawing any carriage or cart, twopence:

For every ox, cow, bull, calf, or head of neat cattle, one penny per head:

For all swine, sheep, or lambs, one halfpenny per head:

For every foot passenger (except the person actually driving any cart or waggon), one penny:

For every velocipede, bicycle, or thing of like nature (whatever number of wheels it has), threepence:

For every person who shall ride in or upon any waggon (not being a cart or carriage usually employed for the conveyance of passengers for hire), or who shall ride upon any horse or beast drawing any such waggon, one penny:

Which said respective tolls shall be paid before any person or any horse, cattle, or beast, or any carriage or cart, shall pass through any

toll-gate, and which tolls shall be and are hereby vested in the Company for the purposes of this Act. A.D. 1871.

39. The tolls by this Act authorised to be taken shall be paid for every time of passing or repassing over the bridge. Tolls each time of passing.

40. No carriage or vehicle propelled or moved by the power of steam or machinery shall cross the bridge excepting in accordance with such regulations as the Company shall prescribe, and on payment of such toll as they shall demand, not exceeding the rate of twopence per ton. Traction by steam or machinery prohibited.

41. In all cases where there shall be a fractional part of a halfpenny in the amount of any of the tolls, the sum of one halfpenny may be demanded and taken in lieu of such fractional part. Fractional parts of a halfpenny.

42. No tolls shall be demanded or taken for Her Majesty or any of the Royal Family, or for any person, horse, or carriage attending Her Majesty or any of the Royal Family or returning therefrom, or for any officer or officers of customs or persons employed for the prevention of smuggling, whilst on duty or proceeding to or returning from the same, or for any policeman on duty, or for any horse, cart, or waggon employed only in carrying or conveying any vagrant sent by a legal pass, or any prisoner sent by a legal warrant, or returning empty after having been so employed, or for any person attending the same, or for any such vagrant or prisoner, or for any horse or carriage, of whatever description, or any person employed or to be employed in carrying the mails of letters and expresses under the authority of Her Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such mails or expresses, or in returning back from conveying or guarding the same, or for any soldier or marine on march or on duty, or for any officer or man in Her Majesty's Navy or Coastguard service upon duty, or for the horse of any officer or soldier on march or on duty, or for any horse or other beast, or any cart, carriage, or waggon employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying, the arms or baggage of any such officer or soldier or marine, or of any officer or man in Her Majesty's Navy or Coastguard service upon duty, or employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying, any sick, wounded, or disabled officer or soldier or marine, or any officer or man in Her Majesty's Navy or Coastguard service respectively sick, wounded, or disabled, or for any person in charge of the same, or for any waggon, wain, cart, or other carriage whatsoever, or the horse or other cattle drawing the same, or the person in charge thereof employed in conveying any naval, victualling, ordnance, or barrack, or commissariat, or other public stores of or belonging to Exemptions from toll.

A.D. 1871. Her Majesty, or for the use of Her Majesty's sea, land, or coastguard forces, or returning empty from having been so employed, or for any horse furnished by or for any person belonging to any corps of Yeomanry or Volunteer Cavalry, and ridden by him in going to or returning from any place appointed for and on the days of exercise, inspection, or review, or on other public day, or for any Yeomanry Cavalry man or Volunteer Cavalry or Infantry, provided that such person be dressed in the uniform of his corps, and shall have his arms, furniture, and accoutrements, according to the regulation of such corps, at the time of claiming the exemption, or for any barge-man or his horse or horses actually employed in navigating the River Cam; and if any person shall claim and take the benefit of any of the exemptions by this Act granted, not being entitled to the same, every such person for every such offence shall forfeit any sum not exceeding forty shillings.

List of tolls,
&c. to be
exhibited on
a board.

43. A list of the tolls from time to time authorised to be taken shall be published by the same being painted upon a board in distinct black letters on a white ground, or white letters on a black ground, or by the same being printed in legible characters on paper affixed to such board, and such board shall be exhibited at every toll-gate or toll-bar where such tolls shall be payable.

Tolls to be
taken only
whilst board
exhibited.

44. No tolls shall be demanded or taken by the Company during any time at which the boards herein-before directed to be exhibited shall not be so exhibited.

Power to
stop any
person refus-
ing to pay
toll.

45. If any person subject to the payment of the tolls hereby made payable, or any of them, or any person having charge of any horse, beast, carriage, or thing in respect of which toll is payable, shall, after demand made thereof by any collector appointed to receive toll, neglect or refuse the same, or any part thereof, such collector by himself, or taking such assistance as he shall think necessary, may stop and prevent the passage of the person so neglecting or refusing, or of the horse, beast, carriage, or thing for or in respect of which such tolls ought to have been paid, until full payment thereof, or may seize and distrain any horse or other beast, together with the bridles, saddles, gears, harness, and accoutrements thereunto belonging, or any carriage drawn by any such horse or beast, or any article or thing in or upon the same or belonging to such person, and if such tolls and the reasonable charges of such seizure and distress shall not be paid within the space of four days next after such seizure and distress made, the person so seizing and distraining shall and may sell the horse, beast, carriage, or thing so seized or distrained, returning the overplus (if any) upon demand to the owner thereof after such tolls and the reasonable charges occasioned by such seizure, distress, and sale shall be deducted.

46. If any person shall take off any horse or other beast from any carriage, cart, or waggon before passing through any toll-gate set up under this Act, with intent to evade or diminish any toll, or shall forcibly pass along the bridge or through any toll-gate without having paid the tolls, or shall assault, interrupt, or obstruct any person employed in the collection of the tolls, every person offending in any of such cases shall for every such offence forfeit any sum not exceeding five pounds.

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Penalty for
evading toll.

47. In case any dispute shall happen respecting the demanding or taking or the payment of tolls, or the amount of tolls due, or the charges of keeping or selling any distress, the person distraining may retain such distress or the money arising from the sale thereof (as the case may be) until the amount of the toll due and the charges of keeping and selling the distress shall be paid, or until such dispute shall be heard and determined by some justice of the peace, who, upon application made to him for that purpose, shall examine the matter upon oath of the parties or other witnesses, and shall determine the amount of the toll due and other matters in dispute between the parties, and may also award such costs to be paid by either party to the other as to such justice shall seem reasonable, all which costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by distress and sale of the goods and chattels of the person so directed to pay the same by warrant under the hand and seal of such justice, which warrant every such justice is hereby empowered to issue, and the overplus (if any), after payment of such costs and the costs of such distress and sale, shall be returned upon demand to the person whose goods and chattels shall have been distrained and sold.

For settling
disputes con-
cerning tolls.

48. Every collector of the tolls shall place his christian and surname painted on a board in distinct and legible characters on some conspicuous part of the toll-house or toll-gate whereat he shall be on duty, immediately on his coming on duty, and shall continue the same so placed during the whole of the time he shall be on duty, and if any collector of the tolls shall not place such board as aforesaid and keep the same there during the time he shall be on duty, or shall demand or take a greater or less toll than he shall be authorised to do by virtue of the powers of this Act and of the orders of the Company, or shall demand or take a toll from any person who shall be exempted from the payment thereof, and claim such exemption, or shall refuse to permit or shall not permit any person to read or shall in anywise hinder any person from reading the inscriptions on the boards to be fixed and placed as aforesaid, or upon the legal toll being paid or tendered shall unnecessarily detain or wilfully obstruct or hinder any horse, beast, carriage, or any

For punish-
ing toll col-
lectors for
misbehaving.

A.D. 1871. person from passing upon or along the bridge, then and in every such case every such collector shall forfeit any sum not exceeding forty shillings for every such offence.

Delivery of matters in possession or custody of toll collector at removal.

49. If any collector of tolls or other officer employed by the Company be discharged or suspended from his office, or die or abscond or absent himself, and if such collector or other officer, or the wife, widow, or any of the family or representative of any such collector or other officer refuse or neglect, after seven days notice in writing for that purpose, to deliver up to the Company or to any person appointed by them for that purpose any dwelling-house, office, or other building, with its appurtenances, or any books, papers, or other matters belonging to the Company in the possession or custody of such collector or other officer at the occurrence of any such event, then, upon application being made by the Company to any justice, such justice may order any constable, with proper assistance, to enter upon such dwelling-house, office, or other building, and remove any person found therein, and take possession thereof, and of any books, papers, or other matters, and deliver the same to the Company or any person appointed by them to receive the same.

Power to lease the tolls.

50. The Company may from time to time, by lease, to take effect in possession within three months from the letting thereof, let the tolls to be collected by virtue of this Act to any party for any period not exceeding three years from the commencement of any such lease.

Lessees to be deemed collectors.

51. During the continuance of any such lease the respective lessees named therein, and also all persons appointed by them to collect the tolls so let, shall be deemed collectors of the tolls so let, and they shall have the same power to collect and recover such tolls, and be subject to the same rules, duties, and penalties in reference thereto, as if they had been appointed for that purpose by the Company.

Power to determine lease of tolls.

52. If any such lease shall have become void or voidable according to any stipulations therein contained for that purpose, the Company may determine such lease, and the same shall accordingly be utterly void, except as to the remedies of the lessors for payment of the rent due, or in respect of unperformed or broken obligations or conditions on the lessee's part, all which remedies shall remain in full force, and in every such case the Company may again let the tolls to the same or any other person, or cause them to be collected, in the same manner as if no such former lease had been made relative thereto.

Lessees making default to be removed.

53. Upon the determination of any such lease, any justice, upon application made by the Company, may order any constable, with

proper assistance, to enter upon any toll-house, dwelling-house, office, weighing machine, or other building, with the appurtenances thereto belonging to the Company, and remove from the same the lessee or collector or other person found therein, together with his goods, and take possession of such toll-house, dwelling-house, office, weighing machine, or other building, with the appurtenances thereto belonging, and of the property found therein belonging to the Company, and deliver the same to them or any person appointed by them to receive the same.

54. No waggon, cart, or other carriage (whether propelled or moved by animal power or otherwise) shall without the consent of the Company carry or draw at any one time upon the bridge (including the weight of such waggon or carriage) more than twenty tons.

Limiting the weight to be carried on bridge.

55. The Company may cause to be erected at or near the bridge, or at such distance as they shall think expedient, one or more cranes or weighing machines proper for the weighing of waggons and other carriages conveying goods, wares, or other articles.

Power to erect weighing machines.

56. The keeper of any toll-gate or any other person appointed by the Company, or the keeper of any crane or weighing machine appointed by the Company or by their lessee, shall or may require every driver or conductor of any waggon, cart, or other carriage or engine which shall pass or be about to pass over the bridge, to be weighed at such crane or weighing machine, and if any such driver, conductor, or owner of such waggon, cart, or other carriage or engine shall refuse to allow the same to be weighed, or shall resist any gate-keeper, toll-keeper, or toll collector or weigher in weighing the same, every such owner, driver, or conductor shall forfeit to the Company any sum not exceeding five pounds.

Toll-keeper may weigh carriages, &c.

57. The Company or their lessees may, if they think fit, permit any such crane or weighing machine to be used for the purpose of weighing any vehicles, goods, articles, matters, or things not having passed nor being about to pass over the bridge, on such terms and conditions and on payment of such charges as they may think fit.

Weighing machines, &c. may be used for other purposes.

58. The powers of the Company with respect to the making of byelaws shall extend to regulating the speed at which any carriage shall pass over the bridge, to the use of the bridge, and to preventing nuisances upon the bridge.

Extension of Company's power as to byelaws.

59. If any person commit any of the following offences; (that is to say,)

Penalty for bridge, &c. and other offences.

1. Rides or drives or leads any horse, beast, cattle, or carriage over or upon any footpath or causeway on the side of any part of the bridge or approaches :

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2. Wilfully obstructs the passage of such bridge or approaches :
3. Wilfully or carelessly breaks or damages any of the posts or stones erected for the security of any such footpath or causeway, or scrapes off any mud, soil, or other thing from any part of such bridge or approaches, so as to damage the same :
4. Without reasonable cause, to be allowed by the justices who hear the complaint, leaves any waggon, cart, or other carriage, or any plough, harrow, or other implement of husbandry on or at the side of such bridge or approaches, or any part thereof, either with or without any horse, beast, or cattle harnessed or yoked thereto, after having been ordered by the toll collector to remove the same :
5. Places any timber, wood, or bushes, or any stones, bricks, hay, straw, lime, dung, manure, soil, or rubbish whatsoever on any part of such bridge or approaches, to the prejudice thereof, or to the annoyance of any person travelling thereon, he shall for every such offence incur a penalty not exceeding forty shillings.

Penalty for
destroying
bridge, &c.

60. The bridge, and the toll-houses and toll-gates, works, and other property of the Company, shall be deemed a public bridge within the meaning and for the purposes of the Acts from time to time in force with respect to malicious injuries to public bridges.

Barge
owners
liable for
damage done
by their
servants.

61. If and whenever any person having the care of any boat, barge, or other vessel navigated on the river, wilfully, carelessly, or negligently causes or suffers any damage or injury to be done by the vessel to such bridge, the owner of the vessel shall be liable to make satisfaction to the Company for all such damage or injury.

Service of
notice by the
Company.

62. Where it is necessary for the Company to serve any summons, demand, notice, writ, or other proceeding at law or in equity upon any person or corporation, the same may be in writing or in print, or partly in writing and partly in print, and be signed by the secretary or clerk of the Company, and need not be under the common seal of the Company, and shall be sufficiently served by being delivered personally to such person or being left at his usual or last place of abode or business in England, or by being delivered to some clerk or other officer of such corporation, or being left at the principal office of such corporation.

Expenses of
Act.

63. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.