



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

By His Excellency SIR CHARLES AUGUSTUS FITZ ROY, Knight Companion of the Royal Hanoverian Guelphic Order, Governor-General of all Her Majesty's Australian Possessions, and Captain-General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the advice and consent of the Legislative Council.

An Act to enable William Hilton Hovell, of Goulburn, in the County of Argyle, Esquire, to erect and maintain a Bridge over the Cataract River, at a spot known as Broughton's Pass, and a Bridge over the Nepean River, at a spot known as the Pheasant's Nest, on the line of road leading from Sydney to Goulburn, by way of Campbell Town and Appin, to Lupton's Inn, and to take toll thereat, for a term of years; and for other purposes therein mentioned. [Assented to, 15th December, 1851.]

WHEREAS by a Proclamation of His Excellency the Governor of ^{Preamble.} New South Wales, dated the twenty-sixth day of March, in the year of our Lord one thousand eight hundred and fifty-one, that part of the road leading from Sydney to Goulburn, by way of Campbell Town and Appin, to Lupton's Inn, was duly proclaimed, and the same is and has been, for a long time past, used as a common highway and thoroughfare, for passage from Sydney to the Southern Districts of the Colony, and a large and increasing traffic may be expected thereon: And whereas it would generally contribute to the convenience of the inhabitants of the Southern Districts, as well as to those of Illawarra, if bridges were erected across the Cataract and Nepean Rivers, both of which intersect the said line of road, and cause considerable loss, difficulty, and impediment to the traffic passing along the same; and it would add greatly to the convenience and advantage of the public if bridges were erected across and over each of the said rivers: And whereas William Hilton Hovell, of Goulburn, in the County of Argyle, Esquire, is desirous of building and maintaining such bridges over the said rivers, with proper avenues and approaches thereto, upon the conditions of taking to his own use and benefit certain reasonable tolls at the said bridges, upon and after the proper completion thereof, with the said avenues and approaches thereto; but inasmuch as the several purposes aforesaid cannot be effectually accomplished without the aid and authority of the Legislature: Be it therefore enacted, by His Excellency the Governor-General of New South Wales, with the advice and consent of the Legislative Council thereof,

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Liberty to William Hilton Hovell to erect bridges at Broughton's Pass and Pheasant's Nest ;

thereof, That from and after the passing of this Act it shall and may be lawful for the said William Hilton Hovell, Esquire, his executors, administrators, and assigns, and his or their agents, servants, workmen, and assistants, and he and they are hereby authorised and empowered to construct, and build, or cause to be constructed, and to complete good, safe, and substantial bridges, not less than twenty feet wide each, across and over the said rivers, at the places known as Broughton's Pass and the Pheasant's Nest, respectively, with proper and convenient roads, avenues, and approaches, to and from the said bridges, communicating with the road ; and also to dig and make proper foundations in the said river ; and cut, remove, take and carry away all trees, roots of trees, beds of gravel, sand, mud, or any other impediment whatsoever, which may in anywise hinder the erecting and completing the said bridges, and generally to do and execute all and every other acts, matters, and things requisite and necessary, useful, or convenient for erecting, building, preserving, and protecting and repairing the said bridges, and the course and channel of the said rivers, and making such proper embankments, roads, ways, avenues, and approaches thereto as aforesaid, according to the tenor and true intent and meaning of this Act.

and to make and form approaches thereto.

II. And be it enacted, That it shall and may be lawful for the said William Hilton Hovell, his executors, administrators, and assigns, and he and they are hereby authorised and empowered to make, form, and set out, or cause to be made, formed, and set out, proper, commodious, and convenient roads, avenues, or approaches to the said intended bridges, in the line of the said proclaimed road, from Appin to Lupton's Inn, and also obtaining the requisite consent and authority in that behalf, through any public or crown lands, or any private lands in the said line : Provided, nevertheless, that in case any land belonging to private individuals shall be required for the purpose of forming and opening such approaches, it shall be lawful for the said William Hilton Hovell, his executors, administrators, and assigns to tender to such proprietor such sum of money as he, the said William Hilton Hovell, shall consider the same to be reasonably worth ; but in case such proprietor shall deem the said price or compensation insufficient, it shall be lawful for him, within the space of three calendar months from the time of such tender, to apply to His Excellency the Governor to appoint, and he shall thereupon appoint accordingly Commissioners to inquire into and assess the same, in like manner as is enacted and directed in the case of a road through private property proclaimed by the Governor, under and by virtue of an Act of the Governor and Legislative Council, passed in the fourth year of the reign of His late Majesty King William the Fourth, intituled, "*An Act for making, altering, and improving the Roads throughout the Colony of New South Wales, and for opening and improving the Streets in the Towns thereof,*" and for the purposes of such assessments the said Commissioners, or any two of them, shall have and possess all the powers vested in them or any two of them by the said Act, and the like duties, powers, and regulations shall attach and apply to the parties, jurors, witnesses, and others occupied and concerned in relation thereto, and in case the price assessed on such inquiry be in excess of the sums tendered by the said William Hilton Hovell, his executors, administrators, and assigns, such excess shall, in addition to the price tendered by the said William Hilton Hovell, his executors, administrators, or assigns, be paid by him or them accordingly, together with the costs of the inquiry ; but if the price awarded upon the said inquiry shall not exceed the sum tendered by the said William Hilton Hovell, his executors, administrators, and assigns, the costs of the inquiry shall be paid by the parties demanding the same, the amount of which costs shall be assessed, and the person or persons by or to whom the same shall be paid shall be ascertained by order of the said Commissioners and shall be recovered by action of debt, if not

Compensation in case of private lands.

4 Wm. IV. No. 11.

paid

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paid on demand pursuant to such order: Provided always that the expense of making, forming, and maintaining such roads, avenues, and approaches shall be borne and sustained by the said William Hilton Hovell, his executors, administrators, and assigns, during the continuance of this Act; and in case the said William Hilton Hovell, his executors, administrators, or assigns shall cause to be formed and set out any new or other roads, avenues, or approaches which may be required as advantageous to the public traffic to the said Bridges, the said William Hilton Hovell, his executors, administrators, and assigns, shall maintain and keep in repair such new roads, avenues, and approaches, at his or their own cost and charge.

Expense of approaches to be paid by W. H. Hovell.

III. And be it enacted, That upon the proper completion of the said bridges, with the said ways and approaches thereto, within three years from and after the passing of this Act, and provided always that the said bridges during the continuance of this Act shall be kept and maintained in proper repair by the said William Hilton Hovell, his heirs, executors, administrators, and assigns, the tolls hereafter authorised and directed to be demanded and received at the said intended bridges, and the said intended bridges, and any toll house or houses, toll bar or gate, and toll bars and gates thereto belonging, and their appurtenances, shall, during the continuance of this Act, and for the term of thirty years next ensuing the completion of the said bridges, belong to and be the property of and vested in the said William Hilton Hovell, his executors, administrators, and assigns, and it shall be lawful for the said William Hilton Hovell, his executors, administrators, and assigns, to bring actions and suits, or institute any criminal or summary proceedings, as the case may require, against any person or persons who shall steal, take or carry away, spoil, injure, or destroy the said bridges or other erections thereto belonging.

Tolls to be the property of the said William Hilton Hovell, his executors, &c.

IV. And be it enacted, That it shall and may be lawful for the said William Hilton Hovell, his executors, administrators, and assigns to charge, demand, and receive at the toll bar or gate, toll bars or gates, erected at or upon the said bridges, the tolls which are specified in the Schedule marked A, annexed to this Act, and no higher tolls shall be charged, demanded, or received than such as are specified in the said Schedule for each and every person, animal, cart, carriage, dray, wain, wagon, and other vehicle that shall pass over such bridges.

Power to levy tolls.

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

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

VI. And be it enacted, That it shall be lawful for the said William Hilton Hovell, his executors, administrators, or assigns, to erect or cause to be erected a toll bar or gate, or toll bars or gates, at or upon the said bridges, and at or upon such part or parts thereof as to the said William Hilton Hovell, his executors, administrators and assigns shall seem fit, and to collect and receive the said tolls thereat or to nominate and appoint

Power to erect Toll Gates.

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appoint some fit and proper person or persons, to attend the said toll bar or gate, or toll bars or gates, to collect and receive the tolls thereat.

Bridges to be public property at the end of 30 years.

VII. And be it enacted, That at the expiration of the said term of thirty years, and at the expiration of this Act, then and from thenceforth the said bridges shall be and shall be deemed to be public bridges

Bridges to be completed within three years.

VIII. And be it enacted, That if the said bridges with the said roads, avenues, and approaches, be not fully and properly completed within three years next after passing of this Act, the powers given in and by the same shall cease and determine.

All roads and approaches to become public property.

IX. And be it enacted, That all land which shall after the passing of this Act be lawfully formed into an avenue, approach, or road, leading to the said bridges on either side thereof as herebefore provided, and shall at any time after the passing of this Act and after the completion of the said bridges be used as such avenue, approach, or road, shall be deemed and taken to be dedicated to the public, and shall not be fenced in or resumed on any pretence whatsoever, but shall be subject to all such and the like regulations, orders, powers, authorities and provisions to which land used as a public thoroughfare now is or hereafter shall be subject to by law.

Liberty to borrow money on mortgage of tolls.

X. And be it enacted, That from and after the passing of this Act it shall and may be lawful for the said William Hilton Hovell, his executors, administrators, and assigns, and he and they is and are hereby authorised and empowered from time to time to borrow and take up at interest any sum or sums of money that shall or may be required for the making of the said bridges, by one or more mortgage or mortgages of the tolls to be collected at such bridges, and of such bridges and of the toll houses for collecting the said tolls; and the mortgagee or mortgagees of the same shall if at any time they lawfully enter into possession of the said tolls and toll houses and bridges, have the same powers and be subject to the same liabilities which are hereby given to and imposed upon the said William Hilton Hovell, his executors, administrators, and assigns, in respect of the tolls and the receipt thereto, and the repairs of the said bridge.

Tolls may be let.

XI. And be it enacted, That it shall and may be lawful for the said William Hilton Hovell, his executors, administrators, and assigns, to demise and let to farm the tolls demandable under and by virtue of this Act at or upon the said bridges, and the said Lessee or Lessees shall have the same powers of demanding, collecting, and taking the said tolls as are hereby given to the said William Hilton Hovell, his executors, administrators, and assigns.

Lessee may appoint Collectors.

XII. And be it enacted, That the said Lessee or Lessees of the said Tolls during such time as the said tolls shall be so leased as aforesaid, shall and may nominate and appoint such other person or persons as he, she, or they may think necessary to collect, demand, and take such tolls so demised, leased, and farmed; and such person or persons so appointed as aforesaid shall and may use all means and methods for the recovery thereof in case of non-payment or evasion as the said William Hilton Hovell, his executors, administrators, and assigns, and such Lessee or Lessees could or might do under and by virtue of this Act.

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

XIII. And be it enacted, That in case the tolls demandable at or upon the said bridges shall be demised by the said William Hilton Hovell, his executors, administrators, or assigns, to any person or persons, and the Lessee or Lessees shall neglect or refuse to perform the conditions on which the same shall be so let, or in case the rent or rents agreed to be paid by such Lessee or Lessees, or any part thereof, shall be in arrear for the space of fourteen days next after the day on which the same ought to be paid, or the term for which such Lessee or Lessees held the same shall in any other manner become void, it shall and may be lawful for any Justice of the Peace, upon complaint made upon oath by

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

XIV. And be it enacted, That in case the Lessee or Lessees of the said Tolls shall on the expiration of the term for which the same shall have been so let or demised to him or them, neglect or refuse to deliver up possession to the said William Hilton Hovell, his executors, administrators or assigns, or to any new Lessee or Lessees, possession of the toll house or toll houses at or upon the said bridges, and all buildings and appurtenances thereto belonging, it shall and may be lawful for any Justice of the Peace upon complaint made upon oath by or on behalf of the said William Hilton Hovell, his executors, administrators and assigns, by warrant under his hand and seal to order any constable with all such assistance as shall be necessary to enter upon and take possession of the toll houses and all buildings and appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, collectors, keepers, servants and other person or persons as shall be found therein, together with his, her, or their goods and chattels from the possession thereof.

On termination of lease and refusal to quit, Justice of the Peace may remove Lessee.

XV. And be it enacted, That the said William Hilton Hovell, his executors, administrators, and assigns are hereby required, and the Lessee or Lessees of the said tolls shall and are hereby required during the whole time that he or they shall take or continue to be the Lessee or Lessees of the said tolls, to put up or cause to be put up and continued in some conspicuous place at or near the toll gate or toll gates or at and upon the toll house or toll houses, at or upon the said bridges, a Table painted in distinct legible black letters on a board with a white ground, containing a list of the tolls payable at the said bridges, distinguishing severally the amount of tolls and the different sort of cattle, beasts, carriages or other vehicles for which they are severally to be paid, where there shall be any variation therein; and the said William Hilton Hovell, his executors, administrators, and assigns, and the Lessee or Lessees, during the whole time that he or they shall continue to take or be the Lessee or Lessees of the said tolls, shall place on some conspicuous place near to such board the Christian and Surname of the Collector or Keeper of the said tolls who shall be on duty for the time being, and shall continue the same during the whole time such Collector shall be on duty, and shall change the same on every change that may take place in such Collector or Keeper on duty to the names of the Collectors or Keepers that may succeed as often as any such change may take place; and if the said William Hilton Hovell, his executors, administrators, or assigns, while he shall take the said tolls, or his Lessee or Lessees shall neglect or refuse to put up such Table of tolls as aforesaid, or to cause the name or names of the said Collectors or Keepers of such tolls for the time being to be put up as aforesaid, or if the Collector or Keeper of such tolls shall not

Table of Tolls to be affixed on Toll House.

Name of Collector to be put up in a conspicuous place.

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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 or take a greater toll from any person than he shall be authorised to do, or shall refuse to permit and suffer any person or persons to read, or shall in any manner hinder or prevent any person or persons from reading the inscription on the said boards or the name or names so fixed up as aforesaid, or shall refuse to tell his Christian name and Surname to any person or persons who shall demand to know the same on paying the said tolls or any of them, or upon the legal toll being tendered or paid shall unnecessarily detain or wilfully obstruct, hinder, or delay any passenger or passengers from going through the toll gate or toll gates at or upon the said bridges, then and in every such case the said Collector or Collectors of the said tolls shall forfeit and pay for every such offence any sum not exceeding forty shillings, to be recovered and applied as hereinafter provided.

Persons refusing to pay toll may be prevented passing.

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

Penalty on forcibly passing without paying.

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

Penalty for misconduct of gate keeper.

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

Power to distrain in case of nonpayment.

XIX. And be it enacted, That if any person subject or liable to the payment of any of the tolls under and by virtue of this Act shall, after demand thereof, neglect or refuse to pay the same or any part or parts thereof, it shall be lawful for the person or persons having right or authority to collect such tolls by himself or themselves, or taking such assistance as he or they shall think necessary to seize and distrain any horse, beast, cattle, sheep, carriage, or other thing upon or in respect of which any such toll is imposed, together with their respective bridles, saddles, gears, harness, or accoutrements, or any of the goods or chattels of the person or persons so neglecting or refusing to pay, and if the toll, or any part thereof, so neglected or refused to be paid, and the reasonable charge of such seizure and distress, and of keeping and maintaining the same, shall not be paid within the space of three days next after such seizure and distress made, the person or persons so seizing and distraining may sell the horse, beast, cattle, sheep, carriages, or things so seized and distrained

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distraigned, or a sufficient part thereof, returning the overplus of the money to arise by such sale, if any, and what shall remain unsold, upon demand, to the owner thereof, after such tolls and the reasonable charges occasioned by such seizure, distress, maintenance, and sale, shall be deducted.

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

Penalty for destroying gates, &c.

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

Cattle to be counted before passing.

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

Justice of the Peace to hear and determine summarily.

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How penalties, &c.,
to be applied.

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

No convictions to be
quashed for want of
form.

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

Limitations of Ac-
tions.

XXV. And be it enacted, That if any action or suit shall be commenced against any person or persons for anything done in pursuance of this Act, then, and in every such case, such act or suit shall be commenced or prosecuted within three calendar months after the fact committed, and not otherwise, and the defendant in every such action or suit shall and may plead the general issue, and at the trial thereof give this Act and the special matter in evidence; and if the matter or thing complained of shall appear to have been done under the authority and in the execution of this Act, or if any such action or suit shall be brought after the time limited for bringing the same, then the Jury shall find for the defendant; and if the plaintiff shall become nonsuit or discontinue his or her action after the defendant shall have appeared or have a verdict against him or her, or if upon demurrer judgment shall be given against the plaintiff, the defendant shall and may recover treble costs, and have the like remedy for recovery thereof as any defendant hath in any case by law.

Duration of Act.

XXVI. And be it enacted, That this Act shall continue and be in force thirty years after the passing of the same: Provided that the said bridges and the avenues and roads thereto be properly built and completed within three years after the passing of the same.

The Government to
have right of pur-
chasing the bridges
and their appurte-
nances at a fixed
price.

XXVII. And be it enacted, That it shall be lawful for the Governor, with the advice of the Executive Council, at any time after the expiration of seven years from the completion of the said bridges, to purchase the same, with all their appurtenances, in the name and on the behalf of Her Majesty or Her Successors, upon giving to the said William Hilton Hovell, his executors, administrators, or assigns, three calendar months' notice in writing of the intention so to do; and upon payment to the said William Hilton Hovell, his executors, administrators, or assigns, of a sum equal to the whole sum expended in erecting and completing the said bridges and their appurtenances, together with a premium thereon of ten per cent.: Provided always, that the said William Hilton Hovell, his executors, administrators, or assigns shall, within one calendar month after the completion of the said bridges respectively, file, in the office of the Colonial Secretary of the said Colony, a true and faithful account, in detail, of all costs and expenses occasioned by and incident to the erection of the said bridges, and verified by the declaration of the Engineer employed upon the said bridges, and that the amount of such costs and expenses shall be the sum upon which the said premium shall be estimated; Provided also, that at any time during the continuance of the said term of thirty years, if it be considered expedient, it shall be lawful for the said William Hilton Hovell, his executors, administrators, or assigns, to sell and dispose of the said bridges and their appurtenances, and to assign his or their interest in the same to Her Majesty and Her Successors, upon such other terms as may in such case be agreed upon between him or them and the Governor for the time being; and that upon the completion of such sale, the right of the said William Hilton Hovell, his executors, administrators, or assigns to demand and take tolls, and their liability to keep and maintain the said bridges in repair, under this Act, shall cease and determine.

Proviso that a veri-
fied account of the
cost of the bridge be
filed in the Office of
the Colonial
Secretary.

Power to sell at
any time during the
term of 30 years.

XXVIII.

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XXVIII. Provided always and be it enacted, That nothing in this Act contained shall be deemed to affect or apply to any right, title, or interest of Her Majesty, Her Heirs and Successors, or of any body or bodies politic or corporate, or of any other person or persons excepting such as are mentioned herein, or of those claiming by or under him, her, or them. Rights of the Crown not affected.

XXIX. And be it enacted, That this Act shall be deemed and taken as a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded. Act to be deemed a public Act.

Passed the Legislative Council, this twelfth day of December, one thousand eight hundred and fifty-one.

CHARLES NICHOLSON,
SPEAKER.

WM. MACPHERSON,

CLERK OF THE COUNCIL.

In the name and on the behalf of Her Majesty, I assent to this Act,

CH^S. A. FITZ ROY,

GOVERNOR-GENERAL

Govt. House, Sydney, 15th December, 1851.

SCHEDULE REFERRED TO.

TABLE OF TOLLS TO BE LEVIED, PAID, AND TAKEN, UNDER AND BY VIRTUE OF THIS ACT.

	s.	d.
For every Foot Passenger	0	2
„ Horse, Mare, Gelding, Ass	0	4
„ Gig, Dray, or Cart, with two wheels only	0	10
„ Wagon, Carriage, or other vehicle with four wheels .	1	2
„ Ox, or head of Neat Cattle, drawing or not drawing, being more than ten in number	0	1
„ „ Not exceeding ten	0	3
„ Sheep, Lamb, Pig, or Goat	0	0½

No double Toll shall be charged on Sunday, nor shall the above Tolls be payable more than once in each day, and payment at one Bridge shall clear both.