



CHAPTER ccxxviii.

An Act for making a Bridge over the River Severn from Newnham to Arlingham in the county of Gloucester, with approaches thereto ; and for other purposes. A.D. 1878.

[8th August 1878.]

WHEREAS the making and maintaining of the bridge across the River Severn from Newnham to Arlingham, in the county of Gloucester, and other works by this Act authorised, would be of public and local advantage :

And whereas the several persons herein-after named, with others, are willing, at their own expense, to carry the undertaking into execution, on being incorporated into a Company for the purpose :

And whereas it is expedient that the Local Board of Newnham be authorised to subscribe and contribute towards the undertaking under this Act, and to take and hold shares in the Company's capital :

And whereas plans and sections, showing the lines and levels of the works authorised by this Act, and also books 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 or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Gloucester, and are in this Act referred to as the deposited plans, sections, and books of reference :

And whereas the purposes of this Act cannot be effected 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 :

1. This Act may be cited for all purposes as the *Newnham Bridge Act, 1878.* Short title.

A.D. 1878.

Incorporation of general Acts.

8 & 9 Vict. c. 16.

26 & 27 Vict. c. 118.

8 & 9 Vict. c. 18.

23 & 24 Vict. c. 106.

32 & 33 Vict. c. 18.

8 & 9 Vict. c. 20.

Interpretation of terms.

2. The Companies Clauses Consolidation Act, 1845, Parts I. and III. of the Companies Clauses Act, 1863, relating respectively to cancellation and surrender of shares and to debenture stock, and 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, and the words "centre of railway" shall mean the centre line of the bridge and other works by this Act authorised.

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 for the purposes of this Act in the 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 bridge" and "the undertaking" mean respectively the bridge, approaches, and other works by this Act authorised; the expression "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, post chaises, curricles, phaetons, cars, gigs, dog-carts, calashes, taxed carts, chairs, bicycles, 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.

Company incorporated.

4. William Barling, Andrew Parker, Maurice Frederick Carter, Maurice Henry Phillips, Henry Gielgud, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in 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 Newnham 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.

A.D. 1878.

5. Subject to the provisions of this Act, the Company may make and maintain the works herein-after described, and so far as those works are shown on the deposited plans and sections they shall make the same in the lines and according to the levels shown on those plans and sections, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for any purpose of this Act. The works herein-before referred to and authorised by this Act are—

Power to construct works.

(1.) A bridge over the River Severn, with roadways and approaches thereto, with all necessary works and conveniences connected therewith, to commence in the parish of Newnham, in the county of Gloucester, at the telegraph post at the intersection of the main street opposite the Victoria Hotel and Upper Passage Lane, and to terminate in the turnpike road opposite the south-east corner of the Cattle Yard wall adjoining the New Inn or passage house, and leading from the bed and foreshore of the River Severn to Arlingham, in the parish of Arlingham, in the county of Gloucester.

(2.) All necessary and proper swing-bridges, draw-bridges, lift-bridges, and other mechanical appliances in or upon the bridge herein-before described for admitting the passages of ships and vessels through the said bridges, or some or one of them, together with all necessary piers, mooring-blocks or posts, mooring or warping buoys, walls, fences, drains, culverts, footpaths, toll-houses, toll-gates, stairs, plying places, landing-places, platforms, and other buildings, works, and conveniences connected with the said bridges, roadways, and approaches respectively.

6. 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 deposited plan or in the deposited 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 of the peace for the county of Gloucester for the correction thereof, and if it shall appear to

Errors and omissions in plan, &c. may be corrected.

A.D. 1878.

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 Gloucester, 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.

Power to take easements, &c. by agreement.

8 & 9 Vict. c. 18.

23 & 24 Vict. c. 106.

7. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company, and the Company may take and hold, any easement, term, right, or privilege in, over, or affecting any lands (not being an easement of water) required for the purposes of this Act in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such lands, grants, easements, terms, rights, and privileges as aforesaid respectively.

Capital.

8. The capital of the Company shall be thirty thousand pounds, in three thousand shares of ten pounds each.

Shares not to issue until one fifth part paid up.

9. The Company shall not issue any share created under the authority of this Act, nor shall any such 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 is paid in respect thereof.

Calls.

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

Power to divide shares.

11. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share" and the other shall be called "deferred half share," but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up; and upon

every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

A.D. 1878.

12. The dividends which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first in payment of dividend after such rate, not exceeding six per centum per annum, as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder (if any) in payment of dividend on the deferred half share; and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends on half shares.

13. Each preferred half share shall be entitled, out of the profits of each year, to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number, but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Dividends on preferred shares to be paid out of profits of the year only.

14. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof; but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled, unless it be shown to their satisfaction that such certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Half shares to be registered and certificates issued.

15. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Terms of issue to be stated in certificates.

16. The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the forfeiture of shares for non-payment of calls, shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall

Forfeiture of preferred shares. 8 & 9 Vict. c. 16.

A.D. 1878. for that purpose be considered an entire share distinct from the corresponding deferred half share, and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of call for the time being due thereon with interest.

Preferred shares not to be cancelled, &c.

Half shares to be half shares in capital.

17. No proposed half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

18. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Receipt in cases of person not sui juris.

19. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow on mortgage.

20. The Company may from time to time borrow on mortgage any sum not exceeding in the whole ten thousand pounds, but no part thereof shall be borrowed until the whole capital of thirty thousand pounds is 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 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 persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or 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.

8 & 9 Vict. c. 16.

As to appointment of a receiver.

21. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the

amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole. A.D. 1878.

22. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages. Debenture stock.
26 & 27 Vict.
c. 118.

23. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debt incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock, nor shall anything in this section contained affect any claim for land taken, used, or occupied by the Company for the purpose of the Company's undertaking and works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred on the Company. Priority of mortgages over debts.

8 & 9 Vict.
c. 18.
23 & 24 Vict.
c. 106.

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

25. The first ordinary meeting of the Company shall be held within six months after the passing of this Act. First ordinary meeting.

26. The number of directors shall be five; but the Company may from time to time reduce the number, provided that the number be never less than three. Number of directors.

27. The qualification of a director shall be the possession in his own right of not less than twenty shares. Qualifications of directors.

28. The quorum of a meeting of directors shall be three so long as they shall be five in number, and two if their number shall be less than five. Quorum of directors.

29. William Barling, Andrew Parker, Maurice Frederick Carter, Maurice Henry Phillips, and Henry Gielgud, shall be the first directors. First directors.

A.D. 1878. directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act.

Election of directors.

30. 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 (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies Clauses Consolidation Act, 1845, 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.

8 & 9 Vict. c. 16.

Period for compulsory purchase of lands.

31. 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 three years from the passing of this Act.

Power to deviate laterally.

32. In making the bridge, roads, and other works by this Act authorised, the Company shall have power to deviate from the centre lines thereof respectively delineated on the deposited plans; provided that no such deviation shall extend to a greater distance than the limits of deviation delineated on the said plans, nor to a greater extent than thirty yards from the centre line delineated upon the said plans, nor shall such deviation extend into the lands of any person whose name is not mentioned in the deposited books of reference without the previous consent in writing of such person, unless the name of such person shall have been omitted by mistake, and the fact that such omission proceeded from mistake shall have been certified in manner provided for in cases of unintentional errors in the said book of reference.

Power to deviate vertically.

33. In constructing the bridge, roads, and other works by this Act authorised, the Company may (subject to the provisions of the following section) deviate from the levels of the same, respectively as shown on the deposited sections to any extent not exceeding five feet, but not so as to increase the rate of inclination as shown in the deposited sections of the approach roads or alterations of roads by this Act authorised.

For protection of the Severn Commissioners.

34. The bridge by this Act authorised shall be constructed as a fixed viaduct, subject to the following provisions:

- (a.) The bridge shall extend over the whole width of the Severn at high water of ordinary spring tides, and no part of the waterway shall be obstructed by embankment or any solid work other than the piers of the bridge.
- (b.) The bridge shall be constructed with two openings, each of not less than three hundred feet span, over the principal navigable channel on the Newnham side of the river, and the western of such spans shall not, without the consent of the Severn Commissioners under their common seal, be of a less height than seventy feet, and the next of such spans shall not without the like consent be of a less average height than sixty feet for the whole widths thereof respectively above the high-water mark of ordinary spring tides.
- (c.) Each of the other openings of the bridge shall be of not less than fifty feet span, and of such inclination, starting from the prescribed height of the before-mentioned spans, as shall be necessary to reach the eastern bank of the said river.
- (d.) The piers of the bridge to support the said two openings of three hundred feet each shall not (except by such consent as aforesaid) exceed the width of twenty-five feet each, and the other piers shall not exceed the width of eleven feet each.
- (e.) The said two openings of three hundred feet each shall be so placed on the Newnham side of the river as best to accommodate the navigation of the said river.
- (f.) The Company shall at all times maintain a continuous channel through the said two openings of three hundred feet each sufficient for the purposes of navigation, and in direct communication with the main channel of the river both above and below the bridge.
- (g.) In default of performance of the obligation imposed by the last foregoing paragraph, it shall be lawful for the Severn Commissioners to give notice in writing under the hand of their clerk to the Company to remove the obstruction, and if the Company shall for twenty-one days after receiving such notice fail to remove the same, it shall be lawful for the Severn Commissioners to dredge and deepen the said channel and remove such obstruction, and the cost of so doing shall be borne by the Company, unless the Company shall allege that the obstruction has arisen from some cause independent of the construction of the bridge, in which case it shall be lawful for the Board of Trade, on the application of the Company, to inquire into the facts, and to determine whether the Company shall or shall not bear the cost of the removal of the obstruc-

A.D. 1878.

tion; and all the charges and expenses incurred by the Board of Trade in respect of such inquiry shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs, or the same may be recoverable with costs as a penalty is recoverable from the Company.

(h.) If at any time after the construction of the bridge a continuous channel through the said two openings of three hundred feet each sufficient for the purposes of navigation, and in direct communication with the main channel of the river both above and below the bridge, shall cease to exist, it shall be lawful for the Board of Trade to inquire into the facts, and whether by any and what modifications in the structure of the piers of the bridge or otherwise such channel could be restored, and to require the Company to effect such modifications as the said Board may think fit, and the Company shall forthwith make the same accordingly; and all the charges and expenses incurred by the Board of Trade in respect of such inquiry shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs, or the same may be recoverable with costs as a penalty is recoverable from the Company.

Navigable space of River Severn not to be diminished.

35. No deviation of the works hereby authorised shall be made from the lines thereof as marked on the deposited plans, even within the limits of deviation shown on such plan, in such manner as to diminish the navigable space of the River Severn, without the previous consent of the Board of Trade, or otherwise than in such manner as is expressly authorised by the Board of Trade.

As to lighting bridge.

36. During the construction and after the completion of the bridge over the River Severn hereby authorised, the Company shall exhibit thereon, and keep burning from sunset to sunrise, such lights (if any), and in such position, as the Elder Brethren of the Trinity House at Deptford Strond shall from time to time require.

Board of Trade or Commissioners may remove abandoned works at expense of Company.

37. If any work to be constructed by the Company under, over, through, or across the River Severn, or if any portion of any work which affects or may affect that river, shall be abandoned or suffered to fall into disuse or decay, it shall be lawful for the Board of Trade or for the Commissioners of the Severn Navigation to abate and remove the same, or such part or parts thereof as they may at any time or times deem fit and proper, and to restore the site thereof to its former condition, at the cost and charge of the Company; and the amount thereof shall be a debt due from the Company to the Crown or the said Commissioners, and if not paid upon

demand, may be recovered as a debt due to the Crown or the said Commissioners, as the case may be, with the costs of suit, or may be recovered with costs as a penalty is or may be recoverable from the Company. A.D. 1878.

38. Except as by this Act is expressly enacted, nothing in this Act contained shall extend to or be construed to extend to prejudice or derogate from the estates, rights, interests, liberties, privileges, or franchises of the Commissioners of the Severn Navigation, or to prohibit, defeat, alter, or diminish any power, authority, or jurisdiction which at the time of passing this Act the said Commissioners did or might lawfully claim, use, or exercise. Saving rights of Commissioners.

39. If the works by this Act authorised are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed. Period for completion of works.

40. Immediately on the passing of this Act the ferry called or known as the Newnham Ferry, and all rights of ferry and other rights and privileges connected therewith, which the owners of the said ferry are now entitled to exercise and enjoy, shall vest in the Company. Vesting of Newnham Ferry in the Company.

41. The approach roads to be made by the Company under the authority of this Act shall, when made and completed, be repaired and maintained by and at the expense of the same parties, in the same manner, and to the same extent as other parish roads within the parishes respectively in which such approach roads will be situate are from time to time liable to be repaired or maintained. Provision as to repair of roads.

If any question shall arise between the Company and any of such parties as to the due completion of either of the said approach roads, such questions shall from time to time be determined by two justices on the application of either of the parties in difference, and after not less than seven days notice to both parties of the sittings of such justices for the purpose, and the certificate of such justices of the due completion of such approach road shall be conclusive evidence of the fact so certified.

42. The tolls which the Company may from time to time demand and take shall not exceed the following ; (that is to say,) Power to take tolls.

For every foot passenger (except the person actually driving or accompanying any waggon, wain, cart, or other such carriage, not being a cart or carriage usually employed for the conveyance of passengers), the sum of one penny ;

A.D. 1878.

For every person who shall ride in or upon any waggon, wain, cart, or other carriage not being a carriage usually employed for the conveyance of passengers, or who shall ride upon any horse or beast drawing any such waggon, wain, cart, or carriage, the sum of one penny ;

For every van, gig, cart, dogcart, or other vehicle or carriage having two wheels and drawn by one horse, the sum of one shilling, and for each additional horse the sum of sixpence ;

For every coach, stage coach, omnibus, van, caravan, sociable, berlin, landau, chariot, barouche, phaeton, hearse, waggon, wain, or other cart or carriage having four wheels and drawn by one horse, the sum of one shilling and sixpence, and for each additional horse the sum of sixpence ;

For every horse, mule, or ass laden or unladen, and not drawing, the sum of threepence ;

For every ox, cow, bull, or head of neat cattle, the sum of one penny ;

For every calf, pig, sheep, or lamb, the sum of one halfpenny ;

For every velocipede, bicycle, or thing of the like nature (whatever number of wheels it has), the sum of twopence ;

And the said tolls shall be paid for every time of passing and repassing before any such person or any such animal or any such carriage, cart, velocipede, or other thing as aforesaid shall be entitled to pass through any such toll-gate, and the said tolls shall be and the same are hereby vested in the Company for the purposes of this Act.

Exemptions
from tolls.

43. Provided always, that no toll shall be demanded or taken—

For any horses or carriages attending Her Majesty or any of the Royal Family, or returning after having so attended ;

For any horse, beast, cattle, or carriage of whatever description employed in conveying or guarding mails of letters and expresses under the authority of Her Majesty's Postmaster General, either when employed in conveying or guarding the same, or returning from conveying or guarding the same ;

For any officer or soldier of Her Majesty's regular forces upon march or upon duty ;

For any animal or carriage attending soldiers with their arms and baggage, or returning after having been so employed ;

For any waggon, wain, cart, or other carriage, or any animal drawing the same, which is employed in conveying any ordnance or commissariat or other public stores of or belonging to Her Majesty or to or for the use of Her Majesty's forces ;

[41 & 42 VICT.] *Newnham Bridge Act*, 1878. [Ch. ccxxviii.]

For any officer or man of Her Majesty's auxiliary or reserve forces dressed in the uniforms of their respective corps upon their march or upon duty, or in going to or returning from the place appointed for and on the days of exercise ; A.D. 1878.

For any horse furnished by or for or belonging to any officer of Her Majesty's regular, auxiliary, or reserve forces, or to any corps of yeomanry or volunteer cavalry, and ridden by such officer on duty or by a member of such corps dressed in the uniform of the corps in going to or returning from the place appointed for and on the days of exercise ;

For any policeman on duty ;

For any animal or carriage employed only in conveying any vagrant sent by a legal pass, or any prisoner sent by a legal warrant, or returning empty after being so employed ;

And if any person shall claim or 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 and pay to the Company any sum not exceeding forty shillings.

44. No carriage or vehicle propelled or moved by the power of steam or machinery shall be allowed to cross the bridge excepting with the consent of the Company and on payment of such tolls as they may demand ; provided that the Company shall be at liberty to refuse the passage over the bridge of any carriage or other vehicle if they should consider the structure of the bridge thereby endangered. As to traction by steam or machinery, &c. prohibited.

45. The clauses and provisions of the Locomotive Act, 1861, as to tolls and all other matters shall apply to the bridge and roads by this Act authorised. Application of 24 & 25 Vict. c. 70.

46. The Company may from time to time set up toll-gates at or upon the bridge or approaches, and remove the toll-gates and set up others in lieu thereof, as they think fit, and may from time to time provide and maintain such toll-houses and other conveniences near to the toll-gates as they think fit. Power to provide toll-gates and toll-houses.

47. The tolls granted by this Act shall be paid before any person, animal, or carriage liable to toll is entitled to pass or repass through any toll gate erected in pursuance of this Act. Toll to be taken before passing.

48. The Company from time to time, at any general meeting, may reduce all or any of the tolls for such time as they think proper, and again raise all or any of the tolls, so that the tolls never exceed the amount limited by this Act. Power to vary tolls.

49. The tolls shall at all times be charged equally and after the same respective rate upon all persons and in respect of all carriages, Toll to be charged equally.

A.D. 1878. — carts, waggons, horses, beasts, and cattle, and no reduction or advance of the tolls shall, either directly or indirectly, be made partially or in favour of any particular person, but every such reduction or advance shall take effect with respect to all persons and to all animals and carriages, carts, and waggons of the same respective sort.

Tolls to be taken by toll collectors.

50. The tolls may be demanded and taken at the toll-gates from time to time provided under this Act by such persons as the Company and the lessees of the tolls respectively from time to time appoint to be the toll collectors.

Table of tolls to be put up.

51. When any toll-gate is erected by virtue of this Act, the Company shall from time to time put up and afterwards continue at every such toll-gate a table painted in distinct and legible black letters on a board with a white ground, containing a list distinguishing the several tolls to be from time to time taken or paid by virtue of this Act, and shall renew the boards or the painting thereon whenever any of the letters or figures thereon are worn out, defaced, or obliterated; and the Company shall not demand or take at any toll-gate any toll except while the board so painted remains affixed at or near to the toll-gate.

Power to stop persons failing to pay tolls and to seize and detain horses, &c.

52. If any person subject under this Act to the payment of any toll, after demand made thereof by any collector appointed to receive the same, fails to pay the toll, the collector, by himself or taking such assistance as he thinks necessary, may stop and prevent the passage of the person so failing, and may seize and detain the horse, beast, or cattle in respect of which the toll is payable, with their bridles, saddles, gear, and harness, and any carriage drawn by such horse, beast, or cattle.

For settling disputes concerning tolls and distresses.

53. If and whenever any dispute happens about the amount of toll due or the charges of seizing, keeping, or selling any distress for nonpayment of any such toll, the collector or the person distraining may retain the distress, or the money arising from the sale thereof, until the amount of the toll due and of the charges be ascertained by some justice or justices of the peace for the county of Gloucester, who, upon application made to him or them for that purpose, may determine the matter in dispute, and may also award such costs to be paid by either party to the other as to the justice or justices seems reasonable.

Power to sell if tolls, &c. not paid.

54. If the toll and reasonable charges of such seizure and distress be not paid within three days after the seizure and distress the person so seizing and distraining may sell all the horses, beasts, cattle, chattels, and carriages so seized and distrained, or any part thereof, returning the overplus, if any, of the proceeds of the sale,

after deducting the toll and the reasonable charges of the seizure and distress and sale, and what, if any, remains unsold, upon demand, to the owner thereof. A.D. 1878.

55. If any person fraudulently or forcibly pass over the said bridge or through any toll-gate without having paid the tolls, or assault, obstruct, or interrupt any person employed in the collection of the tolls, every person so offending shall for every such offence incur a penalty not exceeding forty shillings. Penalty for fraudulently passing bridge, &c.

56. Every toll collector shall place his christian name and surname, painted on a board in legible characters, in the front or some other conspicuous part of the toll-house or toll-gate immediately on his coming on duty, each of the letters of the name or names to be at least two inches in length and of a breadth in proportion, and painted on a board in black letters with a white ground or in white letters with a black ground, and shall continue the same so placed during the whole time he is upon duty. Toll collector to place his name on toll-house.

57. If any toll collector commit any of the following offences— Penalty for offences by toll collector.
Firstly. Do not place such board and continue the same so placed during the whole time he is on duty ;
Secondly. Demand or take from any person a greater or less toll than he is for the time being authorised to demand or take ;
Thirdly. Demand and take a toll from any person exempted from the payment thereof and claiming such exemption ;
Fourthly. Refuse to permit any person to read or in anywise hinder any person from reading the inscription on the board or on the table of tolls put up at the toll-gate ;
Fifthly. Refuse to tell his christian name and surname to any person who, having paid any toll, demands the same ;
Sixthly. In answer to any such demand give a false name ;
Seventhly. On the legal toll being paid or tendered unnecessarily detain or wilfully hinder or prevent any passenger from passing through the toll-gate ;
he shall for each such offence incur a penalty not exceeding forty shillings.

58. If any person take off any horse or other beast from any carriage at or near to the bridge or at or near to any toll-gate set up under this Act, and afterwards put on the horse or beast after having passed the bridge or any such toll-gate, with intent to evade, and thereby evades or endeavours to evade the payment of any part of the toll, or forges, counterfeits, or alters or receives from or delivers to any other person any note or ticket with intent to evade the payment of any part of the tolls, or if any person cause any such act to be done, or aid or abet any persons so acting, every Penalty for evading tolls.

A.D. 1878. person so offending shall for every such offence forfeit a sum not exceeding forty shillings.

Penalty for
damaging
bridge, &c.
and other
offences.

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

- (1.) Rides or drives or leads any horse, beast, cattle, carriage, or cart over or upon the footpath or causeway of the bridge or approaches;
- (2.) Wilfully obstructs the passage of the 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 the 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 the 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 the bridge or approaches, to the prejudice thereof or to the annoyance of any person travelling thereon;

he shall for each offence incur a penalty not exceeding forty shillings.

Power to
lease tolls.

60. The Company may from time to time lease all or any of the tolls for any term not exceeding three years at any one time to such persons, at such rents, payable at such times, and under such covenants and upon such conditions as the Company think fit, which rents shall be applied for the purposes of this Act.

Evidence of
appointment
and removal
of toll col-
lector.

61. A certificate in writing under the hand of the secretary of the Company or, as the case may be, of the lessee of the tolls, shall for all purposes be sufficient evidence of the appointment or renewal of any toll collector.

Power to
recover pos-
session of
toll-house,
&c.

62. If any toll collector when discharged, or the wife, widow, or any of the children, family, or representatives of any toll collector who may have died, or any other person having the possession of any toll-house or other building being the property of the Company, fail for two days after demand by notice in writing signed by the secretary of the Company or by the lessee of the tolls, and given to such toll collector or to any person occupying or residing

in the toll-house or left at the toll-house, building, or premises to deliver up possession thereof, any one or more justice or justices of the peace of the county of Gloucester may, by warrant under his or their hand and seal or hands and seals, order any constable or other peace officer, with requisite assistance, to enter into the toll-house, building, or premises in the daytime, and to remove all persons found therein, with their goods, out of the same, and put the Company or lessee, or any person named by them or him, into possession thereof.

A.D. 1878.

63. All offences under this Act, and all penalties, damages, charges, tolls, and costs imposed or payable under this Act, may be recovered in a summary manner under the provisions of the Act of the session of the eleventh and twelfth years of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of the sessions within England and Wales, with respect to summary convictions and orders," and all such penalties shall be paid to the Company, except so far as the convicting justices award not more than one half to the informer.

Recovery and application of penalties.

64. 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, 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 or their usual or last place of abode or business in England, or being delivered to some clerk or other officer of such person being a corporation, or being left at the office of such clerk or principal officer, or at his or their usual or last place of abode or business in England.

Service of notice by the Company.

65. The Company shall every year prepare an account in abstract showing the whole receipts and expenditure of all funds levied by virtue of this Act for the year ending on the thirty-first day of December, or some other convenient day then last, under the several distinct heads of receipt and expenditure, with a statement of the balance of such account, duly audited and certified by the directors, or some of them, and by the auditors, and shall send a copy of the account free of charge to the clerk of the peace for the county of Gloucester, on or before the expiration of one month after the day on which the account ends, which account shall be open to the inspection of the public at all seasonable hours on payment of one shilling for every such inspection; and if the Company fail so to prepare or to send any such account, they shall for every such failure forfeit a sum not exceeding twenty pounds.

Yearly account to be made up and transmitted to clerk of the peace.

A.D. 1878.

Local Board of Newnham may contribute towards undertaking or take shares or stock in Company's capital.

66. The Local Board of Newnham may from time to time, with the sanction of the Local Government Board, but not otherwise, pay to the Company, by way of contribution towards the undertaking, any sums of money which they think fit, or they may from time to time take and hold shares or stock in the capital of the Company to such amount as they think fit, and for the purposes of any such contribution or for paying the amount from time to time due upon or in respect of any shares or stock to be so taken, the Local Board may from time to time apply any moneys for the time being in their hands, and not specially applicable to any particular purpose, or being so made applicable not being required for the particular purpose.

Survey of works by Board of Trade.

67. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company on, in, over, through, or across tidal lands or tidal water, or of the intended site of any such work, the Company shall defray the expense of the survey and examination, and the amount thereof shall be a debt due from the Company to the Crown, and shall be recoverable accordingly with costs, or the same may be recovered with costs as a penalty is recoverable from the Company.

Saving rights of the Crown in the foreshore.

68. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of her crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Interest not to be paid on calls paid up.

69. The Company shall not, out of the money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

8 & 9 Vict. c. 16.

Deposits for future Bills not to be paid out of capital.

70. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in

[41 & 42 VICT.] *Newnham Bridge Act*, 1878. [Ch. ccxxviii.]

force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct or execute any other work or undertaking. A.D. 1878. —

71. 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. Expenses of Act.

LONDON : Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1878.

