

An Act to authorize additional Works by the
Pymont Bridge Company and to amend their
Act of Incorporation. [27th October, 1858.]

PYRMONT BRIDGE
COMPANY.
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WHEREAS the Pymont Bridge Company incorporated by an Act of Council passed in the nineteenth year of Her Majesty's reign and assented to on the fifteenth day of December in that year have nearly completed a bridge across Darling Harbour from the Market Wharf Sydney to or near to Union-street Pymont and have entered into a contract for the construction of a road from such bridge through Pymont and the Ultimo Estate to a point in Blackwattle Bay opposite the Lyndhurst Estate at the Glebe a good and substantial viaduct with a bridge in the centre across such bay to the Lyndhurst Estate and thence a road through the said estate crossing the Glebe Road along the Hereford Road towards the Parramatta Road at or near to Camperdown And whereas the said works are in progress And whereas the shareholders of the said company have by an indenture bearing date the twenty-second day of April one thousand eight hundred and fifty-seven covenanted and agreed among themselves that the making constructing and maintaining a bridge across Johnson's Bay in Darling Harbour to Glebe Island with such roads ways and approaches to such bridge for the connection thereof with the bridges or bridge and viaduct authorized by the said recited Act and with the Parramatta and Balmain Roads and such other public roads and ways

Preamble.
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as should at any time hereafter be deemed desirable should form part of the objects of the said company as completely and effectually as if the same had been enumerated among the objects in the second clause of the deed of settlement of the said company And whereas it is expedient to authorize the said additional works and to enlarge the powers and authorities of the said corporation for the purposes of the said additional works and to extend the provisions of the said recited Act and to amend the same in certain respects Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows—

Power to construct
new bridge over
Johnson's Bay.

1. It shall be lawful for the Pymont Bridge Company hereinafter styled "the corporation" in addition to the works authorized by the said Act and to the works before mentioned as being in progress to make and construct a good and substantial bridge of not less than thirty feet in width with all proper protection for foot passengers by the erection of rails on either side of such bridge between the outer rail of the bridge and the roadway across Johnson's Bay Darling Harbour to Glebe Island with a movable portion to form an opening of thirty-five feet wide and with sufficient mooring by which to warp vessels both ways through the said opening and to make and construct such roads ways and approaches to such bridge for the connection thereof with the bridges or bridge and viaduct authorized by the said Act and with the Parramatta Road and the Balmain Road and the roads or works now in progress of being made or authorized to be made and with any other public road or way as may hereafter be determined upon by the corporation and be sanctioned by the Governor with the advice of the Executive Council and to erect and provide such buildings engines machinery landing-places and other appliances and conveniences as the corporation may deem necessary for the construction and making of such bridge roads ways and approaches and for the use and purposes thereof and for facilitating the works objects and purposes of the corporation under this and the said recited Act.

Power to make
deviations.

2. If it shall appear to the said company at any time or from time to time advisable to deviate from the lines of road or from any other works shewn in any map or plan previously laid before and approved of by the Governor and Executive Council the company may and they are hereby authorized and empowered to make such deviations (so that the same do not interfere with any termini) and the map or plan to be laid before the Governor and the Executive Council when approved of shall be taken to be in substitution of the map or plan previously approved of and all the subsequent works of the company shall be carried on with respect to such lines of deviation and other works as though they had been contained in the original map or plan laid before and approved of by the Governor and Council and all the powers liabilities and authorities of the company shall attach as though they had been so included in such original map or plan Provided that in making such roads ways and approaches the said corporation shall as far as practicable adopt such lines of roads or streets as shall have been previously laid out or planned by the proprietors of any lands over which the same shall be intended to be made.

Conditions precedent
of former Act shall
first be fulfilled.

3. Before commencing the said bridge over Johnson's Bay or any other roads or works connected with any of the works authorized to be done or in progress of being done or any deviations therefrom the corporation shall and may do or take or cause to be done or taken in relation thereto all such or the like acts steps and proceedings as are directed to be done and taken in relation to the works authorized
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by the said recited Act by the seventh eighth ninth tenth eleventh twelfth and thirteenth sections thereof and shall have such and the like powers and authorities and be subject to such and the like liabilities as incident to or consequent upon such acts steps and proceedings as are vested in or imposed upon the corporation by the said recited Act as incident to and consequent upon the acts steps and proceedings thereby directed.

4. The lands already taken by the corporation for the roads and works before mentioned and the lands which under the authority and in accordance with the provisions of the aforesaid Act or of this Act may hereafter be taken by the corporation and the fee simple and the inheritance of such lands respectively and all the estate use trust and interest of all persons therein shall be or be deemed to have been at the time of such taking absolutely vested in the corporation their successors and assigns for ever without any assurance in the law other than the provisions of this and the said recited Act.

Lands taken vested absolutely in the corporation their successors and assigns.

5. The provisions of the fifteenth sixteenth and eighteenth sections of the said recited Act relating to lands referred to in the said fourteenth section shall apply to all lands referred to in the fourth section of this Act as completely as if herein expressly repeated and enacted.

Subject to corresponding provisions of former Act.

6. In estimating the purchase money or compensation to be paid under any of the provisions of this Act regard shall be had not only to the value of the land purchased or taken by the corporation as aforesaid but also to the damage (if any) to be sustained by the owner of the lands by reason of the severing of the lands taken from the other lands of such owner or otherwise injuriously affecting such other lands by the exercise of the powers of this Act and the jury shall assess the same according to what they shall find to have been the value of such lands estate or interest at the time notice was given of such lands being required and without reference to any alteration in value arising from the works of the said corporation.

Purchase money and compensation how to be estimated.

7. Upon the completion of the bridge across Johnson's Bay as aforesaid with all such roads and approaches thereto and therefrom as shall be absolutely necessary for the use thereof as a communication to Glebe Island it shall be lawful for the corporation to receive and take the tolls for the use thereof specified in the Schedule to this Act marked A or such other tolls as may from time to time be approved by the Governor with the advice of the Executive Council and also to take such wharfage or other rates of remuneration from vessels using any piers landing-places wharves or places constructed under this Act as may be approved in like manner.

Tolls to be taken.

8. If the said bridge over Johnson's Bay with the approaches thereto be not *bonâ fide* commenced within one year and fully and properly completed within two years next after the passing of this Act the powers given in and by the same shall cease and determine.

If bridge &c. not completed within two years powers of this Act to determine.

9. So much of the forty-seventh and fiftieth sections of the said recited Act as limits the amount at any time of any loans to be raised by the corporation shall be repealed.

Repeal of parts of sections 47 and 50.

10. It shall be lawful for the corporation for any of the purposes of the said recited Act or this Act and in the manner provided by and subject to all other the provisions contained in the forty-eighth and forty-ninth and except as aforesaid in the forty-seventh and fiftieth sections of the said recited Act to borrow and take up at interest in addition to the money authorized by the said Act to be raised in extension of capital any such sum as to the corporation shall seem meet and convenient not exceeding at any time the whole amount of the capital of the corporation then actually paid up.

Loan may be raised to extent of paid up capital.

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Loans may be on mortgage or debentures and shall be a first charge.

11. Provided always That any such sum may be raised by way of mortgage or by the issue of debentures or partly by one and partly by the other of such modes and such debentures shall be made under the common seal of the company in the form or to the effect of the Schedule hereto marked B and shall be transferable by delivery and all the provisions of the said recited Act relating to mortgages and not inconsistent with this Act shall *mutatis mutandis* apply to such debentures as fully as if those provisions were herein repeated And every such mortgage and debenture shall be valid and the land and works of the corporation and the tolls and rates payable under this or the recited Act shall be liable to the holders of such mortgages and debentures in the event of such land and works becoming public property and the amount of all such securities shall be taken as part of the money payable in that event by way of compensation to the corporation under the provision in that behalf contained in the recited Act.

Terms of ultimate purchase by Government.

12. It shall be lawful for the Governor with the advice aforesaid at any time after the expiration of seven years from the completion of the bridge and roads authorized by this Act to purchase the same with their appurtenances in the name and on behalf of Her Majesty upon giving to the corporation three months notice in writing of the intention to do so and on payment to the corporation of a sum equal to the whole sum expended in constructing and completing the said bridge and its appurtenances and the roads and approaches thereto together with a premium thereon of ten per cent.

All corresponding provisions of former Act applied to this Act.

13. All other the provisions of the said recited Act relating or applying to any of the subject matters thereof and not hereby repealed or expressly varied shall *mutatis mutandis* be read and construed as if relating or applying to the subject matter of this Act as fully as if the same were herein expressly repeated And the said recited Act and this Act shall subject as aforesaid and so far as may be consistent with the whole context of the several parts of the said Acts respectively be deemed to be one Act.

Commencement and short title.

14. This Act shall commence and take effect on and from the day of the passing thereof And the said recited Act and this Act together shall be called and may be cited as "The Pymont Bridge Company's Act of 1855 and 1858."

SCHEDULE A.

Scale of Tolls.

| | The sum of |
|---|------------|
| For every foot passenger not driving | 2d. |
| „ passenger other than the driver in a cart dray or such vehicle | 2d. |
| „ horse and rider | 3d. |
| „ cart dray or other such vehicle with two wheels and drawn by one horse or other animal | 3d. |
| and for every additional horse or other animal ... | 1d. |
| „ wain wagon or other such carriage with four wheels drawn by two horses or other animals | 9d. |
| and for every additional horse or other animal ... | 2d. |
| „ gig chaise or other such carriage with two wheels drawn by one horse or other animal | 6d. |
| two horses or other animals | 9d. |
| „ coach carriage or other such vehicle with four wheels and drawn by one horse or other animal | 9d. |
| and for every additional horse or other animal ... | 3d. |
| „ sheep lamb pig or goat... .. | 1d. |
| „ ox or head of neat cattle | 1d. |
| „ horse mare gelding ass or mule | 2d. |

SCHEDULE B.

Saint Philip's Parsonage.

SCHEDULE B.

THIS debenture entitles the bearer to _____ sterling (value received) which with interest at the rate of _____ pounds per centum per annum is hereby charged and secured upon the property estate and effects of the Pyrmont Bridge Company and the rates and profits arising or to arise by virtue of "The Pyrmont Bridge Company's Act of 1855 and 1858". The interest hereon will be paid half-yearly on or after the first days of January and July in each year respectively on presentation hereof at the office of the company in Sydney. The principal sum will be paid in _____ years from the date hereof.

Dated at the office of the Pyrmont Bridge Company Sydney and sealed with the common seal of the company this day of in the year of our Lord one thousand eight hundred and fifty-

(L. S.)

} Directors.

Entered at the office of the company in the register of debentures and issued this
day of 185 .

Secretary.

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