CHAPTER xxi.

An Act for vesting the bridge at Sawley across the River Trent in the counties of Derby and Leicester commonly known as Harrington Bridge in the Trustees of the bridge at Shardlow across the said river in the said counties commonly known as Cavendish Bridge and for suspending the taking of toll upon the same and for other purposes. A.D. 1882.

[19th May 1882.]

WHEREAS an Act was passed in the 31st year of the reign of his late Majesty King George the Second intituled "An Act "for building a bridge across the River Trent at or near a place "called Wilden Ferry" whereby certain trustees and their successors to be from time to time elected in manner therein provided were appointed for putting the said Act in execution and were empowered to build and maintain a bridge across the River Trent at or near a place called Wilden Ferry at or near Shardlow (which bridge is now commonly called or known as "Cavendish Bridge") and for that purpose to raise money on the credit of the tolls thereby authorised to be demanded and taken for the user of or passage over the said bridge and the said trustees (who are herein-after meant by the expression "the Trustees") were required to pay out of the tolls of the said bridge clear of all taxes and deductions an annual rent or sum of one hundred and fifty pounds to Sir Matthew Lamb lord of the manor of Castle Donington his heirs and assigns and an annual rent or sum of three pounds six shillings and eightpence to the field reeves or other officers of the parish of Castle Donington for the use of the said parish: 31 Geo. 2. c. lix.

And whereas in or about the year 1817 the said rent-charge or annual sum of one hundred and fifty pounds was purchased or redeemed by the Trustees and extinguished and the taking of toll upon the said bridge was suspended in the year 1817 and has since that time ceased to be levied:

And whereas by an Act passed in the 28th year of the reign of his late Majesty King George the Third intituled "An Act for 28 Geo. 3. c. 80.

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" building a bridge over the River Trent at or near Sawley Ferry in " the counties of Derby and Leicester " certain trustees and their successors to be from time to time elected in manner therein provided were appointed to put the said Act in execution and were empowered to build and maintain a bridge across the River Trent at or near to a place called Sawley Ferry at Sawley (which bridge is now commonly called or known as " Harrington Bridge ") and to raise money by subscription from persons willing to advance the same in shares of fifty pounds each or such sum as should be demanded in part thereof for building the said bridge and to take the tolls by that Act prescribed for the user of or passage over the said bridge and the said trustees (who are herein-after meant by the expression " the Harrington Bridge Trustees ") were directed out of the said tolls after payment of the expenses of collection thereof to pay an annual rent or sum of fifty pounds to Charles the then Earl of Harrington and after his decease to the persons for the time being entitled to receive the same as therein provided and an annual rent or sum of one pound to Sir Henry Harpur his heirs or assigns clear of all deductions and after payment of the said annual sums and of the expenses of collecting the tolls and of the necessary repairs of the said bridge to pay thereout to the said subscribers their respective executors administrators or assigns a yearly dividend of not exceeding seven pounds per centum and after payment thereof the Harrington Bridge Trustees were directed to pay and apply one half part of the residue of the said tolls unto the persons for the time being entitled to the said rent of fifty pounds so that they should not receive in the whole including the said fifty pounds more than one hundred pounds per annum and the residue of the said tolls was directed to be applied in the gradual extinction and discharge of the said shares as therein provided and after the whole of the said subscriptions should have been fully paid off and discharged the residue of the said tolls was directed to be invested from time to time and accumulated for the purpose of redeeming the said annual rents of one hundred pounds and one pound respectively :

And whereas a portion of the moneys so raised by subscription for building Harrington Bridge was paid off in the years 1837 1838 and 1840 and there still remain shares of a nominal value of five thousand nine hundred and forty pounds :

And whereas the revenue derived from the tolls taken at Harrington Bridge has been insufficient since the year 1839 to pay the full annual dividend of seven pounds per centum to the shareholders after paying the said annual rents of fifty pounds and one pound respectively and the expenses of maintenance and management and a small dividend only has been paid to the shareholders for many

years amounting only to three quarters per centum in the years 1880 and 1881 and a considerable sum of money is now required to be expended upon the said bridge to put the same into proper and substantial condition and repair:

And whereas the suspension of the taking of toll at Harrington Bridge would be of public and local advantage:

And whereas the Trustees have funds in their hands which are not required for the purposes of their trust and they are willing to apply the same for the purchase or redemption of the said annual rents or sums and shares and for maintaining Sawley Bridge if empowered by Parliament so to do:

And whereas the said annual rent of fifty pounds is now payable to the Right Honourable Charles Augustus Earl of Harrington and he is willing to sell and release the same including the contingent right of increase thereof to one hundred pounds for the consideration herein-after named in that behalf:

And whereas the said annual rent of one pound is now payable to Sir John Harpur Crewe and he is willing to sell and release the same for the consideration herein-after named in that behalf:

And whereas it is expedient that Harrington Bridge and the powers rights privileges and authorities of the Harrington Bridge Trustees should be transferred to and vested in the Trustees and that the said annual rents and the said subscriptions or shares of the said subscribers be extinguished in consideration of the payment of the compensation moneys herein-after appearing and that the Trustees should be authorised to apply the funds in their hands to pay the same and to maintain the said bridge and that such provisions should be made in that behalf as in this Act contained and that upon such transfer and vesting or as soon thereafter as may be the Harrington Bridge Trustees should be dissolved:

And whereas it is expedient that the constitution and functions of the Trustees should be altered and that further and other provisions should be made and powers conferred upon the Trustees as and in manner herein-after appearing:

And whereas the purposes aforesaid 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 (that is to say):—

Short title.

1. This Act may be cited as the Shardlow (Cavendish) and Sawley (Harrington) Bridges Act 1882.

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Interpretation clause.

2. In this Act unless there be something in the subject or context repugnant to such construction.

The expression "Cavendish Bridge Act" means the herein-before recited Act of the 31st George II.

The expression "Harrington Bridge Act" means the herein-before recited Act of the 28th George III.

The expression "the recited Acts" means and includes the Cavendish Bridge Act and the Harrington Bridge Act.

The expression "Harrington Bridge" means and includes that bridge and the site thereof and all the land toll-houses walls posts fences gates roads roadways footpaths approaches and other works and property (real and personal including choses in action) connected therewith or appurtenant thereto or any of them or any part thereof.

The expression "Harrington Bridge undertaking" means the undertaking of the Harrington Bridge Trustees including all powers rights authorities and privileges of the Harrington Bridge Trustees in respect and in relation thereto.

The expression "the clerk" means the clerk for the time being to the Trustees.

The expression "the shareholders" means the holders of the shares of the subscribers to the Harrington Bridge undertaking at the date of the vesting herein-after mentioned.

Incorporation of Act. 10 & 11 Vict. c. 16.

3. The provisions of the Commissioners Clauses Act 1847 with respect to the liabilities of the commissioners and to legal proceedings by or against the commissioners and with respect to the mortgages to be executed by the commissioners so far as they are applicable to the purposes of this and the recited Acts and are not expressly varied by this Act are incorporated with and form part of this Act.

Harrington Bridge vested in the Trustees.

4. On and from the seventh day of September one thousand eight hundred and eighty-two Harrington Bridge and the Harrington Bridge undertaking shall be and are subject to the provisions of this Act by virtue of this Act transferred to and vested in the Trustees which transfer and vesting is herein-after referred to as "the vesting."

After the vesting the Trustees to execute the Harrington Bridge Act.

5. Upon the vesting and thenceforward the Trustees shall hold the Harrington Bridge undertaking subject to all contracts obligations and liabilities affecting the same and may subject to the provisions of this Act exercise and enjoy all the powers rights authorities and privileges and shall perform all the duties of the Harrington Bridge Trustees with respect to that undertaking and the

Harrington Bridge Act except so far as its provisions are altered varied repealed or affected by this Act shall be read and have effect as if the Trustees and their successors under the Cavendish Bridge Act and this Act had been thereby appointed for putting that Act in execution instead of the Harrington Bridge Trustees.

Actions &c. not to abate.

6. Any action suit prosecution or other proceeding whatsoever either pending or commenced by or against the Harrington Bridge Trustees at or before the vesting shall not abate be discontinued or prejudicially affected by this Act but the same may be maintained prosecuted or continued and enforced by in favour of or against the Trustees in like manner to all intents and purposes as if the Harrington Bridge Trustees were or continued parties to such action suit prosecution or proceeding and this Act had not passed.

Contracts &c. of Harrington Bridge Trustees to continue in force.

7. From and after the vesting all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made and subsisting and in force at the time of the vesting shall be as binding and of as full force and effect in every respect in favour of or against the Trustees and may be enforced as fully as if the Trustees had been party thereto instead of the Harrington Bridge Trustees.

Until the vesting Harrington Bridge Trustees to receive tolls and maintain bridge.

8. Until the vesting the Harrington Bridge Trustees shall out of the funds in their hands and accruing to them maintain and continue to maintain Harrington Bridge in good and substantial condition and repair as heretofore and shall pay and discharge thereout all their debts and liabilities and shall be entitled to receive all tolls and revenue of Harrington Bridge up to the vesting.

For dissolving the Harrington Bridge Trustees.

9. After the vesting the Harrington Bridge Trustees shall continue only for the purpose of paying and discharging their debts and liabilities and distributing any moneys in their hands among the persons respectively entitled thereto and winding up their affairs and for such purposes they may meet as often as occasion may require and any two of their body shall constitute a quorum for the transaction of business and so soon as their affairs are wound up they shall be dissolved.

Books &c. to be handed over to the Trustees.

10. The Harrington Bridge Trustees and their clerk and other officers and servants shall when required by the Trustees after the vesting deliver to the Trustees or to their clerk all books papers deeds writings and documents whatsoever relating to the Harrington Bridge undertaking provided always that the Harrington Bridge Trustees or their clerk or other person appointed by them for that purpose shall at all reasonable times until they are dissolved have the right of access to the said books papers deeds and documents and

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to take copies thereof or extracts therefrom for the purpose of winding up their affairs.

On the transfer of Harrington Bridge the annual rents and shares are extinguished.

11. From and after the vesting the said annual rents and shares and the dividends payable in respect of the said shares and all other rents or sums charged or chargeable upon and payable out of the tolls and revenues of Harrington Bridge shall cease and be extinguished and all persons entitled to or having any interest in the said annual rents and the shareholders respectively shall cease to have any claim upon the Harrington Bridge undertaking or upon the Trustees in respect thereto but shall be respectively entitled only to compensation in respect of the extinguishment of the annual rents shares and dividends in manner herein-after provided.

Compensation to the Earl of Harrington and Sir John Harpur Crewe.

12. The Trustees shall within one month after the vesting pay to the owners of the annual rents compensation for the extinguishment thereof as follows :—

To the trustees of the will of Charles Wyndham late Earl of Harrington the sum of one thousand five hundred pounds to be invested and applied as herein-after provided.

To Sir John Harpur Crewe the sum of twenty-five pounds for his own use and benefit.

The money so paid to the trustees of the said will shall be treated as if the same were moneys produced by the exercise of the power of sale in the said will contained and shall be invested accordingly and the receipts in writing of the trustees of the said will for the money so paid to them shall be good and effectual discharges for the same to the Trustees who shall not be bound or concerned to see to the application or investment of the said money nor be answerable for the loss or non-application or non-investment thereof.

Compensation to shareholders of Harrington Bridge.

13. The Trustees shall within one month after the vesting pay as compensation to the shareholders for the extinguishment of their shares and interest in the Harrington Bridge undertaking the sum of one thousand four hundred and twenty pounds and thirteen shillings which shall be paid and distributed to and among the shareholders their respective executors administrators or assigns in proportion to their respective shares or holdings.

The moneys so paid and distributed shall represent and be in substitution for the shares in respect of which the same are respectively paid and all persons to whom any such moneys shall be paid shall stand and be possessed thereof upon the like trusts and subject to the like powers provisions declarations and agreements charges and incumbrances upon and to which the shares in respect of which

such moneys were paid were at the date of such payment subject and so as to give effect to and not to revoke any will or testamentary or other instrument disposing of the same and every such will shall take effect with reference to a proportionate amount of such substituted money and in any cases where the shares are subject to any trust or settlement the person or persons to whom the money shall be paid shall pay and apply the same and the income thereof to the person or persons and for the purposes for whom and for which such shares and the dividends thereon ought under such trust or settlement to be held and applied respectively.

The receipts in writing of the respective shareholders or their respective executors administrators or assigns for the several amounts so paid to them as aforesaid shall be sufficient discharges for the same to the Trustees who shall not be bound or concerned to see to the application thereof nor be answerable for the loss or non-application thereof.

Receipt in case of persons not sui juris.

14. If any moneys be payable by the Trustees to a shareholder being a married woman not entitled for her separate use a minor idiot or lunatic the joint receipt of such woman and her husband or the receipt of the guardian of the estate of such minor or the committee of the estate of such idiot or lunatic shall be a sufficient discharge to the Trustees.

Trustees may pay compensation money into Court in certain cases.

15. If any person entitled to receive any compensation money under this Act shall be beyond seas or under any disability not provided for by this Act or cannot be found then it shall be lawful for the Trustees to pay such compensation money into the Chancery Division of the High Court of Justice in like manner as if the same were moneys held by them upon a trust and such payment shall be a complete discharge therefor and such compensation money shall be paid out to the persons entitled thereto upon a summary application to a judge in chambers and it shall not be necessary to serve the Trustees with notice of any such application.

Compensation to clerk to Harrington Bridge Trustees.

16. The Trustees shall pay to the clerk to the Harrington Bridge Trustees as compensation for the loss of his office the sum of fifty pounds within three months after the vesting.

Repeal of portions of Harrington Bridge Act.

17. The provisions of the Harrington Bridge Act relating to general and special meetings (section 2) the qualification of trustees (section 3) and election of new trustees (section 4) the application of the tolls to the payment of the annual rents or sums directed to be paid as therein provided and the payment of dividend upon the subscribers shares and the purchase or redemption and extinction of the said annual rents or sums and shares (sections 16 17 and 18)

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the fund for repairs (section 19) the placing out or investment of money in the public funds (section 20) the collection of tolls after the suspension thereof whenever future repairs render the same necessary (section 21) the recovery of the said annual rents or sums by the persons respectively entitled thereto (section 25) and the priority of such annual rents or sums over other payments (section 26) and so much of section 31 as relates to the payment of the said annual rents or sums shall on and after the vesting be and are hereby repealed.

Suspension of tolls of Harrington Bridge.

18. From and after the vesting the tolls authorised to be taken for the use of Harrington Bridge shall cease and that bridge shall thereafter be free from toll Provided always that if at any time or times it shall be necessary or expedient to expend any sum or sums of money for any extraordinary repairs or for the rebuilding in part or in whole of Harrington Bridge which the funds in the hands of the Trustees shall not in the discretion of the Trustees be adequate to provide it shall be lawful for the Trustees again from time to time to levy demand and take the tolls prescribed by the Harrington Bridge Act for passage over that bridge subject to the exemptions provided by that Act and herein-after contained until sufficient moneys have been raised or obtained for those purposes or for repayment with interest of any moneys or sums borrowed on the credit of the said tolls for such repairs or rebuilding and for those purposes the Trustees are hereby empowered from time to time to borrow any sum or sums on the credit of the said tolls.

Provided always that a separate account showing receipts and expenditure shall be kept by the Trustees of all moneys borrowed and received from tolls levied and expended under this section and that such moneys shall only be applied after paying the expenses of collecting the tolls in defraying the cost of any extraordinary repairs or rebuilding in part or in whole Harrington Bridge and that a copy of such account shall at the end of each year during the continuance of the re-imposition of the tolls be deposited for public inspection at the respective offices of the clerks of the peace for the counties of Derby and Leicester and the said clerks of the peace shall at all reasonable hours permit the same to be inspected and copies or extracts to be taken during a reasonable time on payment of one shilling for every such inspection and a further sum of sixpence for every such copy or extract so taken.

Exemptions from tolls at Harrington Bridge.

19. No tolls shall be demanded or taken at Harrington Bridge—

(*a*) For Her Majesty or any of the Royal Family or for any horse or carriage attending Her Majesty or any of the Royal Family or returning after having so attended;

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(*b*) For any person horse beast carriage or cart of whatever sort employed in conveying or guarding mails or letters or telegrams under the authority of Her Majesty's Postmaster-General either when employed in conveying or guarding the mails letters or telegrams or going to fetch the same or returning from conveying or guarding the same;

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

(*d*) For any animal carriage or cart of whatever sort attending soldiers with their arms or baggage or returning after being so employed;

(*e*) For any carriage or cart of whatever sort or any animal drawing the same hired for the purpose of or otherwise 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 or returning after being so employed;

(*f*) For any officer or man of Her Majesty's auxiliary or reserve forces dressed in the uniforms of their respective corps on their march or upon duty or in going or returning from the place appointed for and on the days of exercise;

(*g*) For any horse furnished by 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;

(*h*) For any policeman on duty;

(*i*) For any animal carriage or cart of whatever sort 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 Trustees any sum not exceeding forty shillings Provided that the provisions of this section shall be in addition to and not in derogation of any exemption existing under the Army Act 1881 or any other Act relating to Her Majesty's regular reserve or auxiliary forces or existing by virtue of Her Majesty's prerogative. 44 & 45 Vict. c. 58.

Name of the Trustees after the vesting.

20. On and after the vesting the Trustees shall be called and be known by the name of "the Trustees of Cavendish and Harrington Bridges."

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Quorum of Trustees.

21. All powers vested in the Trustees by or by virtue of the recited Acts respectively and this Act may be exercised by any three or more of the Trustees and three Trustees at least shall be required to form a quorum to transact business at any meeting of the Trustees (including meetings for electing and appointing Trustees) and wherever in the recited Acts or either of them any of the powers or provisions thereof may be or are required to be exercised or carried into execution by a prescribed number of Trustees the same may be exercised or executed by any three or more of the Trustees.

Adjournment of meetings.

22. The Trustees present at any meeting or the clerk if a quorum be not present within half an hour from the time appointed for any meeting (as the case may be) may adjourn such meeting sine die.

Annual and other meetings of the Trustees.

23. A meeting of Trustees shall be held once at least every year in the month of January or February at which the accounts of the Trustees shall be examined and settled and other meetings may be held periodically for transacting the general business of the Trustees at such times as the Trustees may from time to time appoint.

Trustees may hold special meetings.

24. In addition to the said meetings the Trustees may hold special meetings and any two or more of the Trustees may require the clerk to call or in the absence of the clerk may themselves call a special meeting.

Meetings how to be called.

25. All meetings of the Trustees shall be convened by notice which may be in writing or print or partly in writing and partly in print signed by the clerk or if there be no clerk by any two of the Trustees and shall except in cases of emergency be delivered or sent by post or otherwise to the usual or last known place of abode or business of each of the Trustees three clear days at least previous to such meeting and every such notice shall specify the time and place of meeting and in case of a special meeting shall specify the objects thereof and no business shall be transacted at any special meeting except such as is stated in the notice thereof and notwithstanding anything in the Cavendish Bridge Act contained it shall not be necessary to affix any notice of meeting to the turnpike gate or toll-house.

Notice of the said annual meetings shall also be advertised in one or more papers published in the counties of Derby and Leicester or one of them.

Voting at meetings. Chairman.

26. At every meeting the Trustees present shall first proceed to elect one of their body to be chairman of such meeting and all questions at such meetings shall be decided by the votes of the

majority present and if there be an equal division of the votes upon any question the chairman shall have a second or casting vote. A.D. 1882.

Vacancy not to invalidate proceedings of Trustees.

27. No proceeding of the Trustees shall be deemed to have been or to be invalid or illegal in consequence only of there being a vacancy or vacancies in the body of the Trustees at the time of such proceeding.

Election of Trustees confirmed.

28. The election of any Trustee previous to the passing of this Act shall not be called in question and is hereby declared to have been valid notwithstanding that the prescribed quorum was not present at the meeting at which such Trustee was elected or any other informality in the proceedings provided that such Trustee was at the time of his election possessed of the proper qualification.

Application of funds.

29. After paying the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act and the compensation for the purchase and extinguishment of the said annual rents and shares and the compensation to the clerk to the Harrington Bridge Trustees the funds in the hands of the Trustees and the income thereof shall be applied in executing the purposes of this Act and the recited Acts as altered by this Act.

Service of notices upon the Trustees.

30. Any summons or notice or any writ or other proceedings at law or in equity requiring to be served upon or delivered to the Trustees may be served or delivered by the same being left at or sent through the post directed to the Trustees at their principal or only office or by being given personally to the clerk or in case there be no clerk by being given personally to any one of the Trustees.

Costs of Act.

31. All costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Trustees.

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