ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

Cap. xix.

An Act for building a Bridge across the River *Ouse* in the City of *York*, with Approaches thereto, and for raising, lowering, widening, altering, and improving certain Streets or Thoroughfares within the said City, and for other Purposes. [15th *May* 1860.]

WHEREAS the building and constructing of a Bridge across the River *Ouse* in the City of *York*, from a Point at or near the Water Tower or Premises of the *York* New Waterworks Company in the Parish of *Saint Wilfred* on the North-east Side of the said River to a Point at or near to *North Street* Postern in the Parish of *All Saints, North Street*, on the South-west Side of the said River, with suitable and convenient Approaches thereto from *Rougier Street*, the *North-eastern* Railway Station, and *Thief Lane* on the South-west Side of the said River, and from *High Petergate* on the North-east Side thereof, would open out a short and convenient Line of Communication between the said Railway Station, *Rougier Street*, and the adjoining Streets on the South-west, and *High Petergate* and other Streets and the *Minster Yard* on the North of the said River: And whereas the Streets or Thoroughfares in the Line of Approach to the said Bridge and the River

Ouse from *High Petergate* on the North-east Side of the said River called *Little Blake Street* otherwise *Lopp Lane*, *Blake Street*, *Lendal Street* otherwise *Museum Street*, *Lendal* and *Lendal Hill*, situate in the several Parishes of *Saint Michael-le-Belfrey* and *Saint Wilfred* and the Extra-parochial Place called the Liberty or Township of *Mint Yard* in the said City, and the Streets, Places, or Thoroughfares on the South-west Side thereof, extending from the said River to the Station of the *North-eastern* Railway called *Wellington Row* otherwise *North Street Row* and *Tanners Moat*, situate in the said Parish of *All Saints*, *North Street*, in the said City, are narrow or inconvenient, and it would greatly improve the Lines of Approach to the said Bridge if the said Streets, or some of them, and of the Streets running thereinto, were raised, lowered, widened, altered, and improved, and if a new Line of Street or Road in continuation of *Rougier Street* were made through the City Wall into *Thief Lane* in the Parish of *Saint Mary Bishophill the Younger* in the said City: And whereas the Mayor, Aldermen, and Citizens of the said City are willing to undertake the Construction of the said Bridge and Approaches and other Works, and the Execution of the several Powers herein-after contained: And whereas the several Purposes aforesaid cannot be effected without the Aid and 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.

I. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The *Lendal Bridge* and *York* Improvement Act, 1860."

8 & 9 Vict. c. 18. incorporated.

II. "The Lands Clauses Consolidation Act, 1845," shall be incorporated with this Act.

Certain Provisions of 10 & 11 Vict. c. 16. incorporated.

III. All the Clauses and Provisions of "The Commissioners Clauses Act, 1847," with respect to the following Matters; (that is to say,)

With respect to the Construction of the Act and any Act incorporated therewith;

With respect to the Contracts to be entered into and the Deeds to be executed by the Commissioners;

With respect to the Liabilities of the Commissioners, and to legal Proceedings by or against the Commissioners;

With respect to the Appointment and Accountability of the Officers of the Commissioners;

With respect to the Mortgages to be executed by the Commissioners, except Section Eighty-four;

With respect to the making of Byelaws;

With

With respect to the giving of Notices and Orders; and

With respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices,

Shall, so far as the same are not varied by the Provisions of this Act, be incorporated with this Act, and such Clauses shall apply to the several Objects and Purposes of this Act, and to the Corporation or the Council on their Behalf, and shall be construed as if the Word "Corporation," or the Expression "the Mayor, Aldermen, and Citizens of the City of *York*," had been inserted therein, instead of the Word "Commissioners," or, where any Act is authorized or required to be done by or to a certain Number of Commissioners, as if the Word "Council" had been inserted therein instead of the Word "Commissioners."

Interpretation of Terms.

IV. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Person" or the Word "Persons" shall include Corporations, whether aggregate or sole:

The Word "City" shall mean the City of *York* as enlarged and extended by the Act 5 and 6 *Will.* 4. Cap. 76. for the Regulation of Municipal Corporations in *England* and *Wales*, and the Act 6 and 7 *Will.* 4. Cap. 103. for making temporary Provisions for the Boundaries of certain Boroughs:

The Word "Corporation" shall mean the Mayor, Aldermen, and Citizens of the City:

The Word "Council" shall mean the Council of the City:

The Word "Treasurer" shall mean the Treasurer of the City:

The Words "Town Clerk" shall mean the Town Clerk of the City, and shall include the Deputy of such Town Clerk:

The Word "Surveyor" shall mean the Surveyor for the Time being of the City:

The Word "Justice" shall mean any of Her Majesty's Justices of the Peace for the City, and shall include the salaried Police Magistrate or Magistrates of the City or of any District thereof; and the Expression "Two Justices" shall be understood to mean Two Justices assembled and acting together in Petty Sessions:

The Words "General or Quarter Sessions" shall mean the General or Quarter Sessions of the Peace for the City:

The Word "Street" shall include any Street and Highway, and any Road, public Bridge, Lane, Footway, Square, Court, Alley, Passage, whether a Thoroughfare or not, and the Parts of any such Highway, Road, Bridge, Lane, Footway, Square, Court, Alley, or Passage within the City:

The Words "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*:

The Word "Lands" or "Land" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Word "Lease" shall include an Agreement for a Lease:

The Word "House" or "Houses" shall include any Messuage, Dwelling House, Tenement, Shop, Warehouse, Manufactory, Building, or other Inclosure.

Limits of Act.

V. The Limits of this Act shall comprise and include the City as defined by this Act.

Council of City to execute Act.

VI. The Corporation by the Council shall be and they are hereby empowered to carry this Act and the several Provisions thereof into execution.

Council may appoint Committees.

VII. The Council may appoint out of their own Body, from Time to Time, such and so many Committees, consisting of such Number of Persons as they shall think fit, for all or any of the Purposes of this Act which in the Discretion of such Council would be better regulated and managed by means of such Committees, and may fix the Quorum of such Committees: Provided always, that the Acts of every such Committee shall be submitted to the Council for their Approval.

Quorum of Committee.

VIII. Every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment; but no Business shall be transacted at any Meeting of the Committee unless the Quorum of Members, if any, fixed by the Council, and if no Quorum be fixed, Three Members be present; and at all Meetings of the Committee One of the Members present shall be appointed Chairman, and all Questions shall be determined by a Majority of the Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a casting Vote, in addition to his Vote as a Member of the Committee.

Proceedings to be entered in a separate Minute Book.

IX. Minutes of the Proceedings of the Council in carrying into effect the Provisions of this Act shall be entered in the Minute Book of the Council; and Minutes of the Proceedings of their Committees, in carrying into effect the Provisions of this Act, shall be entered in a separate Book to be kept for the Purpose.

Treasurer, &c. of City to be Treasurer, &c. for this Act.

X. The Treasurer and Town Clerk and Surveyor shall be the Treasurer and Clerk and Surveyor for the Purposes of this Act.

Service of Notice on other Persons.

XI. Any Notice which by this Act may be required to be given to any Person may lawfully be served by delivering the same to such Person, or by

by delivering the same to his Wife or Servant or any Inmate at his usual or last known Place of Residence or Business.

Newspaper for Advertisements.

XII. The Newspaper in which Advertisements may be published under the Provisions of this Act, or any Act incorporated or partly incorporated herewith, shall be some Newspaper published in the City.

Council may borrow Money on Bridge Tolls and Rates.

XIII. It shall be lawful for the Council, for all or any of the Purposes of this Act, from Time to Time to borrow at Interest, by way of Mortgage, any Sum of Money which, together with any Sum previously borrowed for the Purposes of this Act, shall not exceed the Sum of Thirty-five thousand Pounds, on the Credit of the Bridge Tolls, Rates, and Duties by this Act authorized to be made or levied, or of all or any of the said Tolls, Rates, and Duties, and in the event of all or any such Monies being repaid by the Council (except Monies repaid out of the Sinking Fund, or by or out of Subscriptions received by the Corporation in aid of the Purposes of this Act,) to re-borrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security of the said Tolls, Rates, and Duties, for the Purposes of this Act, more than the Sum of Thirty-five thousand Pounds in the whole at any One Time; and for securing the Payment of Monies so to be borrowed, with Interest, the Corporation may assign over the said Tolls, Rates, and Duties, or any of them, or any Part thereof respectively, to the Persons who shall advance or lend such Money, or to any Trustees for them, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Arrears may be enforced by Appointment of a Receiver.

XIV. It shall be lawful for the Mortgagees of the Corporation under this Act to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Monies or Interest due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom the Application for a Receiver shall be made shall be not less than Five thousand Pounds in the whole.

Council may raise Money by Annuity.

XV. It shall be lawful for the Council to raise all or any Part of the Sum of Thirty-five thousand Pounds hereby authorized to be borrowed by granting Annuities for Lives, instead of Mortgages, as aforesaid, and for that Purpose the Council may charge the Bridge Tolls, Rates, and Duties by this Act authorized to be made a Security for Money borrowed, or any of them, with an Annuity or Annuities, to determine on a Life or Lives in being not exceeding Three in Number, in favour of any Person who shall advance to the Council any Sum of Money for the Purchase of the same.

Form of Grant of Annuity.

XVI. Every such Grant of Annuity shall be by Deed duly stamped, in which the Consideration shall be duly stated, and shall be made under the Common Seal of the Corporation, and may be in the Form in Schedule (A.) to this Act annexed, or to the like Effect.

For preventing improvident Grants of Annuities.

XVII. For preventing improvident Grants of Annuities the Price to be paid for any such Annuity shall not be less than the Price payable by Law for a similar Annuity granted by the Commissioners for the Reduction of the National Debt.

Annuities to rank after Mortgages.

XVIII. Every Annuity so granted shall be paid out of the particular Tolls, Rates, or Duties charged with the Payment thereof, according to the Grant of such Annuity, and shall have Priority after any Mortgages of the same Tolls, Rates, or Duties granted under this Act.

Expenses of Annuities.

XIX. The Expenses of every Mortgage and Grant of Annuity shall from Time to Time be defrayed by the Council out of the Monies raised by the same, or out of the Tolls, Rates, and Duties on the Credit of which such Monies shall be raised.

Register of Annuities to be kept, and to be open to Inspection.

XX. A Register of such Annuities shall be kept by the Town Clerk, and within Fourteen Days after the Date of any such Annuity an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Additions, shall be made in such Register, and such Register may be perused at all reasonable Times by any Person interested therein, without Fee or Reward.

Transfer of Annuities as in Schedule (B.)

XXI. From Time to Time any Party entitled to any such Annuity may transfer his Right and Interest therein to any other Person by a Deed duly stamped, wherein the Consideration shall be truly stated, and any such Transfer may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect.

Register of Transfers to be kept.

XXII. Within Thirty Days after the Date of every such Transfer it shall be produced to the Town Clerk, who shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Annuity, and for such Entry the Town Clerk may demand a Sum not exceeding Five Shillings; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Annuity in all respects; and no Party having made such Transfer shall have Power to make void, release, or discharge the Annuity so transferred.

A Sinking Fund to be formed to pay off

XXIII. For the Purpose of providing a Fund for paying off the Principal Monies for the Time being by virtue of any Mortgage granted in pursuance of this Act charged upon and owing on the Credit of the Bridge

Monies borrowed.

Bridge Tolls, Rates, and Duties, or any of them, the Council shall, once in every Year, out of the Tolls, Rates, and Duties to be received and taken under this Act, set aside such Sum as they shall think proper, not being less than One Thirtieth Part of the Sum borrowed by way of Mortgage under the Powers of this Act, and the Sum so from Time to Time set aside, and also all other Monies which shall be applied by the Council in augmentation of the said Sinking Fund, shall be applied, in the Manner directed by this Act, in Payment, so far as the same will extend, of the Principal Monies charged upon and owing on the Credit of the said Bridge Tolls, Rates, and Duties, or other Security, or any of them, or the same shall be invested in the Public Funds or on Government or Real Security in the Name of the Corporation, and the Dividends and Interest of the Monies so invested, when and as the same shall become due, shall from Time to Time be received and invested in like Manner, in order that the said Monies so set aside and invested may accumulate at Compound Interest; and when such accumulated Fund shall amount to a Sum which, in the Opinion of the Council, can be conveniently applied for that Purpose, the Stocks, Funds, or Securities whereon the same shall be invested shall be sold or otherwise converted into Money, and the Monies arising from any such Sale and Conversion shall be applied, in the Manner directed by this Act, in Payment, so far as the same will extend, of the Principal Monies charged upon and owing on the Credit of the said Tolls, Rates, and Duties, or other Securities, or any of them, and so from Time to Time until the whole of the said Principal Monies shall be discharged.

Council may construct Works according to deposited Plans.

XXIV. And whereas a Plan and Section showing the Lines and Levels of the said intended Bridge and Approaches, and the several Streets and Thoroughfares to be raised, lowered, widened, altered, or improved, and of the Lands proposed to be taken for the Purposes thereof, together with a Book of Reference to such Plan containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands in or through which the same respectively will be made, have been deposited with the Clerk of the Peace of the City: Therefore, subject to the Provisions of this Act, it shall be lawful for the Corporation to construct, make, erect, and maintain all or some of the Works and Alterations following; (that is to say,)

Bridge over the River Ouse.

First, a Bridge across the River *Ouse* in the City of *York* from a Point at or near the Water Tower or Premises of the *York* New Waterworks Company in the Parish of *St. Wilfred* in the said City on the North-east Side of the said River to or near to *North Street* Postern and Tower in the Parish of *All Saints, North Street*, on the South-west Side of the said River, together with all suitable and convenient Approaches to such Bridge, at the Places and to the Extent and in the Lines delineated on the said Plan and according to the Levels shown on the said Sections, and to alter and interfere with

with all existing Works to such Extent and in such Manner as may be necessary for those Purposes; and, subject to such Restriction, the said Bridge and Works connected therewith to be constructed according to such Plan or Design as the Council shall think expedient:

Southern Approaches, &c.

Secondly, convenient Roads or Approaches to the said Bridge on the South-western Side of the said River; one of such Roads or Approaches commencing from the *North-eastern* Railway Company's Station at or near the House or Lodge occupied by *William Ernest* in the Parish of *All Saints, North Street*, in the City, and extending thence along *Tanners Moat* and the adjoining Ground and Premises in the same Parish to the South-western End of the said Bridge at a Point between *Wellington Row* otherwise *North Street Row* and the Ferry House belonging to *Lendal Ferry*, also in the said Parish of *All Saints, North Street*; and the other of such Roads or Approaches commencing from and out of the said last-mentioned proposed new Road or Approach at a Point opposite to the North-western End of *Rougier Street* in the said Parish of *All Saints, North Street*, and passing thence by an Arch or Opening to be made through the City Wall and over the Lands outside the said Wall to and terminating in *Thief Lane* upon the Site of or near to the Public House called "The *Durham Ox*," in the Parish of *Saint Mary Bishop Hill the Younger* in the City, the whole of which said last-mentioned new Road or Approach will be situate in the said Parishes of *All Saints, North Street*, and *Saint Mary Bishop Hill the Younger* in the City; and, so far as may be necessary in constructing such Roads and Approaches, to alter or interfere with, raise, or lower all or some of the several Streets, Places, or Thoroughfares called or known as *Wellington Row* otherwise *North Street Row*, *Queen's Street*, *Simpson's Row*, *Rougier Street*, *Providence Place*, *Albion Row*, and *Tanners Moat*, and the Road leading from *Wellington Row* otherwise *North Street Row* to *Thief Lane*, situate in the said Parishes of *All Saints, North Street*, in the City, and *Saint Mary Bishop Hill the Younger* in the City, and *Thief Lane* in the said Parish of *Saint Mary Bishop Hill the Younger* in the City: And,

Streets to be altered.

Thirdly, to raise, lower, widen, or alter and improve the several Streets or Thoroughfares called *High Petergate*, *Little Blake Street* otherwise *Lopp Lane*, *Blake Street*, *Lendal Street* otherwise *Museum Street*, *Lendal* and *Lendal Hill*, situate in the several Parishes of *Saint Michael-le-Belfrey* and *Saint Wilfred*, and the Extra-parochial Place called the Liberty or Township of *Mint Yard* in the said City, and any or every of the said Streets or Thoroughfares, at such Places and to such Extent as is shown on the said deposited Plan and Sections, and in such Manner as the Corporation shall from Time to Time think expedient.

XXV. For

Power to purchase and take Lands compulsorily.

XXV. For the Purpose of enabling the Corporation to construct, make, erect, and maintain the said Bridge and the Approaches thereto, and to raise, lower, widen, alter, and improve the several Streets and Thoroughfares, or any of them, and to execute the other Works by this Act authorized, it shall be lawful for the Corporation to purchase, enter upon, take, or use such of the Lands delineated on the said Plan and described in the said Book of Reference so deposited as aforesaid as in the Opinion of the Council it shall be necessary or expedient to purchase, enter upon, take, or use for all or any of the said Purposes.

Power to purchase or hire Places for Materials.

XXVI. It shall be lawful for the Corporation, by Agreement, and not by Compulsion, to purchase, or take upon Lease, or to agree for the Use of any proper Place or Places, within Five hundred Yards of the Approach to the said Bridge on either Side thereof, for the Purpose of depositing Stone, Iron, Timber, and other Materials for building and repairing the said Bridge and Approaches, and afterwards the Corporation shall sell the same in such and the like Manner as is in the "Lands Clauses Consolidation Act" incorporated herewith directed with respect to the Sale of Lands not wanted for the Purposes of this Act.

Materials may be deposited in Streets.

XXVII. During the Time any of the Works by this Act authorized are under Construction or Alteration the Council may order the Materials necessary for such Purposes to be lodged in any Street or public Place near or adjoining such Work, according to their Discretion, and may also stop the Way through that or any adjoining Street so long as shall be absolutely necessary for the Completion of such Work; and if the Way through any Street shall be unnecessarily stopped, or the Stoppage thereof shall be continued during a longer Period than shall be necessary for the Completion of such Works, it shall be lawful for Two Justices, on the Application of any Two Occupiers of Houses in the Street which shall be so stopped, to order the Council to open such Street, and to cause all Materials belonging to the Council lodged therein to be removed, and if the Council fail to comply with such Order the Corporation shall forfeit Five Pounds for every Day that the Council fail so to do.

Power to purchase Lands, &c. by Agreement for improving Streets, &c.

XXVIII. It shall be lawful for the Corporation, by Agreement, and not by Compulsion, to purchase any Lands or Houses in or adjoining any Street within the Limits of this Act, for the Purpose of widening, enlarging, or otherwise improving any such Street, and any Lands or Houses so purchased shall be deemed to be purchased for extraordinary Purposes; and all Parties under any legal Disability who under the Provisions of the Lands Clauses Consolidation Act, incorporated herewith, are enabled to sell and convey Lands authorized to be purchased for extraordinary Purposes, shall and lawfully may sell and convey to the Corporation any Lands or Houses which they may desire to purchase for any of the Purposes aforesaid, and the Corporation shall resell any Part of the Lands or

Sites of the Houses so purchased which shall not be wanted for any of such Purposes.

Compensation to be made for Lands injuriously affected by the Construction of the Bridge, &c.

XXIX. The Corporation, in exercising the Powers given by this Act to construct, make, erect, and maintain the said Bridge and Approaches thereto, and to raise, lower, widen, alter, and improve the several Streets, Thoroughfares, and Places, and execute the other Works in this Act mentioned, and to take Lands for those Purposes, shall be subject to the Provisions and Restrictions contained in this Act and in the Lands Clauses Consolidation Act incorporated herewith; and the Corporation shall make to the Owners, Lessees, and Occupiers, and all other Parties interested in any Lands taken or used for any of the Purposes of this Act, or injuriously affected by the Exercise of any of the Powers herein contained, full Compensation for the Value of the Lands so taken or used, and for all Damage sustained by such Owners, Lessees, Occupiers, and other Parties, by reason of the Exercise as regards such Lands of the Powers by this Act or the Lands Clauses Consolidation Act incorporated herewith vested in the Corporation, and, except where otherwise provided by this Act, the Amount of such Compensation shall be ascertained and determined in the Manner provided by the said Lands Clauses Consolidation Act for determining Questions of Compensation with regard to Lands purchased or taken under the Provisions thereof, and all the Provisions of the said Lands Clauses Consolidation Act shall be applicable to the determining the Amount of any such Compensation, and to enforcing the Payment or other Satisfaction thereof.

Errors and Omissions in Plan or Book of Reference may be corrected by Justices, who shall certify the same.

Certificate to be deposited.

XXX. If any Omission, Mis-statement, or erroneous Description shall have been made of any Lands or Houses, or of the Owners, Lessees, or Occupiers of any Lands or Houses, described on the said Plan or in the said Book of Reference, it shall be lawful for the Corporation, after giving Ten Days Notice to the Owners of the Lands or Houses affected by such proposed Correction, to apply to Two Justices for the Correction of such Plan or Book of Reference, as the Case may be, and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace of the City, and shall also be deposited with the Parish Clerks of the several Parishes in which the Lands or Houses affected thereby shall be situate, and such Certificate shall be kept by such Clerk of the Peace and Parish Clerks respectively along with the other Documents to which they relate, and thereupon such Plan or Book of Reference, as the Case may be, shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Corporation to make the

the Works and purchase, take, or use the Lands and Houses in accordance with such Certificate.

Power to deviate from Plans to a certain Extent.

XXXI. It shall be lawful for the Corporation, in making the said Bridge and Approaches, and in raising, lowering, widening, altering, and improving the said Streets and Thoroughfares, to deviate from the Lines delineated on the Plan so deposited as aforesaid, provided that no such Deviation shall extend to a greater Distance than the Limits of Deviation delineated upon the said Plan, nor into the Lands of any Person, whether Owner, Lessee, or Occupier, whose Name is not mentioned in the said Book 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 herein provided for in Cases of unintentional Errors in the said Book of Reference: Provided always, that nothing in this Act contained shall authorize the Corporation to take or use, without the previous Consent in Writing of the Reverend *Thomas Richardson* Clerk, his Heirs and Assigns, any Part of the Dwelling House, Outbuildings, and Gardens now belonging to the said Reverend *Thomas Richardson*, situate in the Parish of *Saint Wilfred* in the said City of *York*, except so much of his Garden as is included within the original Line of Street coloured Pink, and marked on the Plan deposited with the Clerk of the Peace of the said City, and that the Corporation shall not deviate from such Line into the Garden of the said *Thomas Richardson*, nor shall anything in this Act contained authorize the Corporation, without such Consent as aforesaid, to make any Erection or Building whatsoever upon so much of the Gardens belonging to *Godfrey Wentworth* Esq. and the Reverend *Charles Johnstone*, Trustees of *Amelia Hotham*, as is situate behind the said Dwelling House and Premises of the said *Thomas Richardson*, or any Part thereof, or between the said Dwelling House and Premises, or any Part thereof, being No. 30 on the said Plan in the said Parish of *Saint Wilfred*, and the Land numbered 37 on the said Plan in the same Parish, being the Foreshore, Boatyard, and Waste Land of the Mayor, Aldermen, and Citizens of the said City, or to make any Erection or Building upon any Part of the remaining Portion of the said Gardens belonging to the said *Godfrey Wentworth* and *Charles Johnstone*, Trustees as aforesaid, being No. 31 on the said Plan in the said Parish of *Saint Wilfred*, as is situate behind the Dwelling House and Premises of the said *Godfrey Wentworth* and *Charles Johnstone*, Trustees as aforesaid, and extending towards the said Foreshore, Boatyard, and Waste Land, and to *Lendal Hill*, and also adjoining and near to the said Dwelling House, Gardens, and Premises of the said *Thomas Richardson*, unless such Erection or Building shall be necessary for the Purposes of the said Bridge or the Approaches thereto; and provided also, that the Corporation shall not close the Occupation Road (numbered 36 on the said Plan and in the Book of Reference thereto in the said Parish)

Saving House, &c. of Rev. T. Richardson.

Parish) without providing another equally convenient Access from and to the said Gardens and Premises of the said Reverend *Thomas Richardson* to and from *Lendal Hill*.

During Construction of Bridge, Light to be exhibited.

XXXII. During the Construction of the said Bridge and Works connected therewith, the Corporation shall cause to be hung out or exhibited, every Night from Sunset to Sunrise, a Light, to be kept burning by and at the Expense of the Corporation, for the Navigation and safe Guidance of Vessels, and for ever after the Completion of the said Bridge the Corporation shall cause to be exhibited upon or near to the Centre of the said Bridge, every Night from Sunset to Sunrise, a good and sufficient Light, to be kept burning by and at their Expense, for the Navigation and safe Guidance of Vessels, and which Light shall be from Time to Time altered by them in such Manner, and be of such Description, and be so used as the Admiralty shall by Writing under the Hand of the Secretary of the Admiralty approve of; and in case the Corporation shall neglect to exhibit and keep either of such Lights burning as aforesaid they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

If Bridge abandoned, the Admiralty may remove Materials, at Expense of Corportion.

XXXIII. If the Bridge so to be constructed shall be abandoned by the Corporation, it shall be lawful for the Admiralty 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 Corporation, and the Amount thereof shall be a Debt due from the Corporation to the Crown, and be recoverable accordingly.

New Bridge to be vested in the Corporation.

XXXIV. The Bridge to be erected as aforesaid shall be called "*Lendal Bridge*;" and the said Bridge, and the Approaches thereto for the Distance of One hundred and sixteen Yards on the North-eastern Side thereof, and for the Distance of One hundred and seventy-eight Yards on the South-western Side thereof, such Distances being in each Case measured from the Centre of the said Bridge, shall be vested in the Corporation and their Successors.

Half of Bridge to be within the Parish of St. Wilfred and Half in the Parish of All Saints, North Street.

XXXV. Half of the said Bridge, when built, next adjoining to the North-east Side of the said River, shall be deemed to be Part of and in the Parish of *St. Wilfred* in the City, and the other Half of the said Bridge next adjoining to the South-west Side of the said River shall be deemed to be Part of and in the Parish of *All Saints, North Street*, in the City.

Powers for compulsory Purchases limited.

XXXVI. The Powers of the Corporation for the compulsory Purchase of Lands and Houses for the Purposes of this Act shall not be exercised after the Expiration of Four Years from the Commencement of this Act.

XXXVII. The

Period for Completion of Bridge.

XXXVII. The said Bridge and Approaches thereto shall be completed within Seven Years from the Commencement of this Act, and on the Expiration of such Period the Powers by this Act or any Act incorporated herewith granted to the Corporation and their Successors, for constructing, making, and erecting the said Bridge and Approaches thereto, and raising, lowering, widening, altering, and improving the said Streets or Thoroughfares, shall cease to be exercised.

Penalty for damaging Bridge, &c.

XXXVIII. If any Person shall in any Manner wilfully or negligently injure any Part of the said Bridge or the Lamps thereon, or shall lash, tie, or make fast any Cord, Rope, or Cable to the Balustrades, Cornice, or any other Part of the same Bridge, for the Purpose of mooring or staying any Ship, Barge, Boat, or other Vessel, or any Float or Raft of Timber, or other Matter or Thing whatsoever, except to such Rings as shall be fixed to the same Bridge by the Direction of the Corporation for that Purpose, or shall wilfully or negligently drive or wheel any Carriage or Barrow or drive or ride any Horse upon the Foot Pavement of the same Bridge, or on the Foot Pavement of either of the Approaches to the same, or shall haul or draw or cause to be hauled or drawn upon any Part of the same Bridge or the Approaches thereto respectively any Timber, Stone, or other heavy Substance, otherwise than upon a Wheel Carriage, or shall wilfully or negligently suffer any Part of any Tree or Piece of Timber which shall be conveyed upon any Wheel Carriage to drag upon any Part of the said Bridge or the Approaches thereto respectively, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Power to fix Lamps on Bridge and Approaches.

XXXIX. It shall be lawful for the Corporation from Time to Time to cause such and so many Lamp Irons or Lamp Posts to be put up or affixed in, upon, or along the Sides of the said Bridge, and in, upon, or along the Sides of the Approaches thereof, and also to cause such Number of Lamps, of such Sizes and Sorts, to be provided and affixed, or to put up such Lamp Irons and Lamp Posts as they shall think necessary for lighting the said Bridge and Approaches, and every or any Part thereof, and to cause the said Lamps to be lighted as and when they shall think proper.

Power to contract for lighting.

XL. It shall be lawful for the Corporation from Time to Time to contract and agree with any Company or Persons to light the said Bridge and Approaches, or any of them, with Gas, or otherwise, as to the Corporation shall from Time to Time seem proper and expedient.

Corporation may appoint Collectors, &c.

XLI. It shall be lawful for the Corporation from Time to Time to appoint proper Persons to be Collectors of the Tolls payable for crossing the said Bridge, and from Time to Time to remove such Collectors or any of them, and to appoint some other Person or Persons in his or their Room,

Room, and from Time to Time to make such Rules, Orders, and Regulations for the better governing of the Toll Collectors, and for guarding and protecting the said Bridge and Approaches, as the Corporation shall from Time to Time think proper.

Power to Lord Mayor to appoint temporary Collectors in certain Cases.

XLII. When and so often as any Collector of the Tolls shall die, or neglect or refuse to perform or become incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for the Lord Mayor of the City to discharge such Collector so neglecting or refusing to perform or become incapable of performing his Duty, or absconding or absenting himself, and to appoint some other Person or Persons to be a Collector of the said Tolls, until the then next Meeting of the Council, in the Stead of such Collector who shall so die or be discharged; and such Person or Persons so appointed shall have the like Power and Authority and be answerable and accountable in the like Manner in all respects as the Collector who shall so die or be discharged would have had or been subject to.

Collectors, &c. refusing to deliver up Toll Houses may be turned out.

XLIII. If any Collector of the said Tolls who shall be discharged from his said Office by virtue of this Act, or the Wife or Widow or any of the Children, Family, or other Representatives of any Collector who shall die or be discharged, or any other Person who may have the Possession of any Toll House or Building, or any Appurtenant thereto, to be erected, set up, raised, or used by virtue or for the Purposes of this Act, shall neglect or refuse to deliver up the Possession thereof for the Space of Twenty-four Hours next after Demand thereof made by Notice in Writing under the Hand of the Town Clerk for that Purpose, given to such Collector or other Person, or left at any such Toll House, Building, or Premises, then and in any of the said Cases it shall be lawful for any Justice, by Warrant under his Hand and Seal, to order a Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll House and Premises in the Daytime, and to remove the Persons who shall be found therein, together with their Goods, out of such House, and to put the Corporation or their newly-appointed Collector into the Possession thereof.

Toll Houses, &c. may be sold.

XLIV. It shall be lawful for the Corporation to sell and dispose of any Toll House or Toll Houses to be erected by virtue of this Act, which does not extend into or interfere with the proper Line of the Street or Bridge and of the Ground whereon the same may stand, when they shall be considered by the Corporation unnecessary for the Purposes of this Act, in the same Manner and under the same Regulations as herein-before are contained or referred to for the Sale of such of the other Lands hereby authorized to be purchased as may not be wanted for the Purposes of this Act.

XLV. The

Power to erect Toll Gates.

XLV. The Council may, if they shall think proper so to do, as soon as conveniently may be after a Passage shall be made over the said Bridge, cause to be erected and set up a Toll Gate or Toll Gates at or upon the said Bridge, and from Time to Time may remove the same Toll Gate or Toll Gates, and erect or set up another Toll Gate or Toll Gates in lieu thereof at any Place upon any Part of the said Bridge or Approaches, and may from Time to Time erect, provide, and maintain such Toll Houses and other Conveniences near or adjoining to the said Toll Gate or Toll Gates as the Council shall think proper.

Tolls may be taken for Use of Bridge.

XLVI. It shall be lawful for the Corporation from Time to Time to take and demand at the Toll Gate or Toll Gates to be erected as aforesaid, for or in respect of all Persons, Horses, Mules, Asses, Beasts, or other Cattle or Animals, or Carriages of any Kind whatsoever, before they shall be permitted to pass or return over the said Bridge or through the said Toll Gates, any Tolls or Sums which the Corporation may from Time to Time think fit, not exceeding the Tolls or Sums mentioned in the Schedule (C.) to this Act annexed.

Bridge to be public upon Payment of Tolls.

XLVII. After the said Bridge shall have been completed the same shall be a public Bridge, and all Persons shall have free Liberty, upon Payment of the Tolls by this Act granted, to pass over the same, without any Interruption whatsoever.

Tolls may be altered.

XLVIII. The Corporation shall have full Power from Time to Time, at any Special Meeting of the Council called for the Purpose, to alter, raise, or lower all or any of the Tolls for the Time being demandable at the said Bridge; but if such Tolls shall be exclusively charged with the Payment of any Sum of Money by way of Mortgage or Annuity under this Act, then no Reduction of any such Tolls shall be made or take place unless a Majority of the Members present at such Meeting, and Five Sixths Parts in Value of the Persons to whom any Principal Monies or any Annuities may at that Time be owing or secured on the Credit of such Tolls, shall assent thereto.

Tolls to be charged equally.

XLIX. Provided always, That the Tolls to be taken at the said Bridge by virtue of this Act shall at all Times be charged equally to all Perso and after the same Rate in respect of all Horses, Mules, Asses, Beasts, or other Cattle or Animals, or Carriages of a like Description, passing over the same under the like Circumstances, and that no Reduction or Advance in the said Tolls shall either directly or indirectly be made partially or in favour of or against any particular Person or Company, but every such Reduction or Advance of Tolls shall extend to all Persons whomsoever using the said Bridge, anything to the contrary thereof in anywise notwithstanding.

L. Provided

Power to compound for Bridge Tolls.

L. Provided also, That it shall be lawful for the Corporation to compound and agree with any Persons using the said Bridge for the Payment of any Sum, either weekly, monthly, quarterly, or yearly, by way of Exemption or Composition, in lieu of the Tolls by this Act payable for the Use of such Bridge: Provided always, that if the Corporation shall make any such Composition by way of Exemption with any Person they shall be compellable to make the same Composition by way of Exemption with every other Person desiring to compound for the Payment of such Tolls for the like Period.

Bridge may be opened as a free Bridge, or may at any Time be declared to be Free.

LI. Provided always, That when and so soon as the Bridge shall have been completed, and the Sum remaining due and owing under the Powers of this Act shall have been reduced to the Sum of Fifteen thousand Pounds, and the borrowing Powers of the Corporation shall also be limited or reduced to the same Amount, it shall be lawful for the Corporation, if they shall think proper so to do, to open the said Bridge as a free Bridge, and to abstain from taking any Tolls whatever for the Use thereof, or to take in respect of the Use thereof Part only of the Tolls authorized by this Act, or, having commenced to take Tolls at the said Bridge, it shall be lawful for the Corporation at any Time to abstain from taking Tolls thereat, and to declare the said Bridge to be thenceforward a free Bridge: Provided also, that during the Subsistence of any Mortgage of the said Tolls, or of any Annuity payable out of the said Tolls granted under the Authority of this Act, it shall not be lawful for the Corporation either to open the said Bridge as a free Bridge, or to declare the same to be free, or to take less than Two Thirds of the Amount of any Toll by this Act authorized to be taken at the said Bridge.

If Tolls cease, or Bridge made free, the same to be repaired out of the City Fund, and all Powers of Act relating to Tolls to cease.

LII. When the Power to take Tolls for the Use of the said Bridge shall have ceased and determined, under the Provision for that Purpose herein contained, or if the said Bridge shall be opened as a free Bridge, or shall at any Time be declared by the Corporation to be a free Bridge, then and from thenceforward the said Bridge shall be maintained out of the City Fund of the City, and all the Clauses and Provisions in this Act contained relative to the Tolls to be taken at the said Bridge or consequent on such Power to take Tolls shall cease and determine.

Tolls to be paid as Corporation shall appoint.

LIII. The Bridge Tolls shall be paid to such Persons, and at such Places upon or near to the said Bridge, and in such Manner, and under such Regulations, as the Corporation shall by Notice to be annexed to the List of Tolls appoint.

Persons, &c. may be stopped on refusing to pay Toll,

LIV. If any Person subject, either in respect of himself or of any Cattle, Animal, or Carriage belonging to him or under his Care or Control, to the Payment of any of the Tolls hereby authorized to be taken in

in respect of the said Bridge, shall, after Demand made thereof by any Collector or other Person to be appointed to receive the same, neglect or refuse to pay such Tolls, it shall be lawful for such Collector or Person, by himself, or taking such Assistance as he shall think necessary, to stop and prevent the Passage of the Person refusing to pay such Toll, either in respect of himself, or of the Cattle, Animals, and Carriages belonging to him or under his Care or Control, and also of the Cattle, Animals, and Carriages in respect of which such Person shall refuse Payment of Toll, until full Payment of such Toll shall be made.

For settling Disputes concerning Tolls.

LV. In case any Dispute shall happen respecting the demanding or taking or the Payment of Toll, or the Amount of Toll payable at the said Bridge, then and in every such Case such Dispute shall be heard and determined by any Justice, who, upon Application made to him for that Purpose, shall examine the Matter upon Oath of the Parties or other Witness or Witnesses (which Oath every such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Toll due and other Matters in dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice shall seem reasonable, all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue), and the Overplus (if any), after Payment of such Costs of such Distress and Sale, shall be returned, upon Demand, to the Person whose Goods and Chattels shall have been so distrained and sold.

For preventing Toll Collectors from allowing Persons to pass without paying Tolls.

LVI. If any Collector or other Person authorized or appointed to collect the Tolls on the said intended Bridge shall permit or suffer any Person to pass over the said Bridge through any Toll Gate at which such Collector or other Person shall be stationed, without paying the Toll payable in respect of himself, or of any Cattle, Animal, or Carriage belonging to him or under his Care or Control, or shall be guilty of any other Misconduct in his Office, such Collector or other Person so offending, and being thereof convicted before any Justice, shall forfeit any Sum not exceeding Forty Shillings for every such Offence.

Penalty on Persons practising Fraud on the Corporation.

LVII. If any Person shall knowingly and wilfully refuse or neglect to pay the Toll or Fare, either in respect of himself or of any Cattle, Animal, or Carriage belonging to him or under his Care or Control, for using the said Bridge, when the same shall be payable by virtue of this Act, every such Person shall for every such Offence forfeit a Sum not exceeding Forty Shillings.

List of Tolls to be exhibited on a Board.

LVIII. A List of all the Tolls by this Act authorized to be taken, and which shall be exacted by the Corporation, shall be published by the same being painted upon One Toll Board or more, in distinct Black Letters on a White Ground or White Letters on a Black Ground, or by the same being printed in legible Characters on Paper affixed to such Board, and by such Board being exhibited in some conspicuous Place on the Toll Gates or Toll Houses or Places where such Tolls shall be payable.

Tolls to be taken only whilst Board exhibited.

LIX. No Tolls shall be demanded or taken by the Corporation for the Use of the said Bridge during any Time at which the Boards hereinbefore directed to be exhibited shall not be so exhibited, and if any Person wilfully pull down, deface, or destroy any such Board he shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Regulations as to Toll Collectors.

LX. Every Toll Collector at the said Bridge shall place in the Front or some other conspicuous Part of the Toll House or other Building where he shall be on Duty his Christian and Surname in legible Characters; and each of the Letters of such Names shall be at least Two Inches in Height, and of a Breadth in proportion, and painted either in White Letters on a Black Ground or in Black Letters on a White Ground, and he shall continue the same so placed during the whole Time he is upon Duty.

Penalties on Toll Collectors.

LXI. Every Collector of Tolls at the said Bridge who shall commit any of the following Offences shall forfeit a Sum not exceeding Ten Pounds for each such Offence; (that is to say,)

If he do not place such Board and keep the same in its Place during the whole Time he is on Duty:

If he either refuse to permit any Person to read or in any way hinder any Person from reading the Inscription on such Board:

If he refuse to tell his Christian Name and Surname to any Person demanding the same, who shall have paid or tendered the Tolls demanded of him, or if he give a false Name to any such Person:

If he demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act and of the Orders of the Corporation made in pursuance thereof:

If upon the legal Toll being paid or tendered he do unnecessarily detain or wilfully hinder any Cattle, Animal, Carriage, or Goods, or any Person from passing by or over the Bridge:

If he make use of any scurrilous or abusive Language to any Person lawfully using the said Bridge.

Separate Accounts to be kept of of Bridge

LXII. The Corporation shall cause separate and distinct Accounts to be kept of all Monies received, raised, levied, and collected for the Purposes of the said Bridge and the Approaches thereto, or on account thereof,

thereof, and of the Tolls arising therefrom, and of the Manner in which such Monies and Tolls shall have been applied or disposed of, and also separate and distinct Accounts of the Monies received and expended in raising, lowering, widening, altering, and improving the Streets or Thoroughfares by this Act authorized to be raised, lowered, widened, altered, and improved, and such Accounts respectively shall be kept in separate Books, and shall not be complicated or intermixed with each other, or with the Accounts of any other Monies received, collected, raised, applied, or disposed of by the Corporation, and such Accounts shall be balanced half-yearly up to and inclusive of the First Day of *March* and the First Day of *September* in each and every Year.

Tolls, and of Expense of widening Streets, &c.

LXIII. The several Books containing the Accounts of all Monies received and expended for the Purposes or under the Authority of this Act shall at all reasonable Times be open to the Inspection of any of the Aldermen or Councillors of the City, and all the Accounts, with all Vouchers and Papers relating thereto, shall in the Months of *March* and *September* in every Year be submitted by the Treasurer to the Auditors of the City, to be appointed and elected under the Provisions of the Act for the Regulation of Municipal Corporations in *England* and *Wales*, or of any other Act amending the same, for the Purpose of being examined and audited from the First Day of *September* in the Year preceding to the First Day of *March*, and from the First Day of *March* to the First Day of *September* in the Year in which the said Auditors were appointed and elected, and if the said Accounts shall be found to be correct the Auditors shall sign the same; and after such Accounts shall have been so examined and audited in the Month of *September* in every Year, the Treasurer shall make out in Writing and shall cause to be printed a full Abstract of the said Accounts for the Year, and a Copy thereof shall be open to the Inspection of every Mortgagee, Annuitant, and other Creditor of the Corporation by virtue of this Act, and of all the Ratepayers of the City, and Copies thereof shall be delivered to all such Persons applying for the same, on Payment of a reasonable Price for each Copy, such Price not to exceed Sixpence for every One hundred Words of such Copy.

Accounts of Receipts and Expenditure to be audited and published.

LXIV. The Corporation shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipts and Expenditure of all Monies levied by virtue of this Act exclusively in respect of the said Bridge for the Year ending on the First Day of *September* or some other convenient Day in each Year, under the several distinct Heads of Receipts and Expenditure, with a Statement of the Balance of such Account duly audited and certified by the Treasurer and by the Auditors of the City, and shall, if required, transmit a Copy of the said Account to the Clerk of the Peace for the City and to the Overseers of the Poor of the Parish of *Saint Wilfred* and the Overseers of the Poor of the Parish

Annual Account to be made up, and Copy transmitted to the Clerk of the Peace.

Parish of *All Saints, North Street*, on or before the Thirty-first Day of *January* then next, which Account shall be open to the Inspection of the Public at all reasonable Hours on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the Corporation shall omit for the Period of Twenty-one Days after such Request to transmit such Account as aforesaid to the Clerk of the Peace or Overseers requiring the same they shall forfeit for every such Omission any Sum not exceeding Twenty Pounds.

Power to lease the Tolls.

LXV. It shall be lawful for the Corporation from Time to Time, by Lease, to take effect in possession within Three Months from the letting thereof, to let such Bridge Tolls or any Part thereof to any Party for any Period not exceeding Seven Years from the Commencement of any such Lease: Provided always, that no such Letting shall take place unless public Notice of the Intention to let the Tolls, or the Part thereof intended to be let, shall have been given by the Corporation by Advertisement at least Fourteen Days prior to the Meeting of the Council at which it shall be intended to let such Tolls.

Lease to be granted by Tender and upon Notice.

LXVI. Before any Lease of the said Bridge Tolls shall be granted by the Corporation Ten Days Notice at least shall be given in Two of the Newspapers published in the City of the Intention of the Corporation to let the same, and inviting any Person willing to take the same to make Proposals for that Purpose to the Corporation, and the Corporation shall accept the Proposal, which, upon a View of all the Circumstances, shall appear to them to be most advantageous, and shall take Security for the Payment of the Rent to be reserved by such Lease at such Times, and either in advance or otherwise, as the Corporation shall think proper.

Lessees making Default to be removed.

LXVII. If any such Lease shall have become void or voidable, according to any Stipulations therein contained for that Purpose, by reason of the Failure on the Part of the Lessee or his Sureties to comply with any of the Terms of such Lease, or if all or any Part of the Rent thereby reserved shall be in arrear or unpaid for Twenty-one Days after the same shall have become payable, then, upon Application made by the Corporation to a Justice, it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon any Toll House, Dwelling House, Office, or other Building, with the Appurtenances thereto, belonging to the Corporation, and to remove from the same the Lessee or Collector or other Person found therein, together with his Goods, and to take possession thereof and of all Property found therein belonging to the Corporation, and deliver the same to them or any Person appointed by them for that Purpose.

LXVIII. Upon

Power of re-letting Tolls.

LXVIII. Upon such Possession being obtained it shall be lawful for the Corporation to determine the Lease (if any) previously subsisting, and the same shall be accordingly utterly void, except as to the Remedies of the Lessors for Payment of the Rent due, or in respect of unperformed or broken Obligations or Conditions on the Lessee's Part, all which Remedies shall remain in full Force; and in every such Case, either during such Proceedings or on the Termination thereof, the Corporation may again let the Tolls to the same or any other Person, or cause them to be collected in the same Manner as if no such former Lease had been made relative thereto.

Ferry may be abandoned on Completion of Bridge, &c.

LXIX. As soon as the said Bridge shall have been completed and opened for the Use of the Public, it shall be lawful for the Corporation, so long as the said Bridge shall continue to be so used, to discontinue the Use of the Ferry called *Lendal Ferry* over the River *Ouse*, and to apply any Monies which may then be or which may thereafter come into their Hands in respect of the said Ferry to the Objects and Purposes of the said Bridge and the Approaches thereto, in the same Manner as any other Monies which the Corporation are by this Act authorized to apply to such Purposes; but no such Discontinuance of the Use of the said Ferry shall affect the Title of the Corporation thereto, or prevent them at any Time hereafter from re-establishing and working the said Ferry, and demanding, taking, and recovering any Tolls which they are now entitled to demand and take thereat: Provided always, that if during the Construction of the said Bridge the Corporation provide alongside the same a temporary Bridge for the Passage of Foot Passengers over the said River, on Payment of a Toll not exceeding One Halfpenny for each Passenger, which Toll the Corporation are hereby empowered to take, the Corporation may close the said Ferry for the Conveyance of Foot Passengers, so long as such temporary Bridge shall be maintained and be open for the Use of the Public: Provided also, that if at the Time the said Ferry shall be so discontinued or closed there shall be any Tenant or Lessee of the said Ferry, the Corporation shall make to such Tenant or Lessee Compensation for the Value of his then unexpired Interest in the said Ferry.

Power to levy an Improvement Rate.

LXX. For the Purposes of defraying the Costs and Expenses of carrying the several Powers by this Act vested in the Corporation into effect, including the Costs and Expenses of and incident to the applying for and obtaining this Act, it shall be lawful for the Corporation from Time to Time to make, assess, and levy such equal Rate, to be called "The *Lendal Bridge* Improvement Rate," as may be necessary for the Purposes aforesaid, not exceeding in any One Year Fourpence in the Pound of the full net annual Value of the Property included in such Rate.

Certain Clauses of 10 & 11 Vict. c. 34. incorporated.

LXXI. And for the Purpose of making, assessing, levying, collecting, and recovering Rates under this Act, all the Clauses and Provisions of "The Towns Improvement Clauses Act, 1847," with respect to the following Matters, (that is to say,)

With respect to the Construction of the Act, whether incorporated in whole or in part with any other Act, or of any Act incorporated therewith;

With respect to the Manner of making Rates authorized by that or the Special Act, except Section One hundred and seventy-nine, with respect to the rating of unoccupied Property to Sewer Rates, and except also so much of Section One hundred and sixty-eight as exempts any Building or Land belonging to the Commissioners from Rates to be made in pursuance of the Special Act;

With respect to the Appeal to be made against any Rate; and

With respect to the Recovery of Rates,

Shall be incorporated with this Act, and such Clauses and Provisions shall apply to the *Lendal Bridge* Improvement Rates made under this Act, and to the Corporation, or the Council on their Behalf, and shall be construed as if the Word "Corporation," or the Expression "the Mayor, Aldermen, and Citizens of the City of *York*," had been inserted therein instead of the Word "Commissioners."

Costs of Proceedings for Recovery of Rates to be included in the Warrant of Distress.

LXXII. It shall be lawful for any Justice who shall issue any Warrant of Distress for the Recovery of any Rate payable under this Act to order that the Costs of the Proceedings for the Recovery of such Rate shall be paid by the Person failing to pay the same, and such Costs shall be ascertained by such Justice, and levied by Distress, and the Justice shall include in his Warrant of Distress for the Recovery of the said Rate the Amount of such Costs, and shall issue his Warrant accordingly.

Application of Money received under this Act.

LXXIII. All and every Sum and Sums of Money (if any) which shall be contributed by any Public Body or Corporation or Company or Persons in aid of the Objects and Purposes of this Act (and which Contributions the Corporation are hereby authorized to receive) shall be applied in aid of the Expense of constructing, making, or erecting the new Bridge across the River *Ouse* and forming the Approaches thereto, and raising, lowering, widening, altering, and improving the beforementioned Streets or Thoroughfares, and in making such other permanent Improvements within the City as are hereby authorized, and as the Council shall from Time to Time direct: Provided always, that if any Sum of Money which shall be contributed and paid to the Corporation in aid of the Purposes of this Act shall at the Time of Payment thereof be stated as paid for effecting any particular Portion or Portions of the Works and Improvements hereby authorized, then and in every such Case the Money so paid to the Corporation shall be applied by the Council for the particular Improvement or Purpose for which the same at the Time of Payment

Payment thereof to the Council shall have been so stated to have been contributed and paid.

Application of Bridge Tolls and Rates.

LXXIV. All Monies which shall come to the Hands of the Corporation from the Bridge Tolls, or any Rents payable in respect of the same, or from the said Rates called "The *Lendal Bridge* Improvement Rate," shall be applied and disposed of as follows:

First, in paying the Interest of all Monies borrowed or secured on the said Tolls and Rates or either of them:

Secondly, in paying, according to the Grant thereof, any Annuity which shall be granted by the Corporation under the Authority of this Act:

Thirdly, in setting apart and appropriating the Sum which under this Act shall be directed to be set apart and appropriated as a Sinking Fund to pay off the Principal Monies which shall have been borrowed or secured on the said Tolls and Rates, or either of them:

Fourthly, in paying the Expense of Management in putting the several Powers of this Act into execution, and of keeping the said Bridge and the Works connected therewith, and the Approaches thereto, within the Distance of One hundred and sixteen Yards on the North-eastern Side thereof, and within the Distance of One hundred and seventy-eight Yards on the South-western Side thereof, in proper Repair, and of lighting the same as authorized by this Act:

Fifthly, in paying the Surplus of the said Bridge Tolls, and also any Surplus of the said Rates not exceeding the Sum of One hundred Pounds in any One Year, into the City Fund.

Application of Monies borrowed, &c.

LXXV. All Principal Sums borrowed by way of Mortgage or raised by Grant of Annuities on Credit of the Bridge Tolls and *Lendal Bridge* Improvement Rates, or any of them, and all Sums of Money which may have been or may be contributed and paid to the Corporation by any public Body, Corporation, Company, or Persons in aid of the Purposes of this Act, and without any Restriction or Direction as to the Application thereof, shall be applied and disposed of as follows; (that is to say,)

First, in paying all the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, and incident thereto:

Secondly, in constructing, making, or erecting the said Bridge over the River *Ouse* and the Approaches thereto, and in raising, lowering, widening, altering, and improving the several Streets or Thoroughfares, and in executing the other Works by this Act authorized, and in purchasing Lands for the same, and for all other Purposes connected therewith, and in such Order and Manner as the Corporation shall from Time to Time direct:

Thirdly, in carrying into execution the general Objects and Purposes of this Act.

LXXVI. When

When all Expenses of Bridge, &c. paid, the Bridge to be free.

LXXVI. When the whole Amount of Principal Money borrowed under the Authority of this Act, and all Interest payable in respect thereof, shall have been paid off and discharged, and all Annuities granted under the Authority thereof shall have ceased, then the Tolls by this Act authorized to be taken for the Use of the said Bridge shall cease and determine, and the said Bridge shall thereupon become a free Bridge.

Corporation may be indicted for Want of Repairs of Bridge, &c.

LXXVII. If the said Bridge, or the said Approaches, Lamps, and other Works to be maintained and repaired by virtue of this Act, or any Part or Parts thereof, shall become and be out of Repair, then the Corporation shall forthwith cause the said Bridge, Approaches, and other Works to be repaired; and in case the Corporation shall fail within One Week after Notice to the Town Clerk to that Effect to commence such Repairs, then it shall be lawful for any Person to prefer or prosecute any Bill of Indictment against the Corporation for such Failure; and if the Corporation shall be found guilty upon the Trial of such Bill of Indictment, they, the Corporation, shall forfeit and lose to the Person who shall have preferred and prosecuted such Bill of Indictment the Sum of Twenty Pounds for every such Failure, and shall be subject and liable to commence such Repairs as aforesaid within Ten Days after such Verdict on such Bill of Indictment, and in case of Failure in the whole or in any Part thereof the Corporation shall again become subject and liable to such Bill of Indictment, and so *toties quoties* until the said Repairs shall be completed, as herein-before directed.

Owners of Vessels liable for Damage.

LXXVIII. In case any Damage or Mischief shall be done to the Bridge or any of the said Works by any Ship, Lighter, Barge, Boat, Float, Raft, or Vessel, through the wilful Negligence of any Person having the Command of any such Ship, Lighter, Barge, Boat, or other Vessel, or any of the Mariners or Persons employed therein, then and in every such Case the Owner of such Ship, Lighter, Barge, Boat, or other Vessel shall be and he is hereby made answerable to the Corporation for the Amount or Value of any such Damage or Mischief, and the same, provided it shall not exceed the Sum of Twenty Pounds, if not forthwith paid and satisfied, shall and may be recovered in such Manner as any Penalties and Forfeitures hereby imposed are in and by this Act directed to be recovered.

Masters to recover from their Servants any Sum paid for their Defaults.

LXXIX. In case the Owner of any such Ship, Lighter, Barge, Boat, or other Vessel shall be compelled to pay any Penalty, or to make Satisfaction for any Damages, by reason of any Neglect or Default done or committed by his Servants or Mariners, or any of them, such Servants or Mariners, and each and every of them, shall be liable to pay such Penalty or Damage (with the Costs thereof) to such Owner

case of Nonpayment, upon Demand thereof, and Oath made by such Owner of the Payment made by him of such Penalty, Satisfaction, or Damages, and that the same and the Costs thereof have not been repaid to him by such Servants or Mariners or any of them, although demanded, (such Oath to be made before any One Justice,) the Amount thereof, provided the same shall not exceed the Sum of Twenty Pounds, shall be recovered in the same Manner as any Penalty is hereby directed to be recovered.

Penalty on assaulting Collectors, &c.

LXXX. In case any Person shall resist or make forcible Opposition against any Person employed in the due Execution of this Act, or shall assault any Surveyor, Engineer, or Agent, or any Collector of Tolls, in the Execution of his Office, or shall forcibly pass over the said Bridge, or over or through the Toll Gates to be erected by virtue of this Act, or shall forcibly drive any Cattle, Animal, or Carriage over the said Bridge or through such Toll Gate, without having paid the said Tolls, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for Injuries or Obstructions to the Bridge.

LXXXI. If any Person shall wilfully or maliciously damage or injure the said Bridge or any Part thereof, or shall wilfully or maliciously break, throw down, deface, or damage any of the Toll Gates, Toll Houses, Boxes, Benches, or Requisites to be provided by virtue of this Act, or wilfully break, throw down, damage, or destroy any Lamp Posts or Lamps on the said Bridge or Approaches, or the Furniture of any of the said Lamps, or extinguish any of the said Lamps when lighted, or if any Person shall occasion any Obstruction, Annoyance, or Hindrance of any Description to Passengers along the said Bridge, he shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, and shall also make Satisfaction to the Corporation, or to such Person as they shall appoint to receive the same, or to the Party injured, for the Damage so done as aforesaid, which Satisfaction shall be recovered as Part of and in the same Way as the said Penalty is by this Act authorized to be recovered; and if any such Injury as aforesaid shall be done negligently, or by Accident, the Person doing or causing the same shall make Satisfaction to the Party injured, which shall and may be recovered in the same Manner as Penalties are by this Act directed to be recovered.

Power to take down Houses for Purposes of this Act.

LXXXII It shall be lawful for the Corporation to cause any House which may be purchased by them for improving any of the said Streets or Thoroughfares to be taken down, and the Site thereof or of any Part thereof, and any Piece of Land which may have been purchased for widening any such Street or Thoroughfare, to be respectively thrown into such Street or Thoroughfare, for the widening, enlarging, altering, or rendering more commodious the same, or for making any Opening

into such Street or Thoroughfare from any other or adjoining Street or Thoroughfare, in such Manner as the Council shall from Time to Time think expedient.

All the new Buildings to be erected according to a Plan and Elevation.

LXXXIII. All and every the Houses and Buildings to be erected and built in lieu of those authorized to be purchased and taken down by virtue of this Act shall be erected and built according to such Plan or Plans for the outside Front or Elevation thereof as the Corporation shall direct or appoint.

Projecting Houses projecting beyond Line of Street to be taken down and set back.

LXXXIV. When any House or Building in any of the said Streets or Thoroughfares, any Part of which now projects beyond the regular Line of the Street, or beyond the Front of the House or Building on either Side thereof in such Street or Thoroughfare, shall be taken down to be rebuilt or altered, the same shall be set back to the Line of the Street or the Line of the adjoining House or Building, in such Manner and according to such Elevation as the Corporation shall approve for the Improvement of such Street or Thoroughfare; and when the next House or Building shall not adjoin the House or Building to be so taken down, but shall be separated therefrom, then the same shall be set back to the Line of such Street: Provided always, that the Corporation shall make full Compensation to any such Owner for any Loss or Damage he may sustain in consequence of his House being set back according to the Provisions herein contained.

Ground thrown into Streets to be public Highways.

LXXXV. The Sites of all Houses and all Pieces of Land or Ground, or any Parts thereof, which may be purchased by the Corporation, and laid into any of the said Streets or Thoroughfares, shall, when and so soon as the same shall be so laid into the said Streets or Thoroughfares, and for ever thereafter, form Part thereof and of the public Highways, and shall be maintained and repaired and kept in repair in such and the same Way and Manner as the other Part of such Streets or Thoroughfares shall for the Time being be by Law maintained, repaired, and kept in repair; and all such Parts of any such Street or Thoroughfare as in consequence of any Improvement made under the Authority of this Act may not be longer wanted for such Street or Thoroughfare shall be vested in the Corporation, freed and discharged from the public Use thereof.

Houses built contrary to the Act to be taken down.

LXXXVI. It shall be lawful for the Corporation to cause any House or Building which shall be rebuilt or erected contrary to the Directions of the Corporation given in accordance with the Provisions of this Act to be taken down or regulated according to the Provisions of this Act, and the Expenses of such Alterations shall be repaid to the Corporation by the Owner of the House or Building so altered or rebuilt, and shall be recoverable by Distress or by Action of Debt in any of the Superior Courts.

LXXXVII. It

Houses may be set forward.

LXXXVII. It shall be lawful for the Corporation to allow any Building in any of the said Streets or Thoroughfares to be advanced for the Purpose of improving the Line of the Street or Place in which such Building may be situate, or any Building adjacent thereto.

Corporation may agree with Owners of Houses at Corner of Streets to alter and round off the same, &c.

LXXXVIII. In every Case in which the Corporation shall deem it expedient that the whole or any Part of any House or Building in any of the said Streets or Thoroughfares projecting beyond the regular Line of the Street or beyond the Front of the House or Building on either Side thereof in any of the said Streets or Thoroughfares, or at the Corner of any Street running into the same, or opposite to or projecting across the End of any of the said Streets or Thoroughfares, or any Street running into the same, should be taken down for the Purpose of straightening the Line of any such Street or Thoroughfare, or of rounding off the Corner of any such Street or improving the Entrance or Approach thereto or to any adjoining Street, it shall be lawful for the Corporation to agree with the Owner, Lessee, and Occupier of such House to pull down, set back, or alter the same in such Manner as the Corporation shall require, and to pay to such Owner, Lessee, and Occupier such Compensation as shall be agreed upon between them and the Corporation; and it shall be lawful for the Corporation to lay into the Street so much of the Site of any House or Building so pulled down, set back, or altered as they shall think proper, and also to inclose any small Pieces of Ground, Parts of any such Street or Thoroughfare, which may no longer be required for the Use of the Public, and which it may be desirable to inclose for the Purpose of straightening or improving the Line of any such Street or Thoroughfare.

Corporation may alter or stop up Streets, Courts, &c.

LXXXIX. It shall be lawful for the Corporation to alter, divert, stop up, or inclose the whole or any Part of any Street which the Corporation shall at any Time and from Time to Time deem necessary to be altered, diverted, stopped up, or inclosed for the Purposes of this Act.

Proceedings previously to altering or stopping up Streets, &c.

XC. Provided always, That before any Street or any Part thereof respectively shall be altered, diverted, stopped up, or inclosed by the Corporation, the Corporation shall cause to be affixed at each End of such Street so proposed to be altered, diverted, stopped up, or inclosed a Notice to the Effect that the same is intended to be altered, diverted, stopped up, or inclosed, (as the Case may be,) and the Corporation shall cause the same Notice to be given by Advertisement for Four successive Weeks in some Newspaper circulating within the City, and also upon the principal Door of the Parish Church of each of the Parishes through or into which such Street shall run upon the Four Sundays of the said successive Weeks; and after the said several Notices shall have been given such Street shall and lawfully may be altered, diverted, stopped up, or inclosed (as the Case may be) by the Corporation to such Extent,

in

in such Manner, and for such Time as they may think expedient, but subject, however, to such Appeal as herein-after mentioned.

Appeal.

XCI. Provided also, That it shall be lawful for any Person who may think that he would be aggrieved by the altering, diverting, stopping up, or inclosing of any such Street as aforesaid, within Four Months after the making of the said Order, to appeal against the same to the Court of Quarter Sessions of the City, upon giving Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof, to the Corporation; but it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been given as aforesaid, nor on any Hearing of Appeal to go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

In case of Appeal, Jury at Sessions to determine whether Streets, &c. shall be altered or stopped up, &c.

XCII. In case of such Appeal, the Court of Quarter Sessions of the City shall, for the Purpose of determining whether such Street shall be altered, diverted, stopped up, or inclosed, or whether the Party appealing would be thereby injured or aggrieved, impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if, after hearing the Evidence produced before them, the said Jury shall return a Verdict that such Street is unnecessary, or may beneficially to the Public be altered, diverted, stopped up, or inclosed in the Manner proposed by the Corporation, and that the Party appealing would not be injured or aggrieved thereby, then the said Court shall dismiss such Appeal, and shall, if it think fit, award the Costs of resisting the said Appeal to be paid by the Appellant to the Corporation, and the same shall be recoverable in the Manner by this Act provided for the Recovery of Penalties and Forfeitures; but if the said Jury shall return a Verdict that such Street is not unnecessary, or that the same could not beneficially to the Public be so altered, diverted, stopped up, or inclosed, as proposed by the Corporation, or that the Party appealing would be injured or aggrieved thereby, the said Court shall allow such Appeal, and the said Street shall not be altered, diverted, stopped up, or inclosed, or in case the same shall have been altered, diverted, stopped up, or inclosed, the said Court shall make an Order for restoring the same to its original State, and shall award to the Appellant the Costs of prosecuting such Appeal, and such Costs, when taxed by the Clerk of the Peace, shall be paid by the Treasurer of the City out of the City Fund.

North-eastern Railway Company may enter into Agreements, &c.

XCIII. And whereas the Construction of the said Bridge and Approaches will be very beneficial to the *North-eastern* Railway Company as well as to the Public: Therefore it shall be lawful for the said *North-eastern* Railway Company to enter into Arrangements and Agreements with the Corporation for the Formation of any Part of the Approaches from the Station or Depôts or Works of the said Company, and

and to appropriate and use any Land or Ground belonging to them for such Approaches or any of the Works connected therewith; and any Arrangement or Agreement entered into by or on behalf of the said Company with the Corporation in furtherance of any of the Objects of this Act shall be binding on the said Company, and it shall also be lawful for the said Company to carry any such Agreement into execution, and to appropriate Lands and apply any Capital or Revenue of the said Company in carrying out the Objects and Purposes of any such Arrangement or Agreement.

Sections 93. and 94. of 3 W. 4. c. lxii. repealed.

XCIV. And whereas the several Powers and Provisions contained in the Ninety-third and Ninety-fourth Sections of the Local and Personal Act, Third *William* Fourth, Chapter Sixty-two, for effecting the Objects therein provided for, are better provided for by "The Public Health Act, 1848," and "The Local Government Act, 1858," now in force in the City; and to prevent Doubts in the Exercise of the last-mentioned Powers it is expedient that the said Sections should be repealed: Therefore from and after the Commencement of this Act the said Sections Ninety-three and Ninety-four of the said Local and Personal Act, Three *William* Fourth, Chapter Sixty-two, shall be and the same are hereby repealed.

Expenses of Act to be advanced out of City Fund.

XCV. Until the Corporation shall have or receive, by all or any of the Means mentioned in this Act, sufficient Money to defray the Costs, Charges, and Expenses of or incident to the obtaining and passing of this Act, the Council shall advance and pay the whole of such Costs, Charges, and Expenses out of the City Fund of the City, and the Amount so advanced shall be repaid to that Fund out of any Money that shall come to the Corporation under the Powers of this Act.

Recovery of Damages and Penalties.

XCVI. The Clauses of the "Railways Clauses Consolidation Act, 1845," with respect to the Recovery of Damages not specially provided for, and Penalties, and to the Determination of any other Matter referred to Justices, (except the Clauses directing the Application of Penalties,) shall be incorporated with this Act, and such Clauses shall apply to the Purposes of this Act, and shall be construed as if the Word "Corporation" had been inserted therein instead of the Word "Company."

Penalties, how to be applied.

XCVII. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application of which is not herein otherwise provided for, the Justices by whom any such Penalty or Forfeiture shall be imposed shall order the same to be paid to the Treasurer, to the Credit and on the Account of the City Fund.

Nothing to affect Power of Council to make Byelaws.

XCVIII. Nothing herein contained shall prejudice or affect the Power of the Council to make Byelaws under the Act for the Regulation of Municipal Corporations in *England* and *Wales*, or any Act amending the same.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Form of Grant of Annuity.

Grant of Annuity, No. Pounds.

By virtue of an Act passed, *&c.*, intituled "An Act," *&c.*, we, the Mayor, Aldermen, and Citizens of the City of York, in consideration of the Sum of paid to us by *A. B.* of for the Purposes of the said Act, do grant unto the said *A. B.* an Annuity or yearly Sum of to be issuing out of the Bridge Tolls, Rates, and Duties payable under the said Act, to be paid to the said *A. B.* during the Term of his natural Life [*or, as the Case may be*, to the said *A. B.* , his Executors, Administrators, and Assigns, during the natural Life of , *or* during the Lives of and and the Life of the Survivor of them], upon the Day of and the Day of in every Year during his natural Life [*or, as the Case may be*, during the natural Life of the said , *or* during the natural Lives of the said and and the Life of the Survivor of them]; the First Payment thereof to be made upon the Day of next ensuing the Date hereof; but subject nevertheless to all Mortgages of the same Fund under the said Act.

In witness whereof we have hereunto set the Common Seal of the said City, this Day of in the Year One thousand eight hundred and .

SCHEDULE (B.)

Form of Transfer of Annuity.

I *A. B.* of , in consideration of the Sum of paid to me by *C. D.* of , do hereby transfer to the said *C. D.*, his Executors, Administrators, and Assigns, a certain Grant of Annuity on the Lendal Bridge Tolls in the City of York, and Rates leviable under "The Lendal Bridge and York Improvement Act, 1860," Number , [*as the Case may be,*] made by the Mayor, Aldermen, and Citizens of the City of York to bearing Date the Day of for granting an Annuity of .

[*or*

[*or if such Transfer be by Endorsement, the within Security*], and all my Right, Estate, and Interest in and to the Annuity thereby granted, and in and to the Bridge Tolls, Rates, Money, and Property thereby assigned.

In witness whereof, I have hereunto set my Hand and Seal, this Day of One thousand eight hundred and

SCHEDULE (C.)

Tolls to be taken for the Use of Lendal Bridge, and to be paid every Time of passing.

	Pence.
For every Horse or Beast of Draught drawing any Coach, Omnibus, Chariot, Landau, Britzka, Brougham, Sociable, Berlin, Chaise, Curricle, Gig, Cabriolet, Whiskey, Car, Calash, Caravan, Hearse or Litter, Waggon, Wain, Van, Cart, Wherry, or other Carriage, a Sum not exceeding -	2
For every Horse, Mule, or Ass, laden or unladen, and not drawing, a Sum not exceeding - - - - -	1
For every Score of Oxen or Neat Cattle, a Sum not exceeding -	5
And so in proportion for any greater or less Number than a Score.	
For every Score of Pigs, Sheep, or Lambs, a Sum not exceeding	$2\frac{1}{2}$
And so in proportion for any greater or less Number than a Score.	
And for every Person on Foot passing over the said Bridge, or through both or either of the Toll Gates thereat, a Sum not exceeding - - - - - -	$0\frac{1}{2}$

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