ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 49.

An Act for building a Bridge over the River *Derwent*, at or near *Loftſome Ferry*, from the Pariſh of *Wreſſel*, to the oppoſite Shore in the Pariſh of *Hemingbrough*, in the Eaſt Riding of the County of *York*.

[27th *May* 1803.]

WHEREAS the Paſſage over the River *Derwent*, at or near *Loftſome Ferry*, in the Eaſt Riding of the County of *York*, is very inconvenient and dangerous, and not ſuited to the Accommodation of Paſſengers from either Side; and the building of a Bridge over the ſaid River at or near the ſaid Ferry, from the Pariſh of *Wreſſel*, in the ſaid Eaſt Riding, to the oppoſite Shore in the Pariſh of *Hemingbrough*, in the ſame Riding, will be of great Convenience to all Perſons who may have Occaſion to travel that Road, and alſo of great publick Utility and Advantage: And whereas the Right Honourable *George O'Brien* Earl of *Egremont* is Owner of the Lands and Grounds adjoining the ſaid Ferry in the ſaid Pariſh of *Wreſſel*, and alſo Owner of One Moiety of the ſaid Ferry, and *Humphrey Oſbaldeſton* Eſquire, is Owner of the Lands and Grounds adjoining the ſaid Ferry in the Pariſh of *Hemingbrough*, and alſo Owner of the other Moiety of the Ferry: And whereas the ſeveral Perſons herein-after named are willing and deſirous, at their own Coſts

and Charges, to build a Bridge over the ſaid River near the ſaid Ferry, and to keep the ſame in Repair; and the ſaid *George O'Brien* Earl of *Egremont* and *Humphrey Oſbaldeſton* have conſented to give up their Right and Intereſt in the ſaid Ferry, in Conſideration of ſuch Recompence to be made to them in reſpect thereof as is herein-after mentioned, but the Purpoſe 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 King'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,

Company of Proprietors.

That, from and after the paſſing of this Act, The Right Honourable *George O'Brien* Earl of *Egremont*, *Humphrey Oſbaldeſton* Eſquire, *John Foſter*, *John Claridge*, *Robert Spofforth*, *John Eland*, *William Penroſe*, *William Coatts*, *William Jubb*, *Robert Foſter*, *James Craven*, *Robert Spofforth* the younger, *John Peirſon*, *John Watſon*, *Richard Waterworth*, *William Burton*, *John Reeves*, *Thomas Wikeley*, *Joſeph Holmes*, and *John Calvert*, and their reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, are and ſhall be united into a Company for building a Bridge over the ſaid River *Derwent* at or near *Loftſome Ferry* aforeſaid, from the Pariſh of *Wreſſel*, in the Eaſt Riding of the County of *York*, to the oppoſite Shore in the Pariſh of *Hemingbrough*, in the ſaid Riding, as herein-after is mentioned, and for repairing the ſame, and for executing the ſeveral other Powers veſted in them by this Act; and ſhall for theſe Purpoſes be and are hereby declared to be One Body Politick and Corporate by the Name of *The Company of Proprietors of Loftſome Bridge*, and by that Name ſhall have perpetual Succeſſion, and a Common Seal, and ſhall and may ſue and be ſued in all Courts and Places within this Realm, and ſhall and may do all other Acts, Matters, and Things whatſoever in as full and ample Manner and Form, to all Intents and Purpoſes, as any other Body or Bodies Politick or Corporate within this Realm can or may as ſuch lawfully do; and that in every Suit to be commenced againſt the ſaid Company of Proprietors, the Proceſs being ſerved upon their Treaſurer or Clerk ſhall be deemed ſufficient Service upon the ſaid Proprietors.

Power to build the Bridge, Toll Houſes, and other Works and Conveniencies.

II. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby fully authorized and empowered, at their own proper Coſts and Charges, by themſelves and their Deputies, Agents, Officers, Workmen, Servants, and others, to build a good and ſubſtantial Carriage Bridge, of Timber or Wood, acroſs the ſaid River *Derwent*, from the ſaid Pariſh of *Wreſſel* in the ſaid Eaſt Riding, to the oppoſite Shore in the ſaid Pariſh of *Hemingbrough* in the ſame Riding, at any Place or Places within the ſaid Pariſhes, and as near the preſent Ferry as conveniently may be; and alſo One or more Toll Houſe or Toll Houſes near thereto, in the ſaid Pariſh of *Wreſſel*, with proper Conveniencies thereto; and alſo to make a proper Aſcent or Approach to the ſaid Bridge on each End or Side thereof, not exceeding the Diſtance of One hundred Yards, fit and proper for the Paſſage of Travellers, Carts, Cattle, and Carriages, and that ſuch Aſcents and Approaches to the ſaid Bridge, at each End thereof, ſhall to all Intents and Purpoſes be conſidered as Part and Parcel of the ſaid Bridge; and the ſaid Company of Proprietors are hereby alſo fully authorized, empowered, and required, at their own proper Coſts and Charges, according to their reſpective Rights and Intereſts therein, to ſupport, maintain, and keep the ſaid Bridge, Toll Houſe or Toll Houſes, Conveniencies,

Conveniences, and Aſcents or Approaches to the ſaid Bridge, for ever, in good and ſufficient Repair; and for the Purpoſes aforeſaid, the ſaid Company of Proprietors ſhall have full Power and Authority, by themſelves, their Servants, Agents, Workmen, and others, to remove any Shelves or other Obſtructions in the ſaid River, and alſo to dig up, take, and carry away all Beds of Gravel, Sand, Mud, or other Impediments, and to deepen and widen the ſaid River between the ſaid Pariſh of *Wreſſel* and the oppoſite Shore in the ſaid Pariſh of *Hemingbrough*, if it ſhall be thought neceſſary ſo to do, and alſo to dig and cut the Banks of the ſaid River in ſuch Manner as ſhall be neceſſary and proper for the building of the ſaid Bridge and preſerving the ſame, and the Navigation of the ſaid River near and under the ſaid Bridge free and open, and to work, dig for, get, take, carry away, and make uſe of, any Stone, Sand, Gravel, or other Materials, from and out of any Quarry, Lands, or Grounds, lying near or adjoining to the ſaid River, (the ſame not being Land or Ground whereon any Houſe ſtands, or incloſed for an Orchard or Garden to a Houſe, and not otherwiſe neceſſary to be pulled down or laid open for the Purpoſes of this Act), be it the Soil or Ground of any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate whatſoever; and to erect and make, in or over the ſaid River and the Lands adjoining or near to the ſame, any Campſhots, Trenches, or Landing Places, and to amend, alter, turn, or remove any Foot Bridge, Foot Path, or Horſe Path, and to turn, widen, or alter any Highway, or make any new Road leading to the ſaid intended Bridge, and from Time to Time, and at all Times hereafter, to do all other Acts, Matters, and Things neceſſary and convenient for erecting and maintaining the ſaid Bridge, Toll Houſe or Toll Houſes, Conveniencies, Aſcents, and Approaches, hereby authorized to be erected and made, as the ſaid Company of Proprietors ſhall think proper; they the ſaid Company and the ſeveral Perſons acting under or employed by them, doing as little Damage as may be, and making Satisfaction and Recompence to the Owners and Occupiers of and Perſons intereſted in any Lands, Tenements, and Hereditaments that ſhall be made uſe of, dug, damaged, or prejudiced by, for, or upon account of erecting and maintaining the ſaid Bridge, or ſetting out, making, or repairing any ſuch Approaches or Roads as aforeſaid, or preſerving and improving the ſame, and the Navigation of the ſaid River near to the ſaid Bridge, or by, for, or upon account of turning, widening, altering, and making any Paths or Highways as aforeſaid, or by, for, or upon account of the doing and performing of any other Act, Matter, or Thing in this Act authorized and directed to be made, done, or performed.

To alter and make Roads to and from the ſaid Bridge;

firſt making Satisfaction.

III. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, their Agents, Officers, Servants, and Workmen, from Time to Time, and at all Times from and after the paſſing of this Act, at their Will and Pleaſure, to bring, place, lay, work, and uſe any Timber, Stone, Brick, Lime, or other Materials, for building and erecting, or for repairing or rebuilding the ſaid Bridge, or for executing any other of the Purpoſes of this Act, in, upon, through, and over any Common or Waſte Grounds within Two hundred Yards of the ſaid Bridge, without making any Recompence for ſo doing; and alſo in, upon, through, and over any private Lands or Grounds, within Two hundred Yards of the ſaid Bridge, doing as little Damage to ſuch private Lands or Grounds as may be, and making Satisfaction for ſuch Damage to the Owners and Occupiers of ſuch Lands

Materials to be brought into and wrought upon Lands near the Bridge.

Lands or Grounds; and in case of Dispute touching the Quantum of such Damage, and the Satisfaction to be made for the same, such Dispute shall be settled by the Commissioners herein-after appointed.

Power to get Materials.

IV. And be it further enacted, That it shall be lawful for the said Company of Proprietors, by themselves or their Officers, Agents, Servants, or Workmen, or any of them, to dig, gather, take, burn, or manufacture, any Quantity of Clay or Sand to be used in erecting, building, or repairing the said Bridge, and for other the Purposes of this Act, in, out of, from, and upon the Common and Waste Grounds within the said several Parishes of *Wressel* and *Hemingbrough*, without paying any Thing for the same.

Bodies Corporate, *etc.* empowered to sell.

V. And be it further enacted, That it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunaticks and Idiots, and all other Trustees whatsoever, for and on Behalf of themselves, their Heirs and Successors, Infants or Issue unborn, Lunaticks, Idiots, Femes Coverts, *Cestuique* Trusts, or other Persons whomsoever, and to and for all Femes Coverts who are or shall be seised in their own Right, and to and for all and evey other Person or Persons whomsoever who are or shall be seised or possessed of or interested in any Lands, Tenements, or Hereditaments of any Tenure whatsoever, which may be necessary for the Purposes of this Act, to treat, contract, or agree with the said Company of Proprietors for the Purchase thereof, or of any Part thereof, or for their Interest therein, or for any Sum or Sums of Money by way of annual Rent for the same, and to sell and convey the same as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in any wise notwithstanding; and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, and Trustees, Corporations Aggregate or Sole, and all other Persons, are and shall be indemnified for what they shall do by virtue or in pursuance of this Act.

Commissioners appointed to determine Differences.

VI. And be it further enacted, That the Commissioners of the Land Tax for the said East Riding of the said County of *York* for the Time being, or any Three or more of them, and in case there should not be any Commissioners of the Land Tax for the said East Riding, then the Commissioners of Taxes within the said Riding, or any Three or more of them, shall be and they are hereby constituted and appointed Commissioners for settling, determining, and adjusting all Differences which shall happen or arise between the said Company of Proprietors and all and every Person and Persons, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, touching and concerning the Recompence and Satisfaction which shall be made to them or any of them for any Lands, Tenements, or Hereditaments of what Nature or Tenure, necessary for the Purposes aforesaid, and to adjust and settle what Share and Proportion of such Recompence and Satisfaction every Tenant or Person having a particular Estate, Term, or Interest in any of such Premises, shall have or receive for his, her, or their respective Interest and Damages, and for the Damages they or any of them shall sustain by and upon Account of the erecting and maintaining

maintaining the ſaid Bridge, or ſetting out, making, or repairing any ſuch Approaches or Roads as aforeſaid, or the doing or performing any of the Matters or Things in the Act authorized to be done and performed.

If Parties cannot agree, to be ſettled by a Jury.

VII. And be it further enacted, That if any ſuch Owner, Proprietor, Occupier, Truſtee or Truſtees, Body or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or any other Perſon or Perſons intereſted in any ſuch Lands, Tenements, or Hereditaments, upon Fourteen Days Notice to him, her, or them given or left in Writing at the Dwelling Houſe or Houſes or laſt Place or Places of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Body or Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands, Tenements, or Hereditaments, ſhall neglect or refuſe to treat, or ſhall not agree with the ſaid Company of Proprietors for the Purchaſe of any ſuch Lands, Tenements, and Hereditaments, or any Part or Parts thereof, or for their Intereſts therein, or for an annual Rent to be paid for the ſame, or through Diſability by reaſon of Nonage, Coverture, Eſtate Tail, or other Impediment whatſoever, cannot make an effectual or valid Agreement, or by reaſon of Abſence ſhall be prevented from treating as aforeſaid, then and in every or any ſuch Caſe the ſaid Commiſſioners, or any Three or more of them, ſhall cauſe it to be enquired into and aſcertained, by and upon the Oaths of a Jury of Twelve indifferent Men, what Damages will be ſuſtained by, and what Satisfaction and Recompence ſhall be made to ſuch Owners, Occupiers, and Proprietors of or other Perſon or Perſons reſpectively intereſted in any ſuch Lands, Tenements, or Hereditaments; and in order thereto the ſaid Commmiſſioners, or any Three or more of them, are hereby authorized and empowered from Time to Time to iſſue their Warrant or Warrants, Precept or Precepts, directed to the Sheriff of the ſaid County of *York* for the Time being, thereby requiring him to impannel, ſummon, and return a Number of ſubſtantial and diſintereſted Perſons qualified to ſerve on Juries, not leſs than Twenty-four nor more than Forty-eight, which Perſons ſuch Sheriff or his Deputy or Deputies is and are hereby required to impannel, ſummon, and return accordingly, and out of ſuch Perſons ſo to be impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear according to or upon ſuch Summons, a Jury of Twelve ſhall be drawn by ſuch Commiſſioners, or any Three or more of them, or ſome Perſon to be by them, or any Three or more of them, appointed in ſuch Manner as Juries for the Trial of Iſſues joined in His Majeſty's Courts at *Weſtminſter*, by an Act paſſed in the Third Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the better Regulation of Juries*, are directed to be drawn; which Perſons ſo to be impannelled, ſummoned, and returned, are hereby required to appear before the ſaid Commiſſioners, or any Three or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants, Precept or Precepts, ſhall be directed and appointed (of which Time and Place all Parties intereſted ſhall have Fourteen Days Notice given or left in like Manner as aforeſaid) and to attend them from Day to Day till they ſhall be diſcharged by ſuch Commiſſioners, or any Three or more of them; and all Parties concerned ſhall and may have their lawful Challenges againſt any of the ſaid Jurymen; and the ſaid Commiſſioners, or any Three or more of them, are hereby authorized and empowered, by Pre-

cept or Precepts under their Hands from Time to Time as Occaſion ſhall require, to call before them any Perſon or Perſons, in order to be examined as a Witneſs or Witneſſes upon Oath before the ſaid Commiſſioners, or any Three or more of them, or before ſuch Jury, touching and concerning the Premiſes; and the ſaid Commiſſioners, or any Three or more of them, if they ſhall think fit, ſhall and may cauſe the ſaid Jury, or any Six or more of them, to view the Place or Places in Queſtion, and ſhall have Power to adjourn ſuch Meeting from Day to Day as Occaſion ſhall require, and to command ſuch Jury, Witneſſes, and Parties, to attend until the Matters for which they were ſummoned ſhall be concluded; and the ſaid Jury upon their Oaths (which Oaths, as alſo the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners, or any Three or more of them, are hereby empowered and required to adminiſter) ſhall inquire touching the Value of ſuch Lands, Tenements, or Hereditaments, and of the reſpective Eſtates and Intereſts of the Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, ſeiſed or poſſeſſed of or intereſted therein, or of or in any Part thereof, or the Damages which ſhall or may be done to any Lands, Tenements, or Hereditaments, by the doing or performing of any of the Matters and Things in this Act authorized to be done and performed, and ſhall aſſeſs the Sum or Sums, Rent or Rents to be paid to every ſuch Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, for ſuch their Eſtates and Intereſts, and as a Compenſation or Satisfaction for the Damages they ſhall ſuſtain as aforeſaid; and the ſaid Commiſſioners, or any Three or more of them, ſhall give Judgement for ſuch Sum or Sums of Money, Rent or Rents ſo to be aſſeſſed; and the Verdict or Inquiſition of ſuch Juries, and the Judgements, Orders, and Decrees thereupon, ſhall be final, binding, and concluſive to all Intents and Purpoſes whatſoever, upon and againſt all Parties or Perſons whomſoever, as well abſent as preſent, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, claiming any Eſtate, Right, Title, Truſt, Uſe, or Intereſt, in, to, or out of ſuch Lands, Tenements, or Hereditaments, either in Poſſeſſion, Reverſion, Remainder, or Expectancy, or otherwiſe, as well Infants and Iſſue unborn, Lunaticks, Idiots, and Femes Covert, and Perſons under any legal Incapacity or Diſability whatſoever, and all other *Ceſtuique* Truſts, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, and upon and againſt all other Perſons whatſoever; and all and every ſuch Owners, Occupiers, and Proprietors, and all and every Perſon and Perſons intereſted in any ſuch Lands, Tenements, or Hereditaments, ſhall thereby, after Payment or Tender and Refuſal or Neglect in Manner as herein-after mentioned, be from thenceforth to all Intents and Purpoſes diveſted of all Right, Claim, Intereſt, or Property, of, in, to, or out of the ſame; and Two Tranſcripts of all ſuch Verdicts or Inquiſitions and Judgements, Orders, or Decrees, and all other Proceedings of the ſaid Commiſſioners and Juries, ſo to be made, given, or pronounced as aforeſaid, ſhall be fairly written on Parchment, and ſigned and ſealed by the ſaid Commiſſioners, or any Three or more of them, making and pronouncing the ſame; One of which Tranſcripts ſhall be forthwith tranſmitted to the ſaid Company of Proprietors, their Treaſurer, or Clerk, and the other to the Clerk of the Peace for the ſaid Eaſt Riding, to be carefully preſerved and filed amongſt the Records of the ſaid Riding; and the ſaid Tranſcripts,

Tranſcripts, ſo ſigned and ſealed, ſhall be deemed and taken to be Records to all Intents and Purpoſes whatſoever; and the ſaid Tranſcripts, or true Copies thereof ſigned and proved to be ſigned by the ſaid Clerk of the Peace or his Deputy, ſhall be good and effectual Evidence in any Court of Law or Equity whatſoever, and all Perſons may have Recourſe to the ſame *gratis*, and take Copies thereof, or of any Part thereof, paying for every Copy not exceeding the Sum of Two-pence for every Seventy-two Words, and ſo proportionably for every greater Number of Words; and upon Payment of the Sum or Sums of Money ſo aſſeſſed by ſuch Juries, and adjudged or decreed by ſuch Commiſſioners to the Party or Parties concerned or entitled thereto as aforeſaid, or to his, her, or their Agent or Agents, Attorney or Attornies, or legal Tender thereof made to him or them, and Refuſal to accept the ſame; or in caſe any ſuch Perſon or Perſons, after Fourteen Days Notice given to him, her, or them, or left at the Houſe of the Occupier of the Premiſes, ſhall refuſe or neglect to receive the ſame, then upon Payment thereof into the Hands of ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Three or more of them, ſhall by Writing under their Hands appoint, for the Uſe of the Party or Parties intereſted as aforeſaid, and to be paid upon Demand to him, her, or them, or his, her, or their known Agent or Agents; or after ſuch annual Rent or Rents ſhall be ſo aſſeſſed, it ſhall be lawful for the ſaid Company of Proprietors to have, hold, uſe, and enjoy ſuch Lands, Tenements, or Hereditaments, to and for their own Uſe and Benefit, and to and for their Agents, Servants, and Workmen, to make Uſe of any ſuch Lands, Tenements, Hereditaments, and other Premiſes, for the Purpoſes of this Act; and this Act ſhall be ſufficient to indemnify, as well the ſaid Commiſſioners as the ſaid Company of Proprietors, and all and every Perſon or Perſons by them or any of them authorized and empowered therein, or acting under them, againſt any ſuch Owners, Proprietors, Occupiers, and Perſons intereſted, their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns, and againſt all and every other Perſon or Perſons whomſoever, to all Intents and Purpoſes whatſoever.

If a ſufficient Number of Jurymen do not attend, the Jury to be made up from the Standers-by.

VIII. And be it further enacted, That in caſe a ſufficient Number of Jurymen ſhall not appear to be ſworn for the Purpoſes of this Act, the ſaid Sheriff or his Deputy ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, as ſhall be neceſſary to make up the Number of Twelve to ſerve on ſuch Jury; and all Perſons concerned ſhall from Time to Time have their lawful Challenges as aforeſaid, againſt any ſuch Jurymen, when they ſhall come to be ſworn; and the ſaid Commiſſioners, or any Three or more of them, acting in the Premiſes, ſhall have full Power from Time to Time to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, not exceeding Twenty Pounds, reſpectively making Default in the Premiſes, or upon any Perſon or Perſons who ſhall be ſummoned and returned on any ſuch Jury or Juries, and (except for ſome reaſonable Excuſe to be allowed by the ſaid Commiſſioners, or any Three or more of them) ſhall not appear, or who ſhall refuſe to be ſworn on any ſuch Jury or Juries; or being ſo ſworn, ſhall not give his or their Verdict, or in any other Manner wilfully neglect his or their Duty in the Premiſes, contrary to the true Intent and Meaning of this Act, and likewiſe upon ſuch Perſon or Perſons ſummoned as aforeſaid to give Evidence, who ſhall (except as aforeſaid) neglect or refuſe to appear at ſuch Time or Times,

Place

Place or Places, as shall be appointed for that Purpose as aforesaid, or appearing shall refuse to be sworn or give Evidence, or to be examined by or before the said Commissioners, or any Three or more of them; and from Time to Time to levy such Fine or Fines by Distress and Sale of the Goods and Chattels of any Person or Persons offending in any of the Matters or Things aforesaid, by Warrant or Warrants under the Hands and Seals of the said Commissioners, or any Three or more of them, to be directed to the Constable or other Peace Officer of the Township, Parish, or Place where such Offender or Offenders shall be or reside; which Constable, or other Peace Officer, is hereby required to execute the same, so that no such Fine exceed the Sum of Five Pounds: Provided always, that no Person or Persons whomsoever shall act as a Commissioner or Commissioners in any Case where he or they is or are anyways directly or indirectly interested or concerned, of or in the Matter or Matters in question; nor shall any Person whomsoever be sworn to serve on a Jury, or be examined as a Witness, where he or she is anyways directly or indirectly interested in any Matter in question whatsoever.

Commissioners or Jury not to act where interested.

Proprietors not to take Possession of Premises till Payment of Purchase Money

IX. And be it further enacted, That the said Company of Proprietors shall not take or cause to be taken Possession of, or enter into or cause to be entered into, any such Lands, Tenements, and Hereditaments, until such Payment or Deposit of the Recompence or Satisfaction so assessed and adjudged shall be made as aforesaid, or, in case of Rent, until the same shall be assessed and adjudged as aforesaid, otherwise than for surveying, taking a Level of, and marking out the Ground which they intend to make use of for the Purposes aforesaid; and that it shall be lawful for the said Company of Proprietors, by their Workmen, Surveyors, and other proper Assistants, from Time to Time, and at every convenient Time to do, they doing thereby as little Damage as may be, and giving Four Days Notice to the Owner, Proprietor, Occupier, or Possessor of such Lands, Tenements, or Hereditaments, of the Time of their coming to make such Survey, or to take such Levels, or to mark out such Ground, in order that such Owner, Occupier, or Possessor, may be present, if he, she, or they, shall think fit, the said Company of Proprietors making Satisfaction for all Damages that shall be done to the Crops of Grass or Corn by making such Survey, taking such Levels, or marking out such Ground, in case such Damage shall exceed the Value of Five Shillings.

Application of Compensation Money when amounting to 200*l.*

X. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, to be purchased, taken, or used, by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Company of Proprietors of *Loftsome Bridge*, together with the Name or Names of such Person or Persons as Three of the said Commissioners shall by Writing signed by them direct and appoint; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon

upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting other Lands, Tenements, or Hereditaments, ſtanding ſettled therewith, or to the like Uſes, Intents, or Purpoſes, or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner, as the Lands, Tenements, or Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid ſtood ſettled and limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſame Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application of Compenſation Money when leſs than 200*l.* and more than 20*l.*

XI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank in the Name and with the Privity of the ſaid Accountant General, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Three or more of the ſaid Commiſſioners, ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties, in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where Money is leſs than 20*l.*

XII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned, ſhall be leſs than

than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners, or any Three or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Paying Expences of the Jury.

XIII. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act, shall give in and deliver a Verdict or Inquisition for more Monies as a Recompence or Satisfaction for the Right, Interest, or Property, of any Person or Persons in any such Lands, Tenements, or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to and offered by the said Company of Proprietors before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, for ascertaining and determining the Value of any such Right, Property, or Interest, or the Losses or Damages sustained as aforesaid, shall be borne and paid by the said Company of Proprietors; but if any Jury or Juries so summoned and sworn as aforesaid, shall give in and deliver a Verdict or Inquisition for no more or for less Monies than shall have been agreed to and offered by the said Company of Proprietors before the summoning and returning the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Lands, Tenements, or Hereditaments, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have such Controversy or Dispute; which Costs and Expences, having been ascertained and settled by the said Commissioners, or any Three or more of them, shall and may be deducted out of the Money so assessed by the said Jury, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Money shall be deemed and taken, to all Intents and Purposes, to be a full and sufficient Payment or Tender: Provided always, that all and every Person or Persons, who shall sustain any such Damage or Injury, shall apply to the said Commissioners, or any Three or more of them, and proceed as herein-before directed to determine and adjust the same, and the Recompence and Satisfaction to be given in respect thereof within Six Calendar Months after any such Damage done or Injury received, and not afterwards; any Thing herein-before contained to the contrary thereof in anywise notwithstanding.

Meetings of Commissioners to be held within a limited Distance.

XIV. And be it further enacted, That no Meeting shall be held by the said Commissioners, or any Three of them, for any of the Purposes of this Act, at any Place that shall be above Twenty Miles distant from the Place where the Controversy or the Matter to be enquired of shall arise or happen.

XV. And

Annual Rents adjudged for Damages to be paid.

XV. And be it further enacted, That all and every annual Rent or annual Rents, to be agreed for or aſſeſſed as aforeſaid, for any Lands, Tenements, or other Hereditaments, ſhall from Time to Time, as the ſame ſhall become due, be paid by the ſaid Company of Proprietors or their Succeſſors Half-yearly to the Perſon or Perſons who ſhall be entitled thereto, and ſuch Perſon or Perſons ſhall have the ſame Eſtate and Intereſt in ſuch annual Rent or Rents as they would have had to the ſame Premiſes in caſe this Act had never been paſſed; and in Default of Payment thereof by the ſaid Company of Proprietors within Thirty Days after the ſame ſhall become due (and being lawfully demanded of the Treaſurer of the ſaid Company of Proprietors) it ſhall be lawful for the Perſon or Perſons who ſhall from Time to Time be entitled to the ſaid annual Rent or annual Rents, to commence or proſecute One or more Action or Actions at Law on the Caſe, or for Money had and received againſt the ſaid Company of Proprietors; and ſuch Perſon or Perſons ſhall or may, upon ſuch Action or Actions, recover the Money then due, together with the Coſts of Suit, and have ſuch Remedies for the ſame as are allowed by Law in other Caſes.

Recompence to the Earl of *Egremont* and *Humphrey Oſbaldeſton*, for the Ferry, by an annual Rent.

XVI. And be it further enacted, That when and ſo ſoon as the ſaid Bridge ſhall be erected and built, and made fit and proper for the Paſſage of Travellers, Cattle, and Carriages, the Right and Intereſt of the ſaid *George* Earl of *Egremont*, and the ſaid *Humphrey Oſbaldeſton*, their Heirs and Aſſigns reſpectively, in and to the ſaid Ferry, and its Emoluments and Appurtenances, ſhall ceaſe, determine, and be for ever annihilated; and in Conſideration thereof, the ſaid Company of Proprietors ſhall from Time to Time and at all Times for ever thenafter, out of the Tolls hereinafter granted or authorized to be collected, pay or cauſe to be paid unto the ſaid *George* Earl of *Egremont*, and the ſaid *Humphrey Oſbaldeſton*, their Heirs and Aſſigns reſpectively, in equal Proportions, the annual Rent of Ten Pounds, clear of all Taxes and Deductions whatſoever, by Two equal Half-yearly Payments in every Year; which ſaid annual Rent ſhall commence from the Time the ſaid Bridge ſhall be made paſſable; and in caſe of Non-payment thereof, the ſame may be recovered by the like Ways and Means as is hereby directed concerning other Rents, Annuities, or yearly Sums, herein-before mentioned and directed to be paid, or by ſuch Ways and Means as are herein-after particularly mentioned and provided for.

Until the Bridge is completed, the Ferry may be continued.

XVII. Provided always, and be it further enacted, That in the mean Time and until the ſaid Bridge ſhall be made paſſable, it ſhall be lawful for the ſaid *George* Earl of *Egremont*, and the ſaid *Humphrey Oſbaldeſton*, their Heirs and Aſſigns reſpectively, to hold, uſe, and enjoy the ſaid Ferry, and to receive the Profits thereof, in ſuch and the ſame Proportions and Manner as if this Act had not been made.

If the Earl of *Egremont* and Mr. *Oſbaldeſton* are not paid, they may take Poſſeſſion of the Tolls.

XVIII. And be it further enacted, That in caſe any or either of the ſaid Half-yearly Payments, or any Part thereof, ſhall be in Arrear and unpaid for the Space of Sixty Days after the ſame ſhall have become due and payable (Demand thereof having been firſt made of the ſaid Company of Proprietors, or of their Treaſurer or Clerk), then it ſhall be lawful for the ſaid *George* Earl of *Egremont*, and the ſaid *Humphrey Oſbaldeſton*, their Heirs and Aſſigns reſpectively, or their Agents, to enter upon, ſeize, and take

take Poſſeſſion of the Gates or Toll Bars for collecting the Tolls payable for paſſing over the ſaid Bridge or Ferry; and to collect and levy ſuch Tolls in Manner hereby provided for collecting and levying the ſame, for and until ſuch Time as all ſuch Arrears of the ſaid annual Rent, and alſo until all ſuch Monies as during the Time of ſuch Collection ſhall have grown due, together with all the Charges and Expences attending ſuch Entry and Collection, ſhall be thereby fully paid and ſatisfied.

Their annual Rent to have a Preference to all other Payments and Charges.

XIX. Provided always, and be it further enacted, That the ſaid Half-yearly Payments hereby directed to be made to the ſaid *George* Earl of *Egremont*, and the ſaid *Humphrey Oſbaldeſton*, their Heirs and Aſſigns as aforeſaid, ſhall have a Priority to all other Debts, Claims, and Demands whatſoever, which ſhall ariſe or become due by virtue or in purſuance of this Act; and the Tolls or Sums of Money which ſhall be collected by or on Behalf of the ſaid *George* Earl of *Egremont*, and *Humphrey Oſbaldeſton*, their Heirs or Aſſigns, at the Gates or Toll Bars to be erected on or near the ſaid intended Bridge as aforeſaid, ſhall not be ſubject or liable to the Payment of any other annual Rent, or any Principal or Intereſt Monies, or any other Debt due and owing upon the Credit of this Act; but ſuch Tolls and Sums of Money ſhall from Time to Time be received and applied for the ſole Uſe and Benefit of the ſaid *George* Earl of *Egremont*, and the ſaid *Humphrey Oſbaldeſton*, their Heirs and Aſſigns as aforeſaid, until all ſuch Arrears and Charges ſhall be from Time to Time fully paid and ſatisfied.

Proprietors may raiſe 2,400 *l.* amongſt themſelves to be divided into Shares.

XX. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, to raiſe and contribute among themſelves, and in ſuch Proportions as to them ſhall ſeem meet and convenient, any Sum of Money for building the ſaid Bridge, and for other the Purpoſes aforeſaid, not exceeding the Sum of Two thouſand four hundred Pounds; and that the ſame ſhall be divided into Twenty-four Shares, at a Price not exceeding One hundred Pounds a Share; and that no Perſon ſubſcribing or becoming a Proprietor in the ſaid Undertaking, do become a Proprietor of leſs than One Share, (except the ſame ſhall come to him or her by Will, or as an Executor or Adminiſtrator, or in Right of his Wife, or by ſome other Act in Law).

Shares veſted in the Proprietors, who are to have Votes according to the Number of Shares.

XXI. And be it further enacted, That the ſaid Shares into which the ſaid Sum of Two thouſand four hundred Pounds ſhall be divided, ſhall be and the ſame are hereby veſted in the ſeveral Perſons before named as Proprietors, and their ſeveral and reſpective Executors, Adminiſtrators, and Aſſigns, proportionably to the Sum they and each of them ſhall ſeverally ſubſcribe and pay thereunto, and ſhall be deemed Perſonal Eſtate; and all and every Perſon and Perſons, his, her, and their ſeveral and reſpective Executors, Adminiſtrators, and Aſſigns, who hath or have already ſubſcribed, or who ſhall ſeverally ſubſcribe and pay in the Sum of One hundred Pounds, or ſuch Sum as ſhall be demanded in Part thereof, towards building the ſaid Bridge and completing the ſame, and other the Works and Purpoſes aforeſaid, ſhall be entitled to receive, after the ſaid Bridge ſhall be completed, the entire and net Diſtribution of One Part or Share, proportionate to the Sum ſo ſubſcribed, of and in the Profits and Advantages that ſhall and may ariſe and accrue by virtue of the Sum or Sums of Money to be raiſed, recovered, or received by virtue of this

Act,

Act, and ſo in Proportion for any greater Number of Shares; and every Perſon having ſuch Property of One Part or Share in the ſaid Undertaking, and ſo in Proportion as aforeſaid, ſhall bear and pay a proportionable Sum of Money towards carrying on the ſaid Undertaking in the Manner hereby directed and appointed; and every Perſon ſhall have Votes, according to the Number of Shares he, ſhe, or they are poſſeſſed of in the ſaid Undertaking, and no more, in every publick Meeting to be held as herein-after appointed for carrying on the ſaid Undertaking; which Vote or Votes may be given by any Proprietor or Proprietors either in Perſon or by his, her, or their Proxy or Proxies, appointed by any Writing or Writings under his, her, or their Hand or Hands; and ſuch Vote or Votes by Proxy ſhall be as effectual to all Intents and Purpoſes as if the Principal or Principals had voted in Perſon; and whatſoever Queſtion, Election of Officers, or other Matter or Thing, ſhall be propoſed, diſcuſſed, or conſidered in any publick Meeting to be held in purſuance of this Act, the ſame ſhall be finally determined by the Majority of Votes and Proxies then preſent; and the Chairman at every ſuch Meeting, in caſe of a Diviſion of equal Numbers, ſhall have the caſting Vote, although he ſhall have voted before; provided that no Perſon ſhall vote as Proxy, unleſs he be a Proprietor in the ſaid Undertaking.

Power to raiſe a further Sum.

XXII. Provided always, and be it further enacted, That in caſe the ſaid Sum of Two thouſand four hundred Pounds herein-before authorized to be raiſed, ſhall be founded inſufficient for building and completing the ſaid Bridge, and other the Works and Purpoſes hereby authorized to be done, then and in ſuch Caſe, and not otherwiſe, it ſhall be lawful for the ſaid Company of Proprietors, their Succeſſors, Executors, Adminiſtrators, and Aſſigns, to raiſe and contribute among themſelves, in Manner and Form aforeſaid, and in ſuch Shares and Proportions as to them ſhall ſeem meet, or by the Admiſſion of new Subſcribers, any further or other Sum of Money for completing and perfecting the ſaid Bridge, and other the Works and Purpoſes aforeſaid, not exceeding the Sum of One thouſand Pounds; and every Subſcriber towards raiſing ſuch further or other Sum ſhall have the like Vote, by himſelf or herſelf, or his or her Proxy, and ſhall alſo be liable to ſuch Forfeitures, and ſtand intereſted in the Profits of the ſaid Undertaking proportionably to the Sum that he, ſhe, or they ſhall ſubſcribe thereunto, as generally and extenſively, to all Intents and Purpoſes, as if ſuch further or other Sum hereby allowed to be ſubſcribed for and raiſed, had been Part of the Sum originally ſubſcribed, any Thing herein contained to the contrary thereof in anywiſe notwithſtanding; or otherwiſe it ſhall be lawful for the ſaid Company of Proprietors, at any of their Meetings aſſembled to borrow and take up at Intereſt all or any Part of the ſaid Sum of One thouſand Pounds, on the Credit of the ſaid Bridge and Toll Houſes, and of the Tolls or Duties to be received by virtue of this Act, as to them ſhall ſeem meet and convenient; and they are hereby fully authorized and empowered to grant or aſſign over the ſaid Bridge and Toll Houſes, and the Tolls and Duties ariſing or to ariſe by virtue of this Act, or any Part of the ſame, (the Coſts and Charges of aſſigning the ſame to be paid out of the ſaid Tolls and Duties), as a Security for any ſuch Sum or Sums of Money ſo to be borrowed, with Intereſt for the ſame, to the Perſon or Perſons or their Truſtees, who ſhall advance the ſame, under the Common Seal of the ſaid Company, by the following Words, or by any other Words to the ſame Effect, *videlicet*;

Form of Assignment.

'BY virtue of an Act, passed in the Forty-third Year of the Reign of 'His Majesty King *George* the Third, intituled, *An Act* [*here insert the Title of this Act*], we the Company of Proprietors of the said Bridge, incorporated by and under the said Act, in Consideration of the Sum of Pounds to us paid by of do assign unto the said his, her, or their Executors, Administrators, Successors, and Assigns [*as the Case may be and require*], the said Bridge, and the Toll Houses thereunto belonging, with all and every the Materials of the same Bridge and Houses, and all and singular the Tolls and Duties thereunto belonging by virtue of the said Act, and all our Right, Title, and Interest of, in, and to the same Bridge, Toll Houses, Tolls, and Duties, to hold unto the said his, her, or their Executors, Administrators, Successors, and Assigns [*as the Case may be and require*], until the said Sum of Pounds, together with the Interest for the same after the Rate of *per Centum* *per Annum*, be fully paid and satisfied. Given under our Common Seal the Day of in the Year of our Lord'.

And all and every Person or Persons to whom such Assignment shall be made, shall be equally entitled to his, her, or their Proportion of the said Bridge, Toll Houses, Tolls, and Duties, according to the respective Sums in such Assignment mentioned to be advanced, without any Preference by Reason of Priority of such Assignment, or on any other Account whatsoever; and the Money so borrowed shall be applied for and towards the building and completing the said Bridge, and other the Works and Purposes hereby authorized to be done.

Entries of Assignments to be made.

XXIII. And be it further enacted, That an Entry or Memorial of every such Assignment, containing the Dates, Names of the Parties, and Sum and Sums of Money borrowed, shall be made in a Book or Books to be kept for that Purpose by the Clerk to the said Company of Proprietors; which Book or Books may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Bridge, or other Persons interested therein, without Fee or Reward; and that all and every Person and Persons to whom any such Assignment shall be made, or who shall be entitled to the Principal Money and Interest thereby secured, may from Time to Time assign or transfer his, her, or their Right and Title to such Principal and Interest to any Person or Persons whomsoever, by an Instrument under his, her, or their Hand or Hands, or by an Indorsement on such Security, in the Words or to the Effect following; (*videlicet*),

Form of Transfer.

'I DO transfer this Assignment, with all my Right and Title to the 'Principal Money thereby secured, and to all Interest now due or hereafter to become due thereon, unto of his, her, or their Executors, Administrators, Successors, and Assigns, [*as the Case may require*]. Dated this Day of in the Year of our Lord'

'Witness

Which

Which ſaid Transfer or Aſſignment ſhall, within Twenty-one Days after the Date thereof, be produced and notified to the ſaid Clerk, who ſhall cauſe an Entry or Memorial to be made of the ſame, containing the Date, Names of the Parties, and the Sum of Money therein transferred, in the ſaid Book or Books to be kept for entering the original Aſſignments (for which Entry ſuch Clerk ſhall be paid Two Shillings and Sixpence, and no more); and after ſuch Entry made, but not until then, every ſuch Transfer ſhall entitle ſuch Transferree or Transferrees, his, her, or their Executors, Adminiſtrators, Succeſſors, and Aſſigns (as the Caſe may be), to the Benefit thereof and Payment thereon; and ſuch Transferree or Transferrees may in like Manner aſſign again, and ſo *toties quoties*.

Intereſt to be paid.

XXIV. And be it further enacted, That the Intereſt of the Money which ſhall be borrowed on Mortgage as aforeſaid, ſhall be paid Half-yearly to the ſeveral Perſons entitled thereto, in Preference to any Dividend out of the Profits of the ſaid Undertaking due and payable by virtue of this Act to the ſaid Company of Proprietors, or any of them, and immediately after the annual Rent aforeſaid.

New Subſcribers to become Members of the Body.

XXV. And be it further enacted, That all and every Perſon and Perſons who ſhall be admitted by the ſaid Company of Proprietors, or the major Part of them, as new Subſcribers for the ſaid Sum of One thouſand Pounds, or any Part thereof, ſhall thereupon ſucceed as a conſtituent Member or conſtituent Members of the Body Politick incorporated by this Act, and as a Proprietor or Proprietors in the ſaid Company, in the ſame Manner to all Intents, Conſtructions, and Purpoſes, as if he, ſhe, or they had actually been appointed by this Act a Proprietor or Proprietors of the ſaid Undertaking.

General and Special Meetings when and how to be held.

XXVI. And be it further enacted, That the General Meetings of the ſaid Company of Proprietors for putting this Act in Execution ſhall be held at the Ferryhouſe at *Loftſome*, or at any other Inn or Houſe within Seven Miles thereof, which the ſaid Company of Proprietors, or the major Part of them, ſhall at ſome publick Meeting to be held in purſuance of this Act, appoint for holding any of the ſaid Meetings; and that the Firſt General Meeting of the ſaid Company of Proprietors ſhall be held at the ſaid Ferryhouſe at *Loftſome* on the Third *Tueſday* next after the paſſing of this Act, or as ſoon after as conveniently may be; and the Second General Meeting of the ſaid Company ſhall be held on the Firſt *Tueſday* in *November* then next enſuing; and the like General Meetings ſhall be held on the Firſt *Tueſday* in *May* and the Firſt *Tueſday* in *November* in every Year afterwards, at or before the Hour of Eleven of the Clock in the Forenoon; but if at any Time it ſhall appear to any Three or more of ſuch Proprietors, that for the more effectually putting this Act in Execution a Special Meeting of Proprietors is neceſſary to be held, it ſhall be lawful for ſuch Three or more of them to cauſe Notice to be given thereof in One of the *York* Newſpapers, or in ſuch other Manner as the ſaid Company of Proprietors ſhall at any General Meeting direct or appoint, declaring in ſuch Notice the Place where and the Time when ſuch Special Meeting is to be held, the ſame being not leſs than Ten Days after ſuch Notice given; and likewiſe ſpecifying in every ſuch Notice the Reaſon for and Intention of ſuch Special Meetings reſpectively; and the ſaid Company of Proprietors are hereby authorized to meet purſuant

ſuant to ſuch Notices, and proceed to the Execution of the Powers by this Act given them with reſpect to the Matters ſo ſpecified only; and all ſuch Acts of the ſaid Company of Proprietors at ſuch Special Meetings aſſembled, ſhall be as valid, to all Intents and Purpoſes, as if the ſame were done at General Meetings herein-before appointed.

Committee to be appointed,

XXVII. And be it further enacted, That at the Firſt General Meeting of the ſaid Company of Proprietors herein-before directed to be held, the Proprietors there aſſembled, together with ſuch Proxies as ſhall be then produced, or the major Part of ſuch Proprietors and Proxies, ſhall chuſe not more than Twenty nor leſs than Twelve Perſons for the Time being Proprietors of the ſaid Undertaking, which Perſons ſo choſen ſhall be a Committee to manage, direct, and carry on the building of the ſaid Bridge, and the Affairs and Buſineſs of the ſaid Proprietors for the Year then next following, or until another Committee ſhall be appointed, and to do all other Matters and Things whatſoever relating thereto, and particularly ſuch Matters and Things as are by this Act directed to be done; by ſuch Committees, and as ſhall from Time to Time be ordered by ſuch General or Special Meetings as aforeſaid; and at the ſaid firſt Meeting the ſaid Proprietors and Proxies, or the major Part of them, ſhall alſo chuſe and appoint a Treaſurer without any Salary, and alſo a Clerk with a fixed Salary, who ſhall attend the ſeveral Meetings of the ſaid Company of Proprietors, and the Meetings of the ſaid Committees, and make Entries of the Proceedings in proper Books to be kept by him for that Purpoſe, and alſo do whatſoever ſhall be ordered at ſuch Meetings for the Purpoſes of this Act.

and a Treaſurer and Clerk.

Subſequent Committees.

XXVIII. And it is hereby further enacted, That the ſaid Committee of Proprietors ſhall be afterwards annually choſen at the General Meeting of Proprietors, and ſhall meet Once in every Month (or oftener, if the ſaid Committee ſhall find it neceſſary), at a Day, Hour, and Place to be appointed, until the ſaid Bridge ſhall be completed, and as often afterwards at ſuch Place to be by them appointed (not being at a greater Diſtance than Seven Miles from the ſaid Bridge), after Seven Days Notice given thereof by the Clerk to the ſaid Company, as Occaſion ſhall require; and in order to defray the Expence of the Meetings of the ſaid Committee, it ſhall be lawful for the ſaid Committee, and they are hereby allowed to expend or detain to themſelves ſuch Sums of Money out of the Capital Stock of the ſaid Company of Proprietors, for their Expences in attending ſuch Meetings, as at ſome previous General Meeting of the ſaid Company of Proprietors ſhall be ſettled and allowed.

No Committee Man to have more than One Vote, except the Chairman.

XXIX. Provided always, and be it further enacted, That no Member of the ſaid Committee ſhall have more than One Vote in the ſaid Committee, except the Chairman, who ſhall be choſen by themſelves, and who, in caſe of a Diviſion of equal Numbers, ſhall have the caſting Vote, although he may have given One Vote before.

Committee to be ſubject to General Meetings.

XXX. Provided alſo, and be it further enacted, That ſuch Committee ſhall from Time to Time make Reports of their Proceedings to, and be ſubject to the Examination and Controul of the General Meetings of the ſaid Company of Proprietors, and ſhall pay due Obedience to all ſuch Orders and Directions in and about the Premiſes as ſhall from Time to Time

Time be made by the ſaid Company of Proprietors at any General Meeting, ſuch Orders and Directions not being contrary to any expreſs Directions or Proviſions in this Act contained.

Committee to make Calls from the Proprietors.

XXXI. And be it further enacted, That the ſaid Committee of Proprietors ſhall have Power from Time to Time to make ſuch Call or Calls for Money from the Proprietors of the ſaid Undertaking, to defray the Expences of or to carry on the ſame, as they ſhall from Time to Time find neceſſary for the Purpoſes aforeſaid, ſo that the firſt Call by virtue of this Act ſhall not exceed the Sum of Twenty Pounds for every One hundred Pounds to be ſubſcribed, and every ſucceeding Call not to exceed the Sum of Ten Pounds for every ſuch Subſcription, and ſo that no Call be made at leſs Diſtance than Fourteen Days from each other; which Money ſo called for ſhall be paid into the Hands of the Treaſurer to the ſaid Company of Proprietors for the Time being, to be paid and applied in ſuch Manner as the ſaid Committee ſhall from Time to Time appoint and direct for the building, making, and completing the ſaid Bridge, and other the Works and Purpoſes aforeſaid; and ſuch Committee ſhall until the next General Meeting to be holden in Manner as aforeſaid, have full Power and Authority to direct and manage all and every the Affairs of the ſaid Company of Proprietors, as well in buying Materials for building the ſaid Bridge, as in appointing One or more Collector or Collectors of the Tolls, and in employing, ordering, and directing the Works and Workmen, and in placing and diſplacing ſuch Collector or Collectors, and all under Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains concerning the ſaid Undertaking, ſo that no ſuch Purchaſe, Bargain, or other Matter be done or tranſacted without the Concurrence of the major Part of the ſaid Committee at any Time aſſembled; and every Owner or Owners of One or more Share or Shares in the ſaid Undertaking ſhall pay his, her, or their Share or Shares, Proportion or Proportions of the Monies to be called for as aforeſaid, at ſuch Time and Place as ſhall be appointed by the ſaid Committee, of which Fourteen Days Notice (except the Firſt Call of Twenty Pounds *per Centum* herein-before directed to be made, which ſhall be at Twenty-one Days Notice), ſhall be given by the Clerk to the ſaid Company of Proprietors, of ſuch Call, and of the Name and Place of Abode of the Treaſurer to whom ſuch Payments are to be made; and if any Perſon or Perſons ſhall refuſe or neglect to pay his, her, or their rateable or proportionable Part or Share of the ſaid Money to be called for by the Firſt Call to be made by virtue of this Act, at the Time and Place ſo to be appointed as aforeſaid, it ſhall be lawful for the ſaid Company of Proprietors to ſue for and recover the ſame in any of His Majeſty's Courts of Record by Action of Debt, or on the Caſe, or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance ſhall be allowed; and if any Perſon or Perſons ſhall refuſe or neglect to pay his, her, or their rateable or proportionable Part or Share of the ſaid Money, to be called for after the Firſt Call as aforeſaid, at the Time and Place ſo appointed, he, ſhe, or they ſo neglecting or refuſing, ſhall forfeit and pay any Sum not exceeding Ten Pounds nor leſs than Five Pounds for every One hundred Pounds of his, her, or their reſpective Share and Shares, Parts, or Intereſts in the ſaid Undertaking; and in caſe any ſuch Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their rateable or proportionable Part or Share of

the ſaid Money to be called for as aforeſaid, for the Space of Three Calendar Months next after the Time appointed for Payment thereof as aforeſaid, then he, ſhe, or they ſo neglecting ſhall forfeit his, her, or their reſpective Share and Shares, Parts, and Intereſts in the ſaid Undertaking, and all the Profit and Benefit thereof, all which Forfeitures ſhall go to the Uſe and Benefit of the other Proprietors of the ſaid Undertaking, in Proportion to their reſpective Intereſts therein, or another Perſon ſhall and may be admitted in the Place and Stead of ſuch Perſon forfeiting as aforeſaid at the Election of the Proprietors; all which ſaid Powers, Forfeitures, and Proviſions ſhall extend to the Perſons who may become Proprietors of new or further Shares in the ſaid Undertaking, under and by virtue of the Powers herein contained for raiſing the ſaid additional Sum of One thouſand Pounds.

Limiting Time for taking Advantage of Forfeitures.

XXXII. Provided always, and be it further enacted, That no Advantage ſhall be taken of any Forfeiture of any Share or Shares in the ſaid Undertaking, unleſs the ſame ſhall be declared to be forfeited at ſome General Meeting of the ſaid Company of Proprietors, which ſhall be held within Six Calendar Months next after ſuch Forfeitures ſhall be incurred; and every ſuch Forfeiture ſhall be an Indemnity to and for every Proprietor ſo forfeiting againſt all Actions, Suits, and Proſecutions whatſoever, to be commenced or proſecuted for Breach of any Contract or other Agreement between ſuch Proprietor or Proprietors ſo forfeiting and the reſt of the Proprietors, with regard to carrying on the ſaid Undertaking.

General Meetings may remove Committee Men and Officers.

XXXIII. And be it further enacted, That the ſaid Company of Proprietors ſhall always have full Power and Authority at any General Meeting, to remove or diſplace any Perſon or Perſons choſen to be of the Committee as aforeſaid; or any Collector or Collectors, or other Officer or Officers under them, and to appoint ſome other Perſon or Perſons in the Room of the Perſon or Perſons ſo removed or diſplaced, and to revoke, alter, amend, or change any of the Rules, Orders, and Directions by this Act preſcribed and laid down, in regard to their Proceedings amongſt themſelves, as to the major Part of them ſhall ſeem meet (the Method of calling General or Special Meetings, and voting and appointing Committees only excepted), and ſhall have full Power to make ſuch Rules, Bye Laws, and Orders for the good Government of the ſaid Company of Proprietors, their Agents, Officers, and Workmen, and the good and orderly Management of the ſaid Bridge, and of the Tolls to be taken in reſpect of the ſame, and from Time to Time to alter and repeal the ſaid Bye Laws, Orders, and Regulations, and to impoſe and inflict ſuch reaſonable Fines and Forfeitures upon all Perſons offending againſt the ſame, not exceeding the Sum of Five Pounds for any One Offence, as to the major Part of the Proprietors aſſembled at ſuch General Meeting ſhall ſeem meet, ſuch Fines or Forfeitures, in caſe of Non-payment of the ſame, to be levied and recovered by ſuch Ways and Means as Fines or Forfeitures are by this Act directed to be levied and recovered; which ſaid Rules, Bye Laws, and Orders, being put into Writing under the Common Seal of the ſaid Company of Proprietors, and being printed and publiſhed, ſhall be binding and be obſerved by all Parties, ſubject to Appeal in Manner herein-after mentioned, and ſhall be ſufficient in any Court of Law or Equity to juſtify all Perſons who ſhall act under the ſame,

Company to make Bye Laws, &c.

Bye Laws to be printed.

same, provided they be not repugnant to the Laws of this Realm, nor to any of the Directions and Provisions in this Act contained, particularly with respect to the Navigation of the said River, and the Passage of Vessels thereon, and the Structure of the said Bridge; and every such General Meeting shall have Power to call for, audit, and settle Accounts of Money received, laid out, and disbursed on Account of the said Undertaking by the Treasurer or Treasurers, Receiver or Receivers, Clerk or Clerks, or Collector or Collectors of the Tolls, and other Officers by them appointed, or by any other Person or Persons whomsoever employed by or concerned for or under them in and about the said Undertaking.

Directing how Calls or Shares undisposed of belonging to Persons dying shall be made.

XXXIV. And be it further enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking, shall die before any Call or Calls shall be made for the full Sum to be advanced on each Share which he, she, or they shall have been possessed of or entitled to (without having made Provision by Will or otherwise how such Share or Shares shall be disposed of; and the Money paid in upon such Calls for the future), then and in such Case, the Executors or Administrators of any such Owner or Owners so dying, and the Trustee or Trustees, Guardian or Guardians of any Infant or other Person or Persons whomsoever entitled to the Estates and Effects of such Owner or Owners deceased, shall be indemnified against all and every such Infant or Infants, or other Person or Persons whomsoever, for paying any Sum of Money when called for as aforesaid to complete any such Subscription; and if such Owner deceased shall not have left Assets sufficient, or in case the Executors or Administrators, Trustees or Guardians, shall refuse or neglect to answer such Calls and Payments, the said Company of Proprietors shall be and are hereby authorized, empowered, and required to admit any other Person or Persons to be a Proprietor or Proprietors of the Share or Shares of such Owner or Owners deceased, on Condition that he, she, or they so admitted, do and shall on or before such Admission, pay to the Executors or Administrators of such deceased Owner or Owners, or to the Trustee or Trustees, Guardian or Guardians of any Infant or other Person or Persons entitled to his, her, or their Effects, the full Sum and Sums of Money which shall have been by such Owner or Owners in his, her, or their Life-time by virtue of any Call or Calls or otherwise, advanced upon such Share or Shares; and in Default of such Calls being answered and made good in Manner aforesaid, it shall be lawful for the said Company of Proprietors to sell and dispose of the Share or Shares of such deceased Owner or Owners, and pay and apply the Money arising by such Sale (after deducting the reasonable Charges occasioned thereby), to and for the Benefit of the Representative or Representatives of such deceased Owner or Owners.

Shares may be sold.

XXXV. And be it further enacted, That it shall be lawful for the said several Proprietors to sell and dispose of any Share or Shares, he, she, or they shall and may be entitled to in the said Undertaking, subject to the Rules and Conditions herein mentioned; and any Purchaser or Purchasers shall, for his, her, or their Security, as well as that of such Proprietor or Proprietors, have a Duplicate or Duplicates of the Deed or Conveyance made unto him, her, or them, and executed by both Parties, One Part whereof so executed shall be delivered to the said Company of Proprietors,

prietors, or their Clerk for the Time being, to be filed and kept for the Uſe of the ſaid Company; and an Entry thereof ſhall be made in a Book or Books to be kept by the ſaid Clerk for that Purpoſe, for which no more than Two Shillings and Sixpence ſhall be paid; and until ſuch Duplicate of ſuch Deed ſhall be ſo delivered to the ſaid Company of Proprietors, or to their Clerk, and filed and entered as aforeſaid, ſuch Purchaſer or Purchaſers ſhall have no Part or Share of the Profits of the ſaid Undertaking paid unto him, her, or them, nor any Vote as a Proprietor or Proprietors.

Shares not to be ſold till Calls are paid up.

XXXVI. And be it further enacted, That after any Call of ſuch Monies ſhall be made by the Authority of this Act, no Perſon or Perſons ſhall ſell or transfer any Share in the ſaid Undertaking, until the Monies called for upon their reſpective Share or Shares ſo to be ſold, ſhall be paid, under the Penalty of forfeiting his, her, or their reſpective Share or Shares in the ſaid Undertaking to the ſaid Company of Proprietors, in Truſt, for the Benefit of all other the Proprietors, unleſs the Purchaſer or Purchaſers ſhall at the Time of ſuch Transfer pay the Money called for upon ſuch Share ſo transferred to the Treaſurer of the ſaid Company of Proprietors; ſuch Forfeiture nevertheleſs to be declared and notified at a General Meeting in Manner before directed with reſpect to other Forfeitures of Shares.

XXXVII. And be it further enacted, That the Conveyance or Transfer of the ſaid Shares ſhall be in the following Form, or in Words to the like Effect; *videlicet*,

Form of the Transfer of Shares.

'I *A. B.* of in the County of
'in Conſideration of the Sum of do hereby
'bargain, ſell, and transfer to *C. D.* of
'in the County of his, [her, *or* their]
'Executors, Adminiſtrators, and Aſſigns
'Share or Shares [*as the Caſe may be*] of the Undertaking for building
'a Bridge over the River *Derwent*, at or near *Loftſome Ferry*, from the
'Pariſh of *Wreſſel*, in the Eaſt Riding of the County of *York* to the op-
'poſite Shore in the Pariſh of *Hemingbrough* in the ſame Riding, to hold
'unto the ſaid *C. D.* his, [her, *or* their] Executors, Adminiſtrators, and
'Aſſigns, ſubject to the ſame Rules and Orders, and on the ſame Con-
'ditions that I now hold the ſame; and I, the ſaid *C. D.* do accept of
'the ſaid Share [*or* Shares] of the ſaid Undertaking, ſub-
'ject to the ſame Rules, Orders, and Conditions as aforeſaid. Witneſs
'our Hands, the Day of
'in the Year of our Lord

No Buſineſs to be done at a Committee unleſs Five Members are preſent.

XXXVIII. And be it further enacted, That no Reſolutions ſhall be taken, or Buſineſs done at any Meetings of the ſaid Committee, unleſs Five Members of ſuch Committee be preſent, nor ſhall the Treaſurer or Treaſurers to the ſaid Company of Proprietors iſſue out any Sum or Sums of Money for the Uſe of the ſaid Committee, without an Order ſigned by the major Part of the Committee preſent at ſuch Meetings; and all ſuch Orders for the Payment of Money ſhall be entered in the Company's Books; and the Treaſurer or Treaſurers ſhall be allowed all his or their Expences in the Execution of his or their Office, and ſhall give ſuch Security,

curity for properly accounting for and paying all such Monies as shall come into his or their Hands, as the said Company of Proprietors shall judge necessary; and the Clerk to the said Company shall be entrusted with Money from Time to Time, by an Order in Writing, signed by the major Part of the said Committee, upon the Treasurer or Treasurers, to enable him to pay petty Expences, and such small Sums as may be found necessary; and he or they shall account for the same to the said Committee, who shall regularly examine and sign the said Accounts, as often as they shall see fit; and the said Treasurer's Accounts shall be examined and compared with the Books of the said Committee, and shall be made up, and the Balance settled and signed by the said Committee, or any Five or more of them, every Half Year.

Bridge, &c. vested in the Company.

XXXIX. And be it further enacted, That the said Bridge, and the Toll Houses and Conveniencies to be erected upon or near the same, and also the Ascents or Approaches to the said Bridge, and all Materials which shall from Time to Time be gotten or provided for erecting, building, making, maintaining, and repairing the same, shall at all Times be vested in the said Company of Proprietors, subject to the said annual Rent of Ten Pounds to the said *George* Earl of *Egremont*, and the said *Humphrey Osbaldeston*, their Heirs and Assigns respectively, in equal Proportions as aforesaid; and when and so soon as the said Bridge, and the Ascents and Approaches thereto, shall be erected, built, and made fit and proper for the Passage of Travellers, Cattle, and Carriages, it shall be lawful for the said Company of Proprietors, from Time to Time, and at all Times thenafter, to ask, demand, receive, recover, and take, to and for their own proper Use and Behoof, for Pontage, as or in the Name of a Toll or Duty, before any Passage over the said intended Bridge shall be permitted in lieu of the Tolls of the said Ferry, any Sum or Sums of Money, not exceeding the several Sums following, that is to say;

Tolls to be taken for passing over the Bridge.

Tolls.

For every Coach, Chariot, Landau, Berlin, Hearse, Chaise, Calash, Chair, or other Carriage of any other Description, (except Waggons, Wains, Carts, or other such Carriages), drawn by Six Horses or other Beasts of Draught, the Sum of Three Shillings; and drawn by Four Horses or other Beasts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by One Horse or Beast of Draught, the Sum of Nine-pence:

For every Waggon, Wain, Cart, or other such Carriage, laden or unladen, and drawn by Six Horses, Oxen, or Beasts of Draught, the Sum of Two Shillings; and drawn by Four Horses, Oxen, or Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three Horses, Oxen, or Beasts of Draught, the Sum of One Shilling and Three-pence; and drawn by Two Horses, Oxen, or Beasts of Draught, the Sum of One Shilling; and drawn by One Horse or Beast of Draught, the Sum of Sixpence:

For every Horse, Mare, Gelding, Mule, or Ass, not drawing, the Sum of One Penny Halfpenny; and for every Foot Passenger whatsoever, the Sum of One Halfpenny:

For every Drove of Hogs, Sheep, or Lambs, the Sum of Sixpence *per* Score, and so in Proportion for any greater or less Number:

And for all Bulls, Oxen, Cows, and other Horned or Neat Cattle, each One Penny.

Tolls vested in the Company.

And the ſaid Tolls ſhall be and the ſame are hereby veſted in the ſaid Company of Proprietors, ſubject to the ſaid annual Rent of Ten Pounds to the ſaid *George* Earl of *Egremont* and *Humphrey Oſbaldeſton*, and their Heirs as aforeſaid; and if any Perſon ſhall, after Demand made thereof by any Collector or Collectors to be appointed as aforeſaid, refuſe to pay the ſame, it ſhall be lawful for ſuch Collector or Collectors, by himſelf or themſelves, or taking ſuch Aſſiſtance as he or they ſhall think neceſſary, to ſtop and prevent the Paſſage of the Perſon or Perſons ſo refuſing, or of the Horſe, Cattle, or Carriage, for or in reſpect of which ſuch Tolls ought to be paid, until Payment thereof; or to ſeize and diſtrain any Horſe or Horſes, or other Cattle, together with their Bridles, Saddles, Gears, Harneſs, or Accoutrements, in reſpect of which ſuch Toll is by this Act impoſed; and if any ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, and of the Detention thereof, ſhall not be paid within the Space of Four Days after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing or diſtraining ſhall and may ſell the Horſe, Cattle, Chattels, or Things ſo ſeized and diſtrained, or any Part thereof, returning the Overplus (if any be) and what ſhall remain unſold, upon Demand, to the Owner or Owners thereof, after ſuch Tolls, and the reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs, Detention, and Sale ſhall be deducted: Provided always, that the Rider of any Horſe, Mare, Gelding, Mule, or Aſs, and the Driver or Perſon only having the Care of any Cart or other Carriage, in reſpect whereof the ſaid Toll ſhall have been paid, ſhall be permitted to paſs over the ſaid Bridge Toll free; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Recovery of Tolls.

Rider of any Horſe and Drivers of Carts, *etc.* not to pay Toll.

Tolls may be reduced.

XL. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors from Time to Time, at any General Meeting to be held in purſuance of this Act, to leſſen or reduce all or any of the Tolls hereby granted, for ſuch Time as they ſhall think proper, and to raiſe the ſame again, or any Part thereof, ſo that the Tolls ſo reduced or leſſened do never exceed the Tolls herein-before granted; and the Tolls ſo leſſened or reduced, or raiſed again, ſhall be collected and recovered in the ſame Manner, and by the ſame Ways and Means as the Tolls hereby granted are authorized or directed to be collected or recovered.

Inhabitants of *Wreſſel* and *Hemingbrough* to pay Toll but Once a Day.

XLI. Provided always, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend, to charge the Inhabitants of the ſeveral Pariſhes of *Wreſſel* and *Hemingbrough* aforeſaid, with the Payment of any of the Tolls by this Act granted for paſſing or repaſſing over the ſaid Bridge, with or without Carriages and Cattle, more than Once in any One Day for or in reſpect of ſuch Inhabitants, Carriages, and Cattle reſpectively, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night; any Thing herein contained to the contrary notwithſtanding.

Penalty on evading the Tolls;

XLII. And be it further enacted, That if any Perſon or Perſons ſhall take off, or cauſe to be taken off any Horſe or other Beaſt from any Carriage

Carriage at or near the ſaid Bridge, with Intent to evade and ſhall thereby evade the Payment of any Part of the ſaid Tolls, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings nor leſs than Twenty Shillings; and it ſhall be lawful for ſuch Collector or Collectors to ſtop and prevent the Paſſage of every ſuch Perſon or Perſons until ſuch Perſon or Perſons ſhall have paid the ſaid Penalty; and if any Perſon ſhall forcibly or fraudulently paſs over the ſaid Bridge without having paid the ſaid Tolls, or ſhall aſſault, interrupt, or obſtruct any Perſon employed in the Collection of the ſaid Tolls, every Perſon offending in any of ſuch Caſes, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds nor leſs than Forty Shillings.

and on aſſaulting Officers, *etc.*

XLIII. And be it further enacted, That after the ſaid Bridge ſhall be completed, it ſhall not be lawful for any Perſon or Perſons for Hire or Recompence, to convey any other Perſon, Carriage, Horſe, Beaſt, or other Cattle, or any Stones, Bricks, Lime, Manure, or any other Article or Thing acroſs the ſaid River *Derwent*, within One Mile of either Side of the ſaid Bridge, otherwiſe than over the ſaid Bridge, with Intent to evade the Payment of the ſaid Tolls, or any Part thereof; and if any Perſon or Perſons ſhall act contrary to ſuch Directions, every ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings nor leſs than Twenty Shillings.

Penalty on conveying Perſons, *etc.* over the River for Hire within a certain Diſtance from the Bridge.

XLIV. Provided always, and be it further enacted, That no Toll ſhall be taken or demanded for any Waggon, Wain, Cart, or other Carriage, or for any Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt drawing the ſame, whilſt actually employed or uſed in fetching Gravel, Stones, or other Materials for repairing and amending the Highways within the Pariſhes of *Wreſſel* and *Hemingbrough* aforeſaid, or either of them: Provided always, that if any Perſon ſhall claim and take the Benefit of any of the Exemptions or Reductions aforeſaid not being entitled thereto, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings nor leſs than Twenty Shillings.

Exemption from Tolls.

XLV. And be it further enacted, That all the Rights, Privileges, and Advantages of the ſaid *George* Earl of *Egremont* and *Humphrey Oſbaldeſton*, and their Heirs and Aſſigns reſpectively, in reſpect of the ſaid Ferry (except ſuch of them as may be altered or extinguiſhed by this Act), ſhall, from and after the building and completing of the ſaid Bridge as aforeſaid, be veſted in the ſaid Company of Proprietors, and their Succeſſors, ſubject to the ſaid annual Rent as aforeſaid, and ſhall and may be exerciſed by them as fully and effectually, to all Intents and Purpoſes, as the ſame could or might have been exerciſed by the Owners of the ſaid Ferry.

Rights of the Ferry veſted in the Company.

XLVI. And be it further enacted, That the Maſter and Maſters, Owner and Owners of every Ship, Barge, Boat, or other Veſſel, every or any of them, ſhall be, and he, ſhe, and they is and are hereby made anſwerable and reſponſible, and liable to make Satisfaction to the ſaid Company of Proprietors for any wilful Damage or Injury that ſhall be done to the ſaid Bridge, or any Part thereof, by his, her, or their Ship, Barge,

Maſters of Veſſels and Owners made anſwerable for Damage done to the Bridge.

Barge, Boat, or other Veſſel reſpectively; but that no ſuch Owner or Owners ſhall be anſwerable or reſponſible, or liable to make Satisfaction, or be ſued for any Damage or Injury which ſhall be done to the ſaid Bridge, or any Part thereof, by his, her, or their Ship, Barge, Boat, or other Veſſel unavoidably, or by or through the Careleſſneſs or Negligence of his, her, or their Maſter or Maſters, Mariners, or Servants, or other Perſons employed to navigate, row, or manage any ſuch Ship, Barge, Boat, or Veſſel; and that in order to prevent frivolous and vexatious Suits, in caſe any Action or Suit ſhall be commenced or proſecuted for or on account of any Damage or Injury done to the ſaid Bridge, or any Part thereof, by any Ship, Barge, Boat, or other Veſſel which ſhall not appear to and be found by the Jury upon the Trial thereof to be wilfully done or committed with Intent to damage or injure the ſaid Bridge, then and in every ſuch Caſe, if the Damages recovered in ſuch Action or Suit reſpectively ſhall not amount to the Sum of Twenty Shillings or more, the Plaintiff or Plaintiffs in every ſuch Action or Suit ſhall not recover or be entitled to have or receive more Coſts than Damages; but if any ſuch Damage ſhall appear to and be found by ſuch Jury to be wilfully done, with Intent to injure or damage the ſaid Bridge, the Plaintiff or Plaintiffs in ſuch Action or Suit ſhall be entitled to his, her, or their full Coſts of Suit; and no Action or Suit whatſoever reſpecting any Damage done to the ſaid Bridge by any Ship, Barge, Boat, or other Veſſel, ſhall be brought or proſecuted without the expreſs Order in Writing of Seven or more of the Proprietors of the ſaid Undertaking aſſembled at a General Meeting; nor ſhall any Juſtice of the Peace have any Juriſdiction, Power, or Authority over or concerniug any ſuch Injury or Damage herein mentioned.

Penalty on Perſons wilfully damaging the Bridge.

XLVII. And be it further enacted, That if any Perſon ſhall wilfully and maliciouſly pull down or deſtroy, or begin to pull down or deſtroy the ſaid Bridge, or any Part thereof, or any Toll Houſe or other Convenience to be erected by virtue of this Act, every Perſon ſo offending, and being thereof lawfully convicted, ſhall be ſubject and liable to the like Pains and Penalties as in Caſes of Felony; and the Court by and before whom ſuch Perſon ſhall be tried, ſhall have Power and Authority to cauſe ſuch Perſon to be puniſhed in like Manner as Felons are directed to be puniſhed by the Laws or Statutes of this Realm; or in Mitigation of ſuch Puniſhment, ſuch Court may, if they think fit, award ſuch Sentence as the Law directs in Caſes of Petit Larceny.

When Bridge impaſſable a Ferry to be provided.

XLVIII. And be it further enacted, That in caſe the ſaid Bridge ſhall at any Time become impaſſable or unſafe for Travellers or Carriages, the ſaid Company of Proprietors or their Succeſſors ſhall and they are hereby required to cauſe the ſame to be forthwith rebuilt or repaired, and made ſafe and commodious for the Paſſage of Travellers, Cattle, and Carriages; and in the mean Time, and until the ſaid Bridge ſhall be ſo rebuilt or repaired, and made ſafe and commodious, it ſhall be lawful for the ſaid Company of Proprietors, and their Succeſſors, and they are hereby required, during all ſuch Time as the ſaid Bridge ſhall be impaſſable or unſafe as aforeſaid, to provide a proper and convenient Ferry for the Paſſage of Travellers, Cattle, and Carriages over the ſaid River, as near to the ſaid Bridge as conveniently may be; and it ſhall be lawful for ſuch Perſon

Perſon or Perſons as the ſaid Company of Proprietors and their Succeſſors, ſhall appoint for that Purpoſe, to demand, collect, and receive for the Paſſage of ſuch Travellers, Cattle, and Carriages in and over the ſaid Ferry, before they reſpectively ſhall be permitted to paſs, the like Tolls as hereby authorized to be taken for paſſing over the ſaid Bridge; any Thing herein-before contained to the contrary notwithſtanding.

For providing Capſterns, *etc.* at the Bridge.

XLIX. And whereas in conſequence of building the ſaid Bridge, Veſſels navigating on the ſaid River *Derwent* may at ſome particular Times have Occaſion for Capſterns and Mooring Poſts, to guide ſuch Veſſels through the Arches or Openings of the ſaid Bridge; be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and their Succeſſors, and they are hereby empowered and required, upon Application made to them by the Truſtees for improving the Navigation of the River *Derwent* in the ſaid County of *York*, or any Three or more of them, to ſet up and erect a proper Capſtern or Capſterns, and ſufficient Number of Mooring Poſts, as well above as below the ſaid Bridge, for the Convenience of Veſſels navigating on the ſaid River; and from Time to Time to repair and keep in Repair the ſaid Capſterns and Mooring Poſts, and as Occaſion ſhall require, to ſet up and erect Capſterns and Mooring Poſts in lieu of ſuch as ſhall be worn out and become uſeleſs.

Navigation to be kept clear.

L. Provided always, and be it further enacted, That during ſuch Time as the ſaid Bridge ſhall be building or repairing, the ſaid Company of Proprietors, and their Succeſſors, ſhall and they are hereby required to keep the Navigation of the ſaid River at and about the ſaid Bridge free and clear, ſo that Veſſels navigating in and upon the ſaid River may have ſufficient and convenient Room to navigate and paſs thereon.

Veſſels ſunk to be weighed.

LI. And be it further enacted, That the ſaid Company of Proprietors, and their Succeſſors, ſhall and they are hereby alſo required, at their own Expence, to weigh and remove all ſuch Veſſels as ſhall or may be ſunk, and all Staiths, Jetties, Wood, Stone, or other Things which now do or at any Time hereafter ſhall or may obſtruct the Paſſage of Veſſels through the ſaid Bridge; and that it ſhall not be lawful for the ſaid Company of Proprietors, or their Succeſſors, to raiſe the Bed of the ſaid River to obſtruct or prejudice the Navigation of the ſaid River; but that the ſaid River at or about and under the ſaid Bridge, ſhall at all Times hereafter in like Manner be kept of a ſufficient Depth by the ſaid Company of Proprietors, or their Succeſſors, for the Paſſage of all Veſſels navigating the ſaid River, when the Water therein above and below the ſaid Bridge, ſhall be of a ſufficient Depth to permit ſuch Veſſels to navigate therein.

A hauling Path to be made to a certain Diſtance from the Bridge.

LII. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and their Succeſſors, and they are hereby empowered and required, at their own Expence, to make and for ever maintain a proper, convenient, and ſufficient Hauling Path or Road on the

Wreſſel Side of the ſaid River, for the drawing and hauling of Ships and Veſſels with Men, Horſes, or otherwiſe, to and through the ſaid Bridge, as well up as down the ſaid River, and to remove all Obſtructions which do or may prevent the ſame; which Hauling Path or Road ſhall begin at the Diſtance of One hundred Yards below the ſaid Bridge, and extend from thence to the Diſtance of One hundred Yards above the ſaid Bridge, and no Perſon ſhall afterwards erect any Buildings, or do any other Act which may prevent the free Uſe of ſuch Hauling Path or Road to aſſiſt Veſſels in approaching and paſſing the ſaid Bridge; and it ſhall not be lawful for the ſaid Company of Proprietors, or their Succeſſors, to erect or build any Toll Houſe or Toll Houſes, or other Obſtructions at the End of the ſaid Bridge, on the *Wreſſel* Side of the ſaid River, ſo as to interrupt or prevent Veſſels hauling through the ſame, or occaſion the Hauling Ropes to be taken off, but that the ſaid Company of Proprietors, and their Succeſſors, ſhall and they are hereby required, at all Times hereafter, to keep the Opening of the ſaid Bridge free and clear, ſo that Veſſels may haul through the ſame on the *Wreſſel* Side of the ſaid River without any Interruption or Impediment; and that it ſhall not be lawful for any Perſon or Perſons to moor or anchor his, her, or their Veſſel or Veſſels from Thirty Yards above or below the ſaid Bridge on the *Wreſſel* Side of the ſaid River.

A Paſſage to be left under the Bridge Thirty Feet wide.

LIII. And be it further enacted, That a clear Opening ſhall be left in the ſaid Bridge for the Paſſage of Ships and other Veſſels, of not leſs than Thirty Feet wide, to be properly ſituated or placed towards the *Wreſſel* Side of the ſaid River, where there ſhall be a ſufficient Depth of Water for the Purpoſes of the ſaid Navigation according to the true Intent and Meaning of this Act; and the ſaid Company of Proprietors, and their Succeſſors, ſhall cauſe the Leaf or Leaves of the Bridge to be made and executed acroſs ſuch Opening in ſuch Manner as ſhall be directed by *Peter Atkinſon* of the City of *York*, Architect and Engineer, and in caſe of his Death, Neglect, Refuſal, or Incapacity to act, then by ſuch other Perſon or Perſons as the ſaid Company of Proprietors ſhall think proper to appoint; and that it ſhall not be lawful for the ſaid Company of Proprietors or their Succeſſors, at any Time hereafter, to make any Alteration in the Structure of the ſaid Bridge contrary to the true Intent and Meaning of this Act, or to the Prejudice or Obſtruction of Veſſels paſſing under the ſaid Bridge or navigating the ſaid River; and that the Slide Leaf or Leaves of the ſaid Bridge ſhall be opened by the Perſon or Perſons appointed to collect the ſaid Tolls, or by ſome other Perſon or Perſons appointed for that Purpoſe, by and at the Expence of the ſaid Company of Proprietors and their Succeſſors, in ſuch Manner as that Veſſels may not at any Time be interrupted in paſſing the ſaid Bridge, and ſo that Veſſels ſhall at all Times have a Preference of paſſing through the ſame to Paſſengers going over the ſaid Bridge; and that ſuch Veſſels having Occaſion to paſs through the ſame, ſhall take their Turns in due Courſe as they arrive, not being guilty of any Neglect or unneceſſary Delay ſo as to keep the ſaid Bridge open longer than is proper and neceſſary.

LIV. And

Proceedings to be entered.

LIV. And be it further enacted, That all the Orders and Proceedings of the ſaid Company of Proprietors, or their Committees, at any of their Meetings, ſhall be entered in a Book to be kept for that Purpoſe by the Clerk to the ſaid Company of Proprietors, and ſhall be ſigned by the ſaid Clerk, and by the ſaid Company of Proprietors and Committees preſent at ſuch Meetings, or the major Part of them, unleſs otherwiſe directed by this Act; and that ſuch Entries ſo made and ſubſcribed, ſhall be admitted to be read in Evidence in any Court whatſoever; and all Notices to be given in purſuance of this Act, the Mode of which is not otherwiſe directed, ſhall be affixed to the Toll Houſe or Toll Houſes to be erected by virtue of this Act.

Diſtreſs not to be deemed unlawful for want of Form.

LV. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor ſhall the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on Account of any Defect or Want of Form in any Proceedings relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on Account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the Special Damages in an Action on the Caſe.

Informations, *etc.* to be before One Juſtice.

LVI. And be it further enacted, That all Complaints and Informations of Offences againſt this Act, reſpecting which no particular Directions are hereby given, and all Complaints and Informations for Offences againſt any Rule, Order, or Bye Law to be made in purſuance of this Act, (of which Rule, Order, or Bye Law, when produced, all Juſtices are hereby required to take Notice), ſhall and may be made before any One Juſtice of the Peace for the ſaid Eaſt Riding of the County of *York*; and every ſuch Juſtice is hereby authorized and empowered to take Cognizance thereof, and to ſummon the Perſon complained of to appear before him, and upon the appearing or not appearing of ſuch Perſon purſuant to ſuch Summons, to hear the Matter of every ſuch Complaint and Information by Examination of any Witneſs or Witneſſes upon Oath or otherwiſe, (which Oath ſuch Juſtice is hereby empowered to adminiſter), and to make ſuch Determination therein as ſuch Juſtice ſhall think proper; and upon Conviction of any ſuch Perſon, ſuch Juſtice ſhall and may iſſue a Warrant under his Hand and Seal for levying the Penalties or Forfeitures by this Act impoſed for ſuch Offence, by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo convicted; and all ſuch Penalties and Forfeitures when recovered, after rendering the Overplus (if any) upon Demand, to the Owner of ſuch Goods and Chattels, (the Charges of ſuch Diſtreſs and Sale being firſt deducted), ſhall be paid, One Moiety to the Informer or Informers, and the other Moiety to the ſaid Company of Proprietors, to be applied for the Purpoſes of this Act; and in caſe ſufficient Goods and Chattels of any Perſon liable to pay any ſuch Penalties or Forfeitures cannot be found whereon to make ſuch Diſtreſs, and ſuch Penalties or Forfeitures ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand and Seal;

to

to commit such Offender to the Common Gaol or House of Correction for any Time not exceeding Three Calendar Months, or until such Penalties or Forfeitures shall be paid or compounded for; which Composition the said Company of Proprietors, or any other Person appointed by them for that Purpose, are or is hereby empowered to make.

LVII. And be it further enacted, That any Justice of the Peace before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form, or to the like Effect; (that is to say),

Form of Conviction.

'East Riding of the County of *York*,' to wit. } BE it remembered, That on the Day of in the Year of the Reign of His Majesty, *A. B.* is convicted 'before me *C. D.* One of His Majesty's Justices of the Peace for the 'said Riding, by virtue of an Act passed in the Forty-third Year of the 'Reign of King *George* the Third, intituled, [*Here insert the Title of 'this Act, and specify the Offence, and the Time and Place when and where 'the same was committed, as the Case may be*]. Given under my Hand 'and Seal the Day and Year aforesaid.'

Appeal.

LVIII. And be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, or of any Bye Law made under the Authority thereof, unless where it is hereby otherwise directed, such Person may appeal to the Justices at any General or Quarter Sessions of the Peace which shall be holden for the said East Riding, within Three Calendar Months next after the same shall have arisen, giving or causing to be given Fourteen Days Notice in Writing, of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer to the said Company of Proprietors, and within Seven Days after such Notice, entering into a Recognizance before some Justice of the Peace for such Riding, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Sessions; and the Justices at the said Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Matter of every such Appeal in a summary Way, and award such Costs to the Party appealing, or appealed against, as the said Justices shall think proper; and such Determination shall be final and conclusive to all Intents and Purposes.

Proceedings not to be quashed for want of Form.

LIX. Provided always, and be it further enacted, That no Conviction or Order which shall be made by any Justice of the Peace by virtue or in pursuance of this Act, or any other Proceedings which shall be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only, or shall be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

LX. And

Saving Rights.

LX. And be it further enacted, That this Act, or any Thing herein contained, ſhall not extend or be conſtrued to extend to leſſen, diminiſh, take away, prejudice, or affect the Right, Title, Intereſt, or Privilege of the King's Majeſty, His Heirs or Succeſſors, or of any Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate, in or to the Premiſes, (except the Powers and Authorities hereby given to the ſaid Company of Proprietors, and their Succeſſors, or any of them, and except ſuch as are expreſsly altered, provided for, or extinguiſhed by this Act); but that the King's Majeſty, His Heirs and Succeſſors, and all and every Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, their Succeſſors, Heirs, Executors, and Adminiſtrators, ſhall have, hold, uſe, exerciſe, and enjoy all ſuch Eſtates, Rights, Titles, and Intereſts (except as before excepted), as they, every, or any of them had before the paſſing of this Act in or to the ſame, in as full and ample Manner, to all Intents and Purpoſes, as if this Act had not been made.

Act not to affect the Rights of Commiſſioners of the Navigation.

LXI. Provided always, and be it further enacted, That this Act or any Thing herein contained, ſhall not extend, or be conſtrued to extend to defeat, leſſen, diminiſh, take away, prejudice, or affect any of the Rights, Privileges, Powers, Liberties, or Authorities given to or veſted in or belonging to the Truſtees or Commiſſioners for the Navigation of the ſaid River *Derwent*, but that the ſame ſhall remain in as full Force and Effect as if this Act had not been made; ſave only and except ſo as not to prevent or hinder the due Execution of this Act, or of any of the Powers and Authorities hereby given to and veſted in the ſaid Company of Proprietors.

Limitation of Actions.

LXII. And be it further enacted, That if any Action or Suit ſhall be commenced or proſecuted againſt any Perſon or Perſons, for any Matter or Thing to be done in purſuance of this Act, every ſuch Action or Suit ſhall be commenced within Six Calendar Months next after the Cauſe of Action ſhall have ariſen, and not afterwards, and ſhall be laid or tried in the County where ſuch Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit may plead the General Iſſue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon, and that the Matter or Thing for which ſuch Action or Suit ſhall be commenced, was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought or commenced after the Time before limited for bringing the ſame, or ſhall be laid in any other County or Place than as aforeſaid, then and in every ſuch Caſe the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs be non-ſuited, or ſuffer a Diſcontinuance of his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have ſuch Remedy for the ſame as any Defendant hath for Coſts of Suit in any other Caſes by Law.

Publick Act.

LXIII. And be it further enacted, That this Act ſhall be deemed a publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

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