ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 86.

An Act for altering and amending an Act, paſſed in the laſt Seſſion of Parliament, for widening and altering *Ouſe Bridge* over the River *Ouſe*, and *Foſs Bridge* over the River *Foſs*, in the City of *York*; for widening, raiſing, and improving certain Streets, Lanes, and Paſſages leading and near to the ſaid Bridges, and for making certain other Improvements in the ſaid City. [18th *May* 1810.]

WHEREAS by an Act made and paſſed in the laſt Seſſion of Parliament, intituled, *An Act for widening and altering* Ouſe Bridge *over the River* Ouſe, *and* Foſs Bridge *over the River* Foſs, *in the City of* York; *for widening, raiſing, and improving certain Streets, Lanes, and Paſſages, leading and near to the ſaid Bridge, and for making certain other Improvements in the ſaid City*, it was (amongſt other Things) enacted, that it ſhould and might be lawful to and for the Mayor and Commonalty of the ſaid City of *York* in Common Council aſſembled, and they were thereby empowered to widen and enlarge the ſaid Bridge over the River *Ouſe*, by ſplicing the ſame, adding thereto, or otherwiſe enlarging, altering, and improving the ſame; and that the ſaid Mayor and Commonalty in Common Council aſſembled, ſhould, and they were thereby authorized and empowered to deſign, lay out, and determine how and in what Manner the ſaid Bridge over the ſaid River *Ouſe*, or any Part thereof, ſhould 49 G. 3. c. 126.

ſhould be ſpliced, widened, or altered, and to do all Matters and Things for carrying on and effecting the Purpoſes aforeſaid, with a Proviſo that nothing in the ſaid Act contained ſhould extend or be conſtrued to extend to permit the ſaid Mayor and Commonalty to take down and rebuild the ſaid Bridge over the River *Ouſe*, or to undertake or execute any Plan or Work ſave ſuch as might be neceſſary or expedient for the widening the ſame Bridge, and rendering the ſame more commodious: And whereas upon an accurate Survey and Examination of the State, Condition, and Form of the ſaid Bridge called *Ouſe Bridge*, it has been found that the Improvements mentioned and intended to be made under the Authority of the ſaid Act, cannot with Safety and Certainty be effected by merely ſplicing the ſame, and adding thereto or enlarging or improving the ſame; and that it will or may be neceſſary to take down the ſame Bridge called *Ouſe Bridge*, or ſome Part or Parts thereof, and to rebuild the ſame, or ſuch Part or Parts thereof as ſhall be ſo taken down, and to alter its preſent Form, Elevation, or Section: 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, That it ſhall and may be lawful to and for the ſaid Mayor and Commonalty in Common Council aſſembled, to take or pull down, or cauſe to be taken or pulled down, the ſaid Bridge called *Ouſe Bridge*, or any Part or Parts thereof, and to rebuild the ſame Bridge, or any Part or Parts thereof, which ſhall be ſo taken or pulled down upon a new Plan, Section, or Elevation; any Thing in the ſaid Act contained to the contrary thereof in anywiſe notwithſtanding.

Power to take down Ouſe Bridge.

II. And whereas it is in and by the ſaid Act further enacted, That it ſhould and might be lawful to and for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Truſtees and Feoffees in Truſt for charitable and other Uſes, and all other Truſtees and Feoffees, Guardians and Committees of or for Lunaticks and Idiots, Executors and Adminiſtrators, and Guardians whatſoever, and not only for or on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their *Ceſtuique* Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, Femes Covert, or other Perſons whatſoever, and to and for all Femes Covert who are or ſhould be ſeiſed in their own Right, and to and for all and every Perſon and Perſons whomſoever, who are or ſhould be ſeiſed or poſſeſſed of or intereſted in any Meſſuages, Houſes, Buildings, Lands, Tenements, or Hereditaments mentioned or deſcribed or referred to in or by the Schedules to the ſaid Act annexed, or either of them, to ſell and convey, aſſign or ſurrender, all or any ſuch Meſſuages, Houſes, Buildings, Lands, Tenements, Hereditaments, or any of them, or any Part thereof, and all their Eſtates and Intereſts therein, to the ſaid Mayor and Commonalty; and that all Contracts, Agreements, Bargains, Sales, Conveyances, Aſſignments, Surrenders, and Aſſurances which ſhould be made by ſuch Perſons as aforeſaid, ſhould be good and valid in Law to all Intents and Purpoſes; and it was in and by the ſaid Act further enacted, that if it ſhould happen that any Perſon or Perſons, Bodies Politick or Collegiate, or other Perſon or Perſons ſeiſed or poſſeſſed of, or intereſted in, any ſuch Meſſuages, Buildings, Lands, Tenements, or Hereditaments as aforeſaid, or as ſhould or might be affected or injured by the ſaid Al-

terations or Improvements, ſhould refuſe to treat or agree, or by reaſon of any Diſability could not agree with the ſaid Mayor and Commonalty in Common Council aſſembled for the Sale and Conveyance of their reſpective Eſtates and Intereſts therein, or for any ſuch Injury as aforeſaid, or ſhould not produce and evince a clear Title to the Premiſes they were or ſhould be in Poſſeſſion of, or to the Eſtate or Intereſts they ſhould claim therein, to the Satisfaction of the ſaid Mayor and Commonalty in Common Council aſſembled, that then and in every ſuch Caſe a Jury ſhould be drawn, empannelled, ſummoned, and returned as therein is mentioned, and ſhould be required to come and appear before the Juſtices of the Peace for the ſeveral Ridings of the County of *York*, or any of them, at ſome ſpecial Seſſions of the Peace to be holden at the Caſtle of *York* for the ſaid County, or ſome Adjournment thereof, as therein alſo is mentioned, and that the ſaid Jury ſhould inquire of the true and juſt Value of ſuch Meſſuages, Houſes, Buildings, Lands, Tenements, and Hereditaments, and of the reſpective Eſtate and Intereſts of every Perſon, and ſhould aſſeſs and award the Sum or Sums to be paid to every ſuch Perſon or Perſons reſpectively for the Purchaſe of their Eſtates and Intereſts; and which ſaid Juſtices were thereby authorized and empowered to exerciſe ſeveral Authorities, Juriſdictions, and Powers in the ſaid Act expreſſed and contained: And whereas Doubts are entertained how far ſuch Juſtices as are therein mentioned and deſcribed can hold ſuch ſpecial Seſſions as aforeſaid, inaſmuch as the ſaid County of *York* is divided into Three Ridings, wherein the Juſtices of the Peace for each Riding reſpectively hold their Seſſions for the ſame ſeparately and excluſively, and no Seſſions of the Peace are holden for the ſaid Three Ridings jointly or for the ſaid County of *York* at large; to obviate and remove ſuch Doubts, be it further enacted, That it ſhall and may be lawful to and for the Juſtices of the Peace for the ſeveral Ridings of the ſaid County of *York*, or any of them, to hold ſuch Special Seſſions of the Peace as are mentioned in the ſaid Act, and to do, exerciſe, execute, and perform, all ſuch Acts, Juriſdictions, Judgements, Powers, Authorities, and Orders, as are in and by the ſaid Act mentioned and intended to be given to and veſted in them; and that all ſuch Acts, Orders, Judgements, Decrees, and other Proceedings as have already been done, had, made, or executed by ſuch Juſtices as aforeſaid under and by virtue of the ſaid Act, be and the ſame and every of them are hereby eſtabliſhed, ratified, and confirmed.

Juſtices empowered to hold Special Seſſions;

whoſe Orders ſhall be final.

III. And whereas it is in and by the ſaid Act further enacted, That it ſhould and might be lawful to and for the ſaid Mayor and Commonalty in Common Council aſſembled, and they were thereby authorized and required to ſell and diſpoſe of, or cauſe to be ſold and diſpoſed of, for the beſt Price and Prices that could be reaſonably had or gotten for the ſame, all or any Part or Parts of the Houſes, Buildings, Lands, Tenements, Hereditaments, and Premiſes ſo to be purchaſed, as therein is mentioned, as might not be neceſſary to be laid into any Streets, Ways, or Paſſages intended to be ſet out purſuant to the ſaid Act, to ſuch Perſon or Perſons as ſhould be willing to purchaſe the ſame, and to apply the Money to ariſe by ſuch Sale for and towards the Charges and Expences

of

of the ſaid Alterations and Improvements of the ſaid Bridge called *Ouſe Bridge*, and the Streets adjoining or near thereto, and for no other Purpoſe whatſoever: And whereas the Authority to purchaſe the Meſſuages, Lands, and Tenements mentioned and deſcribed in the Sixth Schedule to the ſaid Act annexed has and was intended to have Reference only to the Alterations and Improvements at or near the ſaid Bridge called *Foſs Bridge*, and it is proper and reaſonable that upon the Sale of ſuch Part or Parts thereof as may not be neceſſary to be laid out in Streets, Ways, or Paſſages, at, adjoining, or near to the ſaid laſt-mentioned Bridge, the Money thence ariſing ſhould be applied for and towards the Charges and Expences of the Alterations and Improvements of the ſame Bridge, and the Streets adjoining or near thereto; be it therefore enacted, That upon the Sale of ſuch Part or Parts of the ſaid Meſſuages, Lands, and Tenements mentioned and deſcribed in the ſaid Sixth Schedule to the ſaid Act annexed, as ſhall not be neceſſary to be laid out in Streets, Ways, or Paſſages at, adjoining, or near to the ſaid Bridge called *Foſs Bridge*, the Money to ariſe by and from ſuch Sale ſhall be applied for and towards the Alterations and Improvements to be made at, near, or adjoining to the ſame Bridge called *Foſs Bridge* only.

Upon Sale of Lands, &c. near Foſs Bridge, the Money to be applied to that Part only.

IV. And whereas it is proper and expedient that Perſons paſſing and repaſſing the ſaid Bridge called *Ouſe Bridge*, with Horſes, Mares, Geldings, Mules, or Aſſes, for the Purpoſe of being ſhoed only, ſhould be exempt from the Payment of the Tolls laid and levied or to be laid and levied by the Authority of the ſaid Act; be it therefore further enacted, That, from and after the paſſing of this Act, no Perſon or Perſons ſhall be charged with or compellable to pay any Toll made payable by the ſaid Act for the going, paſſing, repaſſing, or returning of any Horſe, Mare, Gelding, Mule, or Aſs for the Purpoſe only of being ſhod, ſo as that no ſuch Horſe, Mare, Gelding, Mule, or Aſs be at the ſame Time uſed for the Purpoſe of riding elſewhere or for any other Purpoſe.

Toll not to be paid for Horſes, &c. going to be ſhod, &c.

V. And whereas in and by the ſaid Act it is enacted, That no Perſon or Perſons ſhall be charged or compellable to pay any of the Tolls made payable by the ſaid Act for the going, paſſing, or repaſſing of any Horſe, Mare, Gelding, Mule, Aſs, Cow, or other Cattle, for the Purpoſe of watering only; be it further enacted, That that Part of the Clauſe of the ſaid Act be and the ſame is hereby repealed; and that from and after the paſſing of this Act all Perſons paſſing or repaſſing with any Horſe, Mare, Gelding, Aſs, Cow, Mule, or other Cattle, for the Purpoſe of watering, ſhall and may be charged with ſuch and the ſame Tolls as for the Time being ſhall be laid upon any other Horſe, Mare, Gelding, Mule, Aſs, Cow, or other Cattle whatſoever.

Certain Exemptions reſpecting Horſes, &c. going to Water, repealed.

VI. And whereas the ſaid Mayor and Commonalty are in and by the ſaid in part recited Act authorized and empowered to compound or agree by the Year with any Perſon or Perſons for paſſing over the ſaid Bridge called *Ouſe Bridge*, with certain Carriages to be drawn or uſed as deſcribed in the ſaid Act: And whereas it is proper and expedient that every Perſon keeping and uſing any Coach for Hire within the ſaid City

or

or Suburbs thereof, or Liberty of *Saint Peter* within the ſame, and which ſhall be duly licenſed under the Authority and according to the Proviſions of an Act of Parliament made and paſſed in the Year One thouſand ſeven hundred and ſixty-three, intituled, *An Act for the better cleaning and enlightening the Streets, Lanes, and publick Ways of the City of* York *and the Suburbs thereof, and of the Liberty of* Saint Peter *within the ſaid City, and for keeping the ſame in Repair and free from Annoyance, and for regulating the Hackney Coachmen and Chairmen, Carmen and Draymen within the ſame*, ſhould have the like Power of compounding for ſuch Coaches; be it therefore further enacted, That the ſaid Mayor and Commonalty in Common Council aſſembled may and they are hereby authorized and empowered, from Time to Time, to compound or agree, by the Year or otherwiſe, with any Perſon or Perſons keeping and uſing, or who ſhall keep and uſe, in the ſaid City or Suburbs thereof, or Liberty of *Saint Peter*, any Coach or Coaches which ſhall be duly licenſed in the Manner directed by the ſaid laſt-mentioned Act, and which ſhall for the Time being be uſed for Hire within the ſaid City or Suburbs thereof, or Liberty of *Saint Peter*, or within One Mile of any of the Bars and Poſterns of the ſaid City, and not elſewhere, to be drawn or uſed by or with his, her, or their own reſpective Horſe or Horſes only, for ſuch Sum or Sums of Money as the ſaid Mayor and Commonalty ſhall think proper, and the Horſes drawing the ſame ſhall be freed and exempt from the Tolls or Duties which otherwiſe would have become due or payable by virtue of the ſaid firſt-mentioned Act for or in reſpect thereof, ſo as that the Owner or Owners of each ſuch Coach or Coaches reſpectively do put, place, or affix, and continue on ſome conſpicuous Part thereof, ſuch Plate or Mark, with ſuch Inſcription thereon reſpectively, as the ſaid Mayor and Commonalty ſhall direct or appoint, to denote ſuch Exemption, and without which Inſcription no Exemption ſhall be claimed or allowed; and all ſuch Compenſation Money ſhall be and be conſidered as Tolls or Duties ariſing from the ſaid Bridge called *Ouſe Bridge*, and be paid to ſuch Perſon or Perſons as the ſaid Mayor and Commonalty ſhall appoint to receive the ſame.

Common Council empowered to compound with certain Perſons for Tolls.

VII. And whereas it is in and by the firſt-mentioned Act further enacted, That all ſuch Damage or Injury as ſhould or might be done to any Water-pipes, Conduits, Cocks, or Works, for the Paſſage or Conveyance of Water from the Water-works in the ſaid City, by taking up or removing the ſame, or any Part thereof, ſhould, from Time to Time, be repaired and made good by and out of the Tolls and Duties thereby rated and made payable, by laying down good and ſufficient Pipes of the like Nature in the Room and Stead of thoſe which ſhall be ſo removed or taken away: And whereas it may happen that the maintaining and keeping in Repair ſuch newly laid Pipes in looſe and unconſolidated Earth may for ſome Time be attended with additional Expence; be it therefore enacted, That the ſaid Mayor and Commonalty ſhall, and they are hereby authorized and required to ſupport, maintain, and keep in Repair, by and out of the Money to ariſe by and from ſuch Tolls and Duties, all ſuch newly laid Pipes for and during the Space of Twelve Calendar Months from the Day on which they ſhall be reſpectively laid down, covered, and completed.

Water Pipes, &c. to be repaired out of the Duties for 12 Months.

Publick Act. VIII. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and others, without being ſpecially pleaded.

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