CHAPTER lxii.

An Act to authorise the construction of a Bridge across the River Ouse, in the City of York, with approaches thereto, and for raising, lowering, widening, altering, and improving certain streets or thoroughfares and places within the said City; and for other purposes. [14th June 1875.] A.D. 1875.

WHEREAS the building a bridge across the River Ouse, in the city of York, from a point on the north-east side of the said river, in the parish of Saint Mary Castlegate, situate on the south side of the steps or landing-place of the existing ferry over the said river, called Skeldergate Ferry, to a point on the south-western side of the said river, in the parish of Saint Mary Bishophill Senior, situate on the south side of the steps or landing-place of the said ferry, with suitable and convenient approaches thereto, would open out a short and convenient line of communication between the important thoroughfares Skeldergate and Bishopgate Street, and the adjoining streets on the south-west, and Tower Street, Castlegate, and adjoining streets, the Castle Mills Bridge, the Cattle Market, the Barracks, and the Cemetery on the north-east side of the said river:

And whereas the streets on the lines of approach to the said bridge on the north-east side of the said river called Tower Street, the New Walk, and the several footpaths and thoroughfares across Saint George's Fields, all situate in the said parish of Saint Mary Castlegate, and the streets on the lines of approach to the said bridge, and the River Ouse, on the south-west side of the said river, called Skeldergate, Rosemary Lane, Baile Hill, Bishopgate Street, and Clementhorpe, and also the road or way along the banks of the said river, running in a southerly direction from Bishopgate Street, all situate in the parish of Saint Mary Bishophill Senior, are narrow or inconvenient, and it would greatly improve the lines of approach to the said bridge if the said streets, or some or parts of them, and of the streets running thereinto, were widened, altered, and improved, and a

A.D. 1875.

new street were made from Bishopgate Street to the south-west end of the said bridge, and another new street from Skeldergate to Bishopgate Street, to join such last-mentioned new street, and a further new street were made from a point near the city gaol, in Baile Hill, to join the last-mentioned new street:

And whereas it is expedient that the Corporation shall be enabled to sell or otherwise dispose of the lands, buildings, and premises in the parish of Saint Mary Bishophill Senior, constituting the city gaol now disused, all or some of them, and to apply the moneys to arise from any such sale or disposition to the purposes of this Act:

And whereas it is also expedient that the Corporation shall be enabled, if they shall see fit, to apply the materials to arise from the demolition of the buildings of the said gaol, or any of them, to the purposes of this Act:

And whereas the estimate for the expenses of the execution of this Act, so far as relates to the said bridge and approaches (being permanent works within the meaning of section 37 of the Local Government Act, 1858), after deducting the estimated value of the land that may be resold under the powers of this Act, is thirty-two thousand five hundred pounds:

And whereas the Corporation also require to raise a further sum for general purposes not exceeding two thousand five hundred pounds:

And whereas the several purposes aforesaid cannot be effected without the authority of Parliament;

And whereas at a special meeting of the Council of the City of York held on the third day of September one thousand eight hundred and seventy-four, and thence by adjournment to the seventh day of the same month, after more than ten clear days notice by public advertisement of such meeting, and of the purposes thereof, in the York Herald newspaper (being a local newspaper published and circulating in the district), such notice being in addition to the ordinary notices required for summoning such meeting, it was resolved by an absolute majority of the whole number of the governing body that the Bill for this Act should be promoted by the Council, and that the expense in relation thereto should be charged on the borough fund, borough rate, and general district rate, or some of them:

And whereas such resolution was published twice in the said newspaper, and the promotion of the Bill for this Act has since received the approval of the Local Government Board with respect to matters within the jurisdiction of that Board, and of Her Majesty's Secretary of State for the Home Department, with respect to other matters:

A.D. 1875.

And whereas at a further special meeting of the Council, held on the fourth day of January one thousand eight hundred and seventy-five, in pursuance of notice given in like manner, such day of meeting being not less than fourteen days after the deposit of the Bill in Parliament, the propriety of the promotion of the Bill for this Act, and of the payment of the expense thereof, was confirmed by an absolute majority of the governing body of the said city:

And whereas the promotion of the Bill for this Act has had the consent of the owners and ratepayers of the city expressed by resolution in the manner provided in the Local Government Act, 1858:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The York (Skeldergate Bridge) Improvement Act, 1875."

Provisions of certain general Acts incorporated.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (in this Act referred to as the Lands Clauses Acts) shall, save where varied by this Act, be incorporated with this Act.

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

3. All the clauses and provisions of the Commissioners Clauses Act, 1847, with respect to the following matters:

With respect to the construction of the Act and any Acts incorporated therewith;

With respect to the contracts to be entered into and the deeds to be executed by the commissioners;

With respect to the liabilities of the commissioners and to legal proceedings by or against the commissioners;

With respect to the appointments and accountability of the officers of the commissioners;

With respect to the mortgages to be executed by the commissioners, except section eighty-four;

With respect to the making of byelaws;

With respect to the giving of notices and orders; and

With respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices;

shall, as far as the same are not varied by the provisions of this Act, be incorporated with this Act, and such clauses shall be construed as if the words "the mayor, aldermen, and citizens of the city of "York" had been inserted therein, instead of the word "commis-

A.D. 1875.

"sioners," and as if the words "the town clerk" were inserted therein instead of the words "clerk to the commissioners."

Interpretation of terms.

4. In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

The word "person" shall include Corporation;

The word "city," shall mean the city of York, as enlarged and extended by the Act 5 and 6 William IV., chapter 76, for the regulation of municipal corporations in England and Wales, and the Act 6 and 7 William IV., chapter 103, for making temporary provisions for the boundaries of certain boroughs;

The word "Corporation" shall mean the mayor, aldermen, and citizens of the city;

The word "Council" shall mean the Council of the city;

The word "treasurer" shall mean the treasurer of the city;

The words "town clerk" shall mean the town clerk of the city, and shall include the deputy of such town clerk;

The word "surveyor" shall mean the surveyor for the time being of the city;

The word "justice" shall mean any of Her Majesty's justices of the peace for the city, and shall include the salaried police magistrate or magistrates of the city, or of any district thereof, and the expression "two justices" shall be understood to mean two justices assembled and acting together in petty sessions;

The words "general or quarter sessions" shall mean the general or quarter sessions of the peace for the city;

The word "street" shall include any street and highway, and any road, public bridge, lane, footway, thoroughfare, square, court, alley, passage, whether a thoroughfare or not, and the parts of any such highway, road, bridge, lane, footway, thoroughfare, square, court, alley, or passage within the city;

The words "superior courts" shall mean Her Majesty's superior courts of record at Westminster;

The word "lands" or "land" shall extend to messuages, lands, tenements, and hereditaments of any tenure;

The word "lease" shall include an agreement for a lease.

Limits of Act.

5. The limits of this Act shall comprise and include the city as defined by this Act.

Council of city to execute Act.

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

Council may appoint committees.

7. The Council may appoint out of their own body, from time to time, such and so many committees, consisting of such number of persons as they shall think fit, for all or any of the purposes of this Act, which in the discretion of such council would be better regulated and managed by means of such committees, and may fix the quorum of such committees: Provided always, that the acts of every such committee shall be submitted to the Council for their approval.

Quorum of committee.

8. Every committee so appointed may meet from time to time, and may adjourn from place to place, as they may think proper for carrying into effect the purposes of their appointment; but no business shall be transacted at any meeting of the committee unless the quorum of members, if any, fixed by the Council, and if no quorum be fixed, three members be present, and at all meetings of the committee one of the members present shall be appointed chairman, and all questions shall be determined by a majority of the votes of the members present, and in case of an equal division of votes, the chairman shall have a casting vote in addition to his vote as a member of the committee.

Proceedings to be entered in a separate minute book.

9. Minutes of the proceedings of the Council in carrying into effect the provisions of this Act shall be entered in the minute book of the Council, and minutes of the proceedings of their committees in carrying into effect the provisions of this Act shall be entered in a separate book to be kept for the purpose.

Treasurer, &c. of the city to be treasurer, &c. for this Act.

10. The treasurer, and town clerk, and surveyor shall be the treasurer, and clerk, and surveyor for the purposes of this Act.

Service of notice on other persons.

11. Any notice which by this Act may be required to be given to any person, may lawfully be served by delivering the same to such person, or by leaving the same at his usual or last known place of residence or business.

Newspaper for advertisements.

12. The newspaper in which advertisements may be published under the provisions of this Act shall be some newspaper published in the city.

Council may borrow money on bridge tolls and rates.

13. It shall be lawful for the Council for all or any of the purposes of this Act, from time to time to borrow at interest, by way of mortgage, any sum of money which, together with any sum previously borrowed under the powers and for the purposes of this Act, shall not exceed the sum of thirty-five thousand pounds, on the credit of the bridge tolls, rates, and duties by this Act authorised to be made or levied, or of all or any of the said tolls, rates, or duties, and in the event of all or any such moneys being repaid by the Council (except moneys repaid out of the sinking fund, or by or out of subscriptions received by the Corporation in aid of the purposes

A.D. 1875.

of this Act), to re-borrow the same, and so toties quoties, but so nevertheless that there shall not be owing on the security of the said tolls, rates, and duties for the purposes of this Act more than the sum of thirty-five thousand pounds in the whole at one time, and for securing the payment of moneys so to be borrowed, with interest, the Corporation may assign over the said tolls, rates, and duties, or any of them, or any part thereof respectively, to the persons who shall advance or lend such money, or to any trustees for them, as a security for the payment of the money so to be borrowed, together with interest for the same.

Arrears may be enforced by the appointment of a receiver.

14. It shall be lawful for the mortgagees of the Corporation under this Act to enforce the payment of arrears of interest or principal or principal and interest due on any such mortgages by the appointment of a receiver, and in order to authorise the appointment of such receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver shall be made shall be not less than five thousand pounds in the whole.

Council may raise money by annuity.

15. It shall be lawful for the Council to raise all or any part of the sum of thirty-five thousand pounds hereby authorised to be borrowed by granting annuities for lives instead of mortgages as aforesaid, and for that purpose the Council may charge the bridge tolls, rates, and duties by this Act authorised to be made a security for money borrowed or any of them, with an annuity or annuities to determine on a life or lives in being not exceeding three in number in favour of any person who shall advance to the Council any sum of money for the purchase of the same.

Form of grant of annuity.

16. Every such grant of annuity shall be by deed duly stamped, in which the consideration shall be duly stated, and shall be made under the common seal of the Corporation, and may be in the form in Schedule (A.) to this Act annexed, or to the like effect.

For preventing improvident grants of annuities.

17. For preventing improvident grants of annuities, the price to be paid for any such annuity shall not be less than the price payable by law for a similar annuity granted by the Commissioners for the reduction of the National Debt.

Annuities to rank after mortgages.

18. Every annuity so granted shall be paid out of the particular tolls, rates, or duties charged with the payment thereof according to the grant of such annuity, and shall have priority after any mortgages of the same tolls, rates, or duties granted under this Act.

Expenses of annuities.

19. The expenses of every mortgage and grant of annuity shall from time to time be defrayed by the Council out of the moneys raised by the same, or out of the tolls, rates, and duties on the credit of which such moneys shall be raised.

Register of annuities to be kept and to be open to inspection.

20. A register of such annuities shall be kept by the town clerk, and within fourteen days after the date of any such annuity an entry or memorial of the number and date thereof and of the names of the parties thereto, with their proper additions, shall be made in such register, and such register may be perused at all reasonable times by any person interested therein without fee or reward.

Transfer of annuities.

21. From time to time any party entitled to any such annuity may transfer his right and interest therein to any other person by a deed duly stamped, wherein the consideration shall be truly stated, and any such transfer may be according to the form in the Schedule (B.) to this Act annexed, or to the like effect.

Register of transfers to be kept.

22. Every such transfer shall be produced to the town clerk, who shall cause an entry or memorial thereof to be made in the same manner as in case of the original annuity, and for such entry the town clerk may demand a sum not exceeding five shillings, and every such transfer shall entitle the transferee, his executors, administrators, or assigns, to the full benefit of the original annuity in all respects, and no party having made such transfer shall have power to make void, release, or discharge the annuity so transferred; but until such production of a transfer as aforesaid, the Corporation shall not be bound to recognise any other person as entitled to any annuity than the person for the time being on the register in respect thereof, his executors or administrators.

Council may redeem annuities.

23. The Council may from time to time by agreement with any annuitant redeem or purchase any annuity; and when any annuity is so redeemed or purchased, an entry of the redemption or purchase thereof shall be made in the register of annuitants, and thereupon such redeemed or purchased annuity shall be wholly extinguished.

A sinking fund to be formed to pay off moneys borrowed.

24. For the purpose of providing a fund for paying off the principal moneys for the time being by virtue of any mortgage or annuity granted in pursuance of this Act charged upon and owing on the credit of the bridge tolls, rates, and duties, or any of them, the Council shall, once in every year, out of the tolls, rates, and duties to be received and taken under this Act, set aside such sum as they shall think proper, not being less than one thirtieth part of the sum borrowed by way of mortgage or annuity under the powers of this Act, and the sum so from time to time set aside, and also all other moneys which shall be applied by the Council in augmentation of the said sinking fund, shall be applied in the manner directed by this Act in payment, so far as the same will extend, of the principal moneys charged upon and owing on the credit of the said bridge tolls, rates, and duties, or other security, or any of them, or

A.D. 1875.

the same shall be invested in the public funds, or on Government or real security, in the name of the Corporation, and the dividends and interest of the moneys so invested, when and as the same shall become due, shall from time to time be received and invested in like manner in order that the said moneys so set aside and invested may accumulate at compound interest, and when such accumulated fund shall amount to a sum which, in the opinion of the Council, can be conveniently applied for that purpose, the stocks, funds, or securities whereon the same shall be invested shall be sold or otherwise converted into money, and the moneys arising from any such sale and conversion shall be applied in the manner directed by this Act in payment, so far as the same will extend, of the principal moneys charged upon and owing on the credit of the said tolls, rates, and duties or other securities, or any of them, and so from time to time until the whole of the said principal moneys shall be discharged.

Return to Local Government Board as to sinking fund.

25. The treasurer of the Corporation shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund has been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return, such treasurer shall be liable to a penalty of not exceeding twenty pounds. If it appears to the Local Government Board by such return or otherwise that the Corporation have failed to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those by this Act authorised, the Local Government Board may, if they think it just and reasonable (after hearing the Corporation in case they desire to be heard in explanation), by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of mandamus to be obtained by them out of the Court of Queen's Bench.

Council may construct

26. And whereas a plan and sections, showing the lines and levels of the said intended bridge and approaches, and the several

A.D. 1875.

streets, places, and thoroughfares to be widened, altered, or improved, and of the lands proposed to be taken for the purposes thereof, together with a book of reference to such plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands in or through which the same respectively will be made, have been deposited with the clerk of the peace of the city: Therefore, subject to the provisions of this Act, it shall be lawful for the Corporation to construct, make, erect, and maintain all or some of the works and alterations following; (that is to say,)

works according to deposited plans.

First. An opening bridge across the River Ouse, in the city of York, from a point on the north-east side of the said river, in the parish of Saint Mary Castlegate, situate on the south side of the steps or landing-place of the existing ferry over the said river, called Skeldergate Ferry, to a point on the south-west side of the said river, in the parish of Saint Mary Bishophill Senior, in the city, situate near and on the south side of the steps or landing-place of the said ferry, on that side of the said river, together with all suitable and convenient approaches to such bridge, at the places, to the extent, and in the lines delineated on the said plan, and according to the levels shown in the said sections; and to alter and interfere with all existing works to such extent and in such manner as may be necessary for those purposes; and subject to such restriction, the said bridge and works connected therewith to be constructed according to such plan or design as the Council shall think expedient:

Bridge over the river Ouse.

Secondly. Convenient roads or approaches to the said bridge on the north-eastern side of the said river across lands belonging or reputed to belong to the Corporation, and known as Saint George's Fields, situate in the said parish of Saint Mary Castlegate, one of such roads or approaches commencing at a point in Tower Street, in the said parish of Saint Mary Castlegate, in a line with the eastern end of the wall abutting on the road and footpath leading from Tower Street aforesaid to the New Walk, and extending thence in a south-westerly curved line or direction to the north-east end of the said bridge, and the other of such roads or approaches commencing in Tower Street aforesaid, at a point thirty-two yards or thereabouts, measured in an easterly direction, from the northern end of the plantation abutting on Saint George's Fields aforesaid, and thence extending in a westerly curved line or direction to the north-east end of the said bridge in the said parish of Saint Mary Castlegate, and so far as may be necessary in constructing such roads and

North-eastern approaches, &c.

A.D. 1875.

approaches to alter, raise, lower, or widen all or some of the several streets, places, footpaths, or thoroughfares called or known as Tower Street, the New Walk, and the several roads and footpaths across the Saint George's Fields aforesaid, all situate in the said parish of Saint Mary Castlegate:

South-western approaches, &c.

Thirdly. Convenient approaches to the said bridge on the south-west side of the said river, one commencing in Bishopgate Street, at or near the house numbered 21 in the said street, occupied by William Lister, and thence extending in a north-easterly direction to the south-west end of the said bridge; another commencing at a point in the street or road called Skeldergate, at or near the house numbered 48 in the said street, occupied by Jane Allanson, and thence extending in a southerly direction to the centre of Bishopgate Street aforesaid, where it adjoins the last-mentioned approach; and another of such roads or approaches commencing at a point in the street or road called Baile Hill, opposite the eastern corner of the boundary wall of the City Gaol, in the said street or road, and thence extending in a south-easterly direction to the centre of the last-mentioned approach from Skeldergate to Bishopgate Street; and so far as may be necessary in constructing such approaches to alter, raise, lower, or widen all or some of the several streets, places, and thoroughfares called or known as Skeldergate, Rosemary Lane, Baile Hill, Bishopgate Street, and Clementhorpe, and also the road or way along the banks of the river extending in a southerly direction from Bishopgate Street.

Navigation to be kept clear during construction of bridge.

27. During such time as the said bridge shall be building or repairing, the Corporation shall keep the navigation of the said river at and about the said bridge clear from all avoidable obstruction or interruption which may be occasioned by or in consequence of such building or repairing.

Capstans and mooring-posts to be erected near bridge.

28. It shall be lawful for the Corporation, and they are hereby empowered and required, upon application made to them by the trustees of the River Ouse Navigation herein-after mentioned, to set up and erect proper capstans and mooring-posts to the distance of one hundred yards, as well above as below the bridge, for the purpose of guiding vessels through the arch or opening thereof, and to prevent such vessels from being driven thereon or injured thereby, and from time to time to repair and keep in repair such capstans and mooring-posts, and as occasion shall require to set up and erect new capstans and mooring-posts in lieu of such as shall become damaged, worn out, or useless.

Saving the rights of the trustees of the Ouse navigation.

29. This Act, or anything herein contained, shall not extend to defeat, prejudice, or affect any of the rights, privileges, or authorities vested in the trustees for the time being acting under an Act of Parliament made and passed in the thirteenth year of the reign of His Majesty King George the First, intituled "An Act for improving "the Navigation of the River Ouse, in the county of York," and another Act of Parliament, made and passed in the fifth year of the reign of His Majesty King George the Second, for rendering more effectual the said Act passed in the thirteenth year of the reign of His Majesty King George the First, or either of them; but the respective Acts of Parliament relating to the said navigation, and every clause, matter, and thing therein contained, shall be and continue in full force, and shall and may be carried into execution and performed by the trustees for the time being acting in the execution of such Acts respectively, in such and the like manner to all intents and purposes as if this Act had not been passed, save only and except so as not in any manner to prevent, hinder, or prejudice the due execution of this Act or of all or any of the powers and authorities hereby given to and vested in the Corporation.

Power to purchase and take lands compulsorily.

30. For the purpose of enabling the Corporation to construct the said bridge and the approaches thereto, and to widen, alter, and improve the several streets and thoroughfares, or any of them, and to execute the other works by this Act authorised, it shall be lawful for the Corporation to purchase, enter upon, take, or use such of the lands delineated on the said plan, and described in the said book of reference so deposited as aforesaid, as in the opinion of the Council it shall be necessary or expedient to purchase, enter upon, take, or use for all or any of the said purposes.

Notice to take dwellings of labouring classes.

31. The Corporation shall, not less than eight weeks before they take fifteen houses or more occupied either in the whole or in part by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice, placed in public view upon or within a reasonable distance from the houses, and the Corporation shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Corporation have, in manner required by this section, made known their intention to take the same.

Corporation to procure accommodation for persons of the labour-

32. Before taking in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers who may for the time being be the occupier or occupiers of any house or part of any house which the

A.D. 1875.

ing class to be displaced.

Corporation are by this Act authorised to acquire, the Corporation shall procure for such person or persons sufficient accommodation elsewhere (unless the Corporation and such person or persons shall otherwise agree): Provided always, that if any question shall arise as to the sufficiency of such accommodation, the same shall be determined by a justice, and the Corporation may for the purpose of procuring such accommodation appropriate any lands for the time being belonging to them, or which they have power to acquire, and may purchase by agreement such further lands as may be necessary for such purpose, and may on such lands erect labouring class dwellings, and may apply for the purposes of this section, or any of them, any moneys they may have already raised or are authorised to raise: Provided also, that the Corporation may sell or let on building lease all or any of the said lands for the purpose of the erection thereon of dwelling-houses or lodging houses for the persons aforesaid, and shall have full power and authority to make and enter into contracts and agreements for or with reference to all or any of the purposes aforesaid, and to impose conditions and restrictions as to the elevation, size, and design of the houses, and the extent of accommodation to be afforded thereby.

Interference with gas and water pipes.

33. Sections eighteen to twenty-one inclusive of the "Railways Clauses Consolidation Act, 1845," with respect to the alteration of watercourses, water pipes, or gas pipes, shall be incorporated with this Act, and shall apply to the purposes of this Act, and shall be construed as if the word "corporation" had been inserted therein instead of the word "company," and the words "bridge, approaches, "and works" instead of the word "railway."

Execution of works in default of owner, &c.

34. Whenever the Corporation, or their officers or servants, are by this Act authorised to execute, re-execute, or alter any work, act, or thing in default of the owner, occupier, or other person required to do or to superintend the doing of such work, act, or thing, the Corporation shall not be liable to pay any damages, penalties, costs, charges, or expenses for or in respect of or consequent upon the executing, re-executing, or altering such work, act, or thing (otherwise than such costs, charges, or expenses as under the provisions of this Act are expressly payable by such Corporation) except damages arising from any wilful neglect or default of the Corporation, or their officers or servants, in or about the executing, re-executing, or altering of such work, act, or thing.

Incidental works.

35. For the purposes, and subject to the provisions of this Act, the Council from time to time may dig, pile, and make proper foundations in the River Ouse, and on the lands on each side thereof,

and make dams in such river during the making and repairing of such bridge, and cut, level, embank, and secure the banks of such river, and cut, remove, scour, take and carry away all trees, roots of trees, beds of gravel, sand, mud, and other impediments, and execute all other works necessary or convenient for building, maintaining, and repairing such bridge and the approaches to communicate therewith respectively on each side of such river, doing as little damage as may be, and making adequate compensation in that behalf to all parties interested.

Power to purchase or hire places for materials.

36. It shall be lawful for the Corporation, by agreement and not by compulsion, to purchase or take upon lease, or to agree for the use of any proper place or places, within five hundred yards of the approach to the said bridge, on either side thereof, for the purpose of depositing spoil and stone, iron, timber, and other materials for building and repairing the said bridge and approaches, and afterwards the Corporation shall sell the same, in such and the like manner as is in the "Lands Clauses Consolidation Acts" directed with respect to the sale of lands not wanted for the purposes of the special Act.

Materials may be deposited in the streets.

37. During the time any of the works by this Act authorised are under construction or alteration, the Council may order the spoil and materials arising from or necessary for such purposes to be lodged in any street or public place near or adjoining such work, according to their discretion, and may also stop the way through that or any adjoining street so long as shall be absolutely necessary for the completion of such work, and, if the way through any street shall be unnecessarily stopped, or the stoppage thereof shall be continued during a longer period than shall be necessary for the completion of such works, it shall be lawful for two justices, on the application of any two occupiers of houses in the street which shall be so stopped, to order the Council to open such street, and to cause all materials and spoil belonging to the Council lodged therein to be removed; and if the Council fail to comply with such order, the Corporation shall forfeit five pounds for every day the Council fail so to do.

Power to purchase lands, &c. by agreement for improving streets, &c.

38. It shall be lawful for the Corporation, by agreement and not by compulsion, to purchase any lands or houses in or adjoining any street immediately contiguous to the works authorised by this Act, for the purpose of widening, enlarging, or otherwise improving any such street, and any lands or houses so purchased shall be deemed to be purchased for extraordinary purposes; and all parties under any legal disability who, under the provisions of the Lands Clauses Consolidation Acts, are enabled to sell and convey lands authorised

A.D. 1875.

to be purchased for extraordinary purposes, shall and lawfully may sell and convey to the Corporation any lands or houses which they may desire to purchase for any of the purposes aforesaid, and the Corporation shall re-sell any part of the lands or sites of the houses so purchased which shall not be wanted for any of such purposes.

Compensation for lands injuriously affected by construction of bridge, &c.

39. The Corporation, in exercising the powers given by this Act to construct, make, and erect and maintain the said bridge and approaches thereto, and to raise, lower, widen, alter, and improve the several streets, thoroughfares, and places, and execute the other works in this Act mentioned, and to take lands for those purposes, shall be subject to the provisions and restrictions contained in this Act and in the Lands Clauses Consolidation Acts, and the Corporation shall make to the owners, lessees, and occupiers, and all other parties interested in any lands taken or used for any of the purposes of this Act, or injuriously affected by the exercise of any of the powers herein contained, full compensation for the value of the lands so taken or used, and for all damage sustained by such owners, lessees, occupiers, and other parties by reason of the exercise, as regards such lands, of the powers by this Act or the Lands Clauses Consolidation Acts vested in the Corporation, and, except where otherwise provided by this Act, the amount of such compensation shall be ascertained and determined in manner provided by the said Lands Clauses Consolidation Acts for determining questions of compensation with regard to lands purchased or taken under the provisions thereof, and all the provisions of the said Lands Clauses Consolidation Acts shall be applicable to the determining the amount of any such compensation and to enforcing the payment or other satisfaction thereof.

Compensation land, works, or money.

40. The Corporation, whenever they are by this Act required to make any compensation to any owner or occupier, or other person interested in any lands or buildings, may, if they think fit, by agreement make such compensation in whole or in part in land, works, or money.

Errors in plan or reference may be corrected by justices.

41. If any omission, mis-statement, or erroneous description shall have been made of any lands or houses, or of the owners, lessees, or occupiers of any lands or houses described on the said plan or in the said book of reference, it shall be lawful for the Corporation, after giving ten days notice to the owners, lessees, and occupiers of the lands or houses affected by such proposed correction, to apply to two justices for the correction of such plan or book of reference, as the case may be, and if it shall appear to such justices that such omission, mis-statement, or erroneous description arose from mistake, they shall

certify the same accordingly; and they shall in such certificate state the particulars of any such omission, and in what respect any such matter shall have been mis-stated or erroneously described, and such certificate shall be deposited with the clerk of the peace of the city, and copies thereof shall also be deposited with the parish clerks of the several parishes in which the lands or houses affected thereby shall be situate, and such certificate and copies shall be kept by such clerk of the peace and parish clerks respectively, along with the other documents to which they relate, and thereupon such plan or book of reference, as the case may be, shall be deemed to be corrected according to such certificate, and it shall be lawful for the Corporation to make the works, and purchase, take, or use the lands and houses in accordance with such certificate.

Certificate to be deposited.

42. And whereas the buildings, yards, and premises situate in the parish of Saint Mary Bishophill Senior, in the city, constituting the gaol of the city, have long ceased to be used as a prison, and the same have been reported to the Right Honourable the Secretary of State for the Home Department by the Inspector of Prisons of the district within which the city is comprised as unfit for the purposes of a prison: Therefore, subject (save as herein-after expressly excepted) to the provisions of "The Prisons Act, 1865," it shall be lawful for the Corporation to sell the whole or any part of the land occupied by the said buildings, yards, and premises of the city gaol, and the walls, buildings, and erections thereon as aforesaid, or any part of them, and to apply the proceeds to arise from such sale to the purposes of this Act or any of them, and subject to such application of the proceeds of such sale or sales, so much of the forty-sixth section of "The Prisons Act, 1865," as relates to the application of the moneys arising from any such sale shall not apply to any sale or sales of such prison, land, or premises by the Corporation.

Power to sell city gaol.

43. Provided always, that it shall be lawful for the Corporation, if they shall think fit, to reserve the whole or any part or parts of the said walls, buildings, and erections, and not to sell the same, and to pull down and remove the same and make use of the materials thereof, or of so much thereof as may from time to time be found necessary or expedient in the construction of the works authorised by this Act or any of them, and subject (save as aforesaid) to the provisions of "The Prisons Act, 1865," to sell the unused residue of such material, and apply the moneys to arise from such sale to the purposes of this Act or any of them.

Power to use materials of gaol buildings.

44. On any sale by the Corporation of lands under this Act authorised to be sold, they may reserve to themselves all or any part

Reservations, &c.,

A.D. 1875.

on sale of lands.

of the water rights or other easements belonging thereto, and may make the sale subject to such reservations accordingly, and may also make any such sale subject to such other reservations, special conditions, restrictions, and provisions with respect to use of water, exercise of noxious trades, or discharge or deposit of manure, sewage, or other impure matter, as they may think fit.

Power to deviate from plans and sections to a certain extent.

45. It shall be lawful for the Corporation, in making the said bridge and approaches, and in raising, lowering, widening, altering, and improving the said streets, places, and thoroughfares, to deviate from the lines delineated on the plan so deposited as aforesaid, provided that no such deviation shall extend to a greater distance than the limits of deviation delineated upon the said plan, nor into the lands of any person, whether owner, lessee, or occupier, whose name is not mentioned in the said book of reference, without the previous consent in writing of such person, unless the name of such person shall have been omitted by mistake, and the fact that such omission proceeded from mistake shall have been certified in manner herein provided for in cases of unintentional errors in the said book of reference, and the Corporation may deviate from the levels shown on the deposited sections to the extent of five feet.

During construction of the bridge light to be exhibited.

46. During the construction of the said bridge and works connected therewith the Corporation shall cause to be hung out or exhibited every night, from sunset to sunrise, a light to be kept burning by and at the expense of the Corporation for the navigation and safe guidance of vessels, and for ever after the completion of the said bridge the Corporation shall cause to be exhibited upon, or as near as may be to the centre of the said bridge, every night from sunset to sunrise, a good and sufficient light, to be kept burning by and at their expense, for the navigation and safe guidance of vessels, and which light shall be from time to time altered by them in such manner, and be of such description, and be so used, as the Board of Trade shall, by writing under the hand of one of the Secretaries of the Board of Trade, approve of; and in case the Corporation shall neglect to exhibit and keep either of such lights burning as aforesaid, they shall forfeit and pay for every such neglect the sum of ten pounds.

Powers to Board of Trade if bridge abandoned.

47. If the bridge so to be constructed shall be abandoned by the Corporation, it shall be lawful for the Board of Trade to abate and remove the same, or such part or parts thereof as they may at any time or times deem fit or proper, and to restore the site thereof to its former condition, at the cost and charge of the Corporation, and the amount thereof shall be a debt due from the Corporation to the Crown, and be recoverable accordingly.

Bridge vested in Corporation.

48. The bridge to be erected as aforesaid shall be called "Skelder-" gate Bridge," and the said bridge and the approaches thereto shall be vested in the Corporation and their successors.

Parishes in which bridge situate.

49. Half of the said bridge when built next adjoining to the north-east side of the said river, shall be deemed to be part of and in the parish of Saint Mary Castlegate, in the city, and the other half of the said bridge next adjoining to the south-west side of the said river shall be deemed to be part of and in the parish of Saint Mary Bishophill Senior, in the city.

Powers for compulsory purchases limited.

50. The powers of the Corporation for the compulsory purchase of lands and houses for the purposes of this Act shall not be exercised after the expiration of three years from the commencement of this Act.

Period for completion of bridge.

51. The said bridge and approaches thereto shall be completed within five years from the commencement of this Act, and on the expiration of such period the powers by this Act granted to the Corporation and their successors for constructing, making, and erecting the said bridge and approaches thereto, and raising, lowering, widening, altering, and improving the said streets or thoroughfares, shall cease to be exercised.

Power to fix lamps on bridge and approaches.

52. It shall be lawful for the Corporation for lighting the said bridge and approaches from time to time to provide, put up, or affix on the said bridge and approaches, so many lamp irons, lamp-posts, and lamps, of such sizes and sorts as they shall consider necessary, and to cause the said lamps to be lighted as and when they shall think proper.

Power to contract for lighting.

53. It shall be lawful for the Corporation from time to time to contract and agree with any company or persons to light the said bridge and approaches, or any of them, with gas or otherwise, as to the Corporation shall from time to time seem proper and expedient.

Power to erect weighing-machines.

54. The Council may from time to time cause to be erected, at or near the said bridge, or at such distance as they shall think expedient, one or more weighing-machines proper for the weighing of waggons and other carriages conveying goods, wares, or other articles, and may remove and dispose of the same if considered by the Council unnecessary for the purposes of this Act, and may from time to time erect, provide, and maintain such weigh-house or houses and other conveniences near or adjoining to the said weighing-machines as the Council shall think proper, and no waggon or other carriage or vehicle, implement, machine, or engine, shall, without the consent of the Corporation, carry at any one time upon the bridge

A.D. 1875.

(including the weight of such waggon or carriage, or vehicle, implement, machine, or engine) more than two and a half tons for each wheel.

Power to appoint collector, &c.

55. It shall be lawful for the Corporation from time to time to appoint proper persons to be collectors of the tolls payable for crossing the said bridge, and to be keepers of any weighing-machine, and from time to time to remove such collectors and keepers, or any of them, and to appoint some other person or persons in his or their room, and from time to time to make such rules, orders, and regulations for the better governing of the toll collectors and weighing-machine keepers, and for guarding and protecting the said bridge and approaches, as the Corporation shall from time to time think proper.

Lord mayor may appoint temporary collectors, &c. in certain cases.

56. When and so often as any collector of the tolls or the keeper of any weighing-machine shall die or neglect or refuse to perform or become incapable of performing his duty, or shall abscond or absent himself, it shall be lawful for the lord mayor of the city to discharge such collector or keeper so neglecting or refusing to perform or becoming incapable of performing his duty, or absconding or absenting himself, and to appoint some other person or persons to be a collector of the said tolls or a keeper of any weighing-machine until the then next meeting of the Council, in the stead of such collector or keeper who shall so die or be discharged, and such person or persons so appointed shall have the like power and authority and be answerable and accountable in the like manner in all respects as the collector or keeper who shall so die or be discharged would have had or been subject to.

Collectors, &c. refusing to deliver up toll-houses may be turned out.

57. If any collector of the said tolls, or any keeper of any weighing-machine, who shall be discharged from his said office by virtue of this Act, or the wife or widow or any of the children, family, or other representatives of any collector or keeper who shall die or be discharged, or any other person who may have the possession of any toll-house or building, weighing-machine or house, or any appurtenant thereto, to be erected, set up, raised, or used by virtue or for the purposes of this Act, shall neglect or refuse to deliver up the possession thereof for the space of twenty-four hours next after demand thereof made by notice in writing under the hand of the town clerk for that purpose given to such collector, keeper, or other person, or left at any such toll or weigh-house, building, or premises, then and in any of the said cases, it shall be lawful for any justice by warrant under his hand and seal to order a constable or other peace officer, with such assistance as shall be necessary, to

enter such toll or weigh-house and premises in the daytime, and to remove the persons who shall be found therein, together with their goods, out of such house, and to put the Corporation or their newly appointed collector or keeper into the possession thereof.

Power to erect toll-gates.

58. The Council may, if they shall think proper to do so, as soon as conveniently may be after a passage shall be made over the said bridge, cause to be erected and set up a toll-gate or toll-gates at or upon the said bridge, and from time to time may remove the same toll-gate or toll-gates, and erect and set up another toll-gate or other toll-gates in lieu thereof at any place upon any part of the said bridge or approaches, and may from time to time erect, provide, and maintain such toll-house and other conveniences near or adjoining to the said toll-gate or toll-gates as the Council shall think proper.

Tolls may be taken for use of bridge.

59. It shall be lawful for the Corporation from time to time to take and demand at the toll-gate or toll-gates to be erected as aforesaid, for or in respect of all persons, horses, mules, asses, beasts, or other cattle or animals, or carriages of any kind whatsoever, before they shall be permitted to pass or return over the said bridge, or through the said toll-gates, any tolls or sums which the Corporation may from time to time think fit, not exceeding the tolls or sums mentioned in the Schedule (C.) to this Act annexed.

Traction engines, &c.

60. No carriage or vehicle of any kind shall be propelled or moved by steam or similar power on, to, or across the bridge, excepting with the consent of the Corporation, and on payment of such toll as they shall demand.

Fractional parts of one halfpenny in tolls.

61. In all cases where there shall be a fractional part of a halfpenny in the amount of any of the tolls, the sum of one halfpenny may be demanded and taken in lieu of such fractional part.

Bridge to be public upon payment of tolls.

62. After the said bridge shall have been completed, the same shall be a public bridge, and all persons shall have free liberty, upon payment of the tolls by this Act granted, and subject to the powers and provisions of this Act, to pass over the same without any interruption whatsoever.

Power to make bye-laws.

63. The Corporation shall have full power and authority to make from time to time, under their common seal, such byelaws for regulating the traffic over, and the navigation under or through the said bridge as (subject to confirmation by the Local Government Board) shall seem to them most fitted to secure the safety and well working of the bridge and the convenience of the public, and may impose such reasonable penalties, not exceeding five pounds for any

A.D. 1875.

one offence for the breach of any of such byelaws as they may think fit, and such penalties shall be recovered in the same manner as penalties are by this Act directed to be recovered.

As to opening of bridge.

64. Provided always, that such bridge shall be opened by some person or persons appointed for that purpose by the Corporation or their lessee, if and whenever required, in every day, from half-past ten to half-past eleven in the forenoon, and from half-past three to half-past four in the afternoon, or at such other times as may from time to time be agreed upon between the Corporation and the parties interested, for the free passage of such ships and other vessels, as, if the said bridge were not so opened, would be unable to pass the same by lowering their masts and gear, or otherwise.

Evidence of bye-laws.

65. A printed copy of any byelaws made and confirmed as aforesaid, sealed with the seal of the Corporation, and certified by the town clerk to be a true copy of byelaws duly made, shall be evidence of such byelaws for all purposes whatsoever, and it shall not be necessary to produce the original byelaws, or to prove the making, confirmation, or publication thereof.

Tolls may be altered.

66. The Corporation shall have full power from time to time, at any special meeting of the Council called for the purpose, and subject to the provisions of this Act, to alter, raise, or lower all or any of the tolls for the time being demandable at the said bridge, but if such tolls shall be charged with the payment of any sum of money by way of mortgage or annuity under this Act, then no reduction of any such tolls shall be made, unless the persons to whom any principal moneys or any annuities may at that time be owing or secured on the credit of such tolls shall, in the proportion of five sixth parts in value of such principal moneys and annuities, assent thereto.

Tolls to be charged equally.

67. Provided always, that the tolls to be taken at the said bridge by virtue of this Act (save where by this Act otherwise expressly excepted) shall at all times be charged equally to all persons, and after the same rate, in respect of all horses, mules, asses, beasts, or other cattle or animals, or carriages of a like description passing over the same under the like circumstances, and that no reduction or advance in the said tolls shall, either directly or indirectly, be made partially or in favour of or against any particular person or company, but every such reduction or advance of tolls shall extend to all persons whomsoever using the said bridge.

Power to compound for bridge tolls.

68. Provided also, that it shall be lawful for the Corporation to compound and agree with any persons using the said bridge for the payment of any sum, either weekly, monthly, quarterly, or yearly,

by way of exemption or composition, in lieu of the tolls by this Act payable for the use of such bridge: Provided always, that if the Corporation shall make any such composition by way of exemption with any person, they shall be compellable to make the same composition by way of exemption with every other person desiring to compound for the payment of such tolls for the like period.

Bridge may be free in certain events.

69. Provided always, that when and so soon as the bridge shall have been completed, and the sum remaining due and owing under the powers of this Act shall have been reduced to the sum of fifteen thousand pounds, and the borrowing powers of the Corporation shall also be limited or reduced to the same amount, it shall be lawful for the Corporation, if they shall think proper so to do, to open the said bridge as a free bridge, and to abstain from taking any tolls whatever for the use thereof, or to take in respect of the use thereof part only of the tolls authorised by this Act, or having commenced to take tolls at the said bridge, it shall be lawful for the Corporation at any time to abstain from taking tolls thereat, and to declare the said bridge to be thenceforward a free bridge: Provided also, that during the subsistence of any mortgage of the said tolls or of any annuity payable out of the said tolls granted under the authority of this Act, it shall not be lawful for the Corporation either to open the said bridge as a free bridge, or to declare the same to be free, or to take less than two thirds of the amount of any tolls by this Act authorised to be taken at the said bridge.

Conditions in that behalf.

70. When the power to take tolls for the use of the said bridge shall have ceased and determined under the provision for that purpose herein contained, or if the said bridge shall be opened as a free bridge, or shall at any time be declared by the Corporation to be a free bridge, then and from thenceforward the said bridge shall be maintained out of the city fund of the city, and all the clauses and provisions in this Act contained relative to the tolls to be taken at the said bridge, or consequent on such power to take tolls, shall cease and determine.

Tolls to be paid as Corporation shall direct.

71. The bridge tolls shall be paid to such persons, and at such places upon or near to the said bridge, and in such manner and under such regulations as the Corporation shall, by notice to be annexed to the list of tolls, appoint.

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

72. If any person subject either in respect of himself, or of any cattle, animal, or carriage belonging to him, or under his care or control, to the payment of any of the tolls hereby authorised to be taken in respect of the said bridge, shall, after demand made thereof by any collector or other person appointed to receive the same, neglect

A.D. 1875.

or refuse to pay such tolls, it shall be lawful for such collector or person by himself, or taking such assistance as he shall think necessary, to stop and prevent the passage of the person refusing to pay such toll, either in respect of himself or of the cattle, animals, and carriages belonging to him, or under his care or control, and also of the cattle, animals, and carriages in respect of which such person shall refuse payment of toll, until full payment of such toll be made, or may seize and distrain any horse or other beast, together with the bridles, saddles, gears, harness, and accoutrements thereunto belonging, or any carriage drawn by any such horse or beast, or any article or thing in or upon the same or belonging to such person, and if such tolls and the reasonable charges of such seizure and distress shall not be paid within the space of four days next after such seizure and distress made, the person so seizing and distraining shall and may sell the horse, beast, carriage, or thing so seized or distrained, returning the overplus (if any) upon demand to the owner thereof, after such tolls and the reasonable charges occasioned by such seizure, distress, and sale shall have been deducted.

and distraint may be made.

Disputes concerning tolls.

73. In case any dispute shall happen respecting the demanding or taking, or the payment of toll, or the amount of toll payable at the said bridge, then and in every such case such dispute shall be heard and determined by any justice who, upon application made to him for that purpose, shall examine the matter upon oath of the parties, or other witness or witnesses (which oath every justice is hereby authorised and empowered to administer), and shall determine the amount of the toll due and other matters in dispute between the parties, and may also award such costs to be paid by either party to the other, as to such justice shall seem reasonable, all which costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by distress and sale of goods and chattels of the person directed to pay the same by warrant under the hand and seal of such justice (which warrant every such justice is hereby empowered to issue), and the overplus (if any) after the payment of such costs of such distress or sale, shall be returned upon demand to the person whose goods and chattels shall have been so distrained and sold.

As to persons passing without paying tolls.

74. If any collector or other person authorised or appointed to collect the tolls on the said intended bridge shall permit or suffer any person to pass over the said bridge through any toll-gate at which such collector or other person shall be stationed, without paying the toll payable in respect of himself, or of any cattle, animal, or carriage belonging to him, or under his care or control, or shall be guilty of any other misconduct in his office, such collector or other person so offending, and being thereof convicted before any justice,

shall forfeit any sum not exceeding forty shillings for every such offence.

Penalty for fraud on Corporation.

75. If any person shall knowingly and wilfully refuse or neglect to pay the toll or fare, either in respect of himself or of any cattle, animal, carriage, or vehicle or machine belonging to him or under his care or control, for using the said bridge when the same shall be payable by virtue of this Act, or shall take off any horse or other beast from any waggon, cart, carriage, or other vehicle, machine, or implement whatsoever at or near the bridge, or at or near any toll-gate set up under this Act, and afterwards put on the horse or beast after having passed such bridge or any such toll-gate with intent to evade and thereby evades or endeavours to evade the payment of any part of the toll payable as aforesaid, or shall forge or counterfeit or alter, or shall receive from or deliver to any other person any note or ticket with intent to evade the payment of any part of such tolls, or if any person shall cause any of such acts as aforesaid to be done, or shall aid or abet any person, every such person shall for every such offence forfeit a sum not exceeding forty shillings.

Waggons, &c. may be weighed.

76. The keeper of any weighing-machine or toll-gate, or any other person appointed by the Corporation or by their lessee, shall or may, upon reasonable cause, require any driver or conductor of any waggon, cart, or other carriage or vehicle, implement, machine, or engine which shall pass, or be about to pass over the bridge, to be weighed at such weighing-machine as aforesaid, and if any such driver, conductor, or owner of such waggon, cart, or other carriage or vehicle, implement, machine, or engine shall refuse to allow the same to be weighed, or shall resist any keeper, toll collector, or other person as aforesaid in weighing the same, every such owner, driver, or conductor shall forfeit to the Corporation any sum not exceeding five pounds.

List of tolls to be exhibited.

77. A list of all tolls by this Act authorised to be taken, and which shall be exacted by the Corporation, shall be published by the same being painted upon one toll board or more in distinct black letters on a white ground, or white letters on a black ground, or by the same being printed in legible characters on paper affixed to such board, and by such board being exhibited in some conspicuous place on the toll-gates or toll-houses, or places where such tolls shall be payable.

Tolls to be taken only whilst board exhibited.

78. No tolls shall be demanded or taken by the Corporation for the use of the said bridge during any time at which the boards herein-before directed to be exhibited shall not be so exhibited, and if any person wilfully pull down, deface, or destroy any such board,

A.D. 1875.

he shall forfeit a sum not exceeding five pounds for every such offence.

Regulations as to toll collectors, &c.

79. Every toll collector or keeper of any weighing-machine at the said bridge shall place in the front, or some other conspicuous part of the toll-house or other building where he shall be on duty, his christian and surname in legible characters, and each of the letters of such names shall be at least two inches in height, and of a breadth in proportion, and painted either in white letters on a black ground, or black letters on a white ground, and he shall continue the same so placed during the whole time he is upon duty.

Penalties on collectors, &c.

80. Every collector of tolls, and every keeper of any weighing-machine at the said bridge, who shall commit any of the following offences, shall forfeit a sum not exceeding ten pounds for each offence; (that is to say,)

If he do not place such board and keep the same in its place during the whole time he is on duty;

If he either refuse to permit any person to read, or in any way hinder any person from reading the inscription on such board;

If he refuse to tell his christian name and surname to any person demanding the same who shall have paid or tendered the tolls demanded of him, or if he give a false name to any such person;

If he demand or take a greater or less toll from any person than he shall be authorised to do by virtue of this Act and of the orders of the Corporation made in pursuance thereof;

If, upon the legal toll being paid or tendered, he do unnecessarily detain or wilfully hinder any cattle, animal, carriage, or goods, or any person, from passing by or over the bridge;

If he make use of any scurrilous or abusive language to any person lawfully using the said bridge.

Separate accounts to be kept of bridge tolls, and of widening streets, &c.

81. The Corporation shall cause separate and distinct accounts to be kept of all moneys received, raised, levied, and collected for the purposes of the said bridge and the approaches thereto or on account thereof, and of the tolls arising therefrom, and of the manner in which such moneys and tolls shall have been applied or disposed of, and also separate and distinct accounts of the moneys received and expended in raising, lowering, widening, altering, and improving the streets or thoroughfares by this Act authorised to be raised, lowered, widened, altered, and improved, and such accounts respectively shall be kept in separate books, and shall not be complicated or intermixed with each other or with the accounts of any other moneys received, collected, raised, applied, or disposed of by the Corporation, and such

accounts shall be balanced half-yearly up to and inclusive of the first day of March and the first day of September in each and every year.

Accounts to be audited and published.

82. The several books containing the accounts of all moneys received and expended for the purposes or under the authority of this Act, shall at all reasonable times be open to the inspection of any of the aldermen or councillors of the city, and all the accounts with all vouchers and papers relating thereto shall in the months of March and September in every year be submitted by the treasurer to the auditors of the city to be appointed and elected under the provisions of the Act for the regulation of Municipal Corporations in England and Wales, or of any other Act amending the same, for the purpose of being examined and audited from the first day of September in the year preceding to the first day of March, and from the first day of March to the first day of September in the year in which the said auditors were appointed and elected, and if the accounts shall be found to be correct, the auditors shall sign the same, and after such accounts shall have been so examined and audited in the month of September in every year, the treasurer shall make out in writing and shall cause to be printed a full abstract of the said accounts for the year, and a copy thereof shall be open to the inspection of every mortgagee, annuitant, and other creditor of the Corporation by virtue of this Act and of all the ratepayers of the city, and copies thereof shall be delivered to all such persons applying for the same on payment of a reasonable price for each copy, such price not to exceed sixpence for every one hundred words of such copy.

Annual account to be transmitted to the clerk of the peace.

83. The Corporation shall every year cause an annual account in abstract to be prepared showing the total receipts and expenditure of all moneys levied by virtue of this Act exclusively in respect of the said bridge for the year ending on the 1st day of September or some other convenient day in each year, under the several distinct heads of receipts and expenditure, with a statement of the balance of such account duly audited and certified by the treasurer and by the auditors of the city, and shall, if required, transmit a copy of the said account to the clerk of the peace for the city, and to the overseers of the poor of the parish of Saint Mary Castlegate, and the overseers of the poor of the parish of Saint Mary Bishophill Senior, on or before the thirty-first day of January then next, which account shall be open to the inspection of the public at all reasonable hours on payment of the sum of one shilling for every such inspection: Provided always, that if the Corporation shall omit for the period of twenty-one days after such request to transmit such account as

A.D. 1875.

aforesaid to the clerk of the peace or overseers requiring the same, they shall forfeit for every such omission any sum not exceeding twenty pounds.

Power to lease tolls.

84. It shall be lawful for the Corporation from time to time by lease to take effect in possession within three months from the letting thereof, to let such bridge tolls, or any part thereof, to any party for any period not exceeding seven years from the commencement of any such lease: Provided always, that no such letting shall take place unless public notice of the intention to let the tolls, or the part thereof intended to be let, shall have been given by the Corporation by advertisement at least fourteen days prior to the meeting of the Council at which it shall be intended to let such tolls.

Lease by tender and open notice.

85. Before any lease of the said bridge tolls shall be granted by the Corporation, ten days notice at least shall be given in two of the newspapers published in the city, of the intention of the Corporation to let the same, and inviting any person willing to take the same to make proposals for that purpose to the Corporation, and the Corporation shall accept the proposal which, upon a view of all the circumstances, shall appear to them to be most advantageous, and shall take security for the payment of the rent to be reserved by such lease at such times, and either in advance or otherwise, as the Corporation shall think proper: Provided always that the Corporation shall not be bound to accept any such proposal, unless it shall appear to them to be adequate and advantageous.

Defaulting lessees to be removed.

86. If any such lease shall have become void or voidable according to any stipulations therein contained for that purpose by reason of the failure on the part of the lessee or his sureties to comply with any of the terms of such lease, or if all or any part of the rent thereby reserved shall be in arrear or unpaid for twenty-one days after the same shall have become payable, then upon application made by the Corporation to a justice, it shall be lawful for such justice to order any constable, with proper assistance, to enter upon any toll or weigh-house, dwelling-house, office, or other building, with the appurtenances thereto, belonging to the Corporation, and to remove from the same the lessee or collector or other person found therein, together with his goods, and to take possession thereof, and of all property found therein belonging to the Corporation, and deliver the same to them, or any person appointed by them for that purpose.

Power to re-let tolls.

87. Upon such possession being obtained, it shall be lawful for the Corporation to determine the lease (if any) previously subsisting, and the same shall be accordingly utterly void, except as to the remedies of the lessors for payment of the rent due, or in respect of

unperformed or broken obligations or conditions on the lessee's part, all which remedies shall remain in full force, and in every such case, either during such proceedings or on the termination thereof, the Corporation may again let the tolls to the same or any other person, or cause them to be collected in the same manner as if no such former lease had been made relative thereto.

Skeldergate Ferry may be abandoned on completion of bridge.

88. As soon as the said bridge shall have been completed and opened for the use of the public, it shall be lawful for the Corporation, so long as the said bridge shall continue to be so used, to discontinue the use of the ferry called Skeldergate Ferry over the River Ouse, and to apply any moneys which may then be or which may thereafter come into their hands in respect of the said ferry to the objects and purposes of the said bridge and the approaches thereto in the same manner as any other moneys which the Corporation are by this Act authorised to apply to such purposes, but no such discontinuance of the use of the said ferry shall affect the title of the Corporation thereto, or prevent them at any time hereafter from re-establishing and working the said ferry, and demanding, taking, and recovering any tolls which they are now entitled to demand and take thereat.

Power to levy an improvement rate.

89. For the purposes of defraying the costs and expenses of carrying the several powers by this Act vested in the Corporation into effect, including the costs and expenses of and incident to the applying for and obtaining this Act, it shall be lawful for the Corporation from time to time to make, assess, and levy such equal rates to be called "Skeldergate Bridge Improvement Rate," as may be necessary for the purposes aforesaid, not exceeding in any one year fourpence in the pound of the full net annual value of the property included in such rate.

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

90. And for the purpose of making, assessing, levying, collecting, and recovering rates under this Act, all the clauses and provisions of "The Towns Improvement Clauses Act, 1847," with respect to the following matters; (that is to say,)

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

With respect to the manner of making rates authorised by that or the special Act, except section one hundred and seventy-nine, with respect to the rating of unoccupied property to sewer rates, and except also so much of section one hundred and sixty-eight, as exempts any building or land belonging to the commissioners from rates to be made in pursuance of the special Act;

A.D. 1875.

With respect to the appeal to be made against any rate, and

With respect to the recovery of rates;

shall be incorporated with this Act, and such clauses and provisions shall apply to the Skeldergate Bridge improvement rates made under this Act, and to the Corporation or the Council on their behalf, and shall be construed as if the word "Corporation," or the expression "the mayor, aldermen, and citizens of the city of York" had been inserted therein instead of the word "commissioners."

Costs of recovery of rates may be included in warrant of distress.

91. It shall be lawful for any justice who shall issue any warrant of distress for the recovery of any rate payable under this Act to order that the costs of the proceedings for the recovery of such rate shall be paid by the person failing to pay the same, and such costs shall be ascertained by such justice, and levied by distress, and the justice shall include in his warrant of distress for the recovery of the said rate the amount of such costs, and shall issue his warrant accordingly.

Application of money received under Act.

92. All and every sum and sums of money (if any) which shall be contributed by any public body, or corporation, or company, or persons in aid of the objects and purposes of this Act (and which contributions the Corporation are hereby authorised to receive) shall be applied in aid of the expense of constructing, making, or erecting the new bridge across the River Ouse, and forming the approaches thereto, and raising, lowering, widening, altering, and improving the before-mentioned streets or thoroughfares, and in making such other permanent improvements within the city as are hereby authorised, and as the Council shall from time to time direct: Provided always, that if any sum of money which shall be contributed and paid to the Corporation in aid of the purposes of this Act shall, at the time of payment thereof, be stated as paid for effecting any particular portion or portions of the works and improvements hereby authorised, then and in every such case the money so paid to the Corporation shall be applied by the Council for the particular improvement or purpose for which the same at the time of payment thereof to the Council shall have been so stated to have been contributed and paid.

Application of bridge tolls and rates, &c.

93. All moneys which shall come to the hands of the Corporation from the bridge tolls, or any rents payable in respect of the same, or from the said rates called "the Skeldergate Bridge "improvement rate," shall be applied and disposed of as follows:

First, in paying the interest of all moneys borrowed or secured on the said tolls and rates, or either of them;

Secondly, in paying according to the grant thereof any annuity which shall be granted by the Corporation under the authority of this Act;

Thirdly, in setting apart and appropriating the sum which under this Act shall be directed to be set apart and appropriated as a sinking fund to pay off the principal moneys which shall have been borrowed or secured on the said tolls or rates, or either of them;

Fourthly, in paying the expense of management in putting the several powers of this Act into execution, and of keeping the said bridge, and the works connected therewith, and the approaches thereto, within the distance of one hundred and twenty feet on the north-eastern side thereof, and within the distance of one hundred and twenty feet on the south-western side thereof, in each case measured from the centre of the bridge, in proper repair, and of lighting the same as authorised by this Act;

Fifthly, in paying the surplus of the said bridge tolls, and also any surplus of the said rates, not exceeding the sum of one hundred pounds in any one year, into the city fund.

Application of moneys borrowed, &c.

94. All principal sums borrowed by way of mortgage or raised by grant of annuities on credit of the bridge tolls and Skeldergate Bridge improvement rates, or any of them, and all moneys arising from any sale, under the powers of this Act, of lands belonging to the Corporation, and all sums of money which may have been or may be contributed and paid to the Corporation by any public body, corporation, company, or persons in aid of the purposes of this Act, and without any restriction or direction as to the application thereof, shall be applied and disposed of as follows; (that is to say,)

First, in paying all the costs, charges, and expenses of applying for, obtaining, and passing this Act, and incident thereto;

Secondly, in constructing, making, or erecting the said bridge over the River Ouse, and the approaches thereto, and in raising, lowering, widening, altering, and improving the several streets or thoroughfares, and in executing the other works by this Act authorised, and in purchasing lands for the same, and for all other purposes connected therewith, and in such order and manner as the Corporation shall from time to time direct;

Thirdly, in carrying into execution the general objects and purposes of this Act.

Bridge to be free.

95. When the whole amount of principal money borrowed under the authority of this Act, and all interest payable in respect thereof, shall have been paid off and discharged, and all annuities granted under the authority thereof shall have ceased, then, unless the bridge shall have previously become free, as provided for by

A.D. 1875.

clause 69 of this Act, the tolls by this Act authorised to be taken for the use of the said bridge shall cease and determine, and the said bridge shall thereupon become a free bridge.

Corporation may be indicted for non-repair of bridge, &c.

96. If the said bridge, or the said approaches, lamps, and other works to be maintained and repaired by virtue of this Act, or any part or parts thereof, shall become and be out of repair, then the Corporation shall forthwith cause the said bridge, approaches, and other works to be repaired, and in case the Corporation shall fail within one week after notice to the town clerk to that effect to commence such repairs, then it shall be lawful for any person to prefer or prosecute any bill of indictment against the Corporation for such failure, and if the Corporation shall be found guilty upon the trial of such bill of indictment, they, the Corporation, shall forfeit and lose to the person who shall have preferred and prosecuted such bill of indictment, the sum of twenty pounds for every such failure, and shall be subject and liable to commence such repairs as aforesaid within ten days after such verdict on such bill of indictment, and in case of failure in the whole or in any part thereof, the Corporation shall again become subject and liable to such bill of indictment, and so toties quoties until the said repairs shall be completed as hereinbefore directed.

Penalties for damaging bridge, &c., and causing obstruction, &c.

97. If any person shall, in any manner, wilfully or negligently damage or injure the said bridge, or any part thereof, or shall wilfully or negligently break, throw down, deface, or damage any of the toll-gates, toll-houses, boxes, benches, weighing-machines, or houses, or requisites to be provided by virtue of this Act, or wilfully or negligently break, throw down, damage, or destroy any lamp-posts or lamps on the said bridge or approaches, or the furniture of any of the said lamps, or extinguish any of the said lamps when lighted, or shall lash, tie, or make fast any cord, rope, or cable to the balustrades, cornice, piers, or any other part of the said bridge, for the purpose of mooring or staying any ship, barge, boat, or other vessel, or any float or raft of timber, or other matter or thing whatsoever, except to such rings as shall be fixed to the said bridge by the direction of the Corporation for that purpose, or shall wilfully or negligently drive or wheel any carriage, barrow, or velocipede, or drive or ride any horse or other animal upon the foot pavement or pathway of the said bridge, or on the foot pavement of either of the approaches to the same, or shall haul or draw, or cause to be hauled or drawn upon any part of the said bridge, or the approaches thereto respectively, any timber, stone, or other heavy substance otherwise than upon a wheel carriage, or shall wilfully or negligently suffer any part of any tree, or piece of timber, which shall be conveyed upon

any wheel carriage to drag upon any part of the said bridge or the approaches thereto respectively, or shall wilfully or negligently, and without the consent of the Corporation, haul or drive, or cause to be hauled or driven at any time on the said bridge, any waggon or other carriage, machine, or implement, carrying at such time (including the weight of such waggon or carriage, machine, or implement) more than two and a half tons on each wheel, or shall occasion any obstruction, annoyance, or hindrance of any description to passengers along the said bridge, he shall forfeit and pay for every such offence any sum not exceeding five pounds, and shall also make satisfaction to the Corporation, or to such person as they shall appoint to receive the same, or to the party injured, for the damage so done as aforesaid, which satisfaction shall be recovered as part of and in the same way as penalties are by this Act authorised to be recovered.

Owners of vessels liable for damage.

98. Provided always, that in case any damage or mischief shall be done to the bridge, or any of the said works, by any ship, lighter, barge, boat, float, raft, or vessel, through the wilful act or negligence of any person having the command of any such ship, lighter, barge, boat, float, raft, or vessel, or any of the mariners or persons employed therein, then and in every such case, the owner of such ship, lighter, barge, boat, float, raft, or vessel shall be and is hereby made answerable to the Corporation for the amount or value of any penalty and of any satisfaction, as aforesaid, in respect of any such damage or mischief, and the same in all cases where it shall not exceed the sum of twenty pounds, if not forthwith paid and satisfied, shall and may be recovered in such manner as any penalties and forfeitures hereby imposed are in and by this Act directed to be recovered.

Penalty for assault on collectors, &c.

99. In case any person shall resist or make forcible opposition against any person employed in due execution of this Act, or shall assault any surveyor, engineer, or agent, or any collector of tolls, in the execution of his office, or shall forcibly pass over the said bridge, or over or through the toll-gates to be erected by virtue of this Act, or shall forcibly drive any cattle, animal, or carriage over the said bridge, or through such toll-gate, without having paid the said tolls, every such person shall, for every such offence, forfeit and pay any sum not exceeding five pounds.

Houses projecting beyond line of street to be set back.

100. When any house or building in any of the said streets or thoroughfares, any part of which now projects beyond the regular line of street or beyond the front of the house or building on either side thereof in such street or thoroughfare, shall be taken down to be

A.D. 1875.

rebuilt or altered, the same shall be set back to the line of the street or the line of the adjoining house or building, in such manner and according to such elevation as the Corporation shall approve for the improvement of such street or thoroughfare: Provided always, that the Corporation shall make full compensation to any such owner for any loss or damage he may sustain in consequence of his house being set back according to the provisions herein contained.

Ground thrown into streets to be public highways.

101. The sites of all houses and all pieces of land or ground, or any parts thereof, which may be purchased by the Corporation, and laid into any of the said streets or thoroughfares, shall when and so soon as the same shall be so laid into the said streets or thoroughfares, and for ever thereafter, form part thereof and of the public highways, and shall be maintained and repaired, and kept in repair, in such and the same way and manner as the other part of such streets or thoroughfares shall for the time being be by law maintained, repaired, and kept in repair, and all such parts of any such street or thoroughfare as in consequence of any improvement made under the authority of this Act, may not be longer wanted for such street or thoroughfare, shall be vested in the Corporation freed and discharged from the public use thereof.

Houses built contrary to Act may be taken down.

102. It shall be lawful for the Corporation to cause any house or building which shall be rebuilt or erected contrary to the directions of the Corporation, given in accordance with the provisions of this Act, to be taken down or regulated according to the provisions of this Act, and the expenses of such alterations shall be repaid to the Corporation by the owner of the house or building so altered or rebuilt, and shall be recoverable by distress or by action of debt in any of the superior courts.

Houses may be set forward.

103. It shall be lawful for the Corporation to allow any building in any of the said streets or thoroughfares to be advanced for the purpose of improving the line of the street or place in which such building may be situate, or any building adjacent thereto, and where such advancement would be made upon lands belonging to the Corporation upon such terms as they may think proper.

Agreements with owners of houses as to rounding corners of streets.

104. In every case in which the Corporation shall deem it expedient that the whole or any part of any house or building in any of the said streets or thoroughfares projecting beyond the regular line of the street or beyond the front of the house or building on either side thereof in any of the said streets or thoroughfares, or at the corner of any street running into the same or opposite to or projecting across the end of any of the said streets or thoroughfares, or any

street running into the same, should be taken down for the purpose of straightening the line of any such street or thoroughfare, or of rounding off the corner of any such street or improving the entrance or approach thereto, or to any adjoining street, it shall be lawful for the Corporation to agree with the owner, lessee, and occupier of such house to pull down, set back, or alter the same in such manner as the Corporation shall require, and to pay to such owner, lessee, and occupier such compensation as shall be agreed upon between them and the Corporation, and it shall be lawful for the Corporation to lay into the street so much of the site of any house or building so pulled down, set back, or altered as they shall think proper, and also to inclose any small pieces of ground, parts of any such street or thoroughfare, which may no longer be required for the use of the public, and which it may be desirable to inclose for the purpose of straightening or improving the line of any such street or thoroughfare.

Recovery of damages and penalties.

105. The clauses of the "Railways Clauses Consolidation Act, 1845," with respect to the recovery of damages not specially provided for, and penalties, and to the determination of any other matter referred to justices (except the clauses directing the application of penalties) shall be incorporated with this Act, and such clauses shall apply to the purposes of this Act, and shall be construed as if the word "corporation" had been inserted therein instead of the word "company."

Application of penalties.

106. And with respect to the application of any penalties or forfeitures recovered by virtue of this Act, the application of which is not herein otherwise provided for, the justices by whom any such penalty or forfeiture shall be imposed shall order the same to be paid to the treasurer, to the credit and on the account of the city fund, but any penalties imposed upon the Corporation under this Act shall be paid to the Crown.

Expenses of Act.

107. Until the Corporation shall have or receive, by all or any of the means mentioned in this Act, sufficient money to defray the costs, charges, and expenses of or incident to the obtaining and passing of this Act, the Council shall advance and pay the whole of such costs, charges, and expenses out of the city fund of the city, and the amount so advanced shall be repaid to that fund out of any money that shall come to the Corporation under the powers of this Act.

Saving clause.

108. Nothing in this Act shall take away or abridge any right, power, or authority which the Corporation have or may enjoy under

A.D. 1875.

the Municipal Corporation Acts, the Sanitary Acts, or any local Act, or by charter, law, or custom, or otherwise, independently of this Act, and all powers, rights, and remedies given to the Corporation by this Act shall (unless otherwise specially provided) be deemed to be in addition to and not in derogation of any other powers conferred on them by Act of Parliament, charter, law, or custom, and the Corporation may exercise such other powers as if this Act had not passed.

SCHEDULES.

SCHEDULE A.

Form of Grant of Annuity.

Grant of Annuity, No. Pounds.

By virtue of an Act passed, &c., intituled "An Act," &c., we, the mayor, aldermen, and citizens of the city of York, in consideration of the sum of paid to us by *A.B.* of for the purposes of the said Act, do grant unto the said *A.B.* an annuity or yearly sum of to be issuing out of the bridge tolls, rates, and duties payable under the said Act, to be paid to the said *A.B.* during the term of his natural life [*or, as the case may be*, to the said *A.B.* , his executors, administrators, and assigns, during the natural life of , *or* during the lives of and and the life of the survivor of them], upon the day of and the day of in every year during his natural life [*or, as the case may be*, during the natural life of the said , *or* during the natural lives of the said and and the life of the survivor of them]; the first payment thereof to be made upon the day of next ensuing the date hereof; but subject nevertheless to all mortgages of the same fund under the said Act.

In witness whereof we have hereunto set the common seal of the said city, this day of in the year one thousand eight hundred and .

SCHEDULE B.

Form of Transfer of Annuity.

I *A.B.* of , in consideration of the sum of paid to me by *C.D.* of , do hereby transfer to the said *C.D.*, his executors, administrators, and assigns, a certain grant of annuity on the Skeldergate bridge tolls in the city of York, and rates leviable under "The "York (Skeldergate Bridge) Improvement Act, 1875," number [*as the case may be*], made by the mayor, aldermen, and citizens of the city of York to bearing date the day of for granting an annuity of [*or if such transfer be by endorsement, the within security*], and all my right, estate, and interest in and to the annuity thereby granted, and in and to the bridge tolls, rates, money, and property thereby assigned.

In witness whereof I have hereunto set my hand and seal, this day of one thousand eight hundred and .

A.D. 1875.

SCHEDULE C.

TOLLS TO BE TAKEN FOR THE USE OF SKELDERGATE BRIDGE AND TO BE PAID EVERY TIME OF PASSING OVER THE SAID BRIDGE, OR THROUGH BOTH OR EITHER OF THE TOLL-GATES THEREAT.

	£	s.	d.
For every horse or beast of draught drawing any coach, omnibus, chariot, landau, britzska, brougham, sociable, berlin, victoria, chaise, curricle, phaeton, gig, cabriolet, dog-cart, whiskey, car, calash, caravan, hearse, or litter, waggon, wain, van, cart, wherry, implement, or other wheeled carriage, a sum not exceeding -	0	0	2
For every horse, mare, gelding, mule or ass, laden or unladen, and not drawing, a sum not exceeding - - - - - -	0	0	1
For every score of oxen or neat cattle, a sum not exceeding - -	0	0	5
(And so in proportion for any greater or less number than a score.)			
For every score of pigs, goats, sheep, or lambs, a sum not exceeding	0	0	2½
(And so in proportion for any greater or less number than a score.)			
For every person on foot (save only any driver or conductor in charge of any waggon, cart, implement or carriage, horse, or other animal paying toll) - - - - - - - - - -	0	0	0½
For every person who, with the intent to avoid the payment of toll, shall ride in or upon any waggon or other carriage whatsoever (not being a cart or carriage usually employed for the conveyance of passengers), or who shall ride upon any horse or beast drawing any such waggon or other carriage, save only any driver or conductor properly in charge thereof - - - - - -	0	0	0½

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