



CHAP. lxxv.

An Act to authorise the construction of a Bridge over the River Ouse in the county of York, to be called "Cawood Bridge."
 [20th June 1870.] A.D. 1870.

WHEREAS the construction of a bridge over the River Ouse, connecting Kelfield in the east riding of the county of York with Cawood in the west riding of the said county, would be attended with great local and public advantage, and the persons herein-after named with others are willing at their own expense to construct such bridge :

And whereas divers other persons have agreed to give sums of money in aid of the undertaking, and such sums amount in the aggregate to the sum herein-after mentioned :

And whereas a plan and section showing the line and levels of the bridge and of the approaches thereto, and also a book of reference containing the names of the owners and lessees or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes of the bridge and approaches, have been deposited with the clerks of the peace for the east and west ridings of the county of York respectively, and are herein-after referred to as the deposited plan, section, and book of reference :

And whereas the object aforesaid cannot be accomplished without the authority of Parliament :

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

1. This Act may be cited for all purposes as "The Cawood Bridge Act, 1870." Short title.

2. "The Companies Clauses Consolidation Act, 1845 ;"
 Parts I. and III. of "The Companies Clauses Act, 1863," relating respectively to cancellation and surrender of shares and to debenture stock, as amended by the Companies Clauses Act, 1869 ; Provisions of general Acts herein named incorporated.

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“The Lands Clauses Consolidation Act, 1845;”

“The Lands Clauses Consolidation Acts Amendment Act, 1860;”

“The Lands Clauses Consolidation Act, 1869;”

are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpre-
tation of
terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression “the Company” means the Company incorporated by this Act; the expression the “trustees” means the trustees of the navigation of the River Ouse; the word “Board” means the Board of Trade; the expressions “the bridge” and “the undertaking” mean the bridge and works connected therewith by this Act authorised; the expression “toll-gate” shall mean and include all toll-gates from time to time erected upon or across the bridge or the approaches thereto; the word “carriage” shall mean and include all carriages, coaches, stage coaches, omnibuses, cabs, flies, vans, caravans, chariots, chaises, post-chaises, curricles, phætons, cars, gigs, dog-carts, calashes, taxed carts, chairs, and other vehicles, by whatever names known respectively, adapted or used for the conveyance of persons or light articles, and also all hearses and breaks, and all other vehicles not comprised by this Act in the word “cart” or “waggon;” the word “cart” and the word “waggon” shall respectively mean and include all carts, waggons, wains, caravans, drays, timber-carriages, drags, sledges, and other vehicles, by whatever names known, which respectively are adapted or used for the conveyance of heavy articles; and the expression “superior courts” or “court of competent jurisdiction,” or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Company in-
corporated.

4. William Henry Nicholson, Henry Liversidge, and Francis Carr, and all other persons and corporations who have already subscribed or shall hereafter subscribe to the share capital of the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a Company for the purpose of making and maintaining the bridge, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of “the Cawood Bridge Company,” and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act, and their undertaking shall be called “the Cawood Bridge.”

5. Subject to the provisions of this Act, the Company may make and maintain in the line and according to the levels shown on the deposited plan and section the bridge and approaches hereinafter described, with all proper works and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the deposited plan, and described in the deposited book of reference, as may be required for that purpose.

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Power to make bridge according to deposited plans.

The works herein-before referred to, and authorised by this Act, will be wholly situate in the county of York, and are the following:

A bridge over the River Ouse, commencing on the east side of the said river, in the township of Kelfield, in the parish of Stillingfleet, in the east riding of the said county, near the Ferry Boat Inn, and terminating on the opposite or west bank of the said river, in the parish and township of Cawood, in the west riding of the said county, near the north-east end of High Street:

An approach to the said bridge on each side of the river.

6. The said bridge shall be constructed and maintained so as at all times to afford a clear waterway of at least three hundred and seven feet in width.

Waterway of bridge.

7. The Company from time to time may enter upon any lands which they are authorised to purchase by compulsion for the purposes of this Act, and examine and survey the same, and ascertain and set out the parts thereof required for the purposes of this Act, and may upon such lands make all walls, arches, culverts, ditches, drains, fences, works, and do all matters and things requisite for the making, maintaining, and repairing of the bridge, approaches, and works, doing as little damage as may be, and making full compensation in that behalf to all parties interested.

Entry on lands for surveys and works.

8. For the purposes of the undertaking the Company, subject to the provisions of this Act, 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 or 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 full compensation in that behalf to all parties interested.

Incidental works.

9. For the purposes of the undertaking, and for the maintenance and repair of the said bridge and the approaches thereto, the Com-

Power to cross roads, &c.

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Lateral deviations.

10. In making the bridge, approaches, and other works the Company may deviate from the respective lines thereof shown on the deposited plan to any extent within the limits of deviation shown thereon; provided that no such deviation shall extend into the lands of any person whose name is not mentioned in the deposited book of reference, without his previous consent, unless his name is omitted by mistake, and the fact that the omission proceeded from mistake be certified, as by this Act is provided for cases of unintentional errors in the book of reference.

Vertical deviations.

11. In making the bridge, approaches, and other works, the Company may deviate from the levels thereof, as referred to by the datum line shown on the deposited sections, but not to any extent exceeding five feet.

Fence to bridges.

12. The Company shall make and maintain on each side of such bridge a good and sufficient parapet of not less height than three feet six inches.

Errors and omissions in plans, &c. may be corrected by justices, who shall certify the same.

13. If any omission, misstatement, or erroneous description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands described on the plan or in the book of reference, the Company may, after giving ten days notice to the owner, lessee, or occupier of the lands affected by such proposed correction, apply to two justices for the correction thereof, and if it shall appear to such justices that such omission, misstatement, 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 misstated or erroneously described; and such certificate shall be deposited with the clerks of the peace for the east and west ridings of the county of York, and such certificate shall be kept by such clerks of the peace along with the other documents to which it relates, and thereupon such plans and book of reference shall be deemed to be corrected according to such certificate, and the Company may proceed with the works in accordance with such certificate.

Certificate to be deposited.

Capital.

14. The capital of the Company shall be eight thousand pounds, and shall consist of a sum of not less than two thousand five hundred pounds subscribed by divers persons as free gifts in aid of

the undertaking, and of the sum of five thousand five hundred pounds, divided into five hundred and fifty shares of ten pounds each. A.D. 1870.
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15. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof. Shares not to issue until one fifth paid up.

16. One fifth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval between successive calls, and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.

17. The Company may from time to time borrow on mortgage any sum not exceeding in the whole two thousand pounds, but no part thereof shall be borrowed until the two thousand five hundred pounds of free gifts has been paid, and the whole share capital of five thousand five hundred pounds is subscribed for, issued, and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the said two thousand five hundred pounds has been paid, and the whole of such capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same, and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof. Power to borrow on mortgage.

18. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorise the appointment of receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole. Arrears may be enforced by appointment of a receiver.

19. All moneys raised under this Act, whether by free gifts, by shares, or borrowing, shall be applied to the purposes of this Act only. Application of moneys.

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Limiting the dividend to be paid by the Company to four per cent.

20. The interest or dividend to be paid on the share capital of the Company shall not at any time exceed the rate of four pounds per centum per annum, and on the mortgages to be created by the Company shall not exceed the rate of five per cent. per annum, and all shares and mortgages of the Company shall be issued and created subject to this restriction.

Application of surplus profits over four per cent.

21. The Company shall, upon the expiration of twelve calendar months next after the opening of the bridge for public traffic, and thenceforth annually, retain all the surplus profits (if any) arising from the tolls or the use or letting of the bridge, after payment of all expenses of management and repair of the bridge and the interest or dividends aforesaid, and shall pay and apply the same in or towards the gradual extinction of the capital of the Company, whether share or mortgage, and for the purpose of ultimately making the bridge toll-free in every respect, such surplus profit to be applied—

First, in the purchase in the order of their creation of the mortgages created by the Company at any price not exceeding the value of such mortgages at par, together with any interest due or accruing due thereon;

Secondly, in the purchase of the share capital of the Company at any price not exceeding the nominal or par value thereof, together with all dividends due thereon at the time of such purchase, such share capital to be extinguished by ballot in the event of the shareholders failing to agree among themselves as to the shares to be extinguished; provided always, that no such purchase of share capital or dividends shall be made, except at one of the ordinary periods for the declaration of a dividend by the Company.

Power to justices of the peace to acquire bridge.

22. It shall be lawful for the justices of the peace for the east and west ridings of the county of York at any time, on giving twelve calendar months notice in writing to the Company of their intention so to do, to purchase and extinguish the whole of the then existing share capital and mortgage debt and interest of the Company, and on such purchase being effected the bridge shall become a county bridge, and be maintainable and repairable accordingly, and for ever open and free to the public without toll or other charge: Provided that such last-mentioned purchase and extinguishment shall not be made except at one of the ordinary periods for the declaration of a dividend by the Company.

Capital to be issued subject to redemption.

23. All the share capital and mortgages of the Company shall be issued and created subject to the provisions herein-before contained for the purchase and extinguishment of the same.

24. So soon as the whole of the share capital and mortgages of the Company shall have been purchased and extinguished under the provisions for that purpose herein-before contained, it shall be lawful for the said justices, if they think fit, to declare the bridge to be a county bridge, and the same shall thereupon become a county bridge, and be maintainable and repairable accordingly, and for ever open and free to the public without toll or other charge.

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Dissolution
of Company,
and vesting
bridge in
county
authorities.

25. When the said bridge shall have become a county bridge under any of the provisions herein contained, and the debts, liabilities, and obligations of the Company shall have been fully paid, satisfied, and provided for, and their affairs wound up, the Company shall be dissolved and cease to exist.

Dissolution
of Company.

26. In case the said bridge shall become a county bridge, all liabilities and obligations to which the Company are by this Act made liable, as to lighting the bridge for the protection of the navigation, raising of wrecks, maintaining of towing path, and preserving the navigation from obstruction, shall be transferred to the justices of the east and west ridings, who shall become liable and responsible in the same manner and in every respect as the Company would have been liable and responsible if such bridge had remained the property of the Company, and as if the said Company had not ceased to exist.

Liabilities of
Company as
to lighting,
&c. to be
transferred
to justices.

27. The first ordinary meeting of the Company shall be held within six months after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held in the months of February or March, and of August or September in every year.

First ordi-
nary meet-
ing.

28. The quorum of general meetings of the Company shall be five shareholders present in person or by proxy, holding in the aggregate not less than five hundred pounds in the capital of the Company.

Quorum of
general
meetings.

29. The number of directors shall be seven, one of whom shall be nominated by His Grace the Archbishop of York and his successors, and one by William John Saurey Morritt and his heirs.

Number of
directors.

30. The qualification of a director other than those nominated as aforesaid shall be the possession in his own right of not less than ten shares in the Company.

Qualification
of directors.

31. The quorum of a meeting of directors shall be three.

Quorum.

32. William Henry Nicholson, Henry Leversidge, and Francis Carr shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; and at such meeting the shareholders present in person

First direc-
tors.
Election of
directors.

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or by proxy may either continue in office the directors appointed by this Act, or any of them, and appoint additional directors, or they may elect a new body of five directors, or any less number, to supply the places of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election, and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained, and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act; provided also, that at such first and at every subsequent ordinary meeting as aforesaid, in addition to the directors to be elected or continued in office by the shareholders as aforesaid, it shall be lawful for His Grace the Archbishop of York for the time being to appoint one other director, and also for William John Saurey Morrill or his heirs to appoint one other director, and the two directors so appointed shall have the same powers in every respect as those elected by the shareholders.

Powers for compulsory purchases limited.

33. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

34. The works by this Act authorised shall be completed within five years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for executing those works or otherwise in relation thereto shall cease to be exercised.

As to construction of bridge.

35. The Company shall construct the said bridge subject to and in accordance with the following conditions, and not otherwise:

The bridge shall be constructed with two open spans on the swivel principle, and the clear aggregate width thereof shall not be less than sixty-six feet. The opening next the present towing-path shall have a clear width or waterway of not less than forty feet. A good and sufficient towing-path shall be made and for ever thereafter maintained by the Company from the present towing-path, and at a convenient angle with the bridge, so that vessels may be towed through the bridge without requiring the towing-line to be cast off.

The trustees to pay one half of the cost of constructing the said towing-path, provided such half shall not exceed one hundred and fifty pounds; but in case the entire cost shall exceed three

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hundred pounds, then the trustees are only to pay one hundred and fifty pounds, and the Company the remainder of the cost. The Company shall construct, in connexion with the bridge and towing-path, all such other conveniences and works as the Board of Trade shall deem necessary and require in writing for the convenience and use of the said navigation.

36. Before commencing the said bridge or the works connected therewith, the Company shall deposit at the Board of Trade plans, sections, and working drawings thereof for the approval of the Board, such approval to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board, and such bridge and works shall, subject to the aforesaid conditions, be constructed subject to such approval, and when such bridge or works shall have been commenced or constructed it shall not be lawful for the Company at any time to alter or extend the same without previously obtaining the like consent or approval, and also the consent or approval of the trustees of the navigation of the said river for the time being, or the major part of them, and if such bridge or works shall be commenced or completed, or be altered, extended, or constructed contrary to the provisions of this Act, it shall be lawful for the said Board to abate, alter, and remove the same, and to restore the site thereof to its former condition at the cost and charge of the Company, and the amount thereof shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs of suit, or may be recovered with costs as a penalty is or may be recoverable from the Company.

Working plans to be deposited at Admiralty before works commenced.

37. The Company shall, as well during the construction of the bridge as after the completion thereof, cause to be exhibited every night from sunset to sunrise on the bridge, and also on any temporary works, a light or lights to be kept burning by and at the expense of the Company for the safe guidance of vessels, and also for indicating when the said bridge shall be open, and when shut, which lights shall be from time to time altered by the Company in such manner and be of such description, and be so used and placed as the Board of Trade by writing under the hand of one of the secretaries or assistant secretaries may direct or approve. And in case the Company shall neglect to exhibit such light or lights burning as aforesaid, they shall, for every such neglect, be liable to a penalty not exceeding the sum of five pounds, to be recovered as any penalty is or may be recovered under the Acts incorporated in this Act.

During construction and after completion of bridge light to be exhibited.

38. During such time as the said bridge shall be building or repairing, and for ever after the construction thereof, the Company

Navigation to be kept clear during

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construction of bridge and afterwards.

River or towing-path not to be diverted.

Vessels not to be detained at bridge.

Capstans and mooring posts to be erected near bridge.

To maintain and repair bridge.

Company to remove sunken vessels and obstructions near bridge.

shall, and they are hereby required to keep the navigation of the said river at and about the said bridge free and clear from obstruction or interruption, so as not in any manner to impede or interfere with the free use of the said navigation.

39. The Company, or any person in the execution of this Act, shall not (without the consent of the trustees in writing) in any manner, either permanently or temporarily, divert or interfere with the said river or the towing-path, banks, or works thereof, respectively, save only so far as may be unavoidable and necessary for constructing, repairing, and using the said bridge and towing-path, and shall not lay any stone or other materials at the foot of the piers or abutments of the bridge, so as to impede the flow of the water in an uninterrupted current.

40. It shall not be lawful for the said Company, or any person or persons acting under them, to keep the said bridge closed, so as to detain thereat any vessel, barge, or boat navigating the said river, but the leaf or leaves of the said bridge shall, at all times when required, be opened by some person or persons appointed expressly for that purpose by and at the expense of the Company, and in such manner that vessels may be as little interrupted as possible in passing the said bridge.

41. It shall be lawful for the Company, and they are hereby empowered and required, upon application made to them by the trustees or any three or more of them, 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 arches or openings 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.

42. The Company shall at all times maintain the bridge in good and sufficient repair and condition until the same may be removed, and the approaches, sides, slopes, banks, and fences connected therewith, and also the towing-path aforesaid, so far as affects the navigation of the said river.

43. The Company shall, and they are hereby also required, without delay, at their own expense, to weigh and remove all such vessels as shall or may be sunk, and all other things which may obstruct the passage of vessels through the said bridge within the distance of one hundred yards above or below the said bridge: Provided nevertheless, that if, on inquiry at any time after any

such sunken vessel or other obstruction shall have been raised and removed by the Company, it shall clearly appear that the sinking of such vessel or other obstruction was not occasioned by or in consequence of the said bridge being placed across the river, but by reason of some accident or cause entirely unconnected with the bridge, and that such vessel or other obstruction would have sunk if the bridge had not been erected, then and in every such case the costs and expenses of raising and removing such sunken vessel or obstruction shall be defrayed, and be liable to be reimbursed and repaid to the Company, by the owner of such vessel or other person on whose behalf such costs were incurred.

44. This Act or anything herein contained shall not extend or be construed to extend to defeat, lessen, diminish, take away, prejudice, or affect all or any of the rights, privileges, or powers, liberties or authorities given to or vested in the trustees for the time being authorised or acting under or by virtue of 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 Company.

Saving the rights of the trustees of the Ouse navigation.

45. If the bridge be abandoned or suffered to fall into decay, the Board of Trade may abate and remove it, or any part of it, and restore the site thereof to its former condition, at the expense of the Company, and the amount of such expense shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs as a penalty is recoverable from the Company.

Abatement of work abandoned or decayed.

46. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of the bridge or the site thereof, the Company shall defray the expense of

Survey of works by Board of Trade.

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Vesting existing ferry in the Company.

47. On the opening of the bridge for public traffic, the Cawood Ferry, and the rights and privileges in connexion with such ferry, shall become vested in the Company.

Power to erect toll-gates and collect tolls.

48. The Company may erect upon or across the bridge, or the approaches thereto, any toll-gate and toll-house, with outhouses and conveniences thereto, and from time to time alter or take down and rebuild or discontinue and remove the same, or any of them, as they shall think proper, and take thereat as toll any sum they shall from time to time direct, not exceeding the sums following; (that is to say,)

Tolls.

For every coach, chariot, landau, chaise, calash, or chair

drawn by six horses or other beasts of burden	-	-	3	0
by four	-	-	2	0
by three	-	-	1	9
by two	-	-	1	6
by one	-	-	0	9

For every waggon, wain, cart, or other carriage, laden or unladen, drawn by eight horses or other beasts of burden -

-	-	-	3	0
by seven	-	-	2	6
by six	-	-	2	0
by five	-	-	1	9
by four	-	-	1	6
by three	-	-	1	3
by two	-	-	1	0
by one	-	-	0	6

For every horse, mare, gelding, mule, or ass, laden or unladen, the sum of

0 1½

For every foot passenger whatsoever -

0 0½

For every drove of hogs, sheep, or lambs, per score, and so in proportion for any greater or less number, the sum of -

0 6

For all cows or neat cattle, each -

0 1

For every person who shall ride in or upon any waggon (not being a cart or carriage usually employed for the conveyance of passengers for hire), or who shall ride upon any horse or beast drawing any such waggon - one halfpenny.

Which said respective tolls shall be paid before any person, or any horse, cattle, or beast, or any carriage or cart, shall pass through

any toll gate, and which tolls shall be and are hereby vested in the Company for the purposes of this Act. A.D. 1870.

49. All horses, cattle, and carriages (except horses or cattle drawing any post-chaise or other carriage let out to hire, as hereinafter mentioned) shall, after payment of the tolls by this Act authorised to be taken in respect of such horses or cattle and carriages, be permitted to pass and repass once, toll-free, over the said bridge, making in the whole two times of so passing in respect of one payment at any time or times during the same day, to be computed from twelve of the clock at night to twelve of the clock in the next succeeding night, and if such horses or cattle and carriages shall so pass a third time on the same day, a new toll may be demanded and taken upon such passing and repassing for every alternate time of passing. As to toll for passing and repassing.

50. The tolls hereby made payable and paid for all horses or cattle let out to hire, and drawing any post-chaise or other carriage, shall be charged as often as any new hiring shall take place, in the same manner as if no previous payment of toll in respect of such horses or cattle had been made on the same day. Horses, &c. let for hire to pay on every new hiring.

51. No carriage or vehicle propelled or moved by the power of steam or machinery shall cross the bridge excepting with the consent of the Company, and on payment of such toll as they shall demand. Traction by steam or machinery prohibited.

52. 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. Fractional part of a halfpenny.

53. No tolls shall be demanded or taken for Her Majesty or any of the royal family, or for any person, horse, or carriage attending Her Majesty or any of the royal family or returning therefrom, or for any officer or officers of customs or persons employed for the prevention of smuggling, whilst on duty or proceeding to or returning from the same, or for any policeman on duty, or for any horse, cart, or waggon employed only in carrying or conveying any vagrant sent by a legal pass, or any prisoner sent by a legal warrant, or returning empty after having been so employed, or for any person attending the same, or for any such vagrant or prisoner, or for any horse or carriage of whatever description or any person employed or to be employed in carrying the mails of letters and expresses under the authority of Her Majesty's Postmaster-General, either when employed in conveying, fetching, or guarding such mails or expresses, or in returning back from conveying or guarding the same, or for any soldier or marine on march or on duty, or for any officer or man in Her Majesty's navy or coastguard service upon duty, or for the horse of any officer or soldier on march or on duty, Exemptions from tolls.

A.D. 1870. — or for any horse or other beast, or any cart, carriage, or waggon employed in carrying or conveying or returning empty from carrying or conveying, having been employed only in carrying or conveying the arms or baggage of any such officer or soldier or marine or of any officer or man in Her Majesty's navy or coast-guard service upon duty, or employed in carrying or conveying or returning empty from having been employed only in carrying or conveying any sick, wounded, or disabled officer or soldier or marine or any officer or man in Her Majesty's navy or coastguard service respectively, sick, wounded, or disabled, or for any person in charge of the same, or for any waggon, wain, cart, or other carriage whatsoever, or the horse or other cattle drawing the same, or the person in charge thereof employed in conveying any naval, victualling, ordnance, or barrack, or commissariat, or other public stores of or belonging to Her Majesty, or for the use of Her Majesty's sea, land, or coastguard forces, or returning empty from having been so employed, or for any horse furnished by or for any person belonging to any corps of yeomanry or volunteer cavalry, and ridden by him in going to or returning from any place appointed for and on the days of exercise, inspection, or review, or on other public day, or for any yeomanry cavalryman or volunteer cavalry or infantry, provided that such person be dressed in the uniform of his corps and shall have his arms, furniture, and accoutrements according to the regulation of such corps at the time of claiming the exemption, and if any person shall claim and take the benefit of any of the exemptions by this Act granted, not being entitled to the same, every such person for every such offence shall forfeit any sum not exceeding forty shillings.

Tolls to be taken by toll collectors.

54. The tolls may be demanded and taken at the toll-gates from time to time provided under this Act, by such persons as the Company or the lessees of the tolls respectively from time to time appoint to be the toll collectors.

List of tolls to be exhibited on a board.

55. A list of the tolls from time to time authorised to be taken shall be published by the same being painted upon a board 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 such board shall be exhibited at every toll-gate or toll-bar where such tolls shall be payable.

Tolls to be taken only whilst board exhibited.

56. No tolls shall be demanded or taken during any time at which the boards herein-before directed to be exhibited shall not be so exhibited.

Power to stop any person re-

57. If any person subject to the payment of the tolls hereby made payable, or any of them, or any person having charge of any

horse, beast, carriage, or thing in respect of which toll is payable, shall, after demand made thereof by any collector appointed to receive toll, neglect or refuse the same or any part thereof, such collector by himself, or taking such assistance as he shall think necessary, may stop and prevent the passage of the person so neglecting or refusing, or of the horse, beast, carriage, or thing for or in respect of which such tolls ought to have been paid, until full payment thereof, 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 be deducted.

A.D. 1870.

fusing to
pay toll.

58. If any person take off any horse or other beast from any carriage at or near the bridge, or at or near to 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, or forges, counterfeits, or alters, or receives from or delivers to any other person any note or ticket with intent to evade the payment of any part of the tolls, or if any person cause any such act to be done, or aid or abet any person, or if any person shall forcibly pass along the bridge or through any toll-gate without having paid the tolls, or shall assault, interrupt, or obstruct any person employed in the collection of the tolls, every person offending in any of such cases shall, for every such offence, forfeit any sum not exceeding five pounds.

Penalty for
evading
tolls.

59. In case any dispute shall happen respecting the demanding or taking or the payment of tolls, or the amount of tolls due, or the charges of keeping or selling any distress, the person distraining may retain such distress, or the money arising from the sale thereof (as the case may be) until the amount of the toll due, and the charges of keeping and selling the distress, shall be paid, or until such dispute shall be heard and determined by some justice of the peace, who upon application made to him for that purpose shall examine the matter upon oath of the parties or other witnesses, 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

For settling
disputes
concerning
tolls.

A.D. 1870. — paid by either party to the other as to such justice shall seem reasonable, all which costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by distress and sale of the goods and chattels of the person so directed to pay the same by warrant under the hand and seal of such justice, which warrant every such justice is hereby empowered to issue, and the overplus (if any) after payment of such costs, and the costs of such distress and sale, shall be returned, upon demand, to the person whose goods and chattels shall have been distrained and sold.

For punishing toll collectors misbehaving.

60. Every collector of the tolls shall place his Christian and surname, painted on a board in distinct and legible characters, on some conspicuous part of the toll-house or toll-gate whereat he shall be on duty, immediately on his coming on duty, and shall continue the same so placed during the whole of the time he shall be on duty, and if any collector of the tolls shall not place such board as aforesaid, and keep the same there during the time he shall be on duty, or shall demand or take a greater or less toll than he shall be authorised to do by virtue of the powers of this Act, and of the orders of the Company, or shall demand or take a toll from any person who shall be exempted from the payment thereof, and claim such exemption, or shall refuse to permit or shall not permit any person to read, or shall in anywise hinder any person from reading, the inscriptions on the boards to be fixed and placed as aforesaid, and who shall have paid the legal toll, or upon the legal toll being paid or tendered, shall unnecessarily detain or wilfully obstruct or hinder any horse, beast, carriage, or any person from passing upon or along the bridge, then, and in every such case, every such collector shall forfeit any sum not exceeding forty shillings for every such offence.

Delivery of matters in possession or custody of toll collector at removal.

61. If any collector of tolls or other officer employed by the Company be discharged or suspended from his office, or die, or abscond, or absent himself, and if such collector or other officer, or the wife, widow, or any of the family or representative of any such collector or other officer refuse or neglect, after seventeen days notice in writing for that purpose, to deliver up to the Company, or to any person appointed by them for that purpose, any dwelling-house, office, or other building with its appurtenances, or any books, papers, or other matters belonging to the Company in the possession or custody of such collector or other officer at the occurrence of any such event, then, upon application being made by the Company to any justice, such justice may order any constable, with proper assistance, to enter upon such dwelling-house, office, or other building, and remove any person found therein, and take possession thereof

and of any such books, papers, or other matters, and deliver the same to the Company or any person appointed by them to receive the same. A.D. 1870.

62. The Company may from time to time lease all or any of the tolls authorised to be taken by this Act to such persons, at such rents, payable at such times, and under such covenants and upon such conditions as the Company think fit, which rents shall be applied for the purposes of this Act, and the lessees or lessee under any such lease shall, with reference to the said tolls, have, exercise, and be entitled and subject to all and every the same rights, powers, privileges, remedies, rules, duties, and restrictions which and to which the Company would have had, exercised, and been entitled and subject in case the said tolls had remained unlet. Power to lease tolls.

63. During the continuance of any such lease, the respective lessees named therein, and also all persons appointed by them to collect the tolls so let, shall be deemed collectors of the tolls so let, and they shall have the same power to collect and recover such tolls, and be subject to the same rules, duties, and penalties in reference thereto, as if they had been appointed for that purpose by the Company. Lessees to be deemed collectors.

64. 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 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, the Company may determine such lease, and the same shall accordingly be 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 the Company 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. Power to determine lease of tolls.

65. Upon the determination of any such lease, any justice, upon application made by the Company, may order any constable, with proper assistance, to enter upon any toll-house, dwelling-house, office, weighing machine, or other building, with the appurtenances thereto, belonging to the Company, and remove from the same the lessee or collector or other person found therein, together with his goods, and take possession thereof and of the property found therein belonging to the Company, and deliver the same to them or any person appointed by them to receive the same. Lessees making default to be removed.

A.D. 1870.

Limiting the weight to be carried on bridge.

Power to erect weighing machines.

Toll-keeper may weigh carriages, &c.

Extension of Company's power as to byelaws.

Penalty for bridge, &c., and other offences.

66. No waggon or other carriage shall, without the consent of the Company, carry at any one time upon the bridge (including the weight of such waggon or carriage) more than ten tons.

67. The Company may cause to be erected at or near the bridge, or at such distance as they shall think expedient, one or more cranes or weighing machines proper for the weighing of waggons and other carriages conveying goods, wares, or other articles.

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

69. The powers of the Company with respect to the making of byelaws shall extend to regulating the speed at which any carriage shall pass over the bridge, the use of the bridge, and to preventing nuisances upon the bridge.

70. If any person commit any of the following offences; (that is to say,)

- (1.) Rides or drives or leads any horse, beast, cattle, or carriage over or upon any footpath or causeway on the side of any part of such bridge or approaches;
- (2.) Wilfully obstructs the passage of such bridge or approaches;
- (3.) Wilfully or carelessly breaks or damages any of the posts or stones erected for the security of any such footpath or causeway, or scrapes off any mud, soil, or other thing from any part of such bridge or approaches so as to damage the same;
- (4.) Without reasonable cause, to be allowed by the justices who hear the complaint, leaves any waggon, cart, or other carriage, or any plough, harrow, or other implement of husbandry, on or at the side of such bridge or approaches, or any part thereof, either with or without any horse, beast, or cattle harnessed or yoked thereto, after having been ordered by the toll collector to remove the same;
- (5.) Places any timber, wood, or bushes, or any stones, bricks, hay, straw, lime, dung, manure, soil, or rubbish whatsoever on any part of such bridge or approaches, to the prejudice thereof or to the annoyance of any person travelling thereon;

he shall for each offence incur a penalty not exceeding two pounds. A.D. 1870.

71. The bridge and the toll-houses and toll-gates, works and other property of the Company shall be deemed a public bridge within the meaning and for the purposes of the Act from time to time in force with respect to malicious injuries to public bridges. Penalty for destroying bridge, &c.

72. If and whenever any person having the care of any boat, barge, or other vessel navigated on the river, wilfully, carelessly, or negligently causes or suffers any damage or injury to be done by the vessel to such bridge, the owner of the vessel shall be liable to make satisfaction to the Company for all such damage or injury. Barge owners liable for damage done by their servants.

73. Where it is necessary for the Company to serve any summons, demand, notice, writ, or other proceeding at law or in equity upon any person, the same may be in writing or in print, or partly in writing and partly in print, and be signed by the secretary or clerk of the Company, and need not be under the common seal of the Company, and shall be sufficiently served by being delivered personally to such person, or being left at his or their usual or last place of abode or business in England, or by being delivered to some clerk or other officer of such person being a corporation, or being left at the office of such clerk or principal officer, or at his or their usual or last place of abode or business in England. Service of notice by the Company.

74. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorise the said Company to take, use, or in any manner interfere with any portion of the shore or bed of the River Ouse, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of her Crown, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors. Saving rights of the Crown in the foreshore.

75. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company. Expenses of Act.

