ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. CVI.

An Act for building a Bridge over the River *Derwent*, at or near *Bubwith Ferry*, in the East Riding of the County of *York*, and making proper Approaches thereto.

[8th *May* 1793.]

WHEREAS the building of a Bridge over the River Derwent, at or near the present Ferry in the Parish of Bubwith, in the East Riding of the County of York, in the Line of the new Turnpike Road intended to be made from Selby Ferry through the said Parish of Bubwith, to the Town of Market Weighton, and the making proper Approaches to the said Bridge, would be of great Benefit and Convenience to all Persons residing in the Neighbourhood thereof, or having Occasion to travel along the said Road, and of publick Utility; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it Preamble.

enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That his Grace the Duke of Devonshire, the Right Honourable Robert Edward Lord Petre, the Right Honourable Lord Stourton, Jeremy Lister, William Roberton, William Martin the younger, Thomas Weddall, Charles Weddall, Barnard Clarkson, Bernard Clarkson the younger, William Chaplin, the Reverend George Ion, George Elmer, Edward Weddall, William Langstaff, Thomas Shepley, William Richardson, Thomas Hawdon, Thomas Brown, Thomas Procter, William Peter Watson, the Reverend Francis Leighton, John Thompson, William Haggerston, Maxwell Constable, John Thompson the younger, Christopher Twist, Mark Fothergill, Thomas Makein, John Coulman, Philip Langdale, William Bias, John Lockwood, Thomas Brewer, Joseph Blanchard, William Middleton, William Dalby, Philip Hubie, and Thomas Hubie, and their respective Successors, Executors, Administrators, and Assigns, are and shall be united into a Company for building the said Bridge, and for raising and making proper Approaches to the said Bridge as hereinafter mentioned, and for repairing the same, and for executing the several other Powers vested in them by this Act, and shall for those Purposes be, and they are hereby declared to be, One Body Politick and Corporate, by the Name of The Company of Proprietors of the Derwent Bridge, and by that Name shall have perpetual Succession, and a Common Seal, and shall and may sue and be sued in all Courts and Places, and shall and may do all other Matters and Things whatsoever, in as full and ample Manner and Form, to all Intents and Purposes, as any other Body or Bodies Corporate within this Realm can or may as such lawfully do; and that in every Suit to be commenced against the said Company of Proprietors, the Process being served upon their Treasurer or Clerk, shall be deemed sufficient Service upon the said Company of Proprietors.

Proprietors Names.

Made a Body Corporate.

II. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and impowered, at their own proper Costs and Charges, by themselves, their Agents, Officers, Workmen, and others, to build a good and substantial Carriage Bridge of Stone or Wood, of the Width of Eighteen Feet at the least in the Carriage Way, over the said River Derwent, at or near the said Ferry from the Township of North Duffield, to the said Township of Bubwith,

Bridge to be built.

Bubwith, and also One or more Toll House or Toll Houses near thereto, with proper Conveniences, and also to make a proper Ascent or Approach to the said Bridge on each End or Side thereof, fit and proper for the Passage of Travellers, Cattle, and Carriages, and that such Ascents or Approaches to the said Bridge, not exceeding the Distance of Two hundred and twenty Yards therefrom, shall to all Intents and Purposes be considered as Part and Parcel of the said Bridge; and the said Company of Proprietors are hereby also authorized and required to support, maintain, and keep the said Bridge, Toll House or Toll Houses, Conveniences, and Ascents or Approaches to the said Bridge, for ever in good and sufficient Repair; and for the Purposes aforesaid, the said Company of Proprietors are hereby authorized to remove any Shelves, or any other Obstructions in the said River, within One hundred Yards of the Place where the said Bridge is to be erected, and to take away all Beds of Gravel, Sand, Mud, or other Impediment within the like Distance thereof, and to dig and cut the Banks of the said River, within the same Distance, on each Side, in such Manner as they shall adjudge necessary and proper for erecting and building the said Bridge, and for the Preservation thereof, and also for keeping and preserving the Navigation of the said River, near and under the said Bridge, free and open, and to erect and make proper and sufficient Abutments of Brick or Stone at each End of the said Bridge, for the Support thereof, and also for the Purposes, and within the Distance aforesaid, to make proper and necessary Campshots, Trenches, and Landing Places for the making, supporting, and repairing the said Bridge, according to the true Intent and Meaning of this Act, and to turn, widen, or alter any Highway, and from Time to Time to do or cause to be done all other Matters and Things necessary and proper for erecting, building, making, repairing, supporting, and maintaining the said Bridge, Toll House or Toll Houses, Conveniences, and Approaches or Roads hereby authorized to be erected and made, the said Company of Proprietors, and the several Persons acting under or employed by them, doing as little Damage as may be, and first making Satisfaction and Recompence to the Owners, Proprietors, and Occupiers of, and Persons interested in any Lands that shall be made use of, damaged, or prejudiced by, for, or upon Account of erecting or maintaining the said Bridge, or setting out, making, or repairing any such Approaches or Roads as aforesaid, or by, for, or upon Account of the doing and performing of any other

Matter or Thing herein-before or herein-after authorized to be done and performed.

Bridge to contain an Arch or Arches of certain Dimensions.

III. And, in order that there may be sufficient Room for the navigating of Boats and other Vessels under the said intended Bridge, be it further enacted, That in case the said Bridge shall be built of Stone, there shall be made an Arch or Passage under the same, of the Width of Thirteen Yards at the least; and in case such Bridge shall be built of Wood, there shall be Two Arches or Passages under the same, of the Width of Nine Yards each at the least; and in either of the said Cases such Arch or Passage, or Arches or Passages, shall be of the Height of Eight Feet at the least from the Surface of the said River at the Time of High Water.

Sufficient Apertures to be made for the Passage of the Water in Times of Flood.

IV. And, in order that the Lands lying above the said Bridge may not be overflowed, or otherwise annoyed by Water, by means of building the said Bridge, or any other of the Works to be made in pursuance of this Act, be it further enacted, That there shall be sufficient Apertures or Passages at or near the Ends of the said Bridge, so that the free Passage of the Water of the said River in Times of Flood may not be obstructed or impeded by means of the said Bridge, or any other of the Works to be made by virtue of this Act.

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

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

And Power to get Materials.

VI. And be it further enacted, That it shall be lawful for the said Company of Proprietors, by themselves, or their Agents, Servants, or Workmen, to dig, gather, take, burn, or manufacture any Quantity of Clay or Sand, to be used in erecting, building, or repairing the said Bridge, and for other the Purposes of this Act, in,

out of, and from the Commons and Waste Grounds within the Manors of Hemmingbrough, Skipwith, and Bubwith, without paying any Thing for the same.

Bodies Corporate, &c. impowered to sell Land.

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

Commissioners appointed to determine Differences.

VIII. And be it further enacted, That the Commissioners of the Land Tax for the East Riding of the said County of York, for the Time being, or any Three or more of them, shall be and they are hereby constituted and appointed Commissioners for settling, determining, and adjusting all Differences which shall happen or arise between the said Company of Proprietors, and all and every Person and Persons, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, touching and concerning the Recompence and Satisfaction which shall be made to them, or any of them, for any Lands necessary for the Purposes aforesaid, and to adjust and settle what Share and Proportion of such Recompence and Satisfaction, every Tenant or Person having a particular Estate, Term, or Interest in any of the Premises, shall have or receive for his, her, or their respective Interest and Damages, and for the Damages

they

they or any of them shall sustain by and upon Account of the erecting and maintaining the said Bridge, or setting out, making, or repairing any such Approaches or Roads as aforesaid, or the doing or performing any of the Matters or Things herein-before or herein-after authorized to be done and performed.

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

IX. And be it further enacted, That if any such Owner, Proprietor, Occupier, Trustee or Trustees, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or any other Person or Persons interested in any such Lands, upon Fourteen Days Notice to him, her, or them given or left in Writing at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Corporate or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, shall neglect or refuse to treat, or shall not agree with the said Company of Proprietors for the Purchase of any such Lands, or any Part or Parts thereof, or for their Interest therein, or for an Annual Rent to be paid for the same, or through Disability, by reason of Nonage, Coverture, Estate Tail, or other Impediment whatsoever, cannot make an effectual or valid Agreement, or by reason of Absence shall be prevented from treating as aforesaid, then, and in every or any such Case, the said Commissioners, or any Three or more of them, shall cause it to be enquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men, what Damages will be sustained by, and what Satisfaction and Recompence shall be made to such Owners, Occupiers, and Proprietors of, or other Person or Persons respectively, interested in any such Lands, and in order thereto, the said Commissioners, or any Three or more of them, are hereby authorized and impowered from Time to Time to issue their Warrant or Warrants, Precept or Precepts, directed to the Sheriff of the County of York, thereby requiring him to impannel, summon, and return a Number of substantial and disinterested Persons qualified to serve on Juries, not less than Twenty-four, nor more than Forty-eight, which Persons such Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, summon, and return accordingly, and out of such Persons so to be impannelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, a Jury of Twelve shall be drawn by such Commissioners, or any Three or more of them, or some Person to be by them, or any Three or more of them, appointed, in such Man-

ner as Juries for the Trial of Issues joined in his Majesty's Courts at Westminster, by Law are directed to be drawn, which Persons so to be impannelled, summoned, and returned, are hereby required to appear before the said Commissioners, or any Three or more of them, at such Time and Place as in such Warrant or Warrants, Precept or Precepts, shall be directed and appointed, (of which Time and Place all Parties interested shall have Fourteen Days Notice given or left in Manner as aforesaid), and to attend them from Day to Day till they shall be discharged by such Commissioners, or any Three or more of them; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen; and the said Commissioners, or any Three or more of them, are hereby authorized and impowered, by Precept or Precepts under their Hands, from Time to Time, as Occasion shall require, to call before them any Person or Persons, in order to be examined as a Witness or Witnesses upon Oath before the said Commissioners, or any Three or more of them, or before such Jury touching and concerning the Premises, and the said Commissioners, or any Three or more of them, if they think fit, shall and may cause the said Jury, or any Six or more of them, to view the Place or Places in Question, and shall have Power to adjourn such Meeting from Day to Day as Occasion shall require, and to command such Jury, Witnesses, and Parties to attend until the Matters for which they were summoned shall be concluded; and the said Jury, upon their Oaths (which Oaths, as also the Oaths to such Person or Persons as shall be called to give Evidence, the said Commissioners, or any Three or more of them, are hereby impowered and required to administer) shall enquire touching the Value of such Lands, and of the respective Estates and Interests of the Person or Persons, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, seised or possessed of, or interested therein, or of or in any Part thereof, or the Damages which shall or may be done to any Lands by the doing or performing of any of the Matters and Things herein-before or herein-after authorized to be done and performed, and shall assess the Sum or Sums, Rent or Rents to be paid to every such Person or Persons, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, for such their Estates and Interests, and as a Compensation or Satisfaction for the Damages they shall sustain as aforesaid; and the said Commissioners, or any Three or more of them, shall give Judgement for such

Sum or Sums of Money, Rent or Rents, so to be as-
Verdict of the Jury, &c. to be final. sessed, and the Verdict or Inquisition of such Juries, and the Judgement, Orders, and Decrees thereupon, shall be final, binding, and conclusive to all Intents and Purposes whatsoever, against all Parties or Persons whomsoever, as well absent as present, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, claiming any Estate, Right, Title, Trust, Use, or Interest, in, to, or out of such Lands, either in Possession, Reversion, Remainder, or Expectancy, or otherwise, as well Infants and Issue unborn, Lunaticks, Idiots, and Femes Covert, and Persons under any legal Incapacity or Disability whatsoever, and all other Cestuique Trusts, his, her, and their Heirs, Successors, Executors, and Administrators, and against all other Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons interested in such Lands, Tenements, or Hereditaments, shall thereby, after Payment or Tender, and Refusal or Neglect in Manner as herein-after mentioned, be from thenceforth to all Intents and Purposes divested of all Right, Claim, Interest, or Property of, in, to, or out of the same; and
Two Transcripts to be made thereof, Two Transcripts of all such Verdicts or Inquisition, and Judgements, Orders, or Decrees, and all other Proceedings of the said Commissioners and Juries so to be made, given, or pronounced as aforesaid, shall be fairly written on Parchment, and signed and sealed by Three or more of the said Commissioners making and pronouncing the same, One of which Transcripts shall be forthwith transmitted to the said Company of Proprietors, their Treasurer or Clerk, and the other to the Clerk of the Peace of the said East Riding, to be carefully preserved and filed amongst the Records of the said Riding, and the said Transcripts, so signed and sealed, shall be
which shall be deemed Records. deemed and taken to be Records to all Intents and Purposes whatsoever, and the said Transcripts, or true Copies thereof, signed and proved to be signed by the said Clerk of the Peace or his Deputy, shall be good and effectual Evidence in any Court of Law or Equity whatsoever; and all Persons may have Recourse to the same gratis, and take Copies thereof, paying for every Copy not exceeding the Sum of Two-pence for every Seventy-two Words, and so proportionably for any greater Number of Words; and upon Payment of the Sum or Sums of Money so assessed by such Juries, and adjudged or decreed by such Commissioners, to the Party or Parties concerned or entitled thereto as aforesaid, or to their Agent, or legal Tender thereof made to

him or them, and Refusal to accept the same, or in case any such Person or Persons, after Fourteen Days Notice given to him, her, or them, or left at the House of the Occupier of the Premises, shall refuse or neglect to receive the same, then upon Payment thereof into the Hands of such Person or Persons as the said Commissioners, or any Three or more of them, shall by Writing under their Hands appoint, for the Use of the Party or Parties interested as aforesaid, and to be paid upon Demand to him, her, or them, or his, her, or their known Agent or Agents, or after such Annual Rent or Rents shall be so assessed, it shall be lawful for the said Company of Proprietors to have, hold, use, and enjoy such Lands to and for their own Use and Benefit, and to and for their Agents, Servants, and Workmen to make use of any such Lands for the Purposes of this Act, and this Act shall be sufficient to indemnify as well the said Commissioners as the said Company of Proprietors, and all and every Person or Persons by them, or any of them, authorized and impowered therein, or acting under them, against such Owners, Proprietors, Occupiers, and Persons interested, their Heirs, Successors, Executors, Administrators, and Assigns, and against all and every other Person or Persons whomsoever, to all Intents and Purposes whatsoever.

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

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

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as shall be appointed for that Purpose as aforesaid, or appearing shall refuse to be sworn or give Evidence, or to be examined by or before the said Commissioners, or any Three or more of them, so as no such Fine exceed the Sum of Five Pounds.

Commissioners or Jury not to act where interested.

XI. Provided always, That no Person or Persons whomsoever shall sit to act as a Commissioner or Commissioners in any Case where he or they is or are in anyways directly or indirectly interested or concerned of or in the Matter or Matters in Question, nor shall any Person whomsoever be sworn to serve on a Jury, or be examined as a Witness, where he or she is anyways directly or indirectly interested in any Matter in Question.

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

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

Money belonging to Corporations, &c. to be laid out in Purchase of other Estates.

XIII. And be it further enacted, That the Money or Satisfaction to be paid for any Lands which shall be taken or used for the Purposes of this Act, belonging to any Corporation, or other incapacitated Persons, shall be paid to such Person or Persons as such Corporation, or the Guardians, Trustees, or Committees of such incapacitated Persons shall respectively nominate and appoint to receive the same, in Trust, with all convenient Speed to be reinvested in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled upon, and subject to the like Uses, Trusts, and Limitations, as the

Lands belonging to such Corporation, or other incapacitated Persons, shall then be settled, limited, or assured; and in the mean Time, and until such Money shall be laid out, the same shall be placed by such Corporation, Guardians, Trustees, or Committees, in some of the publick Funds, in the Names of such Two or more Persons as they shall appoint, and the Interest arising or to be produced therefrom shall be paid to such Person or Persons as would for the Time being be entitled to the Rents and Profits of the Hereditaments so to be purchased, in case the same were actually purchased and settled pursuant to the Tenor and true Meaning of this Act.

Paying Expences of the Jury.

XIV. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act, shall give in and deliver a Verdict or Inquisition for more Monies as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands, or for any such Loss or Damage, than what shall have been agreed to and offered by the said Company of Proprietors, before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then, and in such Case, the Costs and Expences of summoning and maintaining the said Jury and Witnesses for ascertaining and determining the Value of any such Right, Property, or Interest, or the Losses or Damages sustained as aforesaid, shall be borne and paid by the said Company of Proprietors; but if any Jury or Juries, so summoned and sworn as aforesaid, shall give in and deliver a Verdict or Inquisition for no more or for less Monies than shall have been agreed to and offered by the said Company of Proprietors, before the summoning and returning the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Lands, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have such Controversy or Dispute; which Costs and Expences, having been ascertained and settled by the said Commissioners, or any Three or more of them, shall and may be deducted out of the Money so assessed by the said Jury, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Money shall be deemed and taken, to

all Intents and Purposes, to be a full and sufficient Payment or Tender: Provided always, that in all Cases where any Person or Persons shall by reason of Absence from the Kingdom have been prevented from treating, then such Costs and Expences shall be borne and paid, One Moiety by the said Company of Proprietors, and the other Moiety by such Person or Persons: Provided nevertheless, that all and every Person or Persons who shall sustain any such Damage or Injury, shall apply to the Commissioners, and proceed as hereinbefore directed to determine and adjust the same, and the Recompence and Satisfaction to be given in respect thereof, within Six Calendar Months after any such Damage done, or Injury received, and not afterwards, any Thing herein-before contained to the contrary notwithstanding.

Meetings of Commissioners to be held within a limited Distance.

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

Annual Rents agreed for, or assessed, to be paid half-yearly.

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

Recompence to Mr. *Middleton* for his Ferry, by an Annual Rent.

XVII. And whereas William Middleton Esquire, is Owner of the present Ferry across the said River at Bubwith aforesaid, and it is reasonable that proper Compensation should be made to him for the same; be it therefore

therefore further enacted, That when and so soon as the said Bridge shall be erected and built, and made fit and proper for the Passage of Travellers, Cattle, and Carriages, the Right and Interest of the said William Middleton, his Heirs and Assigns, of, in, and to the said Ferry, and its Emoluments and Appurtenances, shall cease, determine, and be for ever annihilated, and in Consideration thereof, the said Company of Proprietors shall from Time to Time, and at all Times for ever thenafter, out of the Tolls herein-after granted or authorized to be collected, pay or cause to be paid unto the said William Middleton, his Heirs or Assigns, the Annual Rent of Five Pounds, clear of all Taxes and Deductions whatsoever, by Two equal half-yearly Payments in the Year, which said Annual Rent shall commence from the Time the said Bridge shall be made passable, and may be recovered by the like Ways and Means as is hereby directed concerning the other Rents, Annuities, or yearly Sums herein-before mentioned and directed to be paid, or by such Ways and Means as are herein-after particularly mentioned and provided for.

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

XVIII. Provided always, and be it further enacted, That in the mean Time, and until the said Bridge shall be made passable, it shall be lawful for the said William Middleton, his Heirs and Assigns, to hold, use, and enjoy the said Ferry, and to receive the Profits thereof, in such and the same Manner as if this Act had not been made.

If Mr. *Middleton*'s Rent is not paid, he may take Possession of Tolls;

XIX. And be it further enacted, That in case any or either of the said half-yearly Payments, or any Part thereof, shall be in Arrear and unpaid by the Space of Forty Days after the same shall have become due and payable, (Demand thereof having been first made of the said Company of Proprietors, or of their Treasurer or Clerk), then it shall be lawful for the said William Middleton, his Heirs and Assigns, or his or their Agent or Agents, to enter upon, seize, and take Possession of the Gates or Toll Bars for collecting the Tolls payable for passing the said Bridge or Ferry, while the said Bridge shall be repairing or rebuilding, as the Case shall be, and to collect and levy such Tolls in Manner hereby provided for collecting and levying the same, for and until such Time as all such Arrears of the said Annual Rent, and all such Monies as during the Time of such Collection shall have grown due, together with all the Charges and Expences attending such Entry and Collection, shall be thereby fully paid and satisfied.

His Annual Payment to have a Preference to all other Charges or Payments.

XX. Provided always, That the said half-yearly Payments to the said William Middleton, his Heirs and Assigns as aforesaid, shall have a Priority to all other Debts, Claims, and Demands whatsoever, which shall arise or become due by virtue or in pursuance of this Act; and the Tolls or Sums of Money which shall be collected by or on Behalf of the said William Middleton, his Heirs or Assigns, at the Gates or Toll Bars of the said Bridge as aforesaid, shall not be subject or liable to the Payment of any other Annual Rent, or any Principal or Interest Monies, or any other Debt due and owing upon the Credit of this Act, but such Tolls and Sums of Money shall be, from Time to Time, received for the sole Use and Benefit of the said William Middleton, his Heirs and Assigns as aforesaid, until all such Arrears and Charges shall be from Time to Time fully paid and satisfied.

Company may raise Money to be divided into Shares.

XXI. And be it further enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute among themselves, in such Proportions as to them shall seem meet and convenient, any Sum of Money for building the said Bridge, and for other the Purposes aforesaid, not exceeding the Sum of Three thousand Pounds, and that the same be divided into Fifty-six Shares, at a Price not exceeding Forty Pounds a Share, and that no Person shall subscribe for or become a Proprietor of less than One Share, or more than Ten Shares, except the same come to him or her by Will, or as an Executor or Administrator, or in Right of his Wife, or by some other Act in Law.

Shares vested in the Proprietors.

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

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

Proprietors to have Votes according to the Number of Shares, either in Person or by Proxy.

XXIII. Provided always, and be it further enacted, That in case the said Sum of Three thousand Pounds herein-before authorized to be raised, shall be found insufficient for building and completing the said Bridge, and other the Works and Purposes hereby authorized to be done, then, and in such Case, and not otherwise, it shall be lawful for the said Company of Proprietors to raise and contribute among themselves, in Manner and Form aforesaid, and in such Shares and Proportions as to them shall seem meet, or by the Admission of new Subscribers, any further or other Sum of Money for completing and perfecting the said Bridge, and other the Works and Purposes aforesaid, not exceeding the Sum of Two thousand Pounds, and every Subscriber towards raising such further or other Sum of Money shall have the like Vote, by himself or herself, or his or her Proxy, and shall also be liable to such Forfeitures, and stand interested in the Profits of the said Bridge, and other the Works aforesaid, proportionably to the Sum that he, she, or they shall subscribe thereunto, as generally and extensively, to all Intents and Purposes, as if such further or

Power to raise a further Sum if necessary;

other Sum hereby allowed to be ſubſcribed for and raiſed, had been Part of the Sum originally ſubſcribed, any Thing herein contained to the contrary thereof in anywiſe notwithſtanding; or otherwiſe, it ſhall be lawful for the ſaid Company of Proprietors, at any of their Meetings aſſembled, to borrow and take up at Intereſt ſuch other Sum or Sums of Money on the Credit of the ſaid Bridge, and Toll Houſe or Toll Houſes, and of the Tolls to be received by virtue of this Act, as to them ſhall ſeem meet and convenient, and they are hereby fully authorized and impowered to grant or aſſign over the ſaid Bridge, and Toll Houſe or Toll Houſes, and the Tolls ariſing or to ariſe by virtue of this Act, or any Part of the ſame, (the Coſts and Charges of aſſigning the ſame to be paid out of the ſaid Tolls), as a Security for any ſuch Sum or Sums of Money ſo to be borrowed, with Intereſt, to the Perſon or Perſons, or their Truſtees, who ſhall advance the ſame, under the Common Seal of the ſaid Company of Proprietors, by the following Words, or by any others to the like Effect; (videlicet),

or to borrow it, on the Credit of the Tolls, &c.

Form of Aſſignment.

BY virtue of an Act, made in the Thirty-third Year of the Reign of King *George* the Third, intituled [*ſet forth the Title of the Act*], we, the Company of Proprietors of the ſaid Bridge, incorporated by and under the ſaid Act, in Conſideration of the Sum of to us paid by *A. B.* of do aſſign unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, the ſaid Bridge, and the Toll Houſe or Toll Houſes thereunto belonging, and all and every the Materials of the ſame Bridge, and Houſe or Houſes, and all and ſingular the Tolls ariſing by virtue of the ſaid Act, and all our Right, Title, and Intereſt of, in, and to the ſame, to hold unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, until the ſaid Sum of together with Intereſt for the ſame after the Rate of *per Centum per Annum*, be paid. Given under our Common Seal, the Day of in the Year of our Lord

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

building and completing of the said Bridge, and other the Works and Purposes hereby authorized to be done.

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

I DO transfer this Grant (*or* Assignment), with all my Right and Title to the Principal Money thereby secured, and to all Interest now due or hereafter to become due thereon, unto *A. B.* of his Executors, Administrators, Successors, and Assigns. Dated this Day of in the Year of our Lord

Witness Form of Transfer.

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

XXV. And be it further enacted, That the Interest of the Money which shall be borrowed by Mortgage as aforesaid, shall be paid half-yearly to the several Persons entitled thereto, in Preference to any Dividend out of the Profits of the said Undertaking, due and payable, Interest to be paid.

by virtue of this Act, to the said Company of Proprietors, or any of them, and immediately after the Annual Rent aforesaid.

New Subscribers to become Members of the Body

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

General and Special Meetings how to be held.

XXVII. And be it further enacted, That the General Meetings of the said Company of Proprietors for putting this Act in Execution, shall be held at the House of Thomas Hawden, the George Inn, in the Town of Selby, or at any other Inn at Selby aforesaid, which the said Company of Proprietors, or the major Part of them, shall at some publick Meeting to be holden in pursuance of this Act appoint, for holding any of the said Meetings, and that the First General Meeting of the said Company of Proprietors shall be held at the George Inn aforesaid, on the Second Wednesday next after the Day of the passing of this Act, and the Second General Meeting shall be held on the First Day of November then next ensuing, and the like General Meetings shall be held on the First Day of May and the First Day of November in every Year afterwards, at or before the Hour of Eleven of the Clock in the Forenoon; but if at any Time it shall appear to any Three or more of the said Proprietors, that for the more effectually putting this Act in Execution, a Special Meeting of Proprietors is necessary to be held, it shall be lawful for such Three or more of them to cause Notice to be given thereof in One of the York Newspapers, or in such other Manner as the said Company of Proprietors shall at any General Meeting direct or appoint, declaring in such Notice the Place where, and the Time when such Special Meeting is to be held, the same being not less than Ten Days after such Notice given, and likewise specifying in every such Notice, the Reason and Intention of such Special Meetings respectively; and the said Company of Proprietors are hereby authorized to meet pursuant to such Notices, and proceed to the Execution of the Powers by this Act given them with respect to the Matters so specified only; and all such Acts of the said Company of Proprietors, at such

Special Meetings assembled, shall be as valid, to all Intents and Purposes, as if the same were done at General Meetings held in Manner herein-before appointed.

Committee to be appointed;

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

and a Treasurer and Clerk.

Subsequent Committees.

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

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

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

Committee to be subject to General Meetings.

XXXI. Provided also, That such Committee shall from Time to Time make Reports of their Proceedings to, and be subject to the Examination and Controul of the said General Meetings of the said Company of Proprietors, and shall pay due Obedience to all such Orders and Directions in and about the Premises, as shall from Time to Time be made by the said Company of Proprietors at any General Meeting, such Orders and Directions not being contrary to any express Directions or Provisions in this Act.

Committee to make Calls from the Proprietors.

XXXII. And be it further enacted, That the said Committee of Proprietors shall have Power, from Time to Time, to make such Call or Calls for Money from the Proprietors of the said Undertaking, to defray the Expences of, or to carry on the same, as they from Time to Time shall find necessary for the Purposes aforesaid, so as the first Call by virtue of this Act shall not exceed the Sum of Eight Pounds for every Forty Pounds to be subscribed, and every succeeding Call not to exceed the Sum of Five Pounds for every such Subscription, and so as no Calls be made at less than the Distance of Fourteen Days from each other, which Money so called for shall be paid into the Hands of the Treasurer of the said Company of Proprietors for the Time being, to be paid and applied in such Manner as the said Committee shall from Time to Time appoint and direct, for the building, making, and compleating the said Bridge, and other the Works and Purposes aforesaid; and such Committee shall, until the next General Meeting, to be holden in Manner as aforesaid, have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors, as well in buying Materials for building the said Bridge, as in appointing One or more Collector or Collectors of the Tolls, and in employing, ordering, and directing the Works and Workmen, and in placing and displacing such Collector or Collectors, and all under Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains concerning the said Undertaking, so as no such Bargain or other Matter be done or transacted without the Concurrence of the major Part of the said Committee at any Time assembled; and every Own-

er

er or Owners of One or more Share or Shares in the said Undertaking, shall pay his, her, or their Share or Shares, and Proportions of the Monies to be called for as aforesaid, at such Time and Place as shall be appointed by the said Committee, of which Fourteen Days Notice (except the First Call of Ten Pounds per Centum, which shall be at Twenty-one Days Notice) shall be given by the Clerk of the said Company of Proprietors, by Letter directed to each Subscriber or Proprietor, at his, her, or their usual Place of Abode, of such Call, and of the Name and Place of Abode of the Treasurer to whom such Payments are to be made; and if any Person or Persons shall refuse or neglect to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for by the First Call to be made by virtue of this Act, at the Time and Place so to be appointed as aforesaid, it shall be lawful for the said Company of Proprietors to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt, or on the Case; and if any Person or Persons shall refuse or neglect to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for after the First Call as aforesaid, at the Time and Place so appointed, he, she, or they so refusing or neglecting shall forfeit the Sum of Ten Pounds for every Forty Pounds of his, her, or their respective Share and Shares, Parts, or Interests in the said Undertaking, and in case any such Person or Persons shall neglect to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for as aforesaid, for the Space of Two Months after the Time appointed for Payment thereof as aforesaid, then he, she, or they so neglecting shall forfeit his, her, or their respective Share and Shares, Parts and Interests in the said Undertaking, and all the Profit and Benefit thereof, all which Forfeitures shall go to the Rest of the said Company of Proprietors, in Trust, to and for the Benefit of themselves, in Proportion to their respective Interests, or another Person shall and may be admitted in the Place and Stead of such Person forfeiting as aforesaid, at the Election of the Proprietors; all which said Powers, Forfeitures, and Provisions shall extend to the Persons who may become Proprietors of new or further Shares in the said Undertaking, under and by virtue of the Powers herein contained, for raising an additional Sum not exceeding Two thousand Pounds.

Limiting Time for taking Advantage of Forfeitures.

XXXIII. Provided always, That no Advantage shall be taken of any Forfeiture of any Share or Shares in the

the said Undertaking, unless the same shall be declared to be forfeited at some General Meeting of the said Company of Proprietors, which shall be held within Six Months next after such Forfeiture shall be incurred; and every such Forfeiture shall be an Indemnity to and for every Proprietor so forfeiting, against all Actions, Suits, and Prosecutions whatsoever, to be commenced or prosecuted for Breach of any Contract or other Agreement between such Proprietor or Proprietors so forfeiting, and the Rest of the Proprietors, with regard to the carrying on the said Undertaking.

General Meetings may remove Committee Men and Officers;

XXXIV. And be it further enacted, That the said Company of Proprietors shall always have Power and Authority, at any General Meeting, to remove or displace any Person or Persons chosen to be of the Committee as aforesaid, or any Collector or Collectors, or other Officer or Officers under them, and to appoint some other Person or Persons in the Room of the Person or Persons so removed or displaced, and to revoke, alter, amend, or change any of the Rules and Directions by this Act prescribed and laid down, in regard to their Proceedings amongst themselves, as to the major Part of them shall seem meet (the Method of calling Special or General Meetings, and voting and appointing Committees, only excepted); and shall have Power to make such Rules, Bye Laws, and Orders for the Government of the said Company of Proprietors, and the good and orderly Management of the said Bridge, and of the Tolls to be taken in respect of the same, and from Time to Time to alter and repeal the said Bye Laws, Orders, and Regulations, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, not exceeding the Sum of Ten Pounds for any One Offence, as to the major Part of such General Meeting shall seem meet; such Fines or Forfeitures to be levied and recovered by such Ways or Means as Fines or Forfeitures are by this Act directed to be levied and recovered; which said Rules, Bye Laws, and Orders, being put into Writing, under the Common Seal of the said Company of Proprietors, shall be binding and be observed by all Parties, and shall be sufficient in any Court of Law or Equity, to justify all Persons who shall act under the same, provided that they be not repugnant to Law, nor to any of the Clauses and Provisions in this Act contained, particularly with respect to the Navigation of the said River, and the Passage of Vessels thereon, and the Structure of the said Bridge.

and may make Bye Laws.

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

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

XXXVI. And be it further enacted, That it shall be lawful for the said several Proprietors to sell or dispose of any Share or Shares he, she, or they shall and may be entitled to in the said Undertaking, subject to the Rules and Conditions herein mentioned, and any Purchaser or Purchasers shall, for his, her, or their Security, as well as that of such Proprietor or Proprietors, have a Dupli-

Shares may be sold.

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

Shares not to be sold till Calls paid up.

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

XXXVIII. And be it further enacted, That the Conveyance or Transfer of the said Shares shall be in the following Form, or to the like Effect; (to wit),

Form of Transfer of Shares.

I *A. B.* of in Consideration of the Sum of do hereby bargain, sell, and transfer to *C. D.* of his Executors, Administrators, and Assigns, Share or Shares of the Undertaking for building a Bridge over the River *Derwent*, at or near the present Ferry at *Bubwith*, in the East Riding of the said County, to hold unto the said *C. D.* his Executors, Administrators, and Assigns, subject to the same Rules and Orders, and on the same Conditions that I now hold the same. And I the said *C. D.* do accept of the said Share of the said Undertaking, subject to the same Rules, Orders, and Conditions. Witness our Hands, the Day of

XXXIX. And

XXXIX. And be it further enacted, That no Reſolutions ſhall be taken, or Buſineſs done at any Meetings of the ſaid Committee, unleſs Five Members of ſuch Committee be preſent; nor ſhall the Treaſurer or Treaſurers iſſue out any Sum or Sums of Money for the Uſe of the ſaid Committee, without an Order ſigned by the major Part of the ſaid Committee preſent at ſuch Meeting; and all ſuch Orders for the Payment of Money ſhall be entered in the Company's Books, and the Treaſurer or Treaſurers ſhall be allowed for all his or their Expences in the Execution of his or their Office, and give ſuch Security for properly accounting for and paying all ſuch Monies as ſhall come into his or their Hands, as the ſaid Company of Proprietors ſhall judge neceſſary; and the Clerk ſhall be entruſted with Money from Time to Time, by an Order in Writing ſigned by the major Part of the ſaid Committee, upon the Treaſurer or Treaſurers, to enable him to pay petty Expences, and ſuch ſmall Sums as may be found neceſſary, and he or they ſhall account for the ſame to the ſaid Committee, who ſhall regularly examine and ſign the ſaid Accounts as often as they ſhall ſee fit; and the ſaid Treaſurers Accounts ſhall be examined and compared with the Books of the ſaid Committee, and ſhall be made up, and the Balance ſettled and ſigned by the ſaid Committee, or any Five or more of them, every Half Year.

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

XL. And be it further enacted, That the ſaid Bridge, and the ſaid Toll Houſe or Toll Houſes, and Conveniencies to be erected near thereto, and alſo the Aſcents or Approaches to the ſaid Bridge, and all Materials which ſhall from Time to Time be gotten or provided for erecting, building, making, maintaining, and repairing the ſame, ſhall at all Times be veſted in the ſaid Company of Proprietors, ſubject to the ſaid Annual Rent of Five Pounds to the ſaid William Middleton, his Heirs and Aſſigns as aforeſaid; and when and ſo ſoon as the ſaid Bridge, and Aſcents or Approaches thereto, ſhall be erected and built, and made fit and proper for the Paſſage of Travellers, Cattle, and Carriages, it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time, and at all Times then after, to aſk, demand, receive, recover, and take, to and for their own proper Uſe and Benefit, for Pontage, as or in the Name of a Toll, before any Paſſage over the ſaid intended Bridge ſhall be permitted, in lieu of the Tolls of the ſaid Ferry, the ſeveral Sums following; (that is to ſay),

Bridge, &c. veſted in the Company.

Tolls.

For every Coach, Chariot, Landau, Berlin, Hearse, Chaise, Calash, or Chair, drawn by Six Horses, or other Beasts of Draught, the Sum of Three Shillings; and drawn by Four Horses, or Beasts of Draught, the Sum of Two Shillings; and drawn by Two Horses, or Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by One Horse, or Beast of Draught, the Sum of Nine-pence:

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

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

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

For all Cows, and Horned or Neat Cattle, each One Penny.

And the said Tolls shall be, and the same are hereby vested in the said Company of Proprietors, subject to the said Annual Rent of Five Pounds to the said William Middleton, as aforesaid; and if any Person shall, after Demand made thereof by any Collector or Collectors to be appointed as aforesaid, refuse to pay the same, it shall be lawful for such Collector or Collectors, by himself or themselves, or taking such Assistance as he or they shall think necessary, to stop and prevent the Passage of the Person or Persons so refusing, or of the Horse, Beast, Cattle, or Carriage, for or in respect of which such Tolls ought to be paid, until Payment thereof, or to seize and distrain any Horse or Horses, or other Cattle, or their Loading, or any Carriage with its Loading, upon which such Toll is by this Act imposed; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so seizing or distraining, shall and may sell the Horse,

Cattle, Carriages, Goods, Chattels, or Things so seized and distrained, or any Part thereof, returning the Overplus (if any be) and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted: Provided always, That the Rider of any Horse, Mare, Gelding, Mule, or Ass, and the Driver of any Cart or other Carriage, shall be permitted to pass over the said Bridge, Toll-free, any Thing herein contained to the contrary thereof in anywise notwithstanding.

Tolls may be reduced.

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

Inhabitants of *Bubwith* to pay Toll but once a Day.

XLII. Provided always, and be it further enacted, That nothing herein contained shall extend to charge the Inhabitants of Bubwith aforesaid, with the Payment of the Tolls by this Act granted for passing or repassing over the said Bridge, more than Once in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night.

Penalty on evading the Tolls.

XLIII. And be it further enacted, That if any Person shall take off or cause to be taken off any Horse or other Beast from any Carriage at or near to the said Bridge, with Intent to evade, and shall thereby evade the Payment of any Part of the said Tolls, every Person so offending shall for every such Offence forfeit the Sum of Forty Shillings; and if any Person shall forcibly pass over the said Bridge, without having paid the said Tolls, or shall assault, interrupt, or obstruct any Person employed in the Collection of the said Tolls, every Person offending in any of such Cases, shall for such Offence forfeit the Sum of Five Pounds.

Penalty on conveying Persons, &c. over the River for Hire, &c.

XLIV. And be it further enacted, That after the said Bridge shall be completed, if any Person shall for Hire or Recompence convey any Person, Horse, Beast, or other Cattle, or any Stones, Bricks, Lime, Manure, or any other Article or Thing across the said River Derwent, within One Mile of the said Bridge, otherwise than

than over the said Bridge, with Intent to evade, and shall thereby evade the Payment of any Part of the said Tolls, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Exemptions from Tolls.

XLV. Provided always, and be it further enacted, That no Toll shall be taken or demanded for any Waggon, Wain, Cart, or other Carriage, or for any Horse, Mare, Gelding, Mule, Ass, or other Beast drawing the same, which shall be employed or used in fetching Gravel, Stones, or other Materials for repairing and amending the Highways, within the Townships of Bubwith, Harlethorp, and Fagodthorp, in the said East Riding of the said County of York: Provided always, That if any Person shall claim, and take the Benefit of any of the Exemptions or Reductions aforesaid, not being entitled thereto, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Rights of Ferry vested in the Company.

XLVI. And be it further enacted, That all the Rights, Privileges, and Advantages of the said William Middleton, and his Heirs, in respect of the said Ferry (except such of them as may be altered or extinguished by this Act), shall, from and after the building and completing of the said Bridge as aforesaid, be vested in the said Company of Proprietors, subject to the said Annual Rent as aforesaid, and shall and may be exercised by them, as fully and effectually, to all Intents and Purposes, as the same could or might have been exercised by the Owner of the said Ferry.

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

XLVII. And be it further enacted, That the Master and Owner of every Barge, Boat, or Vessel which shall pass upon the said River, under the said Bridge, shall be and is hereby made answerable and responsible, and liable to make Satisfaction to the said Company of Proprietors for any Damage or Injury that shall or may be done to the said Bridge, or any Part thereof, by any such Barge, Boat, or Vessel respectively.

Penalty on Persons wilfully damaging the Bridge.

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

think fit, award such Sentence as the Law directs in Cases of Petit Larceny.

XLIX. And be it further enacted, That the said Bridge shall not be adjudged or taken to be a County Bridge, and shall from Time to Time be supported, maintained, and repaired by the said Company of Proprietors, any Law or Statute to the contrary thereof in any wise notwithstanding. Bridge to be extraparochial.

L. And be it further enacted, That in case the said Bridge shall at any Time become impassable or unsafe for Travellers or Carriages, the said Company of Proprietors shall and are hereby required to cause the same to be forthwith rebuilt or repaired, and made safe and commodious for the Passage of Travellers, Cattle, and Carriages; and in the mean Time, until the said Bridge shall be so rebuilt or repaired, and made safe and commodious, it shall be lawful for the said Company of Proprietors, and they are hereby required, during all such Time as the said Bridge shall be impassable or unsafe as aforesaid, to provide a proper and convenient Ferry for the Passage of Travellers, Cattle, and Carriages over the said River, as near to the said Bridge as conveniently may be; and it shall be lawful for such Person or Persons as the said Company of Proprietors shall appoint for that Purpose, to demand, collect, and receive for the Passage of such Travellers, Cattle, and Carriages, in and over the said Ferry, before they respectively shall be permitted to pass, the like Tolls as are hereby authorized to be taken for passing over the said Bridge, any Thing herein-before contained to the contrary notwithstanding. When Bridge impassable, a Ferry to be provided.

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

LII. And be it further enacted, That the several Persons who have subscribed or shall subscribe Money towards the obtaining and passing this Act, or carrying the Purposes thereof into Execution, shall and are hereby required to pay the respective Sums so subscribed, within such Time or Times, and in such Parts and Proportions as the said Company of Proprietors, or the said Committee shall order and direct, and the same shall be paid to the Treasurer of the said Company of Proprietors; and Obliging Subscribers to pay Subscriptions.

if any such Subscriber shall neglect or refuse to pay such Money as aforesaid, it shall be lawful for the said Company of Proprietors to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt, or on the Case.

Proceedings of Company and Committees to be entered.

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

Informations, &c. to be before One Justice.

LIV. And be it further enacted, That all Complaints and Informations of Offences against this Act, for proceeding in which no particular Directions are hereby given, and all Complaints and Informations for Offences against any Rule, Order, or Bye Law to be made in pursuance of this Act (of which Rule, Order, or Bye Law, when produced, all Justices are hereby required to take Notice) shall and may be made before any Justice of the Peace for the Riding or Division wherein the Cause or Matter of such Complaint or Information shall arise, and every such Justice is hereby authorized and impowered to take Cognizance thereof, and to summon the Person complained of to appear before him, and upon the appearing or not appearing of such Person pursuant to such Summons, to hear the Matter of every such Complaint and Information, by Examination of any Witness or Witnesses upon Oath or otherwise, (which Oath such Justice is hereby impowered to administer), and to make such Determination therein as such Justice shall think proper, and upon Conviction of any such Person, such Justice shall and may issue a Warrant under his Hand and Seal, for levying the Penalty or Forfeiture by this Act imposed for such Offence, by Distress and Sale of the Goods and Chattels of the Person so convicted, and all such Penalties and Forfeitures, when recovered, after rendering the Overplus (if any) when demanded, to the Owner of such Goods and Chattels, (the Charges of such Distress and Sale being first deducted), shall be paid, One Moiety to the Informer or Informers, and the other Moiety to the Treasurer of the said Company of Proprietors, to be

applied for the Purposes of this Act; and in case sufficient Goods and Chattels of any Person liable to pay any such Penalties or Forfeitures cannot be found whereon to make such Distress, and such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol or House of Correction, for any Time not exceeding Three Calendar Months, or until such Penalties or Forfeitures shall be paid or compounded for, which Composition the said Company of Proprietors are hereby impowered to make.

Justices may mitigate Penalties.

LV. Provided always, and be it further enacted, That it shall be lawful for the Justice or Justices of the Peace before whom any of the Penalties and Forfeitures by this Act imposed shall be recovered, to mitigate or lessen any of the Penalties or Forfeitures aforesaid, as he or they, in his or their Discretion, shall think fit, so as the same be not mitigated or reduced to less than One Half.

Distress not to be deemed unlawful for Want of Form.

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

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

Form of Conviction.

East Riding of the County of *York*. } BE it remembered, That on the Day of in the Year of the Reign of His Majesty *A. B.* is convicted before me, One of His Majesty's Justices of the Peace for the said Riding, by virtue of an Act of Parliament made in the Thirty-third Year of the Reign of King *George* the Third, intituled, [*set forth the Title of the Act, and specify the Offence, and the Time and Place*

Place when and where the same was committed, as the Case shall be.] Given under my Hand and Seal, the Day and Year aforesaid.

Appeal.

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

Proceedings not to be quashed for Want of Form.

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

Saving Rights.

LX. And be it further enacted, That this Act, or any Thing herein contained, shall not extend, or be construed to extend, to lessen or diminish, take away, prejudice, or affect the Right, Title, Interest, or Privilege of the King's Majesty, His Heirs or Successors, or of any Person or Persons, Bodies Politick, Corporate or Collegiate, in or to the Premises (except the Powers and Authorities hereby given to the said Company of Proprietors, and except such as are expressly altered, provided for, or extinguished by this Act), but that the King's Majesty,

Majesty, His Heirs and Successors, and all and every Person or Persons, Bodies Politick, Corporate or Collegiate, their Successors, Heirs, Executors, and Administrators, shall have, hold, use, exercise, and enjoy all such Estates, Rights, Titles, and Interests (except as before excepted) as they, every, or any of them had before the passing of this Act, in or to the same, in as full and ample Manner, to all Intents and Purposes, as if this Act had never been made.

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

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

Limitation of Actions.

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

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

FINIS.