



ANNO DECIMO OCTAVO & DECIMO NONO
VICTORIÆ REGINÆ.

Cap. cxxxvi.

An Act to repeal the Acts passed for repairing the Road from *Hedon* through *Preston* and *Bilton* to *Hull*, and other Roads in the County of *York*, and to make other Provisions in lieu thereof. [16th July 1855.]

WHEREAS an Act was passed in the Eighteenth Year of the Reign of King *George* the Second, intituled *An Act* 18 G. 2. c. 6. for repairing the Road leading from a Gate commonly called *Sacred Gate* on the South-east Side of the Town of *Hedon* in the East Riding of the County of *York* through the said Town to *Hull* North Bridge, (which Road is herein-after called the First District,) and by that Act the Trustees acting in the Execution thereof were empowered to take a certain Scale of Tolls at a Toll Gate to be erected at or near *Somergangs Gate*, and a different Scale of Tolls at a Toll Gate to be erected between *Somergangs Gate* and *Sacred Gate*: And whereas by an Act of the Seventh Year of the Reign of King *George* 7 G. 3. c. 71. the Third, Chapter Seventy-one, the first-recited Act was continued and extended to the Amendment and Repairs of an additional Road leading out of the aforesaid Road from the Turnpike Bar in *Wyton Holmes* through the Townships of *Wyton* and *Sproatley* to the Guide Post in *Flinton Lane* near *Humbleton Moor House* in the said East Riding,

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Riding, (which said additional Road is herein-after called the Second District,) and certain Tolls were thereby authorized to be taken thereon, and it was thereby provided that all Monies borrowed on the Credit only of those Tolls, and the Interest thereof, should be first raised and repaid out of those Tolls, and that the Monies arising from the Tolls on the First District and Second District respectively should not be applied towards the Amendment and Repairs of the other of such Districts: And whereas by an Act of the Thirty-third Year of the Reign of King *George* the Third, Chapter One hundred and fifty-seven, the herein-before recited Acts were continued, and additional Tolls were authorized to be taken on the Second District: And whereas by the (Local and Personal) Act Fifty-two *George* the Third, Chapter Twenty-one, the Terms and Powers of the herein-before recited Acts were continued and enlarged: And whereas the Powers granted by the said Acts, and continued from Time to Time by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, will expire on the First Day of *November* One thousand eight hundred and fifty-five, unless Parliament shall in the meantime continue the same: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Acts in each of the said Districts, which Money still remains owing, and the Monies so advanced cannot be paid off unless further Powers are granted: And whereas it is expedient that the said recited Acts should be repealed, and that further and more effectual Powers should be granted in lieu thereof; but the Purposes aforesaid cannot be effected 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,)

Recited Acts repealed.

I. Upon the second *Wednesday* next after the passing of this Act the said recited Acts of the Eighteenth Year of the Reign of King *George* the Second, and of the Seventh, Thirty-third, and Fifty-second Years of the Reign of King *George* the Third, shall be repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression. "*The Hedon and Hull and Wyton and Flinton Turnpike Roads Act, 1855.*"

Interpretation of Terms.

III. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something

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thing in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Person" shall include Corporation :

The Expression "the Trustees" or "the said Trustees" shall mean the Trustees for the Time being acting in the Execution of this Act :

The Word "Toll-gates" or "Toll-gate" shall include Turnpikes, Bars, Chains, and Side Gates :

The Expression "the Roads" or "the said Roads" shall mean the Roads to which this Act applies.

IV. All Monies due to, and all Property, Books, Accounts, Papers, Writings, or other Things, and all Choses in Action vested in or belonging to, the Trustees under the said repealed Acts, shall immediately on the Commencement of this Act be vested in and belong to the Trustees under this Act, and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof, as effectually as if the same had been vested in and belonged to them under the said repealed Acts, and they shall be liable to all the Debts and Engagements to which the Trustees under the said repealed Acts were liable at the Repeal thereof, except such of those Debts and Engagements as are by this Act extinguished.

Monies and Property to vest in new Trustees.

V. This Act shall be put into execution for the Purpose of more effectually improving, maintaining, and keeping in repair the Road leading from a Place called *Sacred Gate*, next the Township of *Thorn-gumbald*, in *Holderness*, in the East Riding of the County of *York*, on the South-east Side of the Town of *Hedon*, to the East End of a Street called *Fletcher Gate* in that Town, and from the North End of another Street called *Soutter Street* in that Town, through the Townships of *Preston* and *Bilton* to *Williamson Street* in the Parish of *Drypool* in the Borough of *Kingston-upon-Hull*, (and which Road herein-before described is in this Act called the First District,) and also the Road leading out of the aforesaid Road from the Turnpike Bar in *Wyton Holmes* through the Townships of *Wyton* and *Sproatley* in the said East Riding to the Guide Post in *Flinton Lane*, near *Humbleton Moor House* in the same Riding (and which Road lastly herein-before described is in this Act called the Second District): Provided always, that when and so soon as a continuous Line of Houses shall be built on each Side of the said Roads within the Borough of *Kingston-upon-Hull*, such Part of the Roads shall cease to be subject to the Provisions of this Act, and when and so soon as such continuous Line of Houses shall extend to a Point within the said Borough, but distant One Mile from the Boundary of the said Borough,

Roads to which this Act is applicable.

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Borough, then and thenceforth the Trustees shall not collect any Toll within the Limits of the said Borough: Provided also, that when and so soon as the Principal Monies due and owing on the Credit of the Tolls arising on the Second District shall be wholly paid off and discharged, the said Second District of Roads shall cease to be comprised in or subject to the Provisions of this Act, and the Trustees shall not collect any Tolls or lay out any Money thereon.

Appoint-
ment of
Trustees.

VI. All Her Majesty's Justices of the Peace for the Time being respectively acting for the East Riding of the County of York, the Mayor and Aldermen of the Borough of *Kingston-upon-Hull* for the Time being, the Mayor and Aldermen of the Borough of *Hedon* for the Time being, together with *Anthony Bannister*, *John Beadle*, *Robert Bell* M.D., the Venerable *William Harry Edward Bentinck*, *Richard Bethell*, *William Froggatt Bethell*, Sir *Henry Boynton* Baronet, the Reverend *John Healey Bromby*, *John Farrar Butter*, *Henry Cautley*, *William Clapham*, *John Collins*, Sir *Thomas Aston Clifford Constable* Baronet, *Frederick Augustus Talbot Clifford Constable*, Sir *Henry Cooper* Knight, *Robert Martin Craven*, the Reverend *William Craven*, the Reverend *John Fox*, *John Fewson*, *Henry Gibson*, *Edward Gibson*, *Charles Grimston*, *Marmaduke Jerard Grimston*, *William Harland*, *Robert Harrison*, *Benjamin Blaydes Haworth*, *Thomas Blackbourne Thoroton Hildyard*, *John George Bowes Thoroton Hildyard*, the Reverend *Charles Hotham*, *Boswell Middleton Jalland*, *William Empson Jalland*, the Reverend *James Samuel Jones*, the Reverend *Frank Bowes King*, the Reverend *Richard Henry Kitchingham*, *George William Moore Liddell*, *Charles Liddell*, the Reverend *Robert Metcalf*, *Thomas Joseph Owst*, *Godfrey Richard Park*, *Carlisle Spedding Parker*, *Joseph Robinson Pease*, *Joseph Walker Pease*, *Samuel Priestman*, *Robert Raikes*, *William Raines*, *Christopher Leake Ringrose*, *Edmund Smith*, *John Lee Smith*, *Edward Spence*, *Joseph Storr*, *Charles William Strickland*, the Reverend *Christopher Sykes*, *William Todd*, the Reverend *Charles Joseph Wall*, *Thomas Ward*, *James Kiero Watson*, *Charles Whitaker*, the Reverend *James Richard White*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to
appoint
additional
Trustees.

VII. It shall be lawful for the Trustees from Time to Time at any Meeting under this Act to elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees thereof hereby nominated; and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed,

VIII. The

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VIII. The Trustees shall hold their First Meeting at the Town Hall *Hedon* in the County of *York*, on the Fourth *Wednesday* next after the passing of this Act, between the Hours of Ten and Twelve of the Clock in the Forenoon, and shall then and from Time to Time thereafter adjourn to and meet at such Time and at such Places in the Neighbourhood of the said Roads as they shall think proper.

Meeting of Trustees.

IX. Notwithstanding the Repeal of the said recited Acts, the several Tolls thereby granted and made payable on the said Districts respectively shall continue to be paid at the Toll Gates to be continued or erected on or on the Sides of the Road in those Districts respectively, until the Fourth Day of *March* One thousand eight hundred and fifty-six.

Present Tolls continued for a Term.

X. Upon and after the Fourth Day of *March* One thousand eight hundred and fifty-six it shall be lawful for the Trustees to demand and take at the several and respective Toll Gates which now are or hereafter shall be upon or on the Side of the said Roads such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sums herein-after specified; (that is to say,)

Power to take Tolls.

At any Toll Gate on the First District between *Somergangs* and *Bilton*, and also at the Toll Gates on the Second District, as follows :

For every Horse or other Beast of Draught drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Hearse, Van, Caravan, Omnibus, Gig, Taxed Cart, or other like Carriage, or any Waggon, Wain, Cart, Sledge, or other like Carriage,—

When drawn by Five or Six Horses or other Beasts, Twopence ;

When drawn by Four Horses or other Beasts, Twopence Halfpenny for each Horse or Beast except the Fourth, and for such Fourth Horse or other Beast One Penny Halfpenny ;

When drawn by Three Horses or other Beasts, Threepence for each Horse or Beast except the Third, and for such Third Horse or other Beast Twopence ;

When drawn by One or Two Horses or other Beasts, Threepence :

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny :

For every Drove of Oxen, Cows, or Neat Cattle, *per* Score the Sum of Tenpence, and so in proportion for any greater or less Number :

For every Drove of Calves, Sheep, Lambs, or Swine, *per* Score the Sum of Fivepence, and so in proportion for any greater or less Number :

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For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, the Sum of One Shilling for each Wheel thereof:

And at any Toll Gates on the First District between *Bilton* and *Sacred Gate*, Tolls not exceeding One Half of the Tolls hereinbefore specified; and the Tolls hereby made payable at any Toll Gate which shall be by virtue of this Act upon or across the said Roads in either District or on the Sides thereof, shall be taken before any Horse, Animal, or Carriage whatsoever, liable to such Tolls, shall be permitted to pass through the same:

Provided always, that, with respect to the Tolls hereby made payable, a Mare and Foal shall be deemed One Horse.

As to the Fraction of a Halfpenny in Tolls.

XI. In all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected, the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Limiting Number of Tolls to be taken.

XII. For passing and repassing any Number of Times on the same Day with the same Horses or other Beasts, Carriage, or Thing liable to Toll, through all the Toll Gates erected or to be erected or continued on or on the Sides of any Road or Portion of Road herein-after specified, no more than the Number of Tolls herein-after limited, with reference to such Road or Portion of Road, shall (except as in this Act otherwise provided) be taken; (that is to say,)

On the Portion of the Road constituting the First District, situate between *Somergangs Gate* and *Bilton*, One full Toll:

On the Remainder of the last-mentioned Road, One full Toll:

On the Road constituting the Second District, One full Toll: Provided always, that when and so soon as the Trustees shall be no longer authorized to collect Toll within the Borough of *Kingston-upon-Hull*, or the said Roads comprised within the Second District shall cease to be Part of the Roads, no more than One full Toll shall be taken in respect of Horses or other Beasts passing or repassing any Number of Times on the same Day between the Borough of *Kingston-upon-Hull* and the East Side of the present Toll Gate on the Second District of Roads at *Wyton Holmes*.

Persons having paid Toll to return free.

XIII. Except as herein-after otherwise provided, all Horses, Beasts, Cattle, or other Animals, in respect whereof the Tolls hereby authorized to be taken shall have been paid at any Toll Gate in either of the said Districts, shall, upon a Ticket denoting such Payment being produced, be permitted, in passing through the same Toll Gate, and in going and returning through such other Toll Gate (if any) as the Ticket

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Ticket for such Payment shall free, to pass Toll-free at any Time or Times on the same Day.

XIV. The Tolls hereby made payable shall be paid for all Horses or other Animals let for Hire, and for all Horses or other Beasts of Draught drawing any Postchaise or other Carriage travelling for Hire, for every Time of passing and repassing along the said Roads or any Part thereof on the same Day 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, Animals, or Beasts had been made on the same Day.

Postchaises
to pay every
fresh Hiring.

XV. For and in respect of all Horses and Cattle drawing any Stage Coach, Van, Caravan, Omnibus, Waggon, Cart, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, the Tolls hereby made payable shall be paid for the First, Third, and every subsequent alternate Time of passing or repassing along the said Roads or any Part thereof.

Stage
Coaches, &c.
to pay every
alternate
Time of
passing.

XVI. All Horses and Cattle drawing any Stage Coach, Caravan, Waggon, or other Stage Carriage conveying Passengers for Hire or Reward, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Toll Gate which such Ticket would free in the Case of Horses or Cattle drawing any other Carriage, and no further or additional Toll shall be payable in respect of any Stage Coach or other such Carriage as aforesaid at any such other Toll Gate the Payment at which shall be freed by such Ticket as aforesaid, on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

Regulations
as to Stage
Coaches.

XVII. The Tolls by this Act made payable in respect of all Horses or Beasts drawing any Waggon, Wain, Cart, Van, Caravan, or other such like Carriage, shall be paid for every Time during the same Day that any such Horse or other Beast shall pass through any Toll Gate on the Roads drawing any laden Waggon, Wain, Cart, Van, Caravan, or such like Carriage other than that which such Horse or other Beast shall have been employed in drawing at any former Time during the same Day when Tolls shall have been paid in respect of such Horse or other Beast.

Tolls on
Horses
drawing dif-
ferent Wag-
gons, &c.

XVIII. It shall not be lawful for the Trustees to erect any Toll Gate, or to demand or collect any Toll, on any Portion of the Roads between the present *Somergangs Gate* and *Williamson Street* aforesaid.

No Toll be-
tween *Somer-
gangs Gate*
and *William-
son Street*.

XIX. All

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Arrears of Interest extinguished.

XIX. All Arrears of Interest on the Principal Sum now due and owing upon the Credit of the Tolls authorized to be taken by the said repealed Acts within the said Second District shall be and the same are hereby extinguished.

Separate Accounts to be kept.

XX. Separate and distinct Accounts shall be kept of all Tolls and other Monies coming to the Hands of the Trustees from or in respect of each of the said Districts, and of the Expenditure and Application thereof respectively.

Application of Monies on First District.

XXI. All Monies which shall come to the Hands of the Trustees by virtue of this Act in respect of the Roads comprised within the said First District shall be applied as follows; (that is to say,)

Firstly, in paying and discharging Two Thirds of the Expenses of and incident to the obtaining and passing this Act:

Secondly, in defraying the necessary Expenses of altering and repairing Toll Gates and Toll Houses, and the necessary Expenses of Management of the Roads within that District; but such Expenses, exclusive of the Salaries of Toll Collectors and Costs of prosecuting and defending Suits, Actions, and Indictments, and exclusive of the Costs of providing and erecting any Toll House or Toll Gate which may become necessary in lieu of the present *Somergangs* Gate, not to exceed Fifty Pounds *per Annum* :

Thirdly, in paying Interest at the Rate of Three Pounds *per Centum per Annum* upon the Principal Sums borrowed on the Credit of the Tolls authorized to be taken within the First District, and for the Time being remaining due:

Fourthly, in paying the Expenses of maintaining and keeping in repair the Road within that District to the Extent of Four hundred and fifty Pounds *per Annum* :

Fifthly, in reducing, paying off, and discharging, in manner hereinafter provided, the Principal Sums for the Time being owing on the Credit of the Tolls authorized to be taken within the First District:

Sixthly, in paying the further Expenses of managing, maintaining, repairing, and improving the Road within that District.

Interest not to accrue until Expenses of Act paid.

XXII. Provided always, That no Interest shall accrue or become due upon or in respect of the Principal Sums due and owing on the Credit of the Tolls arising on the said First District, or any of them, or any Part thereof, until the Trustees shall have received, from or in respect of that District, Monies sufficient to defray Two Thirds of the Expenses of and incidental to obtaining and passing this Act.

XXIII. All

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XXIII. All Monies which shall come to the Hands of the Trustees by virtue of this Act in respect of the Road comprised within the said Second District shall be applied as follows; (that is to say,)

Application of Monies on Second District.

Firstly, in paying and discharging One Third of the Expenses of and incident to the obtaining and passing this Act:

Secondly, in defraying the necessary Expenses of altering and repairing Toll Gates and Toll Houses, and the necessary Expenses of Management of the Road within that District; but such Expenses, exclusive of the Costs of Salaries of Toll Collectors and the Costs of prosecuting and defending Suits and Actions and Indictments, not to exceed Twenty Pounds *per Annum*:

Thirdly, in paying the Expenses of maintaining and keeping in repair the Roads within that District to the Extent of Fifty Pounds *per Annum*:

Fourthly, in reducing, paying off, and discharging, without Interest, in manner herein-after provided, the Principal Sums for the Time being owing on the Credit of the Tolls authorized to be taken within the Second District.

XXIV. No Holder of any Mortgage of the Tolls arising on the Second District shall hereafter enter into possession of any Toll Gate, Toll House, or Building upon the Roads in that District, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon the letting of any such Tolls.

Mortgagees on Second District not to take possession.

XXV. Whenever and as long as the Interest, at the Rate authorized by this Act upon all existing Mortgages of the Tolls arising upon the said First District made under the Powers of the said recited Acts, shall be duly paid within One Calendar Month next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the Road in such District shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the Road in such District, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any letting of such Tolls; and every Mortgagee entering into possession of any Toll Gates, Toll Houses, or Buildings in the said District, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time becoming due upon all the existing Mortgages of the Tolls arising in such District, at the Rate authorized by this Act, without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such existing Mortgages shall be payable, render to the Clerk of that District for the

Mortgagees on First District to take possession for Payment of Arrears of Interest only.

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Time

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Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due on such Mortgages, up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up possession of the said Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls and of any such Rents as aforesaid, to the Trustees or any Person appointed by them to receive the same, anything in this Act or in any Statute or Law in force relating to Turnpike Roads in *England* to the contrary notwithstanding.

As to Mode
of discharg-
ing Debt.

XXVI. When and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being owing on the Credit of the Tolls arising on either of the said Districts shall amount to the Sum of One hundred Pounds, the Trustees shall at any General Annual or other Meeting apply such Sum in the Payment of a proportionate Part of the said Principal Monies to Persons entitled thereto, and shall, Twenty-eight Days at least before such General Annual or other Meeting, cause Notice to be given of such Meeting and of the Purposes thereof, so far as the same relate to the Application of such Sum, in some Newspaper published in the East Riding of the County of *York*, or if there shall be no Newspaper published therein, then in some Newspaper published in an adjoining County, or by Letter sent by Post addressed to each Creditor entitled to any Part of the said Principal Monies at his usual Place of Abode; and at such Meeting the Trustees shall apply such Sum or a Portion thereof (as the Case may require) in or towards the Discharge of the Principal Monies owing on the Security of the Tolls of such District to the Creditor who shall, by Proposal in Writing transmitted to the Clerk of such District before such Meeting, have offered to accept the lowest Composition in respect of such Monies, and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sum or a Portion thereof (as the Case may require) in or towards the Discharge of other Monies owing on the Security of the Tolls of such District to the Creditor who by Proposal as aforesaid shall have offered to accept the next lowest Composition in respect of the Principal Monies due to him, and so in like Manner until the Sum applicable to such Payments shall be exhausted; and if and whenever Two or more Creditors of the same District, by such Proposals as aforesaid, shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition

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position rateably between or amongst such Creditors as the Trustees think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments after applying the same so far as may be necessary in or towards the Discharge of the Monies to which any such Proposals relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the Creditors on the Tolls arising within such District, or may pay the same to such of them as may be determined by Lot, as the Trustees think fit.

XXVII. Nothing herein contained shall be deemed to exempt the said Roads or any Part thereof from the Provisions of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Roads not
exempt from
Provisions
of General
Acts.

XXVIII. This Act shall commence on the Second *Wednesday* next after the passing thereof, and shall continue in force, as to the said First District of Roads, for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow; and as to the said Second District of Roads, for the Term of Seven Years, and from thence to the End of the Session of Parliament which shall then next follow.

Commence-
ment and
Term of Act.

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