



ANNO DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. lxxviii.

An Act for repairing the Road from the Town of
Kingston-upon-Hull to the Western Boundary of
the Parish of *Hessle* in the East Riding of the
County of *York*. [15th June 1855.]

WHEREAS an Act was passed in the Sixth Year of the
Reign of His Majesty King *George* the Fourth, intituled
An Act for making and maintaining a Turnpike Road 6 G. 4. c. clii.
from the Town of Kingston-upon-Hull through the Town of Hessle
to the East End of the Town of Ferriby, all in the County of the
Town of Kingston-upon-Hull: And whereas the Term granted by
the said Act, and from Time to Time continued 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 the same be further continued: And
whereas considerable Sums of Money are due and owing upon the
Credit of the Tolls authorized to be taken by the recited Act,
amounting in the whole to the Principal Sum of Three thousand
four hundred Pounds, together with an Arrear of Interest thereon:
[Local.] 10 M And

The Kingston-upon-Hull, Hessle, and Ferriby Turnpike Road Act, 1855.

And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted instead thereof for a further Term of Years; but these Purposes cannot be effected without the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Recited Act repealed.

I. That upon the Commencement of this Act the recited Act of the Sixth Year of the Reign of His Majesty King *George* the Fourth shall be and the same is hereby repealed.

Short Title.

II. That in citing this Act for any Purpose it shall be sufficient to use the Expression "*The Kingston-upon-Hull, Hessle, and Ferriby Turnpike Road Act, 1855.*"

Interpretation of Terms.

III. That in the Construction of this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,)

The Word "Person" shall be understood to include "Corporation:"

The Expression "the Trustees" shall mean the Trustees for the Time being for executing this Act:

The Expression "the Road" or "the said Road" shall mean the Roads to which this Act relates:

The Expression "Toll Gate" or "Toll Gates" shall include Turnpike Gates, Toll Bars, Side Gates, Side Bars, and Toll Chains.

Monies and Property vested in new Trustees.

IV. That all Rents, Arrears of Tolls, and other Monies due to, and all Monies, Property, and all Choses in Action, vested in the Trustees under the said recited Act hereby repealed, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same and act in respect thereof as fully and effectually as the Trustees under the recited Act could have done, and as if the recited Act had not been repealed, and they shall be liable to all the Debts and Engagements to which the Trustees for executing the recited Act may be liable at the Time of the Repeal thereof, except such as are altered, reduced, or extinguished by this Act.

V. That

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V. That all Her Majesty's Justices of the Peace for the Time being Trustees. acting for the Borough of *Kingston-upon-Hull* and the East Riding of the County of *York*, together with *John Healey Bromby, Henry Barkworth, William Burstall, Faulkner Boyes, John Blackshaw Briggs, William Collinson, Robert Martin Craven, Samuel Cooper, Hugh Ker Cooper, Samuel Hall Egginton, Joseph Lewis Eamonson, Samuel Talbot Hassell, John Crowther Metcalf Harrison, George Hayes, William Harrison, Thomas Bentley Locke the younger, George William Moore Liddell, William Liddell, Charles Liddell, George Beevor Lambert, Marmaduke Thomas Prickett, Clifford Pease, James Robinson Pease, Arthur Burton Pease, Henry Pease, Christopher Leake Ringrose, Christopher Leake Ringrose the younger, John Raspin Ringrose, Paget Raikes, Richard Sykes, Daniel Sykes, Avison Terry, John Terry, John Todd, John Todd the younger, Charles Whitaker, Thomas Whitaker, Robert Brough Watson, Isaac Whitaker, and Stephen West*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

VI. That it shall be lawful for the Trustees, at any Meeting to be holden in pursuance of this Act, to elect any Number of Persons Power to appoint additional Trustees. 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 hereby appointed; and such Persons so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

VII. That the Trustees shall hold their First Meeting at the *Kingston Hotel* in the Town of *Kingston-upon-Hull*, or at some other convenient Place in the said Town, at One of the Clock in the Afternoon on the Day of the Commencement of this Act, or within Seven Days thereof, and the Trustees may from Time to Time adjourn themselves to meet at such Time, and at such Place in the said Town or in the Neighbourhood of the Road, as they shall think proper. First Meeting of Trustees.

VIII. That this Act shall be put in execution for and during the Term herein-after mentioned for the Purpose of maintaining, improving, and keeping in repair the present Turnpike Road commencing at the new Entrance Gates into the *Brazil Gardens* in the Borough of *Kingston-upon-Hull* to the Eastern Side of the Town of *Hessle* where a Street called *Eastgate* unites with the said Turnpike Road, and from the Western Side of the Town of *Hessle* at a Place Road to which this Act is applicable. called

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called *Speck's Corner* to and terminating at the Western Boundary of the Parish of *Hessle* near *Hessle Wood*.

Present Toll Gates, &c. to remain until removed by Order of Trustees, who may erect new ones.

9 G. 4. c. 77.

Tolls.

IX. That the several Toll Gates, Bars, Toll Houses, and Weighing Machines now standing or being upon the said Road or on the Side or Sides thereof shall be continued until removed by any Order of the Trustees; and it shall be lawful for the Trustees to order and cause to be set up, in, upon, or across the said Road or on the Side or Sides thereof, any Toll Gates, Bars, Toll Houses, or Weighing Machines, and to remove the present or any future Toll Gates, Bars, Toll Houses, or Weighing Machines, as they shall think proper: Provided always, that no Toll Gates, Bars, Toll Houses, or Weighing Machines shall be removed, erected, or set up upon or across the said Road or on the Side or Sides thereof except the same shall be ordered to be removed, erected, or set up at a Special Meeting of the said Trustees holden for that Purpose, in conformity with and after such Notices as are required to be given by the Fifth Section of an Act passed in the Ninth Year of the Reign of His Majesty King *George the Fourth*, intituled *An Act to amend the Acts for regulating Turnpike Roads*.

X. That the Trustees may continue to collect and receive the Tolls as taken upon the Road previous to the Commencement of this Act until the Expiration of the Lease thereof on the First Day of *January* One thousand eight hundred and fifty-six; and upon and after the said First Day of *January* it shall be lawful for the Trustees to demand and take, or cause to be demanded and taken, at the several and respective Toll Gates which shall be upon, across, or at the Side or Sides of the Road, such several and respective Tolls as the Trustees at any of their Meetings shall from Time to Time direct, not exceeding the Sums following; (that is to say,)

For every Horse, Mule, or other Beast (except an Ass) drawing any Carriage or Vehicle of any Description (except as next herein-after mentioned), the Sum of Fourpence Halfpenny:

For every Horse, Mule, or other Beast (except an Ass) drawing any Waggon, Wain, Cart, Dray, or such like Carriage, having the Fellies of the Wheels thereof of less Breadth than Six Inches and not of less Breadth than Four and a Half Inches at the Bottom or Sole, the Sum of Sixpence, but if of less Breadth than Four and a Half Inches, the Sum of Sevenpence:

For every Ass drawing any Carriage or Vehicle of any Description, the Sum of Twopence:

For every Horse, Mule, or other Beast (except an Ass), laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

For

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

For every Goat or other such like Animal drawing any Truck, Carriage, or Vehicle whatever, the Sum of One Penny :

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

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

For every Carriage not drawn by any Horse or other Beast, but propelled or moved along the Road by Machinery or otherwise than by Animal Power, the Sum of One Shilling for each Wheel of such Carriage :

Which said Tolls shall be paid before any Horse, Beast, Animal, Cattle, Carriage, or Vehicle whatsoever in respect of which a Toll is payable shall be permitted or authorized to pass through any Toll Gate which shall be upon or at the Side of the Road.

XI. That 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. Fractional Part of a Halfpenny.

XII. That no more than One full Toll shall be demanded or taken in the same Day (to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next succeeding Night) for passing and repassing with the same Horses, Cattle, Beasts, Carriages, or Vehicles through all or any of the Toll Gates continued or erected upon or across the Road, except as herein-after mentioned : Provided always, that any Horse or other Beast drawing any Wain, Waggon, Dray, Cart, or other such like Carriage which shall pass through any Toll Gate in the same Direction for the Third Time on the same Day shall be again liable to Toll, and so for every Third Time of passing in the same Direction through the same Toll Gate on the same Day. Tolls to be taken for passing and repassing.

XIII. That the Tolls by this Act made payable in respect of Horses, Beasts, or Animals drawing any Carriage or Vehicle whatsoever shall be paid for every Time during the same Day that any such Horse, Beast, or Animal shall pass through any Toll Gate on the Road drawing any laden Carriage or Vehicle other than that which such Horse, Beast, or Animal 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, Beast, or Animal. Tolls on Horses drawing different Carriages.

[Local.]

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XIV. That

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

XIV. That the Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Stage Waggon, Stage Cart, Van, Caravan, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, or for or in respect of any Stage Coach, Stage Waggon, Stage Cart, Van, Caravan, or other Stage Carriage propelled by Machinery used for the same Purpose, shall be payable and paid every Time of passing or repassing along the Road; and no further or additional Tolls shall be payable in respect of any Stage Coach or other such Carriage as aforesaid at any 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.

Postchaises,
&c. to be
subject to
Toll on every
new Hiring.

XV. That the Tolls hereby made payable for or in respect of Horses or other Beasts let out to Hire, and drawing any Postchaise or other Carriage, or for or in respect of any Postchaise or other Carriage propelled by Machinery let out to Hire, shall be payable and paid every Time of passing or repassing along the Road whenever any new Hiring thereof shall take place.

One Horse
Carts may
be weighed.

XVI. That all Carts passing along the said Road drawn by One Horse only shall and may be weighed at any Weighing Machine erected or to be erected on the said Road, and the like additional Toll demanded, received, and recovered for the Overweight thereof as is by Law payable in respect of the Overweight of Carts drawn by Two or more Horses; and all the Powers, Regulations, and Penalties for the Time being in force relating to the weighing of Waggons, Carts, and other Carriages drawn by more than One Horse shall be applicable to Carts passing on the said Road drawn by One Horse only, and to Drivers, Masters, and Owners thereof.

For extin-
guishing the
Arrears of
Interest.

XVII. And whereas the Mortgage Debt charged upon the Tolls arising under the recited Act now amounts to the Sum of Three thousand four hundred Pounds, and there is an Arrear of Interest due on the said Mortgage Debt: Be it enacted, That all Arrears of Interest on the Mortgage Debt upon the Tolls of the said Road up to the First Day of *January* One thousand eight hundred and fifty-six shall be and the same are hereby extinguished.

Application
of Monies.

XVIII. That all Monies which shall come to the Hands of the Trustees by virtue of this Act shall be applied as follows; (that is to say,)

First, in paying and discharging the Expenses of applying for, obtaining, and passing this Act, or incident thereto:

Secondly,

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Secondly, in paying the Expenses of altering and keeping in repair the Toll Gates, Toll Houses, and Weighing Machines, and their Appurtenances, the Salaries and Compensation to be made to Officers and other Persons employed by the Trustees, and the Cost attending the Management of the Road; but the Amount applied in such several Expenses shall not exceed the Sum of Forty Pounds *per Annum*, exclusive of the Wages of Toll Gate Keepers, and Expenses of Actions at Law, Suits, or Indictments:

Thirdly, in paying the Expenses of maintaining and keeping in repair the Road; but the Sum so applied shall not exceed One hundred and twenty Pounds *per Annum*:

Fourthly, in paying Interest after the Rate of Three Pounds *per Centum per Annum* from the First Day of *January* One thousand eight hundred and fifty-six upon the said Principal Sum of Three thousand four hundred Pounds, or on so much of such Principal Sum as shall for the Time being be owing on the Credit of the Tolls authorized to be taken on the Road:

Fifthly, in removing when required, under the Provisions of this Act, the existing Toll Gate within the Limits of the Borough of *Kingston-upon-Hull*, and in providing a new Toll Gate, Toll House, and other Conveniences beyond such Limits; but the Amount applied for such Purposes shall not exceed Two hundred and fifty Pounds:

Sixthly, in reducing, paying off, and discharging, in manner hereinafter mentioned, the said aggregate Principal Sum of Three thousand four hundred Pounds, or such Part thereof as shall be for the Time being due and owing on the Credit of the Tolls authorized to be taken on the Road:

And lastly, in paying the further Expenses of maintaining, repairing, and improving the Roads.

XIX. Provided always, That no Interest shall accrue due in respect of the said Debt or any Part thereof until the Expenses of obtaining and passing this Act shall have been paid and satisfied.

Interest not to accrue until Expenses of Act are paid.

XX. That when and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being due on the Credit of the said Tolls shall amount to the Sum of Two 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 the 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 Object or the Purpose thereof,

Mode of discharging Debt.

The Kingston-upon-Hull, Hessle, and Ferriby Turnpike Road Act, 1855.

so far as the same shall relate to the Application of such Sum, in some Newspaper published in the Town of *Kingston-upon-Hull*, or by Letter addressed to each Mortgagee; 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 Monies owing on the Credit of the said Tolls to the Creditor who shall, by Proposal in Writing transmitted to the Clerk of the Trustees 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 Payment of other Monies owing on the Credit of the said Tolls to the Creditor who by Proposal as aforesaid shall have offered to accept the next lowest Composition in respect of the Principal Money due to him, and so in like Manner until the Sum applicable to such Payment shall be exhausted; and if and whenever Two or more Creditors 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 rateably between or amongst such Creditors, as the Trustees shall 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 such Proposals as aforesaid 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 said Tolls, or may pay the same to such of them as may be determined by Lot, or otherwise as the Trustees shall think proper.

Mortgagees
not to enter
into possession while
Interest is
paid.

XXI. That whenever and so long as the Interest of any Mortgage upon the Tolls of the Road shall be duly paid, at the Rate in this Act mentioned, within Three Months next after the same shall become due, the Holder of such Mortgage shall not be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the Road, 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 such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time becoming due, at the Rate in this Act mentioned, upon all the Principal Sums for the Time being owing on the Credit of the said Tolls, 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

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Twenty-one Days next after each of the yearly Days whereon the Interest on such Principal Sums shall be payable, render to the Clerk of the Trustees for the 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, at the Rate in this Act mentioned, on such Principal Sums, up to the last of such 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 Possession of the Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls, and of any such Rent 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.

XXII. That no Money shall be laid out by the Trustees on the said Road within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any Toll be collected therein by them, except as herein-after mentioned.

Money not
to be laid out
in Towns.

XXIII. That it shall be lawful for the Trustees to continue and maintain the present Toll Gate near and within the Boundary of the Borough, and take Tolls thereat, for the Space of Five Years from the passing of this Act, and also after the Expiration of Five Years until the Portion of Road within the Borough between the existing Toll Gate and the new Entrance Gates of the *Brazil Gardens* shall have a continuous Line of Houses or Buildings on each Side thereof, or shall have been pitched and paved by the Local Board of Health of the said Borough (which they are hereby authorized to do, without the Consent of the said Trustees), or shall have been otherwise pitched and paved in like Manner as the adjoining Streets in the said Borough are pitched and paved; and after the Expiration of the said Five Years, so soon as the said Portion of Road within the Borough shall have been so built upon, or so pitched and paved as aforesaid, such Portion of Road shall cease to be a Turnpike Road, and to be under the Management of the Trustees, and the Toll Gate shall be removed by them beyond the Limits of the Borough: Provided always, that the Trustees shall repair the said Portion of Road, or so much thereof as shall not have a continuous Line of Houses or Buildings on each Side thereof, or as shall not be pitched and paved by the Local Board of Health, or otherwise, until such Toll Gate is removed.

As to Part
of Road in
Borough of
Hull.

[*Local.*]

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XXIV. That

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Provision
for General
Act.

XXIV. That nothing herein contained shall be deemed to exempt the Road comprised in this Act 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.

Term of Act.

XXV. That this Act shall commence on the First Day of *November* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

LONDON:

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