



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## Cap. clii.

An Act to repeal the Act relating to the *Thirsk and Yarm* Turnpike Road, and to make other Provisions in lieu thereof, and to grant a further Term in the said Road; and for other Purposes.

[10th July 1854.]

**W**HEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually repairing, improving, and maintaining the Road leading from Thirsk to Yarm in the County of York*: And whereas the Term granted by the said recited 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-four, unless Parliament shall in the meantime continue the same: And whereas the Trustees acting by virtue of the said recited Act, and of a previous Act passed in the Forty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing, improving, and maintaining the Road leading from Thirsk to Yarm in the County of York*, therein recited, and therein repealed, have proceeded to carry the same into execution, and have from Time to Time

5 G. 4. c. vi.

43 G. 3. c. 2.

[Local.]

27 P

borrowed

*The Thirsk and Yarm Turnpike Road Act, 1854.*

borrowed considerable Sums of Money upon the Credit of the Tolls thereby authorized to be taken upon the said Road, the whole of which Sums still remain owing upon the Credit of the said Tolls, and such Moneys cannot be paid off unless further Powers are granted and the Term of the said Act further continued: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof; but such Purposes cannot be effected without the Authority of Parliament: May it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Recited Act repealed, and this Act to be put in force.

I. That from and after the Commencement of this Act the said recited Act of the Fifth Year of the Reign of His Majesty King *George* the Fourth shall be and the same is hereby declared to be repealed, and this Act shall thenceforth be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. That in reciting this Act in other Acts of Parliament, or in any Instrument or Document whatever, it shall be sufficient to use the Expression "The *Thirsk and Yarm* Turnpike Road Act, 1854."

Interpretation of Terms.

III. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

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

The Expression "Toll Gate" shall include Turnpikes, Side Gate, Side Bar, or Chain, either on the said Road or the Sides thereof.

All Arrears of Tolls, &c. under recited Act vested in the Trustees under this Act.

IV. That all Rents, Arrears of Rent, Tolls, Arrears of Tolls, and other Moneys due or reserved or belonging to, and all Moneys, Property, and Choses in Action vested in, the Trustees under the Act hereby repealed, shall immediately on the Commencement of this Act be vested in and belong to the Trustees for executing 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 due, or reserved, belonging to, or vested in them under the said repealed Act, and they shall be liable to the Payment of all Sums of Money, Debts, and Demands now due and owing on the Credit or Security of the said repealed Act, and all Interest due and to grow due on the same respectively, and to all the Engagements to which the Trustees under the repealed Act were liable at the Repeal thereof, save and except such Debts and Liabilities as are by this Act reduced, varied, or extinguished.

V. That,

*The Thirsk and Yarm Turnpike Road Act, 1854.*

V. That, subject to the Provisions of this Act, all Bonds, Conveyances, Covenants, Agreements, Contracts, and Securities made or entered into by any Person or Persons to or with the Trustees for executing the said repealed Act, or the said Act therein recited, and thereby repealed, or with any of them, shall remain in full Force and Effect, and be and continue available in all Courts of Law and in Equity, until the same be fully satisfied and performed on account and for the Benefit of the Trustees under this Act, and all Bonds, Mortgages, Bargains, Contracts, Agreements, Lettings of Tolls, Orders, or Notices, made, entered into, or given by the Trustees for executing the said repealed Act, or the Act therein recited, and thereby repealed, with or to any Person or Persons, for any Purpose relating to the Road therein comprised, or to the Execution of the said Act, shall (except so far as the same are varied, altered, or otherwise provided for by this Act) remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Bonds, Mortgages, Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof; and all Powers and Authorities vested in the Trustees acting under the said repealed Act shall and may be executed by the same Trustees until the First Meeting of the Trustees appointed by this Act, notwithstanding the Repeal of the said recited Act.

Conveyances, &c. under former Act to continue in force.

VI. That all and every the Books and Book of Proceedings which have been kept by the Trustees acting in execution of the Act hereby repealed, or any of the Acts therein recited, or by their Treasurer or Clerk under their Direction, according to the Provisions of such Acts, and made Evidence thereby, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Former Books to be Evidence.

VII. That all Roads made, opened, widened, diverted, shut up, or discontinued under or by virtue of the Powers and Provisions of the said Act of the Forty-third *George* the Third, Chapter Two, recited and repealed in and by the said Act hereby repealed, shall remain and continue opened, widened, diverted, shut up, and discontinued in such and the same Manner as if the said recited Act had not been repealed, and that the Trustees under this Act shall be discharged from the Care and Management of all Roads so shut up or discontinued.

Roads made or shut up by former Trustees to remain made or shut up.

VIII. That all Her Majesty's Justices of the Peace for the Time being acting for the North Riding of the County of *York*, together with *Watson Alcock*, *George Cooper Abbs* Clerk, *John Brewster* Clerk, *Christopher Bramwell*, *Robert Joseph Barlow* Clerk, *Matthew Bowser*, *Rowland Burdon*, *William Bainbridge*, *John Moore Bates*, *Thomas Bates*, *William Bates* Clerk, *William Bennington*, *Calverley*

Trustees appointed.

*The Thirsk and Yarm Turnpike Road Act, 1854.*

*verley Bewicke Bewicke, Thomas Drewitt Brown, Matthew Boville, John Bell, Richard Clarke, Robert Colling, George Coates, Robert Chaloner, Robert Chilton, John Charge Clerk, John Winde Coates, Henry John Duncombe Clerk, James Dugdale, Thomas Dugdale, Thomas Hart Dyke Clerk, Joseph Dodds, Robert Holiday Dobson, Watson Dixon, William Henry Elliott Clerk, James Emerson, William Fawcett, Robinson Fowler, William Grey, Thomas Robinson Grey, William Scurfield Grey, John Grey, Thomas Garbutt, Henry Graves Clerk, Ralph Grenside Clerk, John Hogg, George Thomas Hutchinson, Charles Francis Hutchinson, Thomas Hutchinson, Francis Henson Clerk, Robert Haynes, John Mason Hopper, John Jolly, William Ward Jackson Clerk, Richard Headlam Keenlyside, Robert Kaye, Robert Kitching, Henry Maltby Clerk, Anthony Lax Maynard, John Charles Maynard, Robert George Mewburn, George Marwood, James Milner Clerk, John Mewburn, William Henry Mewburn, James Mewburn, John Nightingale, John Fendall Newton Clerk, John Fendall Newton the younger, David Nesham, John Oxlee Clerk, William Pearson, Robert Preston, Edward Pease, Joseph Pease, William Putsey Clerk, Richard William Peirse, William Thomas Parkin, James Allan Park Clerk, the Honourable Gustavus Frederick Hamilton Russell, William Robinson Robinson, Thomas Roecliffe, William Rhodes, George Hutchinson Swain, Thomas Robert Swinburne, Thomas Anthony Swinburne, William Skinner, John William Smith Clerk, William Simpson, Medd Scarth, Richard Scarth, William George Sutton, John Stapylton Sutton, John Page Sowerby, Thomas Swarbreck, Edmund Henry Turton, Henry Jones Clerk, Charles Trotter, Robert Thompson, Richard Walker, James Wilson, John Winpenny Clerk, Thomas Pym Williamson Clerk, William Waldy, William Yeoman, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act into execution.*

Power to  
appoint additional Trustees.

IX. That it shall be lawful for the said Trustees, 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 hereby nominated, and such Trustees so elected, and being duly qualified to act as Trustees of Turnpike Roads in *England*, shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

First Meeting of Trustees.

X. That the Trustees shall hold their First Meeting at the House of Mrs. *Christian Williams* known by the Sign of the *George Inn* in the Town of *Yarm* aforesaid, or at some other Place in the Neighbourhood

*The Thirsk and Yarm Turnpike Road Act, 1854.*

bourhood of the said Road, upon the Second *Thursday* next after the Commencement of this Act, between the Hours of Eleven of the Clock in the Forenoon and Three of the Clock in the Afternoon, and shall then and from Time to Time thereafter adjourn to and meet at such Times, and at such Places in the Neighbourhood of the said Road, as they shall think proper, or as shall be fixed and agreed upon at the last preceding Meeting of the Trustees.

XI. That the said Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part or Parts of the said Road, or to execute any of the other Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the said Trustees at any General Meeting; and the said Committees and the Officers of the Trust may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Power to  
appoint Com-  
mittees.

XII. That the Clerk, Treasurer, Surveyor, and all other Officers who have been appointed under and employed in the Execution of the said recited Act shall respectively continue to exercise their Offices under this Act until they shall respectively die, resign, or be displaced or removed by the Trustees, or be incapable of executing them, and be subject to the like Rules and Regulations, and Pains and Penalties, in all respects whatsoever as if they had been appointed under or by virtue of this Act.

Present  
Officers to  
continue.

XIII. That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the Road leading from the Market Cross of the Town of *Thirsk* to the South End of the Bridge across the River *Tees* at *Yarm* in the County of *York*.

Road to  
which this  
Act is appli-  
cable.

XIV. That it shall not be lawful for the said Trustees to collect any Tolls, or to expend any Tolls in paving, cleansing, or otherwise repairing any Part of the said Road, between the Market Cross at *Thirsk* and the Gasworks at the North End of that Town, or between the Junction of the said Road with the *Catterick Bridge* and *Durham* Turnpike Road at or near the South End of the Town of *Yarm* and the Bridge across the River *Tees* at *Yarm*.

No Tolls to  
be expended  
in repairing,  
&c. the  
Streets of the  
Towns of  
Thirsk or  
Yarm.

XV. That the Road comprised in this Act shall be called "The *Thirsk and Yarm* Turnpike Road," and the Trustees for executing this Act shall be styled "The Trustees of the *Thirsk and Yarm* Turnpike Road."

Style of the  
Trust.

[*Local.*]

27 Q

XVI. That

*The Thirsk and Yarm Turnpike Road Act, 1854.*

Present Tolls  
continued  
until the End  
of the Term  
of the exist-  
ing Letting.

XVI. That, notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates to be continued or erected on or on the Sides of the said Road until the Thirty-first Day of *December* One thousand eight hundred and fifty-four inclusive, and until other Tolls shall be appointed by the Trustees, under the Powers of this Act, to be taken in lieu thereof.

For erecting  
Turnpikes.

XVII. That, subject to the Provisions of this Act, the several Toll Gates and Weighing Machine now standing or being upon the said Road or on the Sides thereof shall be continued until removed by an Order of the said Trustees; and it shall be lawful for the said Trustees to order and cause to set up, upon, in, or across the said Road by this Act directed or authorized to be maintained, and upon the Sides thereof or any Part thereof respectively, any Toll Gate and any Weighing Machine, and from Time to Time to remove the present or any future Toll Gates or Weighing Machines, as they shall think proper; and also to continue, erect, or provide a Toll House, with suitable Outbuildings and Conveniences, at or near each Toll Gate, and also shall and may take in and inclose from the Sides of the said Road convenient Garden Spots for the Toll Houses respectively, not exceeding One Eighth Part of a Statute Acre to each Toll House: Provided always, that no Toll Gate which by this Act is authorized to be maintained or set up on the said Road or the Sides thereof shall be removed or set up upon or across the said Road or any Part thereof, or the Sides thereof, except the same shall be ordered to be removed or set up at a Special Meeting of the Trustees holden for that Purpose in conformity with and after such Notices as are required to be given by the 5th Section of the Act of 9 *George IV.* Cap. 77.

Power to  
take Tolls.

XVIII. That upon and after the First Day of *January* One thousand eight hundred and fifty-five it shall be lawful for the said Trustees to demand and take, at the several and respective Toll Gates which shall be continued or set up by virtue of this Act in, upon, across, or on the Side of the said Road, such Tolls as the said Trustees at any of their Meetings, whether held before or after that Day, shall from Time to Time direct, not exceeding the Sums following; that is to say,

Tolls.

For every Horse, Mule, Ox, or other Beast, except an Ass, drawing any Chaise Marine, Coach, Stage Coach, Diligence, Omnibus, Van, Caravan, Landau, Berlin, Barouche, Sociable, Chariot, Vis-à-Vis, Calash, Phaeton, Hearse, Litter, Break, Chaise, Gig, Whiskey, Chair, Car, Curricule, or Taxed Cart, or other Cart or Carriage intended or used for the Conveyance of Person or light Goods or Articles, the Sum of Fivepence :

For

*The Thirsk and Yarm Turnpike Road Act, 1854.*

For every Horse, Mule, Ox, or other Beast, except an Ass, drawing any Waggon, Wain, Dray, Cart, or other such like Carriage, if having the Fellies of the Wheels thereof of the Breadth of Four Inches or upwards at the Bottom or Soles thereof, the Sum of Fourpence; if having the Fellies of the Wheels thereof of less Breadth than Four Inches at the Bottom or Soles thereof, the Sum of Fivepence: Provided always, that no higher Toll than Fourpence shall be demanded or taken before the First Day of *January* One thousand eight hundred and fifty-seven for any Horse, Mule, or other Beast, except an Ass, drawing any Waggon, Wain, Dray, Cart, or other such like Carriage having the Fellies of the Wheels thereof of less Breadth than Four Inches at the Bottom or Soles thereof:

For every Ass drawing any Carriage, the Sum of Threepence:

For every Dog or Goat drawing any Wain, Truck, Cart, or other Carriage or Vehicle, the Sum of One Penny:

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

For every Horse, Mule, Ass, Ox, or other Beast, laden or unladen, and not drawing, the Sum of Twopence:

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

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

XIX. That in all Cases where 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. As to the Fraction of a Halfpenny in Tolls.

XX. That no more than Three full Tolls in the whole shall be payable or paid for passing through all the Toll Gates erected or to be erected across or upon the Sides of the said Road for the whole of the Distance from *Thirsk* to *Yarm*, and that One full Toll and Half a Toll shall be payable between *Thirsk* and the House formerly the *Cleveland Tontine* Inn, and One full Toll and Half a Toll between the said House formerly the *Cleveland Tontine* Inn and the Bridge across the River *Tees* at *Yarm*, and that Two full Tolls only shall be payable between the North Side of the Toll Bar at *Borrowby* and *Yarm*, and Two full Tolls only between the South Side of the Toll Bar at *Trenholm* and *Thirsk*. Not more than Three Tolls to be taken on the Road from Thirsk to Yarm.

XXI. That

*The Thirsk and Yarm Turnpike Road Act, 1854.*

No Tolls to be paid on repassing on the same Day.

XXI. That in case the Tolls hereby authorized shall have been paid for or in respect of any Horse, Beast, or Cattle passing through any of the Toll Gates now or hereafter to be erected upon, across, or on the Sides of the said Road, no Toll shall be demanded or taken, for or in respect of such Horse, Beast, or Cattle, for returning or repassing through the same Toll Gate the same Day, to be computed from Twelve o'Clock at Night to Twelve o'Clock in the succeeding Night, but that every Person, on producing and delivering a Note or Ticket denoting the Payment of such Toll, shall (except as herein-after mentioned) be permitted to return and repass through such Toll Gate with such Horse, Beast, or Cattle Toll-free: Provided, that if any such Horse, Beast, or Cattle, in returning or repassing, be drawing any Carriage in respect of the drawing of which a higher Rate of Toll would be payable than was paid for such Horse, Beast, or Cattle on first passing through the said Toll Gate, the Difference of Toll between that paid on first passing and that payable on returning or repassing the First Time shall be paid.

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

XXII. That the Tolls hereby made payable for and in respect of Horses or Beasts drawing any Stage Coach, Diligence, Omnibus, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, shall be payable and paid every Time of passing or repassing along the said Road.

Postchaises on every new Hiring.

XXIII. That the Tolls hereby made payable for or in respect of Horses or Beasts let out to Hire, and drawing any Postchaise or other Carriage, shall be payable and paid every Time of passing along the said Road whenever any new Hiring thereof shall take place, in the same Manner as if no previous Payment of Tolls in respect of such Horses or Beasts had been made on the same Day.

Horses, &c. drawing different Waggons, &c.

XXIV. That the Tolls hereby authorized shall be payable at each and every Toll Gate belonging to the Trustees in respect of Horses or other Beasts of Draught drawing any Waggon, Wain, Cart, Van, Caravan, or such like Carriage, for every Time during the same Day that any such Horse or other Beast of Draught shall pass through any of the Toll Gates of the Trustees drawing any other laden Waggon, Wain, Cart, Van, Caravan, or such like Carriage than that which such Horse or other Beast of Draught was employed in drawing at any former Time during the same Day, and at which Tolls shall have been paid.

Certain exempted Articles subject to Tolls if conveyed during the

XXV. And whereas the carrying and conveying Stone, Dross, Ashes, and other Materials upon the said Road, for the making and repairing Turnpike Roads and Highways, and for building, rebuilding, or repairing Bridges upon or over the same; in the Winter Season, which



*The Thirsk and Yarm Turnpike Road Act, 1854.*

which are exempted from Toll, do considerably more Injury to the said Road than if the same were conveyed during the Summer Months: Winter Months. Be it therefore enacted, That it shall be lawful for the said Trustees, between the First Day of *October* in One Year and the last Day of *March* in the succeeding Year, both Days inclusive, to demand and take, at the several and respective Toll Gates to be continued or erected on the said Road, for every Horse, Beast, or Cattle drawing any Waggon, Wain, Dray, Cart, or other Carriage carrying or laden with Stones, Dross, Ashes, or other Materials which may be used for making or repairing any Roads or Highways whatsoever, or for building, rebuilding, or repairing Bridges upon or over the same, the same Tolls as are by this Act authorized to be taken in respect of Horses, Beasts, and Cattle drawing any Waggons, Wains, Drays, Carts, or Carriages, any Exemption granted by any Law or Statute to the contrary notwithstanding.

XXVI. That no Exemption allowed by any Law or Statute in force from Payment of Tolls on any Turnpike Road shall be allowed in respect of the Tolls by this Act granted, for or in respect of any Horse, Beast, or Cattle drawing any Waggon, Wain, Dray, Cart, or other Carriage laden with or employed only in leading or conveying any Materials for making or repairing any Road or Highway, or for building, rebuilding, or repairing any Bridge upon or over the same, or any Lime, Dung, Soil, Compost, or Manure for improving Lands, save and except such Materials, Lime, Dung, Soil, Compost, or Manure as are to be used for making or repairing a Road or Highway, or building, rebuilding, or repairing a Bridge upon or over the same, or improving Lands within some Township which is or may be liable to contribute to the Repair of some Part of the Road comprised in this Act. Limiting certain general Exemptions from Tolls.

XXVII. That no Toll shall be demanded or taken for or in respect of any Horse, Beast, Cattle, or Carriage when employed in carrying or conveying Draining Tiles only. Draining Tiles exempt from Tolls.

XXVIII. And whereas the several Principal Sums due and owing under the said recited Act, and now carrying Interest, amount to the Sum of Eight thousand one hundred and fifty-seven Pounds Seven Shillings and Tenpence, and the several Sums which at the Time of the passing of the said recited Act were due for Arrears of Interest thereon or on some Part thereof, and were by the said Act charged on the Tolls of the said Road, amount to the Sum of Seven thousand one hundred and twenty-six Pounds Six Shillings and Tenpence: Be it enacted, That from and after the Commencement of this Act the said Principal Sum of Eight thousand one hundred and fifty-seven Pounds Seven Shillings and Tenpence shall be deemed to be the

[*Local.*]

27 R

Principal

*The Thirsk and Yarm Turnpike Road Act, 1854.*

Principal Sum now due and owing on the Credit of the Tolls authorized to be taken on the said Road, and that thenceforth Interest after the Rate of Three Pounds *per Centum per Annum*, and no more, shall be paid on the said Principal Sum of Eight thousand one hundred and fifty-seven Pounds Seven Shillings and Tenpence, or on so much thereof as for the Time being shall be due and owing on the Credit of the said Tolls, and that the said Sum of Seven thousand one hundred and twenty-six Pounds Six Shillings and Tenpence shall be and the same is hereby extinguished.

Application  
of Moneys  
and Tolls.

XXIX. That all Moneys and Tolls vested in or which shall be received by the said Trustees under or by virtue of this Act, and which shall be applicable to the Purposes thereof, shall be applied and disposed of as herein-after mentioned ; that is to say,

First, in paying and discharging all the Costs, Charges, and Expenses attending the applying for, obtaining, and passing of this Act, or incidental thereto ;

Secondly, in defraying the necessary Expenses of erecting or providing, maintaining, altering, and repairing Toll Gates, Toll Houses, and Weighing Machines, the Salaries and Wages of the Clerk, Surveyor, and other Officers and Persons employed by the said Trustees, and the other Costs and incidental Expenses attending the Management of the said Road : Provided, that such Expenses shall not exceed in any One Year the Sum of One hundred Pounds, exclusive of any Payment to Toll Collectors for collecting Toll, if necessary, and of any Expenses to which the Trustees may be put in commencing, prosecuting, or defending any Action at Law or Suit in Equity, or preferring or defending any Indictment, or in taking any other Proceeding for maintaining and protecting their Trust ;

Thirdly, in paying Interest, after the Rate of Three Pounds *per Centum per Annum*, on the said Principal Sum of Eight thousand one hundred and fifty-seven Pounds Seven Shillings and Tenpence, or on so much thereof respectively as shall for the Time being be due and unpaid, such Interest to be paid to and amongst the Persons entitled thereto in proportion to the Amount of their respective Claims, and without any Priority the one over the others or other of them ;

Fourthly, in paying to the Surveyors of any Township repairing its own Highways through which the said Road passes an annual Sum towards the Expenses of improving, maintaining, and keeping in repair the said Road, subject to the Provisions of this Act, the Amount of such annual Sum not to exceed in the whole the Sum of One hundred and thirty Pounds, and to be apportioned amongst the said Townships in such Proportions and Manner as the Trustees from Time to Time shall order and direct ;

Fifthly,

*The Thirsk and Yarm Turnpike Road Act, 1854.*

Fifthly, in reducing, paying off, and discharging, in the Manner herein-after provided, the Principal Sum which shall for the Time being be due and owing on the Credit of the Tolls authorized to be taken on the said Road ; and,

Lastly, in maintaining and further repairing and improving the said Road.

XXX. Provided always, That the Interest payable upon the said Principal Sum of Eight thousand one hundred and fifty-seven Pounds Seven Shillings and Tenpence shall not be paid until the Expenses of obtaining and passing this Act, and incidental thereto, shall be fully discharged.

Interest not to be paid until Expenses of Act are paid.

XXXI. That whenever and so long as the Interest upon all existing Mortgages and Charges upon the Tolls of the said Road shall be duly paid, at the Rate by this Act authorized, within Three Calendar Months next after the same shall become due, no Holder of any Mortgage or Security shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Road or the Sides thereof, 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 and Sums in reduction of Principal from Time to Time becoming due, at the Rate and in the Manner by this Act authorized, upon all the then existing Mortgages and Securities, 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 to the said 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 and Sums in reduction of Principal at the Rate by this Act authorized 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 said 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 Rent as aforesaid, to the said 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.

Mortgagees not to take possession of Toll Gates, &c. but for Arrears of Interest.

XXXII. That when and so often as the Sum applicable to the Discharge of the Principal Moneys for the Time being due on the Credit

As to Mode of discharging Debt.

*The Thirsk and Yarm Turnpike Road Act, 1854.*

Credit of the said Tolls 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 Moneys to the Persons or Person 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 Purposes thereof, so far as the same shall relate to the Application of such Sum, in some Newspaper published in the County of *York* or County of *Durham*, or by Letter sent by Post to each Mortgagee, directed to his usual Place of Residence or last known 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 Moneys owing on Security of the said Tolls to the Mortgagee 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 Moneys, and after Payment to such Mortgagee 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 the other Moneys owing on the Security 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 Moneys 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 Mortgagees 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 Mortgagees, or to pay such Composition rateably between or amongst such Mortgagees, 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 Moneys 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 Mortgagees on the said Tolls, or to such of them as may be determined by Lot, as the Trustees shall think fit.

For opening and cleaning Rivulets, Brooks, &c., in order to prevent the Road from being overflowed and injured.

XXXIII. And whereas divers Rivulets, Stells, Brooks, and Streams of Water run across the Course of the said Turnpike Road, and through various Bridges, Arches, or Tunnels, Conduits, or Drains constructed for the Passage thereof: And whereas it may happen, that by the Neglect or Default of the Occupiers or Owners of the Lands through or in which the said Rivulets, Stells, Brooks, and Streams of Water flow or are situate, who ought to open, widen, deepen, scour, and cleanse the same, that the Bridges, Arches, Tunnels, Conduits, or Drains through which the same respectively run or flow, or the Mounds or

or

*The Thirsk and Yarm Turnpike Road Act, 1854.*

or Batteries constructed for raising the said Road, may be undermined, broken down, or taken away, or damaged: For Remedy or Prevention whereof be it enacted, That the respective Occupiers of Lands or Grounds, or if any of such Lands or Grounds be unoccupied then the Owners of such Lands or Grounds, through or in which the said Rivulets, Stells, Brooks, or Streams of Water flow or are situate, shall and they are hereby required, at their own Expense, from Time to Time, when and so often as there may be Occasion, well and sufficiently to open, widen, deepen, scour, cleanse, support, repair, and amend the same, and the Bridges, Arches, Tunnels, Conduits, or Drains upon their respective Lands or Grounds through which such Rivulets, Stells, Brooks, or Streams of Water pass or flow; and if any such Occupier or Owner shall refuse or neglect, after Seven Days Notice in Writing for that Purpose to him or her given, or left at his or her Dwelling House or usual Place of Abode, by any of the said Trustees, or by their Surveyor or Clerk for the Time being, well and sufficiently to open, widen, deepen, scour, cleanse, support, repair, and amend such Rivulets, Stells, Brooks, or Streams of Water, Bridges, Arches, Tunnels, Conduits, or Drains, so far as the same shall respectively extend through the Lands or Grounds of such Person, it shall be lawful for the said Trustees well and sufficiently to open, widen, deepen, scour, cleanse, support, repair, and amend the same, and to recover the Amount thereof from the Person or Persons so refusing, making default, or neglecting as aforesaid, such Charges and Expenses to be ascertained and settled by any of Her Majesty's Justices of the Peace acting for the North Riding of the said County of *York*; and such Justices are hereby authorized and required to assess and determine such Charges and Expenses accordingly, and in default of Payment thereof, on Demand, such Charges and Expenses shall and may be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, by Warrant under the Hand and Seal of any such Justice, rendering the Overplus (if any), upon Demand, after Payment of the said Charges and Expenses, and the Charges of the Proceedings before such Justice, and of such Distress and Sale, to the Owner of such Goods and Chattels, and the said Charges and Expenses, when so levied, shall be paid to the Treasurer for the Time being of the said Trustees, and be applied towards the general Purposes of this Act.

XXXIV. That it shall not be lawful for the said Trustees to borrow any further Sum or Sums of Money on the Credit of the Tolls by this Act authorized to be taken.

No more Money to be borrowed on Tolls.

XXXV. 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

Road not to be exempt from Provisions of any future

---

*The Thirsk and Yarm Turnpike Road Act, 1854.*

---

General  
Act.

of Turnpike Roads which may pass during the present or any future Session of Parliament.

Commence-  
ment and  
Term of Act.

XXXVI. That this Act shall commence and take effect 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:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1854.