



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. lxxv.

An Act to repeal the Acts relating to the *Selby and Market Weighton Turnpike Road* in the East Riding of the County of *York*; and to make other Provisions in lieu thereof.

[27th July 1857.]

WHEREAS an Act was passed in the Session of Parliament held in the Thirty-third Year of the Reign of King *George* the Third, intituled *An Act for repairing and widening the Road from Selby Ferry in the Parish of Hemingbrough to the Town of Market Weighton in the East Riding of the County of York*: And whereas another Act was passed in the Fifty-fourth Year of the same Reign, intituled *An Act for continuing the Term and enlarging the Powers of an Act of the Thirty-third Year of the Reign of His present Majesty, for repairing and widening the Road from Selby Ferry in the Parish of Hemingbrough to the Town of Market Weighton in the East Riding of the County of York*: And whereas the Term of the said recited Acts, 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-seven, unless Parliament shall

[Local.]

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in

The Selby and Market Weighton Turnpike Road Act, 1857.

in the meantime continue the same: And whereas considerable Sums of Money have been advanced and secured on the Credit of the Tolls authorized to be taken on the Road to which the said Acts relate; and the Sum of Three thousand two hundred and forty Pounds, as specified in the Schedule to this Act annexed, still remains due and owing, which cannot be paid off, nor can the said Road be effectually improved and kept in repair, unless further Powers and a further Term be granted: And whereas it is expedient that the said recited Acts should be repealed, and that further and more effectual Powers and Provisions should be granted in lieu thereof; but such Purposes cannot be effected without the Authority of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Recited Acts repealed, and this Act to be put in force.

I. From and after the Twenty-eighth Day of *September* next after the passing of this Act the said recited Acts passed in the Thirty-third and Fifty-fourth Years of the Reign of King *George* the Third shall be and the same are hereby repealed, and this Act shall thenceforth be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Selby and Market Weighton* Turnpike Road Act, 1857."

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

The Word "Person" shall be understood to 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 Road" or "the said Road" shall mean all or any Portion of the Road to which this Act applies.

All Arrears of Tolls and Moneys due under recited Acts vested in

IV. All Rents and Tolls, and Arrears of Rents and Tolls, and other Moneys due to, and all Moneys, Property, and Choses in Action vested in or belonging to the Trustees under the Acts 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

The Selby and Market Weighton Turnpike Road Act, 1857.

Trustees may sue for and recover the same, and act in respect thereof, as effectually as if the same had been due, belonging to, or vested in them under the said recited Acts, and they shall be liable all to the Debts and Engagements to which the Trustees under the said recited Acts were liable at the Repeal thereof, save and except such Debts and Engagements as are by this Act reduced or extinguished.

Trustees
under this
Act.

V. Subject to the Provisions of this Act, all Bonds, Conveyances, Covenants, Agreements, Contracts, and Securities made or entered into by any Person to or with the Trustees for executing the said recited Acts shall remain in full Force and Effect, and be and continue available in all Courts of Law and 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, or Notices made, entered into, or given by the Trustees for executing the said recited Acts with or to any Person for any Purpose relating to the Road therein comprised, or to the Execution of the said recited Acts, which 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 recited Acts 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 Acts.

Covenants,
&c., under
former Acts
to continue
in force.

VI. All Books and Records of Proceedings which have been kept by the Trustees acting in execution of the said recited Acts, or by their Treasurer, Clerk, or Surveyor 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. All Her Majesty's Justices of the Peace for the Time being acting in and for the East and West Ridings of the County of York, together with *James Audus, Thomas Atkinson, James Bell, James Banks, John Banks, John Burkitt, Thomas Burton, Keighley Burton, John Brownbridge, Robert Brown, Henry Bowser, William Blow (Clerk), John Blow (Clerk), H. D. Blanchard (Clerk), Samuel Gilbert Crompton (Clerk), William Collins (Clerk), John Francis Carr, Robert Schoolcroft Chaplin, William Chaplin, William Carter, the Honorable William Henry Forester Denison, Joseph Dobson, William Dobson, George Pelsant Dawson, George Dawson, Thomas Dodsworth, George Dodsworth, John Dunn, George Eland, John Fothergill,*

Trustees
appointed.

The Selby and Market Weighton Turnpike Road Act, 1857.

*gill, James Holmes, Jonathan Hutchinson, Robert Hubie, John Arthur Hepton, John Ion (Clerk), Richard Jubb, William Jewitt, Joseph Dunnington Jefferson (Clerk), William Knapton, William Leetham, the Honorable Stephen Lawley (Clerk), the Honorable Charles Langdale, William Langdale, Robert Leighton, John Maister, Robert Menzies the elder, Robert Menzies the younger, Godfrey Martin, William Constable Maxwell, Simeon Musgrave, George Newstead, William Paver, Edward Parker, Robert John Parker, Edward Parker (Clerk), Edward Pick, Dennis Pepper, John Richardson, William Richardson, Wormley Edward Richardson, Thomas William Rivis, William Staniland, William Standerling, Henry Smith, William Simpson, William Stephenson, the Honorable Philip Stourton, Robert Spofforth (Clerk), George Hamilton Thompson, Lionel Tomlinson, John Parker Toulson, William Thompson, Sir Henry Mervyn Vavasour (Baronet), Thomas Motley Weddall, Charles Mason Weddall, Thomas Wade, John Pinder Wilson, William Wilkinson (Clerk), George Mower Webb (Clerk), John George Weddall, Edward Charles Weddall, Charles Yates (Clerk), and Thomas Young, 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.

VIII. It shall be lawful for the said Trustees, at any Meeting to be for that Purpose called and holden in pursuance of this Act, to nominate, elect, and appoint any Number of Persons, being 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 also when and so often as any Trustee hereby nominated shall die or refuse to act, to nominate, elect, and appoint One other Person to be a Trustee in the Room or Stead of the Trustee so dying or refusing to act, and all such Trustees so nominated, elected, and appointed as aforesaid shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

First Meet-
ing of Trus-
tees.

IX. The said Trustees shall hold their First Meeting at the *Londesborough Arms Inn*, in *Selby*, or some other convenient Place in the Neighbourhood of the said Road, on the Second Day of *November* next after the passing of this Act, at Noon, and shall then and from Time to Time thereafter adjourn to or meet at such Times and at such Places in the Neighbourhood of the said Road as they shall think proper; and Notices of such Meetings and of all other Meetings for executing this Act shall be given by the Clerk of the said Trustees, by affixing the same in Writing upon all the Turnpike Gates erected or to be erected by virtue of the said recited Acts or of this Act, and inserting the same in some public Newspaper published in the County of *York*, Twenty-one Days at least before every such Meeting.

X. This

The Selby and Market Weighton Turnpike Road Act, 1857.

X. This Act shall be put into execution for the Purpose (amongst other things, as herein-after specified) of maintaining, amending, and repairing the present Turnpike Road leading from the Town of *Selby* through *Bubwith* to the Town of *Market Weighton*, all in the East Riding of the County of *York*.

Road to which this Act applies.

XI. The Road comprised in this Act shall be called "the *Selby and Market Weighton* Turnpike Road," and the Trustees for executing this Act shall be styled "the Trustees of the *Selby and Market Weighton* Turnpike Road."

Style of Trust.

XII. The several Toll Gates now standing or being upon the said Road, or on the Sides thereof, shall be continued until removed by an Order of the Trustees; and it shall be lawful for the said Trustees to order and cause to be erected and set up, upon, in, or across the said Road, or upon the Sides thereof, any other Toll Gate with suitable Outhouses and Conveniences, and from Time to Time to take down and remove the present or any future Toll Gates as they shall think proper: Provided always, that no Toll Gate shall be removed, erected, or set up on or across the said Road, or on the Sides thereof, unless the same shall be ordered to be so removed, erected, 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 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*.

Respecting Continuance and Removal of Toll Gates, &c.

9 G. 4. c. 77.

XIII. No Turnpike, Toll Gate, or Toll House shall be erected or set up by virtue of this Act, nor shall any Toll be collected on the Road at the End of the Town of *Market Weighton*, within the Distance of Two Miles from *Bow Bridge*, anything in this Act contained to the contrary notwithstanding.

Restriction as to Toll Gates.

XIV. It shall be lawful for the Trustees to cause Fences and Ditches to be erected and made over such Parts of any Commons or Waste Grounds on the Line of the said Road as they shall think necessary, and to continue the same for such Time as such Commons or Waste Grounds shall remain uninclosed, in order to prevent the Payment of Toll being evaded; and if any Person shall pull down or in any way displace or carry away such Fences, or any Part thereof, or shall fill up or injure such Ditches or any of them, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered and levied as any Penalty for any other Offence against the Provisions of this Act may be recovered and levied.

Fences may be erected to prevent Evasion of Tolls on Commons.

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XV. Not-

The Selby and Market Weighton Turnpike Road Act, 1857.

Present
Tolls con-
tinued until
1st July
1859.

XV. Notwithstanding the Repeal of the said recited Acts, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates continued or to be erected upon or on the Sides of the said Road until Twelve of the Clock at Noon on the First Day of *July* One thousand eight hundred and fifty-nine.

Power to
take Tolls.

XVI. Upon and after Twelve of the Clock at Noon on the First Day of *July* One thousand eight hundred and fifty-nine, it shall be lawful for the said Trustees to demand and take at the several and respective Toll Gates which shall by virtue of this Act be upon or on the Sides of the said Road such Tolls as the said Trustees shall at any of their Meetings direct, not exceeding the Sums following; that is to say,

Tolls.

For every Horse or Beast drawing any Coach, Landau, Chaise, Hearse, Chariot, Chair, Curricule, Gig, Car, Break, or Taxed Cart, or other such like Carriage, the Sum of Sixpence;

For every Horse or Beast drawing any Waggon, Wain, Cart, or other Carriage, laden with any Block or Blocks of Stone or Marble, or with Timber, or with any Millstone or Millstones, or Machinery, or Castings, the Sum of One Shilling;

For every Horse or Beast drawing any Waggon, Wain, Cart, Caravan, Dray, or other Carriage of a like Description, with upright cylindrical Wheels, having Fellies of the Breadth of Six Inches or upwards at the Tire Bottoms or Soles thereof, with a perfectly flat Tire rolling on a flat Surface, and the Nails of such Wheels countersunk and the Heads not projecting beyond the Surface of the Tire, the Sum of Fourpence; and with Wheels of the Breadth of Four Inches and a Half and less than Six Inches, Fivepence; and with Wheels of the Breadth of less than Four and a Half Inches, Sixpence; and for every Horse or Beast drawing any Carriage of the like Description, having Wheels of any other Form than as last mentioned, the Sum of Sixpence;

For every Carriage, of whatever Kind, 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 thereof;

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

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

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

Which said Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever shall be permitted

The Selby and Market Weighton Turnpike Road Act, 1857.

permitted to pass through any Toll Gate which shall be by virtue of this Act upon or across the said Road or on the Sides thereof.

XVII. 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. As to the Fraction of a Halfpenny in Tolls.

XVIII. All Horses, Cattle, and Carriages (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage as herein-after mentioned), in respect whereof the Toll by this Act authorized to be taken shall have been paid at any Toll Gate on the said Road, shall, upon the Production of a Ticket denoting such Payment having been made, be permitted to pass Toll-free through the same Toll Gate, and also through such Toll Gate or Toll Gates (if any) as the Ticket for such Payment shall free, at any Time or Times during the same Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night. Tolls to be paid but once a Day.

XIX. No more than Three full Tolls shall be demanded or taken in the same Day, to be computed as before mentioned, for passing and repassing with the same Horses, Beasts, Cattle, or other Animal or Thing, and Carriages, liable to Toll or Duty, through all the Toll Gates erected or to be erected or continued on the said Road. Limiting the Number of Tolls to be taken on the whole Line of Road.

XX. When the Toll by this Act authorized to be taken shall have been paid in respect of any Horse or other Beast or Carriage at any Toll Gate upon or on the Sides of the Road, no further Toll shall be taken in respect of the same Horse or other Beast for passing or repassing on the same Day through any other Toll Gate upon or on the Sides of the said Road within the Distance (measured along the Road) of Three Miles from the Toll Gate at which such Toll shall have been taken. No Second Toll to be taken within Three Miles.

XXI. The Tolls hereby made payable for and in respect of Horses and Beasts drawing any Stage Coach, Diligence, Omnibus, Van, Caravan, Waggon, Cart, or other Carriage conveying Passengers or Goods, Wares, Merchandises, Packages, or Parcels for Pay, Hire, or Reward, shall be payable and paid every Time of passing or repassing along the said Road. Stage Coaches, &c. to pay every Time of passing.

XXII. The Tolls hereby made payable shall be paid for and in respect of Horses and Cattle drawing any Postchaise or other Carriage travelling for Hire or Reward as often as any new Hiring shall take place, in the same Manner as if no previous Payment of Postchaises on every new Hiring.

The Selby and Market Weighton Turnpike Road Act, 1857.

of Toll in respect of such Horses or Cattle had been made on the same Day.

Horses, &c.
drawing
different
Waggons,
&c. to be
liable to
Toll.

XXIII. The Tolls in this Act mentioned shall be payable at each and every Toll Gate on the said Road in respect of Horses, Beasts, or Cattle drawing any Waggon, Wain, Cart, or other Carriage of a like Description every Time during the same Day that any such Horses, Beasts, or Cattle shall pass through any such Toll Gate drawing any Waggon, Wain, Cart, or other Carriage of a like Description other than that which such Horses, Beasts, or Cattle were employed in drawing at any former Time during the same Day when Toll shall have been paid in respect of such Horses, Beasts, or Cattle.

Continuing
certain
Exemptions
from Toll.

XXIV. No Toll shall be demanded or taken by virtue of this Act for any Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying and conveying, in the same Day, Lime or other Thing to be used solely for manuring Lands, except as herein-after mentioned; nor shall any Toll be demanded or taken for or in respect of any Horse taken from one Part of a Farm to another Part of the same Farm by the Occupier thereof or his Servant.

Authorizing
the gauging
of Wheels of
One-horse
Carts.

XXV. The Breadth of the Wheels of every Cart or other such Carriage drawn by One Horse or Beast passing along or upon the said Roads shall and may be measured and gauged, and the like additional Toll, with Penalties, shall be demanded, paid, and recovered as may by any Statute be demanded, paid, and recovered in respect of Carts or other Carriages drawn by Two or more Horses or Beasts, any Law or Statute to the contrary thereof notwithstanding; and the Owners and Drivers of such Carts or Carriages shall be liable to the same Penalties for refusing or obstructing the measuring or gauging of the Wheels, as the Owners or Drivers of Carts or other Carriages drawn by Two or more Horses or Beasts are now for similar Offences liable to by Law; and such Penalties may be recovered and applied in the same Manner as similar Penalties on the last-mentioned Owners and Drivers of Carts or Carriages are now by Law recoverable and applicable.

Horses, &c.
drawing
Road Ma-
terials in
Carriages
with narrow
Wheels to be
liable to
Toll;

XXVI. No Exemption allowed by any Law or Statute now in force from Payment of Tolls on any Turnpike Road for or in respect of any Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage laden with or employed in leading or conveying any Materials for making or repairing any Highway, or for building, rebuilding, or repairing any Bridge, or laden with or employed in leading or con-
veying

The Selby and Market Weighton Turnpike Road Act, 1857.

veying any Mould, Dung, Marle, Bone Dust, Compost, or other Manure for improving or manuring Lands, or with Ploughs, Harrows, or Implements of Husbandry, or Hay, Straw, Fodder for Cattle, Corn in the Straw, Potatoes, or other Agricultural Produce, shall be allowed in respect of the Tolls by this Act granted when such Waggon, Wain, Cart, or other Carriage shall have the Fellies of the Wheels thereof of a less Breadth than Four and a Half Inches.

XXVII. No Exemption allowed by any Law or Statute now 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 or other Beast drawing any Waggon, Wain, Cart, or other Carriage laden with or employed in leading or conveying any Materials for making or repairing any Road or Highway, or for building, rebuilding, or repairing any Bridge, save and except such Materials as are used for making or repairing a Road or Highway, or building, rebuilding, or repairing a Bridge within some Township, Hamlet, or Place which is or may be liable to contribute to the Repair of some Part of the Road comprised in this Act.

or if Road Materials are to be used in distant Townships.

XXVIII. All the Powers, Provisions, Regulations, and Penalties imposed by any Law or Statute now in force or hereafter to be made relating to the measuring and gauging of the Breadth of Wheels, or relating to the Owners or Drivers of such Waggons, Carts, and other Carriages, shall be applicable and shall extend and be deemed and taken to extend and apply to all Waggons, Carts, and other Carriages passing over or along the said Road, which by any of the Provisions herein-before contained are made liable and subject to the Payment of Toll, and to the Owners and Drivers thereof.

Regulations and Penalties relating to the measuring of Wheels of Carriages, to extend to Carriages subject to Toll by the preceding Clauses.

XXIX. All Moneys which shall come into the Hands of the Trustees by virtue of this Act shall be applied as follows; that is to say,

Application of the Moneys.

First, in paying and discharging the Expenses of and incidental to the obtaining and passing of this Act;

Secondly, in paying the Costs and Expenses attending the Management of the Trust, including the necessary Expenses of erecting or providing, altering, and repairing Toll Gates and Toll Houses, the Salaries of Officers, and other Costs and incidental Expenses; provided that such Expenses shall not exceed in any One Year the Sum of Ninety Pounds, exclusive of any Payments to Toll Collectors for collecting Tolls, 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 Proceedings before Justices of the Peace;

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Thirdly,

The Selby and Market Weighton Turnpike Road Act, 1857.

Thirdly, in paying the Expenses of maintaining and keeping in repair the said Road to an Amount not exceeding One hundred Pounds in any One Year ;

Fourthly, in paying Interest from the Twenty-eighth Day of *March* One thousand eight hundred and fifty-seven at the Rate of Three Pounds *per Centum per Annum* upon the said Sum of Three thousand two hundred and forty Pounds, or on so much thereof as shall from Time to Time remain unpaid ;

Fifthly, in reducing, paying off, and discharging, in manner hereinafter mentioned the said Sum of Three thousand two hundred and forty Pounds ; and,

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

As to Mode
of discharg-
ing Debt.

XXX. When and so often as the Sum applicable to the Discharge of the Principal Moneys for the Time being due on Security of the Tolls shall amount to the Sum of One hundred Pounds, the Trustees shall at any General, Annual, or other Meeting apply such Sum so applicable in the Payment of a proportionate Part of the said Principal Moneys to the Persons entitled thereto, and shall, Twenty-one Days at least before such General, Annual, or other Meeting, cause Notice to be given of such Meeting, and of the Objects and Purposes thereof, so far as the same shall relate to the Application of such Sum, in some Newspaper published in the said County of *York*, or by Letter sent by Post to each Creditor, 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 due on Security of the Tolls, to the Creditor who shall, by Proposal in Writing transmitted to the Clerk to the Trustees before such Meeting, have offered to accept the lowest Composition in respect of the Money due to him, 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 Moneys due on Security of the 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 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 Moneys to which such Proposals as aforesaid relate, the
Trustees

The Selby and Market Weighton Turnpike Road Act, 1857.

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 One or more of them as may be determined by Lot, as the Trustees shall think fit.

XXXI. Whenever and so long as the Interest by this Act allowed upon all existing Mortgages 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 of the Tolls collected upon the said Road shall be entitled to enter into possession of any Toll Gate, Toll House, or Building upon the said Road or on the Sides thereof, or into the Receipt of the Tolls arising therefrom, or of the Rent payable upon any letting of such Tolls; and every Mortgagee entering into possession of such Toll Gate, Toll House, or Building, or into the Receipt of such Tolls or Rent, shall pay any Arrears of Interest, and the Interest from Time to Time due and becoming due upon all the then existing Mortgages without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every Mortgagee, being so 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 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 due 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 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, but for Arrears of Interest.

XXXII. Notwithstanding anything in this Act or in any General Act of Parliament to the contrary, it shall be lawful for the Trustees, if they shall think fit, to let the Tolls of the said Trust, at a Meeting to be held for that Purpose, for any Term not exceeding Three Years, subject to such Terms and Conditions as they shall think proper, to the Person who shall tender in Writing the highest Amount to be paid for the same, such Amount being more than the Amount at which the Tolls were let for the then past Year: Provided always, that Notice of the Intention of the Trustees to receive Tenders for such Tolls, specifying the Amount at which such Tolls were let for the then

Trustees may let Tolls by Tender.

past

The Selby and Market Weighton Turnpike Road Act, 1857.

past Year, shall be duly given in manner provided by the General Turnpike Act for giving Notice of the Intention to let the Tolls by Auction: Provided also, that the Trustees shall be at liberty to tender once as a reserved Tender for the Tolls of the said Trust, and shall not be bound to let the Tolls to any Person who shall tender for the same, unless such Person shall give satisfactory Security for the Payment of the Amount of Tolls so tendered for; and provided, lastly, that the Amount at which such Tolls shall have been so let by Tender shall be published by Advertisement in some Newspaper published and circulated in the East Riding of the County of *York* within Three Weeks of the Time of such Tender being accepted.

Entrances to
Fields, &c.
to be made
with hard
Materials,
&c.

XXXIII. That in all Cases where any Entrance shall exist or be made from the said Turnpike Road to any Land or to any Buildings, such Entrance shall be properly covered with Stone, Bricks, Gravel, or other hard Materials, and a proper Plat, Culvert, or Drain made thereunder, by or at the Expense of the Owner or Occupier of such Land or Buildings, for the free Passage of the Drainage Water, so that the said Turnpike Road may not be injured by the Stoppage or running of such Water, or by Carriages, Horses, or Cattle passing to or from the same by such Entrance; and in case such Owner or Occupier shall refuse or neglect to cover such Entrance with proper Materials, or to make such Plat, Culvert, or Drain, and to put and maintain the same respectively in proper Repair for the Space of Fourteen Days after Notice in Writing from the Trustees of the said Turnpike Road, or their Clerk or Surveyor, given to or left at the Place of Abode or Business of such Owner or Occupier, or transmitted by the Post, and also affixed upon or near to such Entrance, requiring such Owner or Occupier to repair the same, it shall be lawful for the said Trustees, or their Surveyor or any other Person acting by or under their Authority, to make and cover such Entrance with Stone, Bricks, Gravel, or other hard Materials, and to make such Plat, Culvert, or Drain, or to repair the same respectively, and the Expenses thereof shall be repaid to the said Trustees or their Treasurer by such Owner or Occupier, and in case of Nonpayment thereof within Ten Days after Demand thereof in Writing by or on behalf of the said Trustees, then such Expenses shall and may be recovered, together with the Costs and Charges of such Recovery, by Distress and Sale of the Goods and Chattels of such Owner or Occupier by Warrant, in the same Manner as any other Penalty may be recovered under this Act or any General Turnpike Act, which Warrant any of Her Majesty's Justices of the Peace acting in and for the East or West Riding of the County of *York* is hereby empowered and required to grant, on Proof made before him on Oath of such Expense having been incurred and of such Notice having been given as aforesaid.

XXXIV. No

The Selby and Market Weighton Turnpike Road Act, 1857.

XXXIV. No Money shall be laid out nor shall any Tolls be collected by the Trustees on any Part of the Road within the Limits of any Act of Parliament passed for the Improvement of any Town. No Toll to be collected in certain Towns.

XXXV. It shall not be lawful for the Trustees to borrow any further Sum or Sums of Money on the Credit of the Tolls by this Act authorized to be levied on the Road. No more Money to be borrowed.

XXXVI. 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. Road not exempt from Provisions of General Acts.

XXXVII. This Act shall commence and take effect on the Twentieth Day of *September* 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. Commencement and Term of Act.

The Selby and Market Weighton Turnpike Road Act, 1857.

SCHEDULE referred to by foregoing Act.

Name of Mortgagees.	Date of Mortgage.	Amount.		
		£	s.	d.
Audus, James - - - - -	28th March 1845	120	0	0
Biass, William, Executors of - - - - -	Do.	60	0	0
Bussey, William - - - - -	Do.	60	0	0
Clarke, Thomas - - - - -	Do.	60	0	0
Chaplin, Robert Schoolcroft - - - - -	Do.	60	0	0
Constable, Thomas - - - - -	Do.	60	0	0
Constable, Mary Ann Stanley - - - - -	Do.	60	0	0
Eyre, Jane - - - - -	Do.	60	0	0
Holmes, James - - - - -	Do.	60	0	0
Hawdon, Thomas - - - - -	Do.	60	0	0
Ion, Sarah - - - - -	Do.	120	0	0
Jefferson, Joseph Dunnington - - - - -	Do.	60	0	0
Knapton, William - - - - -	Do.	120	0	0
Langdale, the Honorable Charles - - - - -	Do.	60	0	0
Maxwell, William Constable - - - - -	Do.	60	0	0
Pick, Edward - - - - -	Do.	570	0	0
Procter, Thomas, Administrators of - - - - -	Do.	60	0	0
Robinson, Mary, Trustees of - - - - -	Do.	30	0	0
Stringer, Susannah - - - - -	Do.	120	0	0
Staniland, Samuel, Executors of - - - - -	Do.	420	0	0
Weddall, Thomas Motley - - - - -	Do.	120	0	0
Weddall, Charles Mason - - - - -	Do.	120	0	0
Weddall, Charles Mason, in trust - - - - -	Do.	360	0	0
Weddall, Elizabeth, Executors of - - - - -	Do.	180	0	0
Weddall, Mary Elizabeth - - - - -	Do.	60	0	0
Wade, Thomas - - - - -	Do.	120	0	0
		£	3,240	0 0

LONDON :

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