



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 27.

An Act to continue and amend an Act of His present Majesty, for repairing the Road from *Norwich* to *Aylsham*, in the County of *Norfolk*; and to make and maintain the Road from *Aylsham* to *Cromer*, and Part of the Road leading towards *Wolterton*, branching off from the *Cromer* Road, to the *Eagle* Inn in *Erpingham*, in the said County. [11th April 1811.]

WHEREAS an Act was passed in the Thirty-fourth Year of His present Majesty's Reign, intituled, *An Act for amending, widening, and keeping in Repair the Road from Norwich to Aylsham, in the County of Norfolk, and a certain Part of the Road leading from the said Road towards Holt, in the said County*: And whereas the Trustees acting in the Execution of the said Act have borrowed considerable Sums of Money on the Credit of the Tolls thereby granted, which still remain due and cannot be repaid, and the said Roads effectually amended and kept in Repair, unless the Term of the said Act be continued, and some of the Powers thereof altered and enlarged, and the Tolls increased: And whereas it would be very advantageous and of great Convenience if Power were given for repairing, widening, and keeping in Repair the Road leading from a Place in the Town of *Aylsham* called *The Widow's Row*, unto and as far as the Pavement of the Town of *Cromer*, in the said County, and a certain Part of the Road leading towards *Wolterton*, in the said County, branching off from the said *Cromer* Road at the Cross Ways

[Loc. & Per.] 34G.3. c.114.

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in *Erpingham Field* as far as the *Eagle Inn* in *Erpingham*, the said last mentioned Roads being out of Repair, narrow, and incommodious, and cannot be properly and effectually varied, made, and repaired by the ordinary Course of Law: May it therefore please Your Majesty that it may be enacted; and be it enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act passed in the Thirty-fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Directions, Penalties, Forfeitures, Clauses, Matters, and Things therein contained (except such as are by this Act repealed, varied, or altered) shall be and continue in full Force and Effect, and be executed for and during the Term herein-after mentioned, not only for the Purposes of the said Act but also for the Purpose of making, amending, widening, turning, altering, diverting, improving, and keeping in Repair the said Road from *Aylsham* to *Cromer*, and Branch of Road leading towards *Wolterton* herein-before mentioned and described; and that all and every Powers, Provisions, Directions, Penalties, Forfeitures, Clauses, Matters, and Things, (except as aforesaid) which in the said recited Act are mentioned, relating to the said Road from *Norwich* to *Aylsham*, or Branch of Road leading towards *Holt*, shall be construed to extend to the said Road from *Aylsham* to *Cromer*, and Branch of Road leading towards *Wolterton*, in the same Manner and as fully and effectually to all Intents and Purposes as if the said last mentioned Road and Branch of Road had been originally included in the said recited Act, and as if the same Clauses, Powers, Provisions, Matters, and Things were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Amendments and Alterations herein contained; and this Act and the additional Term hereby granted shall be and are hereby declared to be subject and liable to the Payment of all the respective Sums of Money now due and owing on the Credit or on account of the said recited Act, and also of such other Sum or Sums of Money as may be borrowed for the Purposes of the said recited Act and of this Act, and of all Interest now due and to grow due for the same respectively in Manner herein-after mentioned.

Act con-
tinued.

Additional
Trustees.

II. And be it further enacted, That *Charles Anson* Clerk, *Henry Anson* Clerk, *Francis Edward Arden* Clerk, *Thomas Blake*, *Augustine Bulwer* Clerk, *William Blake*, *James Beevor*, *James Bulwer*, *James Barber*, *William Earle Bulwer*, *Joseph Dixie Churchill* Clerk, *Robert Copeman*, *Richard Woolmer Cubitt*, *Thomas Deeker* Clerk, *Sir Martin Browne Folkes* Baronet, *Hudson Gurney*, *John Johnson Gay*, *Theophilus Giraldstone* Clerk, *Dennis Gunton*, *The Honourable Edward Harbord*, *Richard Paul Jodrell* Junior, *James Hunt Holley*, *Samuel Hoare*, *John Hepworth* Clerk, *Charles Kent*, *Sir Thomas Barrett Lennard* Baronet, *George William Lukin* L.L.D. *William Lukin*, *John Thruston Mott*, *Robert Marsbam* the Younger, *William Heath Marsh* Clerk, *Thomas Mickelburgh*, *Henry Samuel Partridge*, *Samuel Pitman* Clerk, *Edward Rigby*, *William Repton*, *Thomas Rackham*, *Charles Sutton* D.D. *Samuel Jeffery Shaw*, *The Right Honourable Horatio Walpole*, commonly called *Lord Walpole*, *William Wickes*, *Benjamin Walker*, *John Warnes*, and *Rice Wickes*, being qualified according to the Directions of the said recited Act, shall be and they are hereby added to and joined with the Trustees appointed in or by virtue of the said recited Act; and that the Trustees hereby appointed, together with the surviving

or

or remaining Trustees appointed in or by virtue of the said recited Act, shall be and are hereby empowered to put the said recited Act and this Act in Execution, as fully and effectually to all Intents and Purposes as if they had been appointed in or by virtue of the said recited Act.

III. And be it further enacted, That the said Trustees shall and may hold Meetings. their Meetings for the Purposes of the said Trust at some convenient House or Place in any of the Parishes in which the said Roads are situate, or in the Guildhall in the said City of *Norwich*, and may from Time to Time adjourn any Meeting to the same or any other Place within some one of the said Parishes or the said City; and that all such Meetings to be held under or in pursuance of this Act or of the said recited Act, of the holding of which Notice is directed to be given in the public Newspapers, shall be and be deemed to be well and sufficiently advertised for the Purposes thereof if the same be inserted in the *Norfolk Chronicle* or some other Newspaper printed or circulated within the said County of *Norfolk*, once only before each Meeting; any Thing in the said recited Act contained to the contrary thereof notwithstanding.

IV. And be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby empowered to contract with any Person or Persons for repairing, widening, altering, or keeping in Repair, the said Roads, or any Part thereof, and for erecting Milestones or Posts thereon, or for doing any other Work authorized to be done by the said recited Act or this Act, in such Manner, and for such Sum or Sums of Money as the said Trustees, or any Five or more of them, shall from Time to Time think fit. Trustees may contract for Repair of the Roads.

V. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done or omitted to be done by virtue or in pursuance of the Directions of the said recited Act or this Act, in the Name or Names of their Treasurer or Treasurers for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees in the Name of the Treasurer or Treasurers, shall abate or be discontinued by the Death or Removal of any such Treasurer, nor by the Act of any such Treasurer, without the Consent of the said Trustees, or any Five or more of them; but the Treasurer or Treasurers for the Time being shall be deemed Plaintiff or Defendant as the Case may be in every such Action: Provided always, that every such Treasurer in whose Name any such Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be fully reimbursed and paid; and it shall be lawful for him to retain out of the Money then in the Hands of such Treasurer or Treasurers, or out of the first Money to come to his or their Hands by virtue of this or the said recited Act, after such Action or Suit shall be concluded or discontinued, all such Payments, Costs, Charges, Damages, and Expences, as by the Event of or in consequence of any such Action or Proceeding, they or any of them shall bear, pay, expend, or be put unto or become chargeable with by Reason of his or their being so made Plaintiff or Defendant as aforesaid, in Preference to all other Payments whatsoever. Trustees may sue and be sued in the Names of their Treasurer or Treasurers.

VI. And be it further enacted, That the said Trustees shall and may cause to be erected such Turnpikes or Toll Gates as they shall think proper, Trustees may erect additional Turnpikes.

per, in, upon, or across such Part of the said Road leading from the Town of *Aylsham* to the Town of *Cromer*, as lies between the Junction with the said Road to a Lane leading from Lands in the Occupation of *Richard Fish*, in the Parish of *Blickling*, and the West Corner of an Inclosure now or late belonging to *Susanna Ellis Brooke*, called the *Mill Hill Piece*, in the Parish of *Cromer*; and may from Time to Time take down the said Turnpikes, or any of them, and erect the same, or any other or others at any Place within the Limits aforesaid; and that it shall be lawful for the said Trustees if they judge necessary, to erect or cause to be erected a Turnpike or Turnpikes, Side Gate or Side Gates, at or near the Side or Sides of any Part of the aforesaid Roads, at any Distance therefrom not exceeding Three hundred Yards, and in or across any Lane or Way, Lanes or Ways leading out of the same between the Two Mile Stone from the City of *Norwich*, and the Brook or Watercourse in the Parish of *Aylsham*, near the Pond Meadow belonging to *John Warnes*, and between the said Lane leading from the Lands in the Occupation of the said *Richard Fish*, and the said West Corner of the said *Mill Hill Piece*, and to erect Toll Houses and inclose Garden Ground, not exceeding in Quantity One Rood, in like Manner and under the like Rules and Directions as in the said recited Act are in that respect mentioned; and it shall and may be lawful for the said Trustees, or such Person or Persons as they shall appoint for that Purpose, to demand, take, and receive at all such Turnpikes or Side-gates so authorized to be erected and set up, the several Tolls, and in the Manner and Proportions herein-after mentioned.

Tolls.

VII. And whereas the Tolls granted by the said recited Act have been found insufficient for the Purposes thereof, and it is expedient that the same should be repealed, and that other and greater Tolls should be granted instead thereof, and that the like increased Tolls should be granted and made payable at the several Turnpikes to be erected on the said Roads from *Aylsham* to *Cromer*, and Branch of Road leading towards *Wolterton*; be it therefore further enacted, That from and after the Third *Tuesday* next after the passing of this Act, the several Tolls granted by the said recited Act shall cease, and be and are hereby repealed; and that the following Tolls shall be demanded at each Turnpike or Toll-gate, Side-bar, or Side-gate, erected or to be erected by virtue of the said recited Act and this Act, or either of them, before any Horse, Mare, Gelding, Mule, Ass, Beast, or other Cattle, Coach, Waggon, Cart, or other Carriage whatsoever, be permitted to pass through the same; that is to say,

For every Coach, Berlin, Landau, Sociable, Barouche, Chariot, Phaeton, Chaise, Curricule, Caravan, Hearse, Gig, Taxed Cart, Chair, or other such Carriage, and every Carriage on Springs, drawn by Six or more Horses or other Beasts, the Sum of One Shilling and Three-pence; and drawn by Four or Three Horses or other Beasts, the Sum of One Shilling; and drawn by Two Horses or other Beasts, the Sum of Sixpence; and drawn by One Horse, Mare, Gelding, or Mule, the Sum of Three-pence:

For every Waggon, Wain, Dray, Cart, or other such like Carriage, having the Fellies of the Wheels of less Breadth or Gauge than Nine Inches from Side to Side, drawn by Four Horses or other Beasts, Eight-pence; and drawn by Three Horses or other Beasts, Sixpence; and drawn by Two Horses or other Beasts, Four-pence; and drawn by One Horse or other Beast, Three-pence:

For

For every Waggon, Wain, Dray, Cart, or such like Carriage, having the Fellies of the Wheels of the Breadth or Gauge of Nine Inches or upwards from Side to Side, drawn by Eight or Seven Horses or other Beasts, Sixpence; and drawn by Six or Five Horses or other Beasts, Fourpence Halfpenny; and drawn by Four, Three, or Two Horses or other Beasts, Three-pence:

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

For every Waggon, Wain, Dray, Cart, Drag, Gill, or other Carriage, having the Fellies of the Wheels of less Breadth or Gauge than Six Inches from Side to Side, laden with Mill Stones, or a Block or Blocks of Stone, or with Timber; and drawn by Four or Three Horses or other Beasts, the Sum of One Shilling:

For every Score of Oxen or Neat Cattle the Sum of Eight-pence; and so in proportion for a greater or less Number:

For every Score of Calves, Swine, Sheep, or Lambs, the Sum of Four-pence; and so in proportion for a greater or less Number.

VIII. Provided always, and be it further enacted, That no Person shall be subject to the Payment of any of the Tolls by this Act granted more than Once in any One Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night,) for passing and repassing any Time or Times with the same Horse, Cattle, Beast, or Carriage, through all or any Turnpikes or Turnpike, erected or to be erected on any Part of the said Roads, or on or near the Side or Sides thereof, or across any Roads, Lanes, or Ways leading out of the same between the City of *Norwich* and the Six Mile Stone situate at or near the Place late called *Haynesford Heath*; nor more than Once in any One Day, to be computed as aforesaid, for passing with the same Horse, Cattle, Beast, or Carriage, through all or any Turnpikes or Turnpike erected or to be erected on any Part of the said Roads, or on or near the Side or Sides thereof, or across any Roads, Lanes, or Ways leading off the same, between the said Six Mile Stone and the said Town of *Aylsham*; and that no Person shall be subject to the Payment of any of the said Tolls more than Once in any One Day, to be computed as aforesaid, for passing with the same Horse, Cattle, Beast, or Carriage, through all or any Turnpikes or Turnpike to be erected upon any Part of the said Roads, or on or near the Side or Sides thereof, or across any Roads, Lanes, or Ways leading off the same, between the Town of *Aylsham* and a Place called *Hanworth Cross*; nor more than Once in any One Day, to be computed as aforesaid, for passing with the same Horse, Cattle, Beast, or Carriage, through all or any Turnpikes or Turnpike to be erected upon any Part of the said Roads, or on or near the Side or Sides thereof, or across any Roads, Lanes, or Ways leading off the same, between the said *Hanworth Cross* and the Town of *Cromer*.

Tolls to be paid but Once on different Parts of the Roads.

IX. And whereas the Tolls granted by the said recited Act have been evaded by Persons turning off the Road and coming on again, and by other Ways and Means, in order to prevent the same, as to the Tolls granted by this Act, and further to strengthen the Powers in and by the said recited Act given to prevent the Evasion of Tolls, be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast, Swine or Carriage whatsoever, turn off the said Turnpike Roads or any of them, and

To prevent evading these Tolls.

[*Loc. & Per.*]

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come.

come on the same again with Intent to avoid passing through any Turnpike Gate, or to evade the Payment of the said Tolls, or any Part thereof, or shall in any other Manner, or by any other Means intentionally evade the same, every Person so offending and being convicted thereof, shall for each such Offence forfeit any Sum not exceeding Five Pounds, One Moiety thereof to be paid to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

Exemptions
from Toll.

X. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Cattle, Beast or Carriage employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing of the said Roads, or any of the Roads in the Townships, Parishes or Hamlets in which any Part of such Roads lie, or Hay, Straw, or Corn in the Straw only, not sold or disposed of, or conveying to be sold, but passing to be laid up or placed in the Outhouses, or on the Lands of the Owners; or for any Horse, Cattle, Beast or Carriage employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost or Manure employed in Husbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands; or for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to be, or returning from being shod or farried; or from any Person going to, or returning from his or her proper Parochial Church, Chapel, or other Place of Religious Worship tolerated by Law, on a *Sunday*, or upon any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Parishes; or from any Clergyman going to, or returning from visiting any sick Person, or upon other his parochial or ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Cattle or Carriage of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General either when employed in conveying, fetching or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horse, Cattle or Beast attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; nor for any Waggon, Wain, Cart or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack or Commissariat or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horse, Cart, Carriage or Beast employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; or for any Horse, Cattle or Beast carrying or conveying any Person or Persons going to vote, or returning from voting at any Election of a Knight or Knights of the Shire, to serve in Parliament for the County of *Norfolk*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and that no Toll shall be demanded or taken for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed, for and on the Days of Exercise, provided.

provided that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemptions as aforesaid; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever, claim or take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

XI. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat or other public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the said recited Act contained to the contrary notwithstanding.

Carriages conveying Military Stores, not to be subject to Penalties for Overweight, &c.

XII. And be it further enacted, That in case any Dispute, Suit, or Litigation, shall arise, touching, or in anywise relating to the said Tolls, the Person or Persons appointed to collect the said Tolls, or any other Person acting by or under the Authority of the said Trustees, shall not by reason thereof be disqualified from giving Evidence in any such Dispute, Suit, or Litigation.

Collectors competent Witnesses.

XIII. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms or Conditions on which the same shall be so demised or let, either by taking greater or less Tolls, or in any other Way or Manner, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear by the Space of Ten Days next after any one of the Days on which the same ought to be paid, pursuant to the Lease or Agreement for demising or letting thereof, and in case the Toll House or Toll Houses shall be in the Possession of any such Lessee or Lessees, Farmer or Farmers, or Collector or Collectors, who shall be discharged or removed from his, her, or their Office of Collector, or shall happen to die, then, and in any of those Cases, the said Trustees, or their Treasurer or Clerk, or any other Person authorized by Writing under their Hands, shall be at Liberty, and they are hereby authorized to enter upon and take Possession of any Toll House or Toll Houses, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers, of the Tolls arising thereat respectively, or any Collector or Collectors, or other Officer or Officers having Possession of the said

Enabling Trustees to take Possession of Toll Houses, &c.

Toll House or Toll Houses, Gates and Premises, from the Possession thereof, and from the Collection of the Tolls, and that thereupon it shall be lawful for the said Trustees (if they shall think fit) to vacate and determine the Contract (if any) for demising or letting the said Tolls, to such Lessee or Lessees, Farmer or Farmers, and the same shall be from that Time utterly void to all Intents and Purposes (save as to the Covenants or Agreements for Payment up to that Time, of the Rent or Rents thereby reserved, or other Covenants or Agreements on the Lessees' Part, which shall have been broken) as if such Demise or Agreement had never been made; and it shall be lawful for the said Trustees in every such Case to demise or let to farm the said Tolls again, to any Person or Persons, or cause them to be collected, as if no former Demise, Contract, or Agreement had been made relative thereto; any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

Power to
borrow
Money.

XIV. And be it further enacted, That it shall be lawful for the said Trustees to borrow and take up at Interest, such Sum or Sums of Money as they shall think fit, not exceeding in the whole the Sum of Two thousand five hundred Pounds, upon the Credit of the Tolls to arise on the said Road from *Aylsham* to *Cromer*, and Branch of Road leading towards *Wolterton*, and by Writing under their Hands and Seals, to mortgage or assign over the said Tolls, or any Part thereof, (the Charges of such Mortgages or Assignments to be paid out of the said Tolls), to any Person or Persons, his, her, or their Executors, Administrators, or Assigns, for any Term during the Continuance of this Act, as a Security for the Repayment of the Money that shall be so borrowed, with the Interest thereof; and the several Persons to whom such Mortgages or Assignments shall be made may, from Time to Time, transfer the same, and his and their Right and Interest to the Principal and Interest thereby secured, to any other Person or Persons whomsoever; and the several Mortgages or Assignments, and the several Transfers thereof, may be made in the respective Forms mentioned and set forth in the said recited Act, with respect to the Assignments and Transfers therein mentioned, or as near thereto as the Circumstances of the Case will admit of, and the same shall be recorded or entered in a Book in the like Manner, and be under and subject to the like Powers, Regulations, and Restrictions, as are mentioned in the said recited Act.

Separate
Funds.

XV. And be it further enacted, That the Tolls hereby, or by the said recited Act, authorized to be taken on the Roads comprized in the said recited Act, and the Tolls hereby directed to be taken on the said Road from *Aylsham* to *Cromer*, and Branch of Road leading towards *Wolterton*, shall respectively be henceforward distinct and separate Funds, and be paid and applied in Payment and Discharge of the Interest and Principal due, and to become due, to the Creditors of the different Roads respectively, and in the Repair of the different Roads respectively; and separate Books of Account of the Receipt and Expenditure on the said respective Roads shall be constantly made by the Clerk of the said Trusts, and kept by the Treasurer or Treasurers of the said Trusts, and annually submitted and settled by the said Trustees on the Day when the Accounts are so settled; but if it shall happen at any Time hereafter, that the Tolls arising on either of the said respective Roads shall be sufficient to pay off and discharge the Principal and Interest which may be due to the Creditors thereof, then from and after the Discharge of such Principal
and

and Interest, the Funds of the said respective Roads, and the Tolls to arise thereon, shall be no longer separate, but the Tolls to arise on all the said Roads shall be as a Security for, and be subject and liable to, and be paid and applied in discharge of all Principal and Interest which may be then due, and remaining undischarged as aforesaid, and in the Repair of all the said Roads, and generally for the Purposes of this Act.

XVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, from Time to Time assembled at any Meeting or Meetings to be held for that Purpose, and they are hereby empowered, by and with the Consent of the Person or Persons who is, are, or shall be for the Time being entitled to Five Sixth Parts of the Money owing, or which shall be owing upon the Credit of the Tolls granted by the said recited Act or this Act, to lessen all or any of the Tolls by this Act granted, or to be paid by any Person or Persons at all or any of the Turnpikes or Toll Gates erected or to be erected by virtue of the said recited Act or this Act, and for such Time and Times as they the said Trustees, or any Nine or more of them, shall think proper, and from Time to Time afterwards (with or without such Consent as aforesaid) to advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money not exceeding the respective Rates herein-before mentioned; and also from Time to Time to direct the Tolls hereby granted or so reduced as aforesaid, to be collected in such Parts or Proportions at the said Turnpikes or Toll Gates as they shall think proper; and that such reduced Tolls, and also such Parts and Proportions as aforesaid, shall and may be collected, levied, and applied, in such and the same Manner as the Tolls hereby granted are directed to be collected, levied, and applied; but that no Meeting shall be held for the Purpose of lessening, reducing, or advancing all or any of the said Tolls, unless Twenty-one Days previous Notice at the least shall have been given thereof in Writing, to be affixed upon all the Turnpikes which shall be then erected upon the said Roads, and also inserted Once in some Newspaper printed or circulated in the said County.

Trustees may lessen the Tolls and advance them again.

XVII. And whereas a Map or Plan, describing the Line of the said Road from *Aylsham* to *Cromer*, and Branch from the same towards *Wolterton*, and the Lands through which the same are to be carried, together with a Book of Reference containing Lists of the Names of the Owners, or reputed Owners or Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the County of *Norfolk*, be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at any reasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of Two Shillings and Sixpence for every such Inspection, and at the Rate of Eight-pence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees, in making, widening, or repairing the said Road or Branch, shall not deviate more than Sixty Yards from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Plan and Book of Reference.

Not to pull
down Houses,
&c.

XVIII. Provided always, and be it further enacted, That nothing in the said recited Act or in this Act contained shall extend to authorize the said Trustees to take any House, Orchard, Garden, Yard, Park, Paddock, Planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, other than and except all or so much of the Cottages, Buildings, Yards, Gardens, and Hereditaments after mentioned, as shall be necessary for making and improving the said Road from *Aylsham* to *Cromer*, and Branch of Road leading towards *Wolterton*; that is to say, a Cottage and Outhouse in *Alby*, in the Occupation of *Stephen Tudnam*; a Yard or Garden near thereto, in the Occupation of *Thomas Golk*; the Orchards and Gardens in *Erpingham*, situate near thereto, belonging to *Benjamin Kittmer*, *Ann Barnard*, and *Samuel Davy* respectively; the Yard or Garden belonging to *Francis Horner*, situate near the Pound at *Roughton*; a Wheelwright's Shop, situate in *Aylsham* aforesaid, belonging to *John Peterson*, in the Occupation of *Robert Dodman*; and the Yards or Gardens now or late belonging to *John Lane* and *Christopher Porrett* respectively, situate next the *Scarrow Beck Lane* leading from *Ingworth Mill*.

Misnomers or
wrong De-
scriptions not
to prevent
the Execu-
tion of this
Act.

XIX. Provided always, and be it further enacted, That if any of the Houses, Buildings, Gardens, Yards, or Premises herein-before mentioned, or laid down or described in the said Map or Plan, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, shall happen to be misnamed or inaccurately described, such Misnomer or inaccurate Description shall not prevent or retard the Execution of this Act, but the several Premises and every Part thereof shall and may be purchased and sold or assessed and valued by a Jury, and conveyed, disposed of, and applied for and to the Purposes of this Act in the Manner directed by the said recited Act, as fully and effectually as if the same were more properly named; provided it shall appear to any One or more Justices of the Peace for the said County, and be certified in Writing under his or their Hands, that such Misnomer or inaccurate Description proceeded from Mistake.

Application
of Compen-
sation Money
exceeding
200l.

XX. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this or the said recited Act, for the Purposes thereof, which shall belong to any Bodies Politic, Corporate or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee or other Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert or other *Cestuique* Trust, or to any Person whose Lands Tenements or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax,

Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so directed to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

XXI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing the said recited Act and this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain, the Direction or Approbation of the Court of Chancery.

Application
of Money if
less than 200 l.

XXII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied

Application
of Compen-
sation if less
than 20 l.

to the Use of the Person or Persons who would, for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this or the said recited Act, in such Manner as the said Trustees shall think fit; or in case of Infancy, Idiocy, or Lunacy, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of Refusal to accept, &c. Money to be paid in to the Bank.

XXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Act or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees; or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case, it shall be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interests, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money to be paid, the Persons who may be in Possession shall be entitled thereto.

XXIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this or the said recited Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this or the said recited Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such

Lands,

Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

XXV. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of the said recited Act or this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this or the said recited Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Act or this Act, or so much of the said Expences as the Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Court of Chancery may order Expences of Purchases to be paid.

XXVI. And be it further enacted, That if any Person shall cause to be hauled or drawn upon any Part of the Roads included in the said recited Act or this Act, any Tree or Piece of Timber, or any Stone or other heavy Substance (Millstones excepted), otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber, Stone, Flag, or heavy Substance, which shall be conveyed on Wheel Carriages, to drag upon any Part of the said Roads, to the Prejudice thereof, or if any Person shall wilfully obstruct the Passage along the said Roads, or any Part thereof, by leaving any Waggon, Cart, or other like Carriage, Timber, Manure, or other Obstruction in the said Roads, or within Fifteen Yards of the Centre thereof, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on dragging Timber.

XXVII. And be it further enacted, That all and every Owner, Proprietor, Occupier, Bodies Politic, Corporate or Collegiate, Corporation Aggregate or Sole, Feoffees, Trustees, County Surveyors, or other Person or Persons whomsoever, who now are or at any Time have been liable or chargeable towards repairing any Bridge or Bridges, or any Causeway across, near to, or adjoining the said Roads, or any Part thereof, shall still remain liable and chargeable to such Repairs in such Manner as they would have been if this Act and the said recited Act had not been made; and that in case any Lands, Tenements, or Hereditaments, or any Rents or Profits issuing out of the Lands, Tenements, or Hereditaments, now are or hereafter shall be liable and chargeable towards the amending any Part of the said Roads, such Lands, Tenements, and Hereditaments, Rents, and Profits, shall still remain so liable and chargeable; and the Possessors and Occupiers thereof are hereby required and directed to pay such Rents and Profits as ought to be applied towards the Repair of the said Roads to the said

Persons liable to Repair of Roads and Bridges to continue so.

[Loc. & Per.]

6 F

Trustees

Trustees or to their Treasurer; and upon Default of Payment thereof the same shall and may be levied and recovered in like Manner as any Penalties or Forfeitures for Offences against the said recited Act or this Act are directed to be levied and recovered; and such Rents and Profits when recovered or received shall be applied from Time to Time for and towards amending the said Roads, and to no other Use or Purpose whatsoever.

Statute
Labour.

XXVIII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads or any Part thereof, shall still remain liable thereto; and it shall be lawful for any Two or more Justices of the Peace for the said County of *Norfolk*, and they are hereby required and empowered upon Application made to them by the said Trustees, or by their Treasurer, Clerk or Surveyor, or by their Order, yearly to adjudge and determine what Part or Portion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Hamlets or Places in which the same lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet, or Place in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her or them paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Hamlet or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Fourteen Days after the serving of such Summons) of the Names of the several Persons who within such Parish, Hamlet or Place, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations or Restrictions as are or may be directed by any Law or Statute in Force or Effect for the Repairs of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days, and at such Times (not being Hay Time or Harvest) and in such Parts of the said Roads as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer at such Time or Times as they the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Act or this Act authorised or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her or them, at his, her or their usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees, shall

shall for every Day of his, her or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her or them, be subject and liable to such Pains, Penalties and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in Force or Effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and discharge the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer or Treasurers of the said Trustees, and applied towards amending the said Roads; and if any Surveyor of the Highways for any of the said Parishes, Hamlets or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid; or shall knowingly and wilfully give in false or imperfect Lists, every such Surveyor so offending, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

XXIX. And be it further enacted, That the several Persons who have subscribed or agreed to subscribe, or who shall subscribe any Money towards amending, widening, and keeping in Repair the said Roads, or any of them, or towards the Purposes of this or the said recited Act, and the respective Executors and Administrators of such Persons, shall and are hereby required to pay the respective Sums so subscribed, or agreed to be subscribed within such Time or Times, and in such Parts and Proportions as the said Trustees shall order and direct, and the same shall be paid to the Treasurer of the said Trustees; and if any such Person having so subscribed, or promised or agreed to subscribe, shall neglect or refuse to pay such Money within the Time or Times and in Manner aforesaid, it shall be lawful for the said Trustees to sue for and recover the same in the Name of their Treasurer or Treasurers by Action of Debt or on the Case in any of His Majesty's Courts of Record.

For compelling Payment of Subscriptions.

XXX. And, for the more easy and speedy Conviction of Offenders against this and the said recited Act, be it further enacted, That all and every the Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this or the said recited Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or any other Form of Words to the same Effect as the Case shall happen; (*videlicet*),

Form of Conviction.

‘ **B**E it remembered, That on the _____ Day of _____ in the _____ Year of our Lord _____ *A. B.* is convicted before me *C. D.* one of His Majesty's Justices of the Peace for the County or Liberty of _____, [*specifying the Offence, and the Time and Place when and where the same was committed, as the Case shall be*].
‘ Given under my Hand and Seal the Day and Year above written.’

XXXI. And be it further enacted, That One Moiety or equal Half Part of the Costs, Charges, and Expences of obtaining and passing this Act.

For paying the Expences of the Act.

and preparatory thereto, shall be paid and discharged by the said Trustees out of any Money already collected or received, or out of the first Money which shall hereafter arise by virtue of the said recited Act or this Act, on the Road directed to be repaired by the said recited Act; and that the other Moiety or equal Half Part of the said Costs, Charges, and Expences, shall be paid and discharged by the said Trustees out of the first Money which shall be borrowed upon the Credit of the Tolls to arise on the said Road from *Aylsham* to *Cromer*, and Branch of Road leading towards *Wolterton*.

Public Act.

XXXII. And be it enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Continuance
of the Act.

XXXIII. And be it further enacted, That the Term granted by the said recited Act shall on the Third *Tuesday* next after the passing of this Act cease and determine; and that the said recited Act (subject to the Alterations and Additions herein contained) and this Act, shall from thenceforth continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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