



ANNO QUINQUAGESIMO SECUNDO

GEORGI III. REGIS.

Cap. 58.

An Act to continue and amend Two Acts of His present Majesty, for repairing the Road from *Berstreet Gates*, in the City of *Norwich*, to *New Buckenham*, in the County of *Norfolk*.

[20th April 1812.]

WHEREAS an Act was made in the Twelfth Year of the Reign of His present Majesty, intituled *An Act for repairing and amending the Road from Berstreet Gates; in the City of Norwich, to New Buckenham, in the County of Norfolk*: And whereas another Act was passed in the Thirtieth Year of His said Majesty's Reign, intituled *An Act for continuing an Act of the Twelfth Year of His present Majesty, for repairing and amending the Road from Berstreet Gates, in the City of Norwich, to New Buckenham, in the County of Norfolk*: And whereas the Term of the said Acts is near expiring, and considerable Sums of Money have been borrowed, and are now due and owing upon the Credit of the Tolls authorized to be collected upon the said Roads by virtue of the said Acts, which Money cannot be paid off, nor the said Roads effectually amended and kept in good Repair, unless the Term granted and continued by the said Acts is further continued, and the Powers thereof enlarged: 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 Acts, and all and every the Clauses, Au-
[Loc. & Per.] 13 X thorities, Acts further continued.

thorities, Powers, Penalties, Forfeitures, and Punishments therein contained, (except such as relate to Exemptions from Stamp Duties, and except such as are hereby altered, varied, or repealed), shall be and continue in full Force and Effect, and, together with this present Act, shall be put in Execution for the several Purposes hereby and thereby intended, for and during the Term hereinafter mentioned, as fully and effectually in all Respects, and to all Intents and Purposes whatever, as if the same were expressly repeated and re-enacted in the Body of this Act; which said Term, hereby granted, shall be and is hereby declared to be subject and liable to the Payment of all Monies now due and owing on the Credit of the said recited Acts, or which shall or may hereafter be borrowed, or become due on the Credit of the said recited Acts, and this Act, and all Interest due and to become due for the same respectively.

Exemptions.

II. And be it further enacted, That from and after the First Day of *May* One thousand eight hundred and twelve, no Toll shall be demanded or taken for any Waggons, Wains, Carts, Carriages, or Horses 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 the said Roads, or any of the Roads in the Parishes in which any Part of such Roads do lie, or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up, or placed in the Out-houses, or on the Lands of the Owners or Occupiers thereof; or for any Waggons, Wains, Carts, Carriages, or Horses 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 in any of the said Parishes; 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 proper Parochial Church, Chapel, or other Place of Religious Worship tolerated by Law, on a *Sunday*, or on 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 Horses, Cattle, or Carriages, 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 Horses, Carts, or Waggons, attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or 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, 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 of Exercise, provided such Persons are 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; or for any Horses, Carts, or Waggon employed in the Conveyance of Vagrants sent by legal Passes; or for any Horse, Cattle, or Beast, drawing any Coach, Landau, Berlin, Chariot, Calash, or Chair; or any Passenger on Horseback going to or returning from any Election of a Member or Members to serve in Parliament for the County of *Norfolk*, or for the City and County of the City of *Norwich*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall, in any fraudulent or collusive Manner whatsoever, claim and 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 Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of the said Acts and this Act.

III. 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 Act contained to the contrary notwithstanding.

IV. And be it further enacted, That all and every Toll Collector, appointed either by the said Trustees or by any Renter or Farmer of the Tolls authorized to be collected by the said Acts, or any Person demanding or taking any Toll payable by the said Acts, shall, and he is hereby required, on each and every Day, previous to his entering on Duty for the Collection of the said Tolls, to affix on a Board, in legible Characters, his Christian and Surname, and let the same remain on the Frame of the front Door, or in some conspicuous Part of the Toll House during the Time of his remaining on Duty to collect the said Tolls; and in case such Collector or Collectors, Person or Persons, shall refuse or neglect so to do, and being convicted thereof on the Oath of One credible Witness, he or they shall forfeit and pay any Sum not exceeding Ten Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of the said Acts and this Act.

V. And be it further enacted, That if any Person or Persons shall ride upon any Causeway or Footpath now made, or hereafter to be made, on the Side of the said Roads, or any Part thereof, or shall drive any Horse or other Cattle, or any Swine, or any Cart or other Carriage thereon, or shall wilfully cause any Damages whatsoever to be done thereto, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding
Twenty

Stores.

Obliging the
Collector of
Tolls to fix
up his Name.Penalty on
damaging
Causeways
or Footpaths.

Twenty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of the said Acts and this Act.

Statute Work.

VI. And be it further enacted, That so much of the said recited Acts as relate to the Performance of Statute Labour on the said Roads shall be, and the same is hereby repealed; and 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, in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the County of *Norfolk*, or City of *Norwich*; and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Clerk or Surveyor, or by their Order, yearly to adjudge and determine what Part or Proportion of Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places, in which the said Roads do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish 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 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 or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Seven Days after the serving of such Summons), of the Names of the several Persons who, within such Parish or Place, are by Law subject or 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 List of Names shall be made in such Manner, and under such Regulations and 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 at such Days, and at such Times (not being Haytime 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 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 Acts authorized 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 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

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 to the said Trustees, and applied towards amending the said Highways; and if any Surveyor of the Highways, for any of the said Parishes or Places, shall refuse, or wilfully neglect to give in such List 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 Five Pounds.

VII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity, 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 *ex parte* the Trustees for executing the said recited Acts and 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 of the Land 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, and 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 Court of Chancery, 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

Application
of Compen-
sation where
exceeding
200l.

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 Lands, Tenements, and Hereditaments (so hereby directed to be purchased), in case such Purchase or Settlement were made.

Application where the Compensation does not exceed 200l. nor less than 20l.

VIII. 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 Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount 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 or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said 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 Seven or more of the said Trustees, (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 be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20l.

IX. 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 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 the said recited Acts and this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy or Lunacy, then 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 not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank,

X. 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 Acts and 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 any Seven or more of them; or in case such 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 and may be lawful to and for the said Trustees, or any Seven 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.

subject to the Order of the Court of Chancery, on Motion or Petition.

XI. Provided always, and be it 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 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 the said recited Acts and this Act, or to any Bank Annuities to be purchased with 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, 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.

Where any Question shall arise touching the Title to Money to be paid, &c.

XII. Provided also, and be it enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to the Lands, Tenements, or Hereditaments, to be purchased under the Authority of the said recited Acts and this Act, the Purchase Money for the same shall be required to be paid into the 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 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 this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees, or any Seven or more of them, out of the Monies to be received by virtue of the said recited Acts and this Act, who shall from Time

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Trustees.

Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Expences of
this Act how
be paid.

XIII. And be it further enacted, That all the Costs and Charges incident to and attending the obtaining and passing of this Act, shall be paid out of the Monies collected, or to be collected or borrowed, by virtue of the said former Acts, or of this present Act.

Public Act.

XIV. And be it further 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.

XV. And be it further enacted, That from and after the First Day of *May* One thousand eight hundred and twelve, the Terms granted and continued by the said recited Acts shall cease and determine; and that the said Acts (subject to the Alterations and Amendments hereinbefore mentioned) and this Act, shall from thenceforth continue and be in force, and be executed 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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