



ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

Cap. xiv.

An Act for more effectually repairing the Road from *Norwich* to *Cromer* in the County of *Norfolk*, and Two Branches of Road leading towards *Holt* and towards *Wolterton* in the said County. [30th July 1831.]

WHEREAS an Act was passed in the Thirty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending, widening, and keeping in repair the Road* 34 G. 3. c. 114. 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 another Act was passed in the Fifty-first Year of the Reign of His said late Majesty, intituled *An Act to continue and amend an Act of* 51 G. 3. c. 27. 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: And whereas several Sums of Money have been borrowed on the Credit of the Tolls by the said last-recited Act granted, Part of which Money is still due and owing and cannot be repaid, and the said Roads effectually amended, improved, and kept in sufficient Repair, unless the Term of the said last-mentioned Act be extended, and further Powers and Provisions be granted in lieu of those contained therein: And whereas it is expedient that the said Two first-recited Acts should be repealed, and that further and other Provisions should be granted instead thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the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 [Local.] 3 G Consent

Recited Acts
repealed.

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, Powers, Authorities, Trusts, Provisions, Penalties, Forfeitures, Remedies, Matters, and Things whatsoever therein contained, shall, upon the Third *Tuesday* next after the passing of this Act, be and the same are hereby repealed.

Description
of Road to
be repaired.

II. And be it further enacted, That this Act shall from thenceforth commence and take effect and be put in execution for repairing, maintaining, widening, diverting, improving, and keeping in repair the Road from the Entrance of the City of *Norwich* where *Saint Augustine's Gate* formerly stood to the first House at the Entrance of the Town of *Cromer*, where the said Turnpike Road joins the Road leading from *Overstrand*, together with such Part of the Road branching out of the said Turnpike Road, and leading towards *Holt*, as lies between the Junction of the said Roads near the Two Mile Stone from *Norwich* and the Termination of the *Horsford* Boundary at the Place heretofore called *Horsford Heath*, and also a certain Part of the Road leading towards *Wolterton*, branching off from the said *Cromer* Road at the *Crossways* in a Place heretofore called *Erpingham Field*, as far as the *Eagle Inn* in *Erpingham*, in or through the several Parishes or Hamlets after mentioned, or of some of them, (that is to say,) *Saint Augustine*, *Saint Clement*, and *Hellesdon*, in the City and County of the said City of *Norwich*; and *Hellesdon*, *Horsham*, and *Newton Saint Faith's*, *Horsford*, *Hayneford*, *Stratton Strawless*, *Hevingham*, *Marsham*, *Aylsham*, *Blickling*, *Ingworth*, *Erpingham*, *Alby*, *Hanworth*, *Roughton*, *Northrepps*, and *Cromer*, in the said County of *Norfolk*.

Appointment
of Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Norfolk* for the Time being, together with *Henry Anson Clerk*, *Francis Edward Arden Clerk*, *Henry William Blake Clerk*, *James Bulwer*, *James Bulwer Clerk*, *Edward Goke*, *Philip Candler Clerk*, *Joseph Dixie Churchill Clerk*, *Robert Copeman*, *Richard Woolmer Cubitt*, *Henry Evans Clerk*, *William Everitt*, *Richard Fish*, *Charles Heath Clerk*, *James Hunt Holley*, *Henry Hunt Holley*, *Edward Holley Clerk*, *Charles Kent*, *Sir Thomas Barratt Lennard Baronet*, *Thomas Barratt Lennard*, *Philip Wynell Mayow*, *William Heath Marsh Clerk*, *Charles Norris Clerk*, *Henry Samuel Partridge*, *Robert Parmeter*, *Robert William Parmeter*, *William Repton*, *George Stanley Repton*, *Thomas Rackham*, *Charles Sutton D.D.*, *Philip Stephens*, the Honourable *George Walpole*, *Charles Weston*, *William Wickes*, *John Warnes*, and *John Wright the younger*, being duly qualified according to the Laws now in force respecting Trustees of Turnpike Roads in *England*, shall be, and they and their Successors, to be duly elected in the Manner directed by such Laws, are hereby appointed Trustees for causing the said Roads to be properly repaired, maintained, widened, diverted, improved, and kept in repair, and otherwise putting the several Acts now in force respecting Turnpike Roads in *England* and this Act into execution.

Power to
appoint ad-
ditional
Trustees.

IV. And be it further enacted, That it shall be lawful for the Trustees appointed by this Act, at a Meeting to be held for that Purpose, of which Meeting and the Purpose thereof Fourteen Days Notice shall be given as directed by an Act passed in the Third Year of the Reign of

His late Majesty for regulating Turnpike Roads respecting the Appointment of new Trustees on Vacancies, to elect, nominate, and appoint any Number of Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act in addition to the Trustees hereby named and appointed; and such Trustees, so elected and appointed, and being duly qualified, shall be and they are hereby invested with the same Powers and Authorities for executing the General Acts now in force respecting Turnpike Roads in *England*, and this Act, as if they had been herein named.

V. And be it further enacted, That the Trustees for executing this Act shall meet at the *Black Boys Inn* in *Aylsham* in the said County of *Norfolk*, or some other convenient Place, on the Third *Tuesday* after the passing of this Act, or as soon afterwards as conveniently may be, and proceed in the Execution hereof; and the said Trustees shall and may then, and from Time to Time afterwards during the Continuance of this Act, adjourn to and meet at the same Place, or at such other Place or Places in the Neighbourhood of the said Road, as may be found convenient.

First and
other Meet-
ings of
Trustees.

VI. And be it further enacted, That all Demises, Leases, and Agreements for Lease or Leases of the Tolls on the said Road, shall, on the First *Tuesday* after the Commencement of this Act, cease and be void, in case the said Trustees shall think it right and proper that the same should be vacated; and in case any Lessee or Lessees, Farmer or Farmers of such Tolls, shall, on the Vacation or Avoidance of such Demises, Leases, or Agreements, refuse or neglect to deliver up the Possession of the Toll Houses, Toll Gates, Bars, and the Buildings and Appurtenances thereunto belonging, comprised in any such Demises, Leases, or Agreements to the said Trustees, or any other Persons acting under their Authority, after Demand thereof made, then it shall and may be lawful for the said Trustees to remove such Lessee or Lessees, Farmer or Farmers, from the Possession thereof, in such Manner as is directed by an Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth with respect to the Removal of any Lessee or Lessees, Farmer or Farmers of Tolls, whose Lease or Leases, Contract or Contracts, shall be avoided or vacated.

Leases, &c.
to be va-
cated;

VII. Provided always, and be it further enacted, That the said Trustees shall, on or before the said First *Tuesday* after the Commencement of this Act, and they are hereby authorized, directed, and required, to make or tender a fair and just Compensation and Satisfaction to the present Lessees or Lessee, Farmers or Farmer of such Tolls, for the Loss or Damage which they, he, or she may or might thereby sustain; and in case any such Lessees or Lessee, Farmers or Farmer, shall be dissatisfied with the Amount of such Compensation, then and in such Case such Lessees or Lessee shall and may recover Compensation for the Loss or Damage sustained by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, and also (unless the Amount recovered shall be less than the Sum tendered by or on behalf of the said Trustees) shall have and recover their full Costs of Suit: Provided also, that in case the said Trustees, and the present Lessees or Farmers of the said Tolls, or any of them, shall be desirous that such Demises, Leases, or Agreements shall

but Satis-
faction to
be made to
Lessees.

continue

continue in force for the Remainder of the respective Terms for which the same or any of them shall have been granted, then and in such Case such Lessees or Lessee, Farmers or Farmer, shall pay such Sums of Money or such Rent to the said Trustees as such Trustees shall think fair and reasonable on the continuing such Leases or Agreements; and in case of any Difference or Dispute respecting the Amount of such Sum or Rent, such Difference or Dispute shall be settled by any Two Justices of the Peace for the County or Place where the Toll House shall be situate, which said Justices are hereby empowered to do, on Application being made to them for that Purpose by such Lessees or Lessee, Farmers or Farmer, and on Proof of Three Days Notice of the Intention of such Lessees or Lessee, Farmers or Farmer, having been given in Writing by such Lessees or Lessee, Farmers or Farmer, to or at the Office of the Clerk of the said Trustees.

Power to
take Tolls.

VIII. And be it further enacted, That the respective Tolls following may be demanded and taken at each and every Turnpike, Toll Gate, and Side Gate, Side Bar or Chain, which are now or shall hereafter be set up or continued upon, across, or on the Side or Sides of the Roads by this Act directed or authorized to be maintained and kept in repair, by each and every Person who shall be authorized or continued by the said Trustees to receive such Tolls, before any Horse, Mule, Ass, Beast, or other Cattle, or any Carriage, shall be permitted to pass through any such Turnpike, Toll Gate, or Side Gate; (that is to say,)

For every Horse, Ass, or other Beast drawing any Coach, Stage Coach, Landau, Sociable, Barouche, Chariot, Chaise, Landauet, Phaeton, Hearse, Caravan, Chair, Gig, Van, or other Carriage of the like Description, by whatsoever Name called or known, or any Cart or other Carriage drawn by not more than One Horse or Two Oxen, any Sum not exceeding Three-pence:

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, or other such like Carriage, (except a Cart drawn by not more than One Horse, or Two Oxen,) any Sum not exceeding Two-pence:

For every Horse, Mule, Ass, or other Beast of Burthen, laden or unladen, and not drawing, a Sum not exceeding One Penny:

For every Drove of Oxen, Cows, or Neat Cattle, any Sum not exceeding Eight-pence *per* Score; and so in proportion for any less Number:

For every Drove of Calves, Swine, Sheep, or Lambs, any Sum not exceeding Four-pence *per* Score; and so in proportion for any less Number:

For every Four-wheeled Carriage not drawn by any Horse or Beast of Draught, but propelled by Machinery, the Sum of One Shilling and Sixpence; and for every Two-wheeled Carriage not drawn by any Horse or Beast of Draught, but propelled by Machinery, the Sum of Nine-pence.

Persons,
having paid
the Toll to
return Toll-
free.

IX. Provided always, and be it further enacted, That all and every the Horses and other Beasts or Cattle not drawing, or drawing any Waggon, Wain, Cart, or other Carriage, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Turnpike or Turnpikes, Toll Gate or Toll Gates on any Part of the said Road, shall, upon a Note or Ticket, Notes or Tickets, denoting such Payment, being produced, be permitted to pass and repass Toll-free the same Day, to be computed as aforesaid, through the same Turnpike or Turnpikes, Toll Gate

Gate or Toll Gates, at which such Toll shall have been paid, and also through any other Turnpike or Toll Gate which such Ticket or Tickets shall free, except such Horses, Beasts, or other Cattle shall be drawing a different Waggon, Wain, Cart, or other Carriage.

X. Provided always, and be it further enacted, That no more than One Toll shall be payable in One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) for the same Horse, Cattle, Beast, or Carriage, passing or repassing any Time or Times 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, between the Commencement of the Road at the City of *Norwich* and the Bridge situate at or near the Place lately called *Hayneford Heath*; nor more than One Toll in any One Day, to be computed as aforesaid, for the same Horse, Cattle, Beast, or Carriage, passing or repassing any Time or Times 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, between the said Bridge and the *Dog Inn* at *Aylsham* aforesaid; nor more than One Toll in any One Day, to be computed as aforesaid, for the same Horse, Cattle, Beast, or Carriage, passing or repassing any Time or Times 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, between the said *Dog Inn* at *Aylsham* and a Place called *Hanworth Cross*; nor more than One Toll in any One Day, to be computed as aforesaid, for the same Horse, Cattle, Beast, or Carriage, passing or repassing any Time or Times 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, between the said Place called *Hanworth Cross* and the Town of *Cromer*.

Tolls how
to be levied.

XI. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, or Caravan, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, and for every Carriage propelled by Steam, shall be payable and paid every Time of passing or repassing along the said Road: Provided always, that no further or additional Tolls shall be payable for or in respect only of the Horses drawing such Carriage having been changed.

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

XII. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing along the said Road whenever any new Hiring thereof shall take place.

Post Chaises
on every new
Hiring.

XIII. And be it further enacted, That out of the Monies already received by virtue of the said recited Acts, or out of the Monies which shall be borrowed on the Credit of this Act, or out of the Money which shall arise or be received from the Tolls by this Act granted, the said Trustees shall, in the first place, pay and discharge all the Costs and Expences relating to the procuring and passing of this Act, and then apply the same for and towards the Payment of Salaries and Allowances to the Treasurers, Clerks, Surveyors, and other Officers and Persons for the

Application
of Tolls and
Money bor-
rowed.

[*Local.*]

3 H

Time

Time being employed by the said Trustees, and also in defraying the Expenses incurred or to be incurred in repairing and improving the said Roads, and in purchasing Lands and Hereditaments, and purchasing and raising Materials for that Purpose, and in erecting and making or altering Toll Gates, Toll Houses, Turnpikes, with Outhouses and Conveniences, also Footpaths, Causeways for Foot Passengers, Arches, Fences, and other Matters and Things necessary for carrying this Act into execution; and the Remainder of such Monies shall from Time to Time be applied, in the first place, in keeping down the Interest of the Principal Monies advanced or borrowed and now due and owing on the Credit of the Tolls arising on the said Road, by virtue of the said recited Acts, and which may hereafter be borrowed on the Credit of this Act, and in amending, repairing, and improving the said Roads, and rendering the same more commodious, and, lastly, in repaying the Principal Monies by this Act charged upon the said Tolls, or to be borrowed thereon by virtue of this Act.

Power to
purchase
certain
Buildings,
Gardens, &c.

XIV. And be it further enacted, That the Powers and Authorities given by this Act, or by the Laws now in force, for repairing or improving Turnpike Roads, shall not extend or be construed to extend to empower the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk, Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof, or other Person interested therein, first had and obtained, except all or so much of the Cottages, Buildings, Yards, Gardens, and Hereditaments after mentioned as shall be necessary, in the Judgment of the said Trustees, for widening, diverting, or improving the said Roads; (that is to say,) the Gardens and Yards situate at *Saint Faith's* aforesaid, belonging to *Philip Stephens Esquire*, in the several Occupations of *William Newton*, *William Want*, and *Samuel Carman*, and an Outhouse near thereto, and Yard, in the Occupation of *John Drake*; a small Barn, with Buildings, Yards, and Gardens, situate at *Hevingham* aforesaid, belonging to *Fish*, now in the Occupation of himself and *James Sparke*, *William Digby*, and *John Mitchell*; the Yards and Gardens situate near thereto, belonging to and now in the Occupation of *Edward Newton*; the Gardens, Yards, and Outhouses at *Hevingham* belonging to *Hevingham School*, in the Occupation of *J Barber*; the Cottage, Yard, and Garden belonging to *Francis Watts*, in the Occupation of *John Palmer*; and the Orchards and Gardens, Yards and Outhouses, situate at *Hevingham* aforesaid, belonging to *Robert Marsham Esquire*, now in the Occupations of *John Smith* and others respectively.

Causeways,
Arches, and
Drains, by
whom to be
made and
cleansed.

XV. And be it further enacted, That it shall be lawful for the said Trustees, and their Surveyor or Surveyors, or other Person or Persons by them appointed, and they are hereby authorized and empowered, to make any such raised or other Causeways or Footpaths in, along, or next the Sides of the said Roads, as they may think necessary or commodious, for Foot Passengers, and such Bridges, Arches, Culverts, Trunks, and Tunnels as shall be necessary for conveying the Water from off the said Roads or any such Causeways or Footpaths, at the Expence of the said Trustees, out of the Monies aforesaid; and all such new Bridges,

Arches,

Arches, Culverts, Trunks, Tunnels, Causeways, and Footpaths as shall cross or pass in or under the said Road or along the Sides thereof shall be scoured, cleansed, and kept clear, repaired, and maintained by the said Trustees.

XVI. And be it further enacted, That no Diversions or Alterations to be made in the said Roads or any Part thereof shall be commenced or begun unless Notice of the Intention of proposing such Diversion or Alteration, specifying the particular Alteration intended to be proposed, shall be given, and entered in the Books of Proceedings of the Trustees, at some Meeting of the Trustees to be held under this Act, previous to the Meeting at which such Diversion or Alteration is intended to be proposed, nor unless a like Notice, signed by Two or more Trustees, or their Clerk, shall be affixed on all the Turnpike Gates then erected upon the said Road, and inserted in some Paper in the County of *Norfolk* Twenty-one Days at least before the Meeting at which any such Diversion or Alteration shall be ordered or directed to be made.

Notice to be given of any intended Diversion or Alteration.

XVII. Provided always, and be it further enacted, That none of the Tolls authorized to be taken by virtue of this Act, or any of the Money to be borrowed upon the Credit thereof respectively, shall be laid out or expended in paving, lighting, watching, or repairing any of the Streets within the City of *Norwich* or Town of *Gromer*.

No Money to be laid out in Repair of Streets.

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

Public Act.

XIX. And be it further enacted, That this Act shall commence on the Third *Tuesday* next after the passing thereof, and shall continue and be in force for Thirty-one Years, and from thence to the End of the then next Session of Parliament.

Term of Act.

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