ANNO SECUNDO

GULIELMI IV. REGIS.

Cap. xxi.

An Act for more effectually repairing the Road from *Downham Market* to *Barton*, and to a Place called the *Devil's Ditch*, all in the County of *Norfolk*.

[24th *March* 1832.]

WHEREAS an Act was passed in the Twelfth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for repairing and widening the Road leading from the East End of the Bridge across the River* Ouze *in* Downham Market *to the* Queen's Head, *and from the* Chequer *Inn in* Downham Market *aforesaid to the East End of the* Two Mile Close *in the Parish of* Barton, *and towards* Watton *to a Place called the* Devil's Ditch, *in the County of* Norfolk; *and for stopping up the Road leading from* Stradsett *through* Barton Layes *towards* Watton: And whereas an Act was passed in the Thirty-second Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act passed in the Twelfth Year of the Reign of His present Majesty, for repairing and widening the Road leading from the East End of the Bridge across the River* Ouze *in* Downham Market *to the* Queen's Head, *and from the* Chequer *Inn in* Downham Market *aforesaid to the East End of the* Two Mile Close *in the Parish of* Barton, *and towards* Watton *to a Place called the* Devil's Ditch, *in the County of* Norfolk; *and for stopping up the Road leading from* Stradsett *through* Barton Layes *towards* Watton: And whereas an Act was passed in the Fifty-third Year of the Reign of

12 G. 3. c. 98.

32 G. 3. c. 158.

53 G. 3. c. 95. His said Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Road from* Downham Market *to the* Queen's Head, *and from the* Chequer *Inn in* Downham Market *to the* Two Mile Close *in the Parish of* Barton *in the County of* Norfolk: And whereas the Trustees for executing the said several recited Acts have proceeded to put the same into execution, and have for that Purpose borrowed several considerable Sums of Money on the Credit of the Tolls thereby granted, which Money still remains due and owing, and cannot be repaid, or the Interest thereof discharged, nor can the said Road be sufficiently and effectually amended or kept in repair, unless the Term of the said several recited Acts be further continued; and it would be more convenient to the said Trustees, and the said Road might be better and more effectually repaired, improved, and maintained, if the said several recited Acts were repealed, and if further, better, and more effectual Powers were granted instead thereof; but the same cannot be effected without the Aid and Authority of Parliament: 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 on the Fourteenth Day next after the passing of this Act the said several recited Acts shall be and the same are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever.

Recited Acts repealed.

This Act to take place for the Purposes herein mentioned.

II. And be it further enacted, That this Act shall from thenceforth commence and take effect and be put into execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, amending, widening, raising, altering, and from Time to Time improving and keeping in repair the Road commencing opposite the End of a certain Lane called *Rabbit Lane*, in the Parish of *Downham Market*, to the East End of the *Two Mile Close* in the Parish of *Barton*, and towards *Watton* to a Place called the *Devil's Ditch*, in the County of *Norfolk*.

No Money to be laid out in repairing Streets, &c.

III. And be it further enacted, That no Part of the Money to be received by virtue of this Act shall be laid out in paving, cleansing, or repairing any Street within any Town through which the said Road may pass; any thing herein contained to the contrary notwithstanding.

Appointment of Trustees.

IV. 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 *Thomas Allen*, *George Aylmer*, Sir *Henry Bedingfield* Baronet, *James Bradfield*, *Sanders Bradfield*, *William Bagge* the younger, *Philip Bell* Clerk, *John William Butt* Clerk, *John Barsham*, *Edward Cobbold* Clerk, *John Creassy*, *John Thurlow Dering*, *George Robert Eyres*, *Robert Fellowes*, Sir *Thomas Hare* Baronet, *Thomas Hare*, *William Hardwicke* Clerk, *John Hewlett* Clerk, *Charles Mann* Clerk, *Henry Bence Mason*, *Robert Muskett*, *Edward Roger Pratt*, *Edward Roger Pratt* the younger, *Robert Peel*, *Henry Pratt*, *Charles Berners Plestow*, *Jermyn Pratt* Clerk, *James Royle* Clerk, *William Say*, *Samuel Colby*

Colby Smith Clerk, *Henry Say* Clerk, *Thomas Say* Clerk, *Daniel Sewell*, *Abraham Sewell*, *William Gale Townley* Clerk, *John Richard Thackeray* Clerk, *Henry Villebois*, *Henry Villebois* the younger, *Thomas Wright*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for putting this Act into execution.

Power to appoint additional Trustees.

V. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time, at any Meeting to be held for the Purpose, to elect, nominate, and appoint any Number of Persons, duly qualified to act as Trustees of Turnpike Roads in *England*, (not exceeding Three in the whole,) to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees to be from Time to Time so elected, nominated, and appointed shall be and are hereby invested with the same Powers as if they had been herein named and appointed.

First Meeting of Trustees.

VI. And be it further enacted, That the said Trustees shall meet at the House known by the Sign of the *Crown* Inn, in *Downham Market* in the said County of *Norfolk*, or at some other convenient Place or Places on or near the said Road, on the Fourteenth Day next after the Commencement of this Act, or as soon after as conveniently may be, and shall and may then and there proceed to put this Act into execution, and shall and may then, and at all subsequent Meetings to be held for the Purposes of this Act from Time to Time, adjourn to and meet at such Times, and at such Places respectively immediately adjacent or adjoining to the said Road, as they shall think proper; and if at any of the said Meetings the Trustees present shall not adjourn such Meeting to another Day, it shall be lawful for any Three of the said Trustees, though not assembled at a Meeting, or their Clerk by their Order, to call a Meeting of the said Trustees at the Place aforesaid, or at some other convenient Place immediately adjacent or adjoining to the said Road, to transact general Business; such Meeting to be called by public Notice to be inserted in some One or more Newspaper or Newspapers usually circulated in the County of *Norfolk*, and to be held not sooner than Four nor exceeding Eight Days from the Time of such Notice being first inserted.

Power to take Tolls.

VII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons, being a Lessee or Farmer, Lessees or Farmers, or appointed or continued to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take every Day, (such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night,) at the several and respective Toll Gates and Turnpikes, Toll Houses, Side Gates, Side Bars, or Chains, which are or shall be standing and being or continued or erected in, upon, or across or on the Side or Sides of the said Road or any Part or Parts thereof, the several and respective Tolls or Sums of Money herein-after mentioned; (that is to say,)

Tolls.

For every Horse, Mule, Ass, or other Beast, laden or unladen, and not drawing, the Sum of Two-pence:

For every Horse or other Beast drawing any Chaise Marine, Coach, Stage Coach, Sociable, Berlin, Landau, Chariot, Barouche, Phaeton,

Phaeton, Calash, Curricle, Chair, Chaise, Caravan, Gig, Hearse, Break, Litter, Cart upon Springs of any Kind, or other Four or Two-wheeled Carriage of the like Kind, any Sum not exceeding Sixpence:

For every Coach, Waggon, Vehicle, or other Carriage of whatsoever Description, propelled or drawn by Steam, Gas, or any other like Means, any Sum not exceeding One Shilling and Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Drug, Cart, or other Carriage of the like Kind, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottoms or Soles thereof, any Sum not exceeding Four-pence:

For every Horse or other Beast drawing any Waggon, Wain, Drug, Cart, or other Carriage of the like Kind, having the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half and less than Six Inches at the Bottoms or Soles thereof, any Sum not exceeding Five-pence:

For every Horse or other Beast drawing any Waggon, Wain, Drug, Cart, or other Carriage of the like Kind, having the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half at the Bottoms or Soles thereof, any Sum not exceeding Sixpence:

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

And for every Drove of Calves, Swine, Sheep, or Lambs, any Sum not exceeding Seven-pence Halfpenny *per* Score, and so in proportion for any less Number.

Fractional Part of a Halfpenny in Tolls.

VIII. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation of the Amount of any of the Tolls hereby granted, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Tolls to be paid but once a Day.

IX. And be it further enacted, That in case the Tolls hereby authorized to be taken shall have been paid in any one Day, such Day to be computed as aforesaid, for the passing of any Horse or Horses, Cattle, Beast or Beasts, or Carriage or Carriages, through any of the said Toll Gates, Turnpikes, Side Gates, Side Bars, or Chains, such Horse or Horses, Cattle, Beast or Beasts, or Carriage or Carriages, shall, on a Note or Ticket denoting such Payment on that Day being produced, be permitted to pass and repass through the same Toll Gate, Turnpike, Side Gate, Side Bar, or Chain, and also through all other Toll Gates, Turnpikes, Side Gates, Side Bars, and Chains to be continued or erected by virtue of this Act, Toll-free on the same Day, except as herein-after mentioned.

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

X. Provided always, and be it further enacted, That the Tolls hereby made payable for or in respect of any Horse or Horses, Beast or Beasts, drawing any Coach, Diligence, Van, or Caravan, or other Carriage carrying Passengers or Goods for Pay, Hire, or Reward, or any Stage Coach, Diligence, Van, Caravan, or other Carriage propelled or moved by Machinery, conveying Passengers or Goods for Pay, Hire, or Reward, shall be payable and paid each Time of passing or repassing through the said Toll Gates, Turnpikes, Side Gates,

Gates, Side Bars, or Chains, or any of them: Provided nevertheless, that no further or additional Toll shall be payable in respect of the Horses or other Beasts drawing any Stage Coach, Diligence, Van, or Caravan, on account only of the Horses drawing the same having been changed.

Horses, &c. drawing Post Chaises to pay on every new Hiring.

XI. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of any Horse or Horses, or Beast or Beasts, which shall be let out to Hire, or any Horse, Beast or Beasts, drawing any Post Chaise or other Carriage which shall be let out to Hire, or any Carriage propelled or moved by Machinery which shall be let out to Hire, shall be payable and paid every Time of passing and repassing through the said Toll Gates, Turnpikes, Side Gates, Side Bars, and Chains, or any of them, whenever any new or fresh Hiring thereof shall take place.

Limiting Exemptions from Tolls, &c.

XII. Provided always, and be it further enacted, That no Horse or Horses, or other Beast or Beasts, drawing any Waggon, Wain, Dray, Cart, Caravan, or other Carriage, shall be exempt from Toll on passing through any of the said Toll Gates, Turnpikes, Side Gates, Side Bars, or Chains, or any of them, by reason of any previous Payment of Toll during the same Day, unless such Horse or Horses, or other Beast or Beasts, shall, at the Time of such previous Payment of Toll, have been drawing the same Waggon, Wain, Dray, Cart, Caravan, or other Carriage as that which such Horse or Horses, or other Beast or Beasts, shall be drawing at the Time when such Exemption shall be claimed.

Application of Tolls and other Monies.

XIII. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said several recited Acts hereby repealed, which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall have been or shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, shall be and the same are hereby vested in the said Trustees, and shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relative thereto respectively, with lawful Interest for the same from the Time of advancing or disbursing the same; secondly, in paying the necessary Expences in maintaining and keeping in repair the said Road, and in paying and keeping down the Interest of all such Sums of Money as are or shall be borrowed and taken up at Interest upon the Credit of the Tolls of the said Road; thirdly, in defraying the Expences of diverting, altering, widening, improving, repairing, and keeping in repair the said Road, and of erecting and providing, altering and repairing Turnpikes, Toll Gates, Toll Bars, and Toll Houses, with suitable Outbuildings, upon, across, and by the Sides of the said Road, and otherwise in executing the Powers of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money already borrowed

and raised under and by virtue of the said several recited Acts hereby repealed, or to be by them the said Trustees hereafter borrowed or raised under or by virtue of this Act, and all other Debts and Sums of Money now owing by or on account of the said Road.

Public Act.

XIV. 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.

Term of the Act.

XV. And be it further enacted, That this Act shall commence and take effect on the Fourteenth Day next after the passing thereof, and shall continue and be in force and be executed for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYR and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1832.