ANNO QUARTO

GEORGII IV. REGIS.

Cap. lxxx.

An Act for making and maintaining a Road from *Norwich* to *Fakenham*, in the County of *Norfolk*.

[30th *May* 1823.]

WHEREAS the making a new Road from the City of *Norwich* to the Town of *Fakenham*, in the County of *Norfolk*, will afford a much more easy and convenient Communication between the said City, and be of great public Utility; but such new Road cannot be made and maintained without the Aid and Authority of Parliament: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England: 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 all His Majesty's Justices of the Peace acting for the County of *Norfolk*, together with *Edward Astley*, *Francis Astley*, *John Bloom*, *Robert Bircham*, *Samuel Bircham*, *William Bircham*, *Charles Berners*, *Henry Berners* Clerk, *Samuel Bidwell*, *Thomas William Coke* the younger, *William Clayton* Clerk, *Philip Mallet Case*, *Hamilton Custance*, Sir *Charles Chad*, *George Chad*, *Samuel Culley*, *Richard Culley*, *John Culley*, *Henry Utring Culley*, *Edward Dewing*, *Edward Dewing* Clerk, *Elisha De Hague*, *John Francis*, Lord *Henry Fitzroy*, *William Foster*, *Peter Le Neve Foster*, *Anthony Gwyn*, *Richard Gwyn*, *John Andrews Girling*, *Joseph Gurney*, *Joseph John Gurney*, *Hudson Gurney*, *Richard Hanbury Gurney*, *Robert Hammond*

3 G. 4. c. 126.

Trustees.

mond Clerk, *John T. Jones*, *Thomas Leeds*, *Stephen Leeds*, *Robert Leeds*, *Guy Lloyd*, *Charles Laton*, *William Money*, *Nathaniel Micklethwaite* the younger, *George Morse*, *John Mills* Clerk, *George Norris* Clerk, *Charles Norris* Clerk, *Jermyn Pratt* Clerk, *Robert Pratt*, *John Pike*, *Joseph Peckover*, *Abraham Rawlinson*, *John Robson*, *Nathaniel Rapier Raikes* Clerk, *Aquila Robins*, *James Stoughton* Clerk, *Edward Savory* Clerk, *Charles Thompson*, Lord *James Townshend*, Lord *Charles Townshend*, *Atkins Wright*, *Philip Edmond Wodehouse*, *Robert Watts*, *James Lee Warner* Clerk, *Charles Weston*, *Miles Weston*, and *George Cook Watson*, together with such Number of Persons, not exceeding Five, as they shall at their First Meeting nominate and appoint, shall be, and they and their Successors, to be elected in the Manner directed by the said recited Act, are hereby appointed Trustees for making and maintaining a Road from the City of *Norwich* to the Town of *Fakenham*, in the County of *Norfolk*, and for carrying into Execution this Act.

Trustees to be sworn.

II. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee for putting this Act into Execution, unless he shall be qualified in such Manner as in and by the said recited Act passed in the Third Year of the Reign of His present Majesty is directed and prescribed, and unless being so qualified, he shall, before he shall act as a Trustee (except in administering the Oath or Affirmation mentioned in the said last mentioned Act, and the Oath or Affirmation herein-after mentioned) take and subscribe before One or more of the said Trustees (who is and are hereby empowered to administer the same) the Oath following; that is to say,

Oath.

'I *A. B.* do swear, [*or, being one of the People called Quakers*, do solemnly affirm], That I will truly and impartially, according to the best of my Judgment, execute and perform the several Powers, Authorities, and Trusts reposed in me as a Trustee by virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*], and also an Act passed in the Third Year of the Reign of His said Majesty, intituled [*here set forth the Title of the General Turnpike Act.*]

So help me GOD.'

[*Or, being a Quaker, omit the Words,* 'So help me GOD.']'

And if any Person shall presume to act (except as aforesaid) before he shall have taken and subscribed the said Oath or Affirmation, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds; to any Person or Persons who shall inform or sue for the same, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed: Provided nevertheless, that no Act or Proceeding touching the Execution of the said Act of the Third Year of the Reign of His present Majesty, or this Act, which shall be done or performed by any such Person who shall have omitted or neglected to take and subscribe the said Oath or Affirmation by this Act prescribed, shall be thereby impeached or rendered nugatory, but all such Proceedings shall be as valid and effectual as if such Person had taken such Oath or Affirmation previously to his having acted as such Trustee as aforesaid.

Powers of 3 G. 4. extended to this Act.

III. And be it further enacted, That the said recited Act, passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except such Parts thereof as are expressly varied, altered, or repealed by this Act, shall be as good, valid, and effectual for carrying this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

First Meeting of Trustees.

IV. And be it enacted, That the said Trustees shall meet at the Guild-hall in the City of *Norwich*, on the Thirtieth Day of *June* One thousand eight hundred and twenty-three, and proceed to put the said recited Act and this Act into Execution.

Appointing of Officers.

V. And be it further enacted, That the said Trustees may, and they are hereby empowered, by Writing under their Hands, to appoint a Clerk and Treasurer, and One or more Collector or Collectors of the said Tolls, and a Surveyor or Surveyors of the said Road, and such other Officers as they shall think necessary, and from Time to Time to remove such Clerk, Treasurer, Collectors, Surveyors, and other Officers, or any of them; and on such Removal, or on Death or Resignation, to appoint others in their Stead; and that it shall and may be lawful for the said Trustees, out of any of the Monies arising by virtue of the said Act and this Act, to allow and pay to the Clerk, Treasurer, Collectors, Surveyors, and other Officers, and to such other Person or Persons as shall be assisting them or any of them in or about the Execution of the said recited Act and this Act, such Salaries, Rewards, and Allowances, for their Attendance, Care, Labour, and Services, as the said Trustees shall deem reasonable.

Treasurer and Clerk not to be the same Person.

VI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or Clerks, or other Person or Persons, in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers shall accept the Office of Clerk in the Execution of this Act; and if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees, other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

VII. And

Power to erect Toll Gates.

VII. And be it enacted, That the said Trustees, or such Person or Persons as they shall direct and appoint, shall and may build, erect, and set up such and so many Toll Gates or Toll Bars in, upon, or across such Parts and in such Places of the said Road as the said Trustees shall think proper, and also such and so many Toll Gates or Toll Bars on the Sides of the said Road, and in, upon, or across any Street, Lane, or other Highway, that does or shall lead into or out of the same respectively, as they the said Trustees shall think proper and expedient; and also shall or may erect or provide a Toll House and a Weighing Machine, with suitable Buildings, a Garden, and other Conveniences, not exceeding One-eighth Part of a Statute Acre, at or near to each of such Toll Gates or Toll Bars.

Power to remove Toll Bars.

VIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, as they shall think proper, to cause any of the Toll Gates or Toll Bars, and Weighing Machines, which shall be erected in, upon, or across, or on the Side or Sides of the said Road, to be removed and placed upon such other Part or Parts of the said Road, or on the Side or Sides thereof, as the said Trustees shall from Time to Time order and direct; provided that none of the said Toll Gates or Toll Bars or Weighing Machines shall be removed as aforesaid, unless Twenty-one Days previous Notice of the Intention to remove the same shall have been affixed in Writing upon all the Toll Gates then standing upon the said Road.

Power to sell Toll Houses.

IX. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same, and in case of Sale to convey the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee-simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or to their Treasurer for the Time being, hold and enjoy the Premises by him or them so purchased, discharged from all Trusts and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Non-application thereof: Provided always, that such Preference of purchasing shall be given to the Owner or Owners of the adjoining Land as is by the said recited Act directed to be given where any Piece or Pieces of Ground or old Road, not wanted for the Purposes of any Turnpike Road, is authorized to be sold and disposed of.

Power to take Tolls.

X. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take at the Toll Gates or Toll Bars which shall be erected in, upon, across, or on the Side

Side or Sides of the said Road by this Act directed to be made, or in, upon, or on the Side of any Street, Lane, or Way leading into or out of any Part of the said Road, the several Tolls and Duties following; (that is to say,)

For every Horse or Beast of Draught, drawing any Coach, Chariot, Landau, Berlin, Chaise, Curricle, Calash, Chair, Caravan, Hearse, or Litter, or other such Carriage, the Sum of Four-pence: Tolls.

For every Horse or Beast of Draught, drawing any Waggon, Wain, or other such Four-wheeled Carriage, the Sum of Five-pence:

For every Horse or Beast of Draught, drawing any Cart or other Two-wheeled Carriage, the Sum of Four-pence:

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

For every Score of Oxen or Neat Cattle, the Sum of Ten-pence, and so in proportion for any greater or less Number:

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

Tolls vested in Trustees.

And such Tolls shall and may be demanded and taken before any Horse or Horses, or other Beasts or Cattle, be permitted to pass through any such Toll Gate or Toll Bar; and all and every Sum and Sums of Money which shall arise and be produced therefrom, and from the said Weighing Machines respectively, shall be vested in the said Trustees for the Time being, and the same, and every Part thereof, shall be paid and applied, disposed of and assigned, in such Manner as is mentioned in the said recited Act and this Act.

Number of Tolls limited.

XI. And be it further enacted, That no Person having paid the said Toll at any Two Gates, whether such Gates shall stand across or on the Side of the said Road, shall be liable to pay Toll at any other Gate upon the said Road on the same Day (to be computed as aforesaid) for or in respect of the same Horse, Cattle, or other Beast, drawing or not drawing; and that in no Case shall any Person be subject to pay the Tolls hereby granted at more than Two Gates on the same Day for the same Cattle, Horse, or Beast, Coach, Waggon, Cart, or other Carriage; but that in each such case the Collector or Collectors of the Tolls shall, on Receipt of such Toll, deliver *gratis* to every Person requiring the same, a Ticket or Tickets denoting such Payment or respective Payments, which Ticket or Tickets shall be sufficient Evidence to all other Collectors on the said Road of such Payment or respective Payments, and the Party or Parties shall be allowed to pass and repass any Number of Times in the same Day without any further Demand of Toll on that Account.

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

XII. Provided always, and be it enacted, That for and in respect of all Horses drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage, carrying Passengers or Goods for Payment, Hire, or Reward, for which the Tolls hereby granted shall have been paid, and which shall return on the same Day through the same Turnpike or Toll Gate, the Tolls hereby made payable shall be paid for repassing through such Toll Gate, in like Manner as if no Toll had been before paid thereat; and that the said Tolls shall be payable for or in respect of all Horses or other Beasts drawing Post Chaises, and other Carriages travelling for Hire, for every Time of passing and repassing along the said Road on the same Day, with a Ticket denoting a fresh Hiring.

Exemption for Agricultural Produce.

XIII. Provided always, and be it enacted, That no Toll shall be demanded or taken by virtue of this Act for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Dung, Soil, Compost, or Manure for improving Lands, or any Ploughs, Harrows, or Implements of Husbandry, (unless laden also with some other Thing not exempted from Toll by the said recited Act of the Third Year of the Reign of His present Majesty,) or any Hay, Straw, Fodder for Cattle, and Corn in the Straw, which has grown or arisen on Land or Ground in the Occupation of the Owner of any such Hay, Straw, Fodder, or Corn in the Straw, Potatoes, or other Agricultural Produce, and which has not been bought, sold, or disposed of, nor is going to be sold or disposed of, or for any Horses or other Beasts employed in Husbandry going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, such Horses or other Beasts not going or returning on those Occasions more than Two Miles on the said Road; and if any Person shall claim or take the Benefit of the said Exemption, not being legally entitled to the same, every such Person shall forfeit and pay any Sum not exceeding Five Pounds, and the Proof of Exemption shall lie on the Person claiming the same.

Application of the Money.

XIV. And be it further enacted, That all the Monies which shall arise and be produced by and from the Tolls by the said recited Act and this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, shall be vested in the said Trustees for the Time being, and 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 Payment of all the Costs, Charges, and Expences which have been incurred or incidental to, or attending the applying for and obtaining and passing of this Act; in the second Place, in defraying the Expences of purchasing Land which may be necessary for the making and widening of the said intended Road, and erecting and keeping in Repair the necessary Toll Gates and Toll Houses thereon; in the Third Place, in paying the Interest accruing from Time to Time upon the several principal Sums of Money which shall from Time to Time be borrowed and secured in pursuance of this Act; in the fourth Place, in keeping the said Road in Repair; and lastly, in discharging the several principal Sums of Money which shall be secured in pursuance of the said recited Act and this Act.

Road to be made according to Plan.

XV. And whereas a Map or Plan, describing the Line of the Road intended to be made, and the Lands through which such Line is to be carried, together with a Book of Reference, containing the List of the Names of the Owners and Occupiers of such Lands, hath been deposited with 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 all seasonable Times, have Liberty to inspect and peruse the same, and take Copies and Extracts therefrom, at their Will and Pleasure, paying to such Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for

every Seventy-two Words of such Copies or Extracts; and that the said Trustees, in making such Road, shall not deviate more than One hundred 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.

Lands marked in the Plan may be used, notwithstanding Errors in the Book of Reference.

XVI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road into, through, across, or over the several Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be the Owner or Owners, or Occupier or Occupiers of Lands or Premises over which the same or any Part thereof is or are mentioned and described in this Act, or set forth and described in the said Map or Plan or List as aforesaid, although such Lands or Premises, or the Name or Names of such Person or Persons, may happen to be erroneously described, omitted, or mis-stated in this Act, or in the said Map or Plan or List, in case it shall appear to any Two or more Justices of the Peace for the said County of *Norfolk*, or City of *Norwich*, within their respective Jurisdictions, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake, or was not wilful; and such Certificate shall be deposited with, and remain in the Custody of the Clerk of the Peace for the said County.

Power to enter Lands to make Road.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, and for their Surveyor or Surveyors, and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Premises through which or whereupon the said Road hereby authorized to be made, or any Alteration thereof, is intended to pass, and also upon any adjoining Lands or Grounds, and to stake out the said Road, and to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part thereof, and to make a temporary Way or Ways through or over any such adjoining Lands or Grounds (not being a Garden, Yard, Orchard, Park, Paddock, planted Walk or Avenue to a House, or inclosed Ground planted and set apart as a Nursery for Trees), to be made use of as a Public Highway whilst the narrow or ruinous Parts of the said Road are being widened or altered, and until the said Road shall be made safe and convenient for the Passage of Travellers and Carriages, in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively, for any of the Purposes of this Act, making Satisfaction to the Owners and Occupiers of such Lands and Grounds for the Damages that shall be thereby occasioned; such Damages to be ascertained and settled, in case of Dispute concerning the same, in the same Manner as the Value of Lands to be purchased or used by virtue of this Act is by the said recited Act directed to be ascertained and settled in case of Dispute; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out any Part of such Road, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

XVIII. Pro-

Trustees restrained from pulling down Dwelling Houses, &c.

XVIII. Provided also, and be it enacted, That the Powers and Authorities hereby given shall not in any Case be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk or 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 first had and obtained, other than and except so much and such Part of such Dwelling Houses or other Buildings, Orchards, Gardens, Yards, Parks, Paddocks, planted Walks, Avenues, and Nurseries for Trees, as are described in the Schedule hereunto annexed.

Trustees to fence the new Road.

XIX. And be it further enacted, That in all Cases where the said Trustees shall, by virtue of the said recited Act and this Act, make any Part of the said Road over and through any private Grounds, or shall take away any Fence for widening, diverting, or turning any Road already made, the said Trustees shall make, or cause to be made, proper Fences or Stone Walls on both Sides of such new-made Road, or on the Side upon which any such Fence shall be so removed as aforesaid, so as effectually to guard and fence off the Lands adjoining to such Road, and also proper Gates, Bridges, and Arches where necessary, out of the said Road into the Lands adjoining, and shall keep up such Fences so to be made in good Order and Repair, for and during the Term of One Year from the Time that such Fences shall have been made or set up.

For paying Creditors by Lot.

XX. Provided always, and be it further enacted, That in case the said Trustees shall at any Time or Times be desirous of paying off any Portion of the Principal Monies due and owing upon the Credit of the said Road, it shall and may be lawful for them, at any Meeting to be holden as aforesaid (Notice of such intended Meeting, and of the Purposes thereof, being first given at least Twenty-one Days preceding the same, by Advertisement in some Newspaper printed in or usually circulated in the said County of *Norfolk*), if they shall think fit, instead of paying the same rateably amongst all the Creditors, to determine by Lot to which of such Creditors the Whole or any Portion thereof shall be so paid, and to pay the same to such Creditor or Creditors only, or to any of the Creditors with the Consent of all the other Creditors; any thing herein or in the said recited Act contained to the contrary thereof notwithstanding.

Trustees not personally liable for Mortgages.

XXI. Provided always, and be it enacted, That the Trustees appointed or to be appointed by virtue of this Act shall not be personally subject to or liable to be charged with the Payment of any Sum or Sums of Money, by reason of their having signed or executed any Mortgage, or Assignment by way of Mortgage, or other Security to be made by virtue or in pursuance of the said recited Act or this Act: Provided always, that in case any Action, Suit, or Prosecution shall be brought or commenced against the said Trustees for any thing done by virtue or in pursuance of the said recited Act or this Act, all the Costs, Charges, and Expences of defending such Action, Suit, or Prosecution, shall be defrayed out of the Tolls arising on the said Road.

XXII. Pro-

In case of Nonpayment of Compensation for Materials, Damages, or Injury done by the said Trustees, &c. the same to be levied by Distress of the Goods of such Trustees, or their Treasurer.

XXII. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace in pursuance of the Directions of the said recited Act of the Third Year of the Reign of His present Majesty or this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury, of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Twenty-one Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose, by the Party or Parties entitled to receive such Sum or Sums of Money, as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall receive in pursuance of the said recited Act or this Act, all such Costs, Charges, and Expences, as he shall be put unto by virtue of any such Warrant as aforesaid.

Regulations as to the Performance of Statute Work.

XXIII. 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 Road, or any Part thereof, shall still remain liable thereunto in like manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said County of *Norfolk*, or City of *Norwich*, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors, by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places liable thereto, or in which the said Road lies, 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 Composition for such Statute Work, shall be by him or them paid to the said Trustees, or to their Treasurer; and in order thereto it shall be lawful for such Justice 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 Fourteen Days after the serving of such Summons, either personally, or by leaving the same at his or their Dwelling House or Dwelling

Houses), of the Names of the several Persons who within such Parish 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 and Restrictions as is or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways; and out of such Lists such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road 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 on such Parts of the said Road, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint, and the said Justices may also order and direct the Surveyor or Surveyors of such respective Parishes or Places, to pay over to the said Trustees, or their Treasurer or Treasurers, such Proportion of the Composition for Statute Work as aforesaid, as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them for that Purpose, signed by the Surveyor or Surveyors to 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 Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as any Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if such Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off 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 refused or neglected to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in manner aforesaid, every such Surveyor so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Pounds; and which Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways, by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the said County of *Norfolk*, or City of *Norwich*, on Complaint made to such Justices by the Surveyor to the said Trustees.

Trustees, &c. may be Witnesses.

XXIV. And be it further enacted, That no Person shall be deemed incompetent to give Evidence, or be disqualified from giving Testimony or

or Evidence in any Action, Suit, Prosecution, or other legal Proceeding, to be brought or had in any Court of Law or Equity, or before any Justice or Justices of the Peace under or by virtue of this Act, by reason of being a Trustee of the said Road, or a Mortgagee or Creditor of the Tolls thereof, or a Farmer, Lessee, or Collector of such Tolls, or a Treasurer, or Clerk, or Surveyor, or other Officer under this Act, nor shall such Testimony or Evidence, for any of the Reasons aforesaid, be rejected, or liable to be questioned or set aside.

Public Act.

XXV. 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.

Commencement and Continuance of this Act.

XXVI. And be it further enacted, That this Act shall commence upon the Thirtieth Day of *June* One thousand eight hundred and twenty-three, and 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.

The

The SCHEDULE to which this Act refers.

Part of a Garden and double Cottage, in the Hamlet of Hellesdon, in the County of the City of Norwich, belonging to Charles Berners, Esquire, and in the Occupation of James Coleman.

Part of a Garden in the Parish of Drayton, belonging to Anthony Kendle, and in the Occupation of Henry Buttle, on the South Side of the present Road, marked on the Plan of the said Road N° 24.

A Blacksmith's Shop and Part of a Yard in the Parish of Attlebridge, belonging to Nathaniel Micklethwaite, in the Occupation of James Mace.

Part of a Garden in the Parish of Morton, belonging to Thomas Trench Berney, and in the Occupation of James Hall.

Part of a Garden in the Parish of Morton, belonging to Thomas Trench Berney, in the Occupation of Benjamin Woods.

Part of a Yard or Garden in the Parish of Sparham, belonging to and in the Occupation of John Clarke.

Part of a Yard or Garden in the Parish of Foxley, belonging to Porter, in the Occupation of Thomas Frost and Thomas Jonas.

Part of a Yard or Garden in the Parish of Foxley, belonging to James Raven, in the Occupation of George Vince.

Part of a Fir Plantation in the Parish of Twyford, belonging to and in the Occupation of Coulsey Savory.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1823.