ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. XXV.

An Act to continue and amend Two Acts of the Fifteenth and Thirty-fifth Years of His present Majesty, for amending and widening the Road leading from *Yarmouth Bridge* through *Little Yarmouth*, to *Gorleston*, in the County of *Suffolk*.

[23d *May* 1817.]

WHEREAS an Act of Parliament was passed in the Fifteenth Year of the Reign of His present Majesty, intituled *An Act for amending and widening the Road leading from* Yarmouth Bridge *through the Hamlet of* Southtown, *otherwise* Little Yarmouth, *to* Gorleston, *in the County of* Suffolk: And whereas another Act was passed in the Thirty-fifth Year of the Reign of His said present Majesty, intituled *An Act for continuing an Act of the Fifteenth Year of His present Majesty, for amending and widening the Road leading from* Yarmouth Bridge *through the Hamlet of* Southtown, *otherwise* Little Yarmouth, *to* Gorleston, *in the County of* Suffolk: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded to put the same into Execution, and have for that Purpose from Time to Time borrowed several considerable Sums of Money on the Credit thereof, and of the Tolls thereby authorized to be taken, Part of which Money still remains due, and cannot be repaid, nor the said Road properly maintained and improved, or kept in Repair, unless the Term of the said Acts be continued, and some of the Powers thereof altered and amended: 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 Authorities, Powers, Provisoes, Provisions, and Clauses therein respectively

15 G. 3. c. 67.

35 G. 3. c. 132.

Term and Powers of the former Acts continued.

ſpectively contained (except ſuch of them as relate to Exemptions from Stamp Duties, or are varied, altered or repealed) ſhall be and continue in full Force and Effect, and together with this preſent Act ſhall be put in Execution for the ſeveral Purpoſes thereby and hereby intended, for and during the Term hereinafter mentioned, in as full and ample a Manner, and as effectually, to all Intents and Purpoſes, as if the ſaid Authorities, Powers, Proviſoes, Proviſions, and Clauſes, were repeated and re-enacted in this preſent Act; and the additional Term hereby granted ſhall be and is hereby made ſubject and liable to the Payment of all Monies now due and owing on the Credit or on Account of the ſaid former Acts or either of them, and which may be due and owing on the Credit or on Account of this Act, and all Intereſt due and to grow due for the ſame reſpectively.

Settling Diſputes concerning Tolls.

II. And be it further enacted, That if any Diſpute ſhall happen about the Amount of the Tolls due for the Paſſage of any Horſe, Cattle, or Carriage on the ſaid Road, purſuant to the ſaid firſt recited Act, or the Charges of making, keeping, or ſelling any Diſtreſs, it ſhall be lawful for the Collector, or Perſon diſtraining, to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof, (as the Caſe may happen), until the Amount of the Tolls due, and of the Charges of the Diſtreſs and Sale, and of keeping the Diſtreſs, (as the Caſe ſhall happen), ſhall be aſcertained by ſome Juſtice of the Peace for the County, Liberty, or Place where ſuch Diſpute ſhall ariſe, who, on Application made to him for that Purpoſe, ſhall examine the Matter on the Oath of the Parties or other Witneſs or Witneſſes, and ſhall determine the Amount of the Tolls due, and ſhall award ſuch Coſts and Charges to either Party as to the ſaid Juſtice ſhall appear right and proper; all which Coſts and Charges ſhall and may be levied and recovered, in caſe of Non-payment thereof, forthwith, by Warrant under the Hand and Seal of ſuch Juſtice, rendering the Overplus (if any) on Demand, after deducting the Coſts and Charges of making ſuch Diſtreſs and Sale, to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold.

Toll Collectors to put up their Names, &c.

III. And be it further enacted, That all and every Toll Collector appointed either by the ſaid Truſtees, or any Five or more of them, or by any Leſſee or Leſſees under them, to collect the Tolls payable at any Turnpike or Toll Gate erected by virtue of the ſaid Acts or this Act, ſhall, and he is hereby required to place his Chriſtian and Surname, painted on a Board in legible Characters, in the Front or on ſome other conſpicuous Part of the Toll Houſe or Toll Gate immediately upon his coming on Duty, each of the Letters of ſuch Name or Names to be at leaſt Two Inches in Length and of a Breadth in Proportion, and painted in White Letters on a Black Ground, or Black Letters on a White Ground, and ſhall continue the ſame ſo placed during the whole Time he ſhall be upon ſuch Duty; and if any Collector of the ſaid Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall demand or take a greater or leſs Toll from any Perſon or Perſons than he ſhall be authorized to do by virtue of the Powers of the ſaid Acts and this Act, or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof, and claim ſuch Exemption, or ſhall refuſe to permit or ſuffer, or ſhall in anywiſe hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame on having paid the ſaid Tolls or any of them, or ſhall give a falſe Name or Names on ſuch Demand, or ſhall

refuſe or neglect to give a Ticket denoting the Payment of the Toll, and naming and ſpecifying the ſeveral Gates to be freed by ſuch Payment, or ſhall make uſe of any ſcurrilous or blaſphemous Language to any Perſon or Perſons travelling upon the ſaid Road, or ſhall, without ſufficient Cauſe, detain or delay any Perſon or Perſons travelling thereon, then and in every ſuch Caſe every ſuch Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge; and ſuch Penalty ſhall be recovered and applied as other Penalties are by the ſaid firſt recited Act directed to be recovered and applied.

Exemptions from Tolls.

IV. And be it further enacted, That from and after the paſſing of this Act no Toll ſhall be demanded or taken for any Horſe, Cattle, Beaſt, or Carriage employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Stones Bricks, Timber, Wood, Gravel, or other Materials for repairing of the ſaid Roads, in the Townſhips or Pariſhes in which any Parts of the ſaid Road lies; or Hay, Straw, or Corn in the Straw, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Outhouſes or on the Lands of the Owners, for the Purpoſe of thraſhing out ſuch Corn, or of feeding out ſuch Hay or Straw; or for any Horſe, Cattle, or Beaſt employed in carrying or conveying, or going empty to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Huſbandry, Corn for ſeeding the Ground, or any Dung, Compoſt, Lime, or Manure, employed in Huſbandry for manuring or improving Lands; nor for any Horſes or Cattle going to or returning from Paſture or Watering Places; nor from any Perſon going to or returning from his or her proper parochial Church, Chapel, or other uſual Place of religious Worſhip on a *Sunday*, or upon any other Day on which Divine Worſhip is ordered by Authority to be celebrated, or attending the Funeral of any Perſon who ſhall die and be buried in any of the ſaid Townſhips or Pariſhes; or from any Clergyman going to or returning from viſiting any ſick Perſon, or going to or returning from his Parochial or Miniſterial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for any Horſe, Cattle, or Beaſt carrying or conveying any Perſon or Perſons going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *Suffolk*, and Members to ſerve in Parliament for the Borough of *Great Yarmouth*, on the Day or Days of ſuch Election, or on the Day before or after ſuch Election ſhall begin or be concluded; and that no Tolls ſhall be demanded or taken for any Horſe, Mare, or Gelding furniſhed by or for any Perſons

ſons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for or on the Days of Exerciſe, provided that ſuch Perſons ſhall be dreſſed in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for ſuch Corps reſpectively, at the Time of claiming ſuch Exemption as aforeſaid; and if any Perſon or Perſons ſhall in any fraudulent or colluſive Manner 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 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 for the Purpoſes of this Act.

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

V. 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 this Act, contained to the contrary notwithſtanding.

Clerk not to be Treaſurer, and vice verſa.

VI. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to appoint the Perſon who may be appointed to act as their Clerk in the Execution of the ſaid Acts and this Act, or the Partner of any ſuch Clerk, the Treaſurer for the Purpoſes of this Act; or to appoint the Perſon who may be appointed Treaſurer, or the Partner of any ſuch Treaſurer, the Clerk to the ſaid Truſtees for executing the ſaid Acts and this Act; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes of the ſaid Acts and this Act, or if any Perſon being the Partner of any ſuch Clerk ſhall act as Treaſurer, or being the Partner of any ſuch Treaſurer ſhall act as Clerk, in the Execution of the ſaid Acts and this Act, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered 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.

Accounts to be kept of Receipts and Diſburſements.

VII. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books ſuch Clerk ſhall enter or cauſe to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the ſaid Roads, and of the ſeveral Articles, Matters, and Things for which any Sums of Money ſhall have been diſburſed, laid out, and paid, which Book or Books ſhall at all ſeaſonable Times be open to the Inſpection of the ſaid Truſtees, or any Creditor or Creditors on the

the Tolls hereby granted, without Fee or Reward; and the ſaid Truſtees and Creditors ſhall or may take Copies of or Extracts from the ſaid Book or Books, or any Part or Parts thereof, without paying any thing for the ſame; and in caſe the ſaid Clerk, who ſhall have the Care and Cuſtody of the ſaid Book or Books, ſhall refuſe to permit the ſaid Truſtees, or ſuch Creditors, or any of them, to inſpect the ſame, or take ſuch Copies or Extracts as aforeſaid, ſuch Clerk ſhall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in Manner by the ſaid Act directed.

Tickets to be provided.

VIII. And be it further enacted, That upon Payment of the Tolls by the ſaid Act granted, the Collector or Receiver thereof ſhall and he is hereby required to deliver *gratis* to the Perſon paying ſuch Tolls a Note or Ticket denoting ſuch Payment, and which Note or Ticket ſhall be provided by the ſaid Truſtees, and there ſhall be printed and ſpecified thereon the Names of the ſeveral and reſpective Gates freed by ſuch Payment.

Toll Collectors not to be deemed incompetent to give Evidence.

IX. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall happen to ariſe, touching or in anywiſe relating to the Tolls to be collected on the ſaid Road, or the Recovery of ſuch Tolls, the Perſon or Perſons appointed to collect the ſame, or any Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of their or his being appointed to collect the ſaid Tolls, or acting under the Authority of the ſaid Truſtees as aforeſaid.

Penalty on damaging Cauſeways, Footpaths, or Lamps.

X. 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 Road, or any Part thereof, or ſhall drive any Horſe or other Cattle, or any Swine, or any Carriage thereon, or ſhall break, damage, or deſtroy any Lamp or Lamp Poſt which may be ſet up on or near the ſaid Road, 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 Forty 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.

For impounding Cattle or Swine ſtraying.

XI. And be it further enacted, That if any Cow, Horſe, Aſs, Pig, or other Live Stock or Cattle, ſhall at any Time be found wandering, ſtraying, or lying about the ſaid Road, or any Part thereof, it ſhall and may be lawful to and for the Surveyor of the ſaid Road for the Time being, or ſome other Perſon or Perſons employed by him or by the ſaid Truſtees, to ſeize and impound every ſuch Cow, Horſe, Aſs, Pig, or other Live Stock or Cattle in the Common Pound (if any) of the ſaid Hamlet of *Southtown*, or in ſuch other Places as the ſaid Truſtees or any Four of them ſhall appoint; and the ſame there to detain until the Owner or Owners thereof ſhall, for every and each Cow, Horſe, Aſs, Pig, or other Live Stock or Cattle ſo impounded, pay the Sum of Five Shillings to the Perſon impounding the ſame, together with the reaſonable Charges and Expences of impounding and keeping the ſame; and in caſe the ſaid Penalty, Charges, and Expences ſhall not be paid within Seven Days after ſuch impounding, it ſhall and may be lawful to and for the ſaid Truſtees, or any Four of them, to ſell or cauſe to be ſold every ſuch Cow, Horſe, Aſs, Pig, or other Live Stock or Cattle; and the Money ariſing from ſuch Sale, after deducting the ſaid Penalty, and the Charges and

Expences of impounding, keeping, and selling every such Cow, Horse, Ass, Pig, or other Live Stock or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

Gates to open inwards.

XII. And be it further enacted, That no Gate of any Park, Paddock, Field, Garden, or Inclosure of any Description whatsoever, shall be made to open in or towards the said Road, or be suffered to continue so to open, except the Hanging Post thereof shall be Thirty Feet at least from the Centre of the said Road; and the Occupier or Occupiers of each and every such Park, Paddock, Field, Garden, or Inclosure, having any Gate opening contrary to the Directions of this Act, shall, within Fourteen Days after Notice to him, her, or them given, either personally or in Writing, from the Surveyor of the said Road, cause such Gate to be hung in the Manner hereby directed, whenever the same shall be practicable, but in every Case in such a Manner as that no Part of the Gate when open shall project over any Part of the said Road, or Footpath belonging thereto; and in Default thereof the Surveyor of the said Road is hereby authorized to cause such Gate to be so hung, and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace of and for the said County of *Suffolk*, and Conviction thereof upon the Oath of one credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration, and shall also forfeit and pay a further Sum, not exceeding Forty Shillings for his, her, or their Neglect therein.

In diverting Roads not to deviate more than 100 Yards.

XIII. And be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, varying, or altering the Course or Path of any Part of the Road comprized in the said Acts, to deviate more than One hundred Yards from the present Line or Course thereof, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by any such Diversion or Alteration, any thing in either of the said recited Acts contained to the contrary thereof in anywise notwithstanding.

Application of Money above 200l.

XIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased or to be purchased by virtue of the said Acts or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed 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 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 towards the Discharge of any Debt or Debts, or such other Incumbrances, 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 and with

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 or Settlement shall be existing, undetermined, and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said High 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 meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so to be purchased under the Authority of this Act, in case such Purchase or Settlement was made.

Where less than 200l. and not less than 20l.

XV. Provided always, and be it further enacted, That if any Money so agreed and awarded to be paid for any Lands, Tenements, or Hereditaments purchased 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 or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be, 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 of *England*, 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 Four or more of the said Trustees for executing the said Acts and this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

When under 20l.

XVI. Provided also, and be it further enacted, That when 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 for the Purposes of the said Acts and this Act, in such Manner as the said Trustees or any Four or more of them 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.

XVII. And

In caſe of not making out Titles, &c.

XVII. And be it further enacted, That in caſe the Perſon or Perſons to whom any ſuch Sum or Sums of Money ſhall be adjudged or awarded by or for the Purchaſe of any Lands or Hereditaments to be purchaſed by virtue of the ſaid 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 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 or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful for the ſaid Truſtees or any Four 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 High Court of Chancery, to be placed to the Credit of the Parties intereſted in the ſaid Lands or Hereditaments (deſcribing them), ſubject to the Order, Control, and Diſpoſition of the ſaid High Court of Chancery; which ſaid Court, 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 Eſtates, Title, or Intereſt of the 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 is and are hereby required to give a Receipt or Receipts for the ſame, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion at the Time of ſuch Purchaſe ſhall be deemed entitled thereto.

XVIII. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands or Hereditaments, or of any Eſtate, Right or Intereſt in any Lands or Hereditaments to be purchaſed in purſuance of the ſaid Acts and this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands 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 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 or Hereditaments, or to ſome Eſtate or Intereſt therein.

Court may order reaſonable Expences to be paid by the Truſtees.

XIX. Provided always, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of the ſaid Acts and this Act, the Purchaſe Money for the

the ſame ſhall be required to be paid into the ſaid High 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 be lawful for the ſaid High Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of the ſaid Acts and this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of the ſaid Acts and this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Abatement of Toll on Carriages conſtructed as by 55 G. 3.

XX. And be it further enacted, That all Waggons, Carts, or other Carriages, having the Wheels of the Widths and Deſcriptions and the Axletrees fixed as mentioned and ſet forth in and by an Act made in the Fifty-fifth Year of the Reign of His preſent Majeſty, intituled *An Act to enable the Truſtees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Caſes*, ſhall be entitled to an Abatement of One-fourth Part of the Tolls granted by the ſaid Acts.

Surveyors may take Gravel, &c. filling up Pits, &c.

XXI. And be it further enacted, That it ſhall and may be lawful for the Surveyor or Surveyors of the ſaid Road, and ſuch other Perſon or Perſons as may be employed by him or them for that Purpoſe, to get, take, and carry away Furze, Heath, Stones, Chalk, Flint, Gravel, Clay, Sand, or other Materials proper for the repairing of the ſaid Road, from any Commons or Waſte Grounds, Common Rivers, or Brooks, in any Pariſh, Townſhip, or Place wherein any Part of the ſaid Road lies, or in any neighbouring Pariſh, Townſhip, or Place, without paying any thing for the ſame, ſuch Surveyor or Surveyors, or other Perſon or Perſons, filling up the Pits and levelling the Ground from whence ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits, ſo that the ſame ſhall not be dangerous to Paſſengers or Cattle, and alſo by Order of the ſaid Truſtees or any Five or more of them, but under ſuch Reſtrictions as herein mentioned, to ſearch for, dig, get, take, and carry away ſuch Materials in, upon, and out of, through, from, and over the Lands of any Perſon or Perſons whomſoever, the ſame not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees, after paying or tendering to the Owners or Occupiers of ſuch Lands, ſuch a Sum, by way of Recompence for the Damage to be ſuſtained thereby, as the ſaid Truſtees or any Five or more of them ſhall judge reaſonable; and in caſe the Owners or Occupiers of ſuch Land ſhall refuſe to accept the Sum offered or tendered for Damages as aforeſaid, then the Amount thereof ſhall be ſettled by any Two or more Juſtices of the Peace for the County within which ſuch Materials ſhall be gotten.

Notice to be given to Occupiers of incloſed Lands before Materials are taken.

XXII. Provided always, and be it further enacted, That it ſhall not be lawful for any Surveyor or Surveyors, or any other Perſon or Perſons, under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing the ſaid Road, out of or from any incloſed Lands or Grounds, until Five Days Notice in Writing, ſigned by ſuch Surveyor, ſhall have been given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Occupier at his or her uſual Place of Reſidence, to appear before any Two or more Juſtices of the Peace acting for the County or Place where ſuch Premiſes ſhall lie, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier, or

his or her Agent, ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, then and in ſuch Caſe it ſhall be lawful for the ſaid Juſtices by their Order to authorize ſuch Surveyor or other Perſon or Perſons to dig, get, gather, take, and carry away ſuch Materials at ſuch Time or Times as to ſuch Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall refuſe or neglect to appear by himſelf or herſelf, or his or her Agent, ſuch Juſtices ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually to all Intents and Purpoſes as if ſuch Occupier, or his or her Agent, had attended.

Statute Work.

XXIII. And be it further enacted, That ſo much of the ſaid firſt-recited Act as relates to the Performance of Statute Labour on the Road 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 Road 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 *Suffolk*, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Portion of Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the Pariſh, Hamlet, or Place in which the ſaid Road doth lie, according and in proportion to the Extent of the ſaid Road and of the other Highways in ſuch Pariſh, Hamlet, or Place, and alſo what Proportion (according to the Extent aforeſaid) of the Money received or to be received by the Surveyor or Surveyors of the Highways of ſuch Pariſh, Hamlet, or Place; or in caſe no Surveyor is or ſhall be appointed, then by ſome Perſon or Perſons to be appointed by the ſaid Juſtices Surveyor or Surveyors of ſuch Pariſh, Hamlet or Place, (which Appointment they are hereby required and empowered to make) in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, (made or to be made conformable to the Rates fixed or to be fixed by the Juſtices of the Diſtrict at their Special Seſſions for the Highways held in the Week next after *Michaelmas* yearly), 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 ſuch Pariſh, Hamlet, or Place, or ſuch other Perſon or Perſons to be appointed by them for that Purpoſe, as the Caſe may be, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons, (within Ten Days after the ſerving of ſuch Summons), of the Names of the ſeveral Perſons who within ſuch Pariſh, Hamlet, or Place are by Law ſubjected 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 and Quantity 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 are or may be directed by any Law or Statute in Force and 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 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, according and in proportion to the Extent of the ſaid Road and of the other Highways in ſuch Pariſh, Hamlet, or Place; and the ſame ſhall be done at ſuch Days and at ſuch Times

Times (not being Hay-time or Harveſt), and in 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 ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as they the ſaid Juſtices ſhall direct; and in Default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by the ſaid firſt-recited Act 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 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 Road, 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 or 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 Road; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road; and if any Surveyor of the Highways for the ſaid Pariſh, Hamlet, or Place, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly and wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; and in caſe ſuch Surveyor or Surveyors ſhall omit or wilfully neglect to obey the Order of the ſaid Juſtices for, and ſhall make Default in the Payment of ſuch Proportion of the Monies received or to be received by him, her, or them in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, to the ſaid Truſtees or their Treaſurer or Treaſurers, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of ſuch Surveyor or Surveyors ſo making ſuch Default in like Manner as any Penalty is by the ſaid firſt-recited Act authorized and directed to be recovered.

Compoſition for Statute Work.

XXIV. And be it further enacted, That in caſe it ſhall be made appear to Two or more Juſtices of the Peace for the ſaid County of *Suffolk*, upon any Application made to them by the ſaid Truſtees, or by their Clerk or Surveyor by their Order, that the Maintenance and Repair of the ſaid Road can be more effectually carried on by a Compoſition in Money than by a Performance of the Statute Duty in Kind, it ſhall be lawful for ſuch Juſtices, and they are thereupon hereby required and empowered, to order and direct the Surveyor or Surveyors of the Highways of the Pariſh, Hamlet, or Place in which the ſaid Road doth lie, or in caſe no Surveyor is or ſhall be appointed, then the Churchwardens and Overſeers of the Poor

Poor of such Parish, Hamlet, or Place, to pay so much or such Proportion of the Money received or to be received by such Surveyor or Surveyors, or Churchwardens and Overseers of the Poor, in lieu of or as a Composition for such Statute Work, as the said Justices shall determine, according to the Extent of the said Road and of the other Highways in such Parish, Hamlet, or Place, and conformable to the Rates fixed or to be fixed by the Justices of the District at their Special Sessions for the Highways held in the Week next after *Michaelmas* yearly; which Composition the said Surveyor of the Highways or the Churchwardens and Overseers of the Poor, as the Case may be, are hereby directed and authorized to collect and receive of and from the several Persons who are bound by Law to perform such Statute Duty, and to pay so much or such Proportion thereof as aforesaid to the said Trustees or their Treasurer within Fourteen Days after the same shall have been demanded; and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Surveyors, Churchwardens, and Overseers of the Poor, or other Person or Persons so making such Default, in like Manner as any Penalty is by the said first-recited Act authorized and directed to be recovered; and all which Composition Money shall be applied in Repair of the said Road; and all such Surveyors, Churchwardens, or Overseers of the Poor shall be reimbursed the Money so by them paid, in such Manner as the Surveyors of the Highways are by the Laws now in being to be reimbursed the Monies by them expended in buying Materials for repairing Highways.

For defraying the Charges of this Act.

XXV. And be it further enacted, That the Expences of obtaining and passing this Act shall be paid, as soon as conveniently may be after the passing the same, out of the First Tolls or Duties arising or to arise by virtue of the said recited Acts or of this present Act, or any of them, upon the said Road, or out of any Money borrowed or to be borrowed upon the Credit thereof.

Public Act.

XXVI. 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.

Continuance of this Act.

XXVII. And be it further enacted, That the said recited Acts (subject to the Alterations and Amendments herein contained) and this Act shall continue and be in force and be executed for and during the Residue now to come of the Terms granted by the said recited Acts, and from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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