Anno decimo

Georgii III. Regis.

An Act for amending the Road from *Saint Stephen's Gate*, in the City of *Norwich*, to *Block Hill* in *Trowse*, at the Angle where the Road divides to *Bixley* and *Kirby*, in the County of *Norfolk*.

WHEREAS the Road leading from the Gate called Saint Stephen's Gate, in the City of Norwich, to a Place called Block Hill in Trowse, at the Angle where the Road divides to Bixley and Kirby, in the County of Norfolk, is in a ruinous Condition, narrow, incommodious, and in some Places dangerous, and cannot be properly amended, widened, and kept in good Repair, by the ordinary Course of Law: 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 Honourable Henry Hobart, the Honourable Richard Walpole, the Honourable Thomas Walpole, Sir Edward Astley, Sir Hanson Berney, Sir Horatio Pettus, Baronets; Sir William Beauchamp Proctor, Baronet and Knight of the Bath; Thomas De Grey,

Preamble.

Trustees Names.

Grey, Harbord Harbord, Edward Bacon, Charles Townſhend, Eſquires; Jeremiah Ives the younger Eſquire, Mayor of Norwich, and the Mayor of Norwich for the time being; Philip Lloyd D.D. Dean of Norwich, Wharton Peck LL.D. Thomas Moore D.D. Henry Goodall D.D. Henry Goodall D.D. Thomas Sotherton, William Fellowes, Anthony Norris Brampton Gurdon Dillingham, John Bedingfeld, William Smith, Thomas Bramſton, John Drinkwater, William Crowe, Charles Buckle, John Chamber, Edward King the younger, Charles Le Grys, William Fellowes the younger, John Daſhwood, John Day, John Goodman, John Patteſon, Robert Harvey the younger, William Crowe the younger, Thomas Miller, Welldon, Jeremiah Norris, John Fowle, John Houghton, John Woodford, Eſquires; John Beevor M.D. the Reverend Arthur Branthwaite, the Reverend John Freeman, the Reverend Edward Symonds, the Reverend George Molden, the Reverend John Francis, the Reverend Richard Brooke, the Reverend Charles Ames, Stackhouſe Tompſon, Iſaac Jackſon, James Tompſon, James Wiggett, Thomas Harwood, Thomas Garland, Thomas Hirſt, James Crowe, Thomas Allday, William Money of Trowſe, John Chanſteney, Hunton Jackſon, John Sayer, and their Succeſſors, to be appointed as herein after-mentioned, ſhall be, and they are hereby appointed Truſtees for putting this Act in Execution.

Qualification of Truſtees.

Provided always, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in Right of his Wife, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents, Iſſues, and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds, or ſhall be Heir Apparent of ſome Perſon having ſuch Eſtate of the clear yearly Value of Two hundred and fifty Pounds, or poſſeſſed of or intitled unto a Perſonal Eſtate to the Amount or Value of Two thouſand five hundred Pounds: And if any Perſon, not being ſo qualified, ſhall preſume to act as a Truſtee in the Execution of this Act, every ſuch Perſon 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 by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid,

Penalty on acting if not qualified.

or otherwise shall pay the said Penalty upon Proof given of his having acted as a Trustee in the Execution of this Act.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall meet together at the Guildhall in the City of Norwich, on the Day Fortnight after the passing of this Act, and shall then proceed to the Execution of this Act; and shall then adjourn themselves, and afterwards meet at the Place aforesaid, or at any other Place or Places near the said Road, as the said Trustees, or any Five or more of them, shall think proper, as often as they shall think necessary for putting this Act in Execution; And if it shall happen that there shall not appear at any Meeting a sufficient Number of Trustees to act and to adjourn to another Day, the Trustees then present (or their Clerk in case there shall be no Trustee then present) shall, as often as such Case shall happen, by Notice in Writing, specifying the Purpose of such Meeting, to be affixed upon all the Turnpikes which shall be then erected upon the said Road, at least Fourteen Days before the next Meeting, appoint the Trustees to meet at the House or Place where the last Meeting was to have been held; and the said Trustees at all their Meetings shall defray their own Expences; and all Orders and Determinations of the said Trustees, in the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and no such Order or Determination shall be made unless the major Part of the Trustees present at such Meeting shall concur therein, such major Part not being less than the Number of Trustees by this Act authorised to make such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless the Number of Trustees revoking or altering the same shall be Nine at the least; and unless the Person or Persons applying to revoke or alter such Order shall give Notice to the Clerk of the said Trustees, of his, her, or their Intention to revoke or alter such Order; and also unless Notice to the like Effect shall be by such Clerk affixed on all the Turnpike-gates then standing upon the said Road, at least Fourteen Days previous to any Meeting to be held for that Purpose.

In Default of a sufficient Number to act, Trustees may adjourn to another Day.

Trustees to defray their own Expences.

No Order to be made unless a Majority of Trustees shall concur therein.

Trustees may direct Prosecutions to be carried on for Offences.

And be it further enacted, That the said Trustees, or any Nine or more of them, are hereby authorised and impowered, at any publick Meeting, from Time to

Time, to appoint such Persons as they shall think fit, effectually to carry on Prosecutions for Offences committed against this Act; and that in case any Action or Prosecution shall be commenced or prosecuted for any Offence committed against this Act under the Authority and by the Direction of the said Trustees, or any Nine or more of them, as aforesaid, that then the said Trustees, or any Nine or more of them, at some such publick Meeting as aforesaid, shall, out of the Monies arising by the Tolls hereby granted, or out of the Money that shall be borrowed upon the Credit thereof, allow and pay to the Prosecutor so much as the Costs, as allowed by Law, shall fall short of reimbursing him his just and reasonable Expences; and that if any Action, Suit, or Prosecution, Rule or Order of Court, shall be brought, commenced, prosecuted, or obtained against any of the said Trustees, or any of their Surveyors or other Officers, for any Thing done or acted by the Direction of the said Trustees, or any Nine or more of them, as aforesaid, in pursuance of this Act, that then and in every such Case the said Trustees, or any Nine or more of them, as aforesaid, shall, out of the Monies arising by the Tolls hereby granted, allow and pay to such Trustee or Trustees, their Surveyors or other Officers, all such reasonable Costs, Charges, and Expences as they, or any of them, shall or may sustain or be put unto by reason or means thereof.

Trustees not to accept of a Place of Profit.

Trustees may act as Justices.

Provided always, That no Trustee shall be capable of acting in the Execution of any of the Powers or Authorities hereby granted during the Time he shall hold any Place of Profit under this Act; but any of the Trustees who are Justices of the Peace may act as such in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Occasional Meetings may be held.

And be it further enacted, That in case any of the Trustees shall at any Time or Times think it necessary to hold a Meeting of the Trustees between the several Times of Adjournment, it shall and may be lawful for any Nine Trustees to appoint such Meetings, by giving Notice in Writing under their Hands of the Time, Place, and Purpose thereof; all which Notices shall be affixed on all the Turnpikes to be erected upon the said Road, at least Fourteen Days before any such Meeting shall be held; and the Proceedings of the Trustees at all such Meetings so held shall be as valid and effectual, to all Intents and Purposes, as if the said

said Trustees had at their then last Meeting adjourned to such Time and Place.

And be it further enacted, That the said Trustees, or such Person or Persons as they, or any Nine or more of them, shall appoint, shall and may erect, or cause to be erected, One Turnpike-gate, at or near a Publick House known by the Sign of the White Horse in Trowse aforesaid; and also shall and may, from Time to Time, as they shall see Occasion, erect, or cause to be erected, any Side-gate or Side-gates, upon any Part of the said Road hereby intended to be repaired; and shall and may erect and provide a Toll-house or Toll-houses to such Turnpike or Side-gates, with suitable Out-buildings thereto; and may also take in and inclose from the said Road, or any Part or Parts thereof, or any Ground adjoining thereto, convenient Garden-spots for each Toll-house, as the said Trustees, or any Nine or more of them, shall direct; and the Tolls following shall be demanded and taken at the said Turnpike or Side-gates by such Person or Persons as the said Trustees, or any Nine or more of them, shall, from Time to Time, appoint to receive the same, before any Horse, Cattle, Beast, or Carriage whatsoever, shall be permitted to pass through the same; that is to say, Trustees may erect Turnpikes and Toll-houses; and take Tolls thereat.

For every Horse, Mare, Gelding, Mule, or other Beast, laden or unladen, and not drawing, the Sum of One Halfpenny. The Tolls.

For every Chaise with One Horse, One Penny Halfpenny.

For every Chaise, Coach, Machine, Landau, Berlin, Chariot, or Calash, with not more than Two Horses, Two-pence.

For every such Carriage with more than Two Horses, Three-pence.

For every Cart or Curry and One Horse, One Penny.

For every Cart with Two Horses, or more, Two-pence.

For every Waggon not having the Fellies of the Wheels of the Breadth or Gauge of Nine Inches from Side to Side, and not more than Four Horses, the Sum of Three-pence.

For every Waggon having the Fellies of the Wheels of the Breadth or Gauge of Nine Inches from Side to Side, the Sum of Three Pence.

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Five-pence per Score, and so in proportion for any greater or less Number.

And

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Three-pence per Score, and so in proportion for any greater or lesser Number:

Tolls vested in the Trustees.

Which said respective Sums of Money shall be demanded and taken in the Name of and as a Toll; and the Money so to be raised and collected shall be and is hereby vested in the said Trustees; and the same and every Part thereof shall be paid, applied, disposed of, and assigned for the Purposes of this Act: And if any Person or Persons, subject to the Payment of any of the said Tolls, or any Part or Parts thereof, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part or Parts thereof, it shall and may be lawful for the Person or Persons appointed to collect such Tolls to

Tolls may be levied by Distress and Sale.

seize and distrain any Horse, Beast, or other Cattle, or any Goods or Carriage upon which any such Tolls are by this Act imposed; and if any such Tolls, and the reasonable Charges of such Distress, and of detaining and keeping the same, shall not be paid within the

Distress may be sold after 5 Days.

Space of Five Days next after such Distress made, the Person or Persons making such Distress shall and may sell the Horses, Cattle, Beast, Carriage, or Goods and Chattels so seized and distrained, rendering the Overplus, if any, on Demand, to the Owner thereof, after such Tolls and reasonable Charges shall be deducted.

Turnpikes and Toll-houses vested in Trustees.

And be it further enacted, That the Right and Property of the said Turnpike and Side-gates, and of the Toll-houses to be erected and provided by virtue of this Act, and of the Materials of which the same shall be built or consist, and also of all Materials which shall be collected for the repairing of the said Road, shall be and they are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby empowered from Time to Time to bring or cause to be brought any Action or Actions in the Name of their Treasurer or Clerk, or to prefer or order the preferring of Indictments against any Person who shall injure the same, or disturb them in the Possession thereof.

Expences of this Act to be first paid.

And be it further enacted, That out of the Tolls to be collected, or Money to be borrowed on the Credit thereof, the said Trustees, or any Five or more of them, shall, in the First Place, pay all the Charges and Expences incurred in and in relation to procuring and passing this Act; and after all such Charges and Expences shall be paid and satisfied, all the Tolls and Money so to be borrowed shall be applied in making, erecting, and repairing the said Turnpike and Side-gates, and Toll-

houses,

houſes, and repairing, widening, altering, diverting, turning, and keeping in Repair the ſaid Road, and the ſeveral other Purpoſes of this Act, and to no other Uſe or Purpoſe whatſoever.

Pavements not to be repaired.

Provided always, That no Part of the Money ariſing from the ſaid Tolls, or to be borrowed on the Credit thereof, ſhall be laid out or applied in making or repairing any Pavements in any Town or Street through which any Part of the ſaid Road doth or ſhall lead, except in making proper Channels for carrying the Water from the ſaid Road.

Truſtees may leſſen the Tolls,

And be it further enacted, by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Nine or more of them, aſſembled at any Meeting to be held for that Purpoſe, and they are hereby impowered from Time to Time, with the Conſent of ſuch Perſon or Perſons as ſhall be intitled to Four Fifths or more of the Money which ſhall have been advanced upon the Credit of the ſaid Tolls, to leſſen or reduce all or any of the Tolls herein before-mentioned, and for ſuch Time or Times, and in ſuch Manner, Parts, and Proportions, as the ſaid Truſtees, or any Nine or more of them, ſhall think proper, and afterwards from Time to Time advance all or any of the Tolls ſo leſſened and reduced to any Sum or Sums of Money not exceeding the reſpective Rates herein before-mentioned; and the ſaid Truſtees, or any Nine or more of them, may from Time to Time direct the Tolls hereby granted, or ſo reduced as aforeſaid, to be collected in ſuch Parts or Proportions as they ſhall think proper; and ſuch reduced Tolls, and alſo ſuch Parts and Proportions thereof as aforeſaid, ſhall and may be collected, levied, and applied in ſuch and the ſame Manner, and to ſuch and the ſame Uſes, as the Tolls herein before granted are directed to be collected, levied, and applied; but no Meeting ſhall be held for the Purpoſes aforeſaid unleſs Fourteen Days previous Notice of the Time, Place, and Purpoſe thereof ſhall have been given in Writing affixed upon all the ſaid Turnpike-gates which ſhall be then erected upon or on the Side of the ſaid Road.

and raiſe them again.

Notice thereof to be given.

Tolls to be paid but once a Day.

Provided always, and be it enacted, That no Perſon ſhall be ſubject or liable to pay more than One Toll in any One Day, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the ſucceeding Night, for paſſing with the ſame Horſe, Cattle, Beaſt, or Carriage through all or any of the Turnpike-gates which ſhall be erected by virtue of this Act, ſuch Perſon producing a Note or Ticket of the Day denoting that the

Toll was paid on that Day; which Note or Ticket the Collector or Collectors of the Tolls is and are hereby required to give gratis on Receipt of the Toll.

Trustees may compound for Tolls,

And be it enacted, That the said Trustees, or any Nine or more of them, may and they are hereby impowered from Time to Time, as they shall see convenient, to compound and agree for any Term, not exceeding Twelve Months at any One Time, with all or any of the Inhabitants of the several Farms, Parishes, Hamlets, or Places near to or through which the Road doth lead, for the Passing of their Horses, Cattle, Beasts, and Carriages through the Turnpike or Side-gates which shall be erected by virtue of this Act; which Composition-money shall always be paid Twelve Months in Advance; and in Default thereof, the Composition or Agreement with the Person or Persons making such Default shall be void; and all Money arising from Compositions as aforesaid shall be applied only in such Manner as the Tolls herein before granted are directed to be applied.

Trustees may farm the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, by Writing under their Hands and Seals, to demise and to farm-let the Tolls to be collected and received at the Turnpike or Toll-gates to be erected and set up by virtue of this Act, unto any Person or Persons from Year to Year, or for any Term of Years not exceeding Three Years, Three Months Notice of the Intention of such Letting being fixed on all the Turnpike-gates to be erected by virtue of this Act, and advertised in the Norwich News-papers (in case any such News-papers shall then be printed) for the best Rent or Rents that can be got for such Tolls, payable at such Times, and under such Covenants, and to such Person or Persons, as they the said Trustees, or any Nine or more of them, shall direct or appoint; and the Monies arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied by this Act.

Exemptions from Tolls.

Provided always, and be it enacted by the Authority aforesaid, That no Toll shall be demanded or taken for any Horse, Cattle, Beast, or Carriage, laden only with, or going unladen for, or returning unladen on the same Day, having been laden only with Gravel, Stones, or other Materials for repairing the said Road, or any of the Roads in any Parish in which any Part of the Road hereby directed to be repaired doth lie; or with Grass, Hay, or Corn in the Straw, not sold or disposed of, but carrying to be laid up or placed in the Out-houses or on the Lands of the Owners thereof; or with Mould, Dung,

Dung, Compoſt, Manure, or Lime, to be employed in Huſbandry, and manuring and improving of Lands in the ſeveral Townſhips near to or through which the ſaid Road, or any Part thereof, doth lie; or for any Ploughs, Harrows, or other Implements of Huſbandry; or of any Perſon, in reſpect of their Horſes and Carriages, who ſhall paſs through the ſaid Turnpike or Side-gates on Sundays to or from their proper Pariſh or parochial Church, Chapel, or other Place of religious Worſhip which they uſually reſort to, or who ſhall attend the Funeral of any Perſon or Perſons who ſhall die and be buried in any of the ſaid Pariſhes; or for any Horſe or Cattle going to or from Water or Paſture; or for any Horſe or Cattle going to be ſhod, or returning from ſhoeing; or for any Poſt-horſe carrying the Mail or Packet; or for the Horſes of Soldiers upon their March, or for Waggons, Wains, Carts, or Carriages, attending them; or for Horſes, Carts, and Carriages, travelling with Vagrants ſent by legal Paſſes, or returning after having been ſo employed; or for any Horſes or Cattle drawing Coaches, Berlins, Landaus, Chariots, Calaſhes, Chaiſes, Chairs, or from Paſſengers on Horſe-back, going to, or returning from, any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of Norfolk, or of any Citizen or Citizens to ſerve in Parliament for the ſaid City and County of Norwich, during the Time of ſuch Election or Elections, or on the Day before or Day after ſuch Election or Elections ſhall begin or be concluded: And if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being intitled to the ſame, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds. Penalty on making illegal Claims.

And be it further enacted, That if any Perſon or Perſons ſhall, with any Horſe, Cattle, Beaſt, or Carriage, paſs through any Land, Ground, or Hereditament, adjoining to or lying near the ſaid Turnpike or Side-gates (the ſame not being a publick Highway); or if the Owner or Occupier of any ſuch Land, Ground, or Hereditament, ſhall knowingly permit or ſuffer any Perſon or Perſons with any Horſe, Cattle, Beaſt, or Carriage, to paſs through the ſame, whereby the Payment of any of the ſaid Tolls, or any Part or Parts thereof, ſhall be avoided; or if any Perſon or Perſons ſhall give to, or receive from, any Perſon or Perſons, or forge or counterfeit any Ticket by this Act directed to be given by the Collector of the Tolls; or if any Perſon or Perſons ſhall take off, or cauſe to be taken off, any Horſe, or other Penalty on permitting, or going through, private Paſſage, &c.

other Cattle or Beast, from any Carriage, whereby the Payment of any of the Tolls, or any Part or Parts thereof, shall be evaded; or shall leave, or cause to be left, upon or near to any Part of the said Road, any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of the said Tolls, or any Part or Parts thereof, or with such Intent shall unload any Goods or other Things from any Horse, Cattle, Beast, or Carriage; every Person, offending in any of the Cases aforesaid, shall, for every such Offence respectively, forfeit and pay any Sum not exceeding Five Pounds, nor less than Twenty Shillings.

Trustees may borrow Money on the Credit of this Act.

And be it further enacted, by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, upon the Credit of the Tolls arising by virtue of this Act, in such Manner as they shall think proper, to borrow and take up at Interest any Sum and Sums of Money which they shall think fit; and from Time to Time, by any Writing or Writings under their Hands and Seals, to mortgage and assign over the said Tolls, or any Part or Parts thereof (the Charges of such Mortgages or Assignments to be paid out of such Tolls) to any Person or Persons, for any Term or Number of Years during the Continuance of this Act, as a Security or Securities for the several Sums of Money which shall be so borrowed as aforesaid, together with the Interest for the same; and Copies of all such Mortgages and Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed upon the Credit of the said Tolls unless Notice of the Time, Place, and Purpose of such Meeting shall be affixed upon all the said Turnpike-gates to be erected by virtue of this Act, at least Fourteen Days before the borrowing such Money; and all and every Person and Persons to whom such Mortgage or Assignment shall be made as aforesaid, is and are hereby impowered, from Time to Time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or any other Writing or Writings to be executed under his, her, or their Hand and Seal, or Hands and Seals, in the Presence of Two or more credible Witnesses, to transfer or assign over such Security or Securities, and the Money, both Principal and Interest, which shall be due thereon, to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the Clerk or Treasurer to the said Trustees within Six Calendar Months next after the Date thereof, who shall cause an Entry to

Tolls may be assigned for Monies borrowed.

Assignments to be entered in a Book.

Notice to be given of borrowing Money.

Assignments may be transferred.

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be made of such Assignments, containing the Dates, Names of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the Book or Books to be kept for entering the said original Mortgage or Mortgages, for which such Clerk or Treasurer shall be paid the Sum of Two Shillings and Sixpence, and no more; and which said Book or Books shall and may at all seasonable Times be inspected and perused without Fee or Reward; and after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors and Administrators, to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person, who shall have made such Assignment or Transfer, to make void, release, or discharge the same, or any Monies due thereon; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in proportion to the Sum or Sums therein mentioned, Creditors on such Tolls in an equal Degree one with another, and shall have no Preference in respect to the Priority of advancing any such Monies.

Books may be inspected, without Fee.

All Creditors deemed equal in Degree.

And be it further enacted, by the Authority aforesaid, That in case any Person or Persons who shall lend and advance any Money on the Credit of the Tolls by this Act granted, or such Person or Persons to whom any such Loans shall become due and payable, shall at any Time be desirous to be repaid the Money due to him, her, or them, and shall deliver a Notice in Writing, signed by him, her, or them, signifying such his, her, or their Desire, to the Clerk or Clerks to the said Trustees; then, and in such Case, unless the Principal and Interest due and to grow due on the Security of the said Tolls, shall be fully paid unto or tendered to such Creditor or Creditors so signing such Notice, within Six Calendar Months next after the Delivery of such Notice, as aforesaid, at some Publick-house in the City of Norwich, it shall and may be lawful to and for the said Creditor or Creditors to enter upon and take Possession of the Turnpike and Toll-house so to be erected as aforesaid; and to collect and receive, or cause to be collected and received, the Tolls by this Act granted; and to apply the same to the Payment of the Principal and Interest Monies then due to such Creditor or Creditors so taking Possession as aforesaid.

On Nonpayment of Money lent, Creditors may take Possession of the Gates.

Provided always, and be it further enacted, That in case any Person or Persons shall take Possession of the Turnpike or Toll-house, by virtue of the Powers given

Other Creditors may take joint Possession.

to him, her, or them as aforesaid, and any other Creditor or Creditors shall also in like Manner signify his, her, or their Desire to be repaid the Money then due to him, her, or them as aforesaid; that then, and in every such Case, it shall and may be lawful for such other Creditor or Creditors likewise to enter upon and take a joint Possession of the said Turnpike and Toll-house so to be erected as aforesaid; and such Creditors, or the major Part of them, shall and may, within Fourteen Days next after taking Possession as aforesaid of such Turnpike and Toll-house, appoint One or more Collector or Collectors to receive the said Tolls by this Act granted; who shall every Month account with such Creditors for all Monies which he, they, and every of them respectively shall, from Time to Time after such Seizure, receive by virtue of this Act; and pay all such Sums of Money as shall at such Times appear to be in his or their Hands to such Creditor or Creditors so taking Possession as aforesaid, in proportion to the Sum or Sums of Money which shall be then due and owing to each of them respectively in Discharge of the same.

Trustees to appoint Officers;

And be it further enacted, by the Authority aforesaid, That the said Trustees, or any Eleven or more of them, may and are hereby empowered, by Writing under their Hands and Seals, to appoint One or more Collector or Collectors of the said Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and Surveyor or Surveyors of the said Road, and such other Officers and other Persons as the said Trustees, or any Eleven or more of them, shall think necessary; and from Time to Time remove such Officers and other Persons, or any of them, and appoint others in their Stead; but no Appointment or Removal of any Officer at any Meeting of the said Trustees shall be valid, unless Notice thereof shall have been given by the Clerk or Treasurer to the said Trustees, affixed upon all the Turnpike-gates which shall be erected as aforesaid, at least Fourteen Days before any such Appointment or Removal; and the said Trustees, or any Eleven or more of them, may and are hereby authorised and impowered, out of the Monies arising by virtue of this Act, to pay such Salaries, and make such Allowances, to such Officers and other Persons, and also to any other Person or Persons who shall be assisting to them in or about repairing or widening the said Road, as to the said Trustees, or any Eleven or more of them, shall seem reasonable; and all such Officers and Persons shall, from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, deliver to the said

and may remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall for that Purpoſe appoint, true and perfect Accounts in Writing under their reſpective Hands upon Oath (which Oath any One of the ſaid Truſtees is hereby impowered to adminiſter) of all Monies which he, they, and every of them reſpectively ſhall to that Time have received by virtue of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments; and ſhall pay all ſuch Monies as ſhall then appear ſo to be in their Hands to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint to receive the ſame: And if any ſuch Officer or Perſon ſhall refuſe or neglect to give ſuch Account as aforeſaid, or ſhall refuſe or neglect to deliver up all the Vouchers relating to the ſame, or to verify the Articles thereof upon Oath, or ſhall neglect or refuſe to pay the Money due on ſuch Account in Manner aforeſaid; or if any ſuch Officer or Perſon ſhall refuſe or neglect to deliver up to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, within Twenty Days next after being required ſo to do by the ſaid Truſtees, or any Five or more of them, all the Books, Papers, and Writings in his Cuſtody or Power, relating to the Execution of this Act; in all or any of the ſaid Caſes it ſhall and may be lawful for any One or more Juſtice or Juſtices of the Peace of the County, City, or Place where ſuch Officer or other Perſon ſhall reſide, and he and they is and are hereby required to make Inquiry concerning ſuch Default in a ſummary Way, as well by Confeſſion of the Party, as by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice or Juſtices is and are hereby impowered to adminiſter): And if any ſuch Officer or other Perſon ſhall be convicted of all or any of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall commit the Offender or Offenders to the Common Gaol of the County or Place where ſuch Officer or Perſon ſhall reſide, there to remain without Bail or Mainprize until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall have compounded for the ſame with the ſaid Truſtees, or any Eleven or more of them, and ſhall have paid ſuch Compoſition in ſuch Manner as the ſaid Truſtees, or any Eleven or more of them, ſhall appoint; which Compoſition the ſaid Truſtees, or any Eleven or more of them, are hereby impowered to make and receive; and until he ſhall have delivered up ſuch Books, Papers, and Writings aforeſaid,

Officers neglecting or refuſing to account,

Juſtice to inquire into the Default,

and, on Conviction, commit the Offender,

until Payment or Compoſition made.

aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Eleven or more of them.

Treasurer to give Security.

And be it further enacted, That the said Trustees, or any Five or more of them, are hereby required to take such Security from their Treasurer or Officers, for the due Execution of their respective Offices, as to the said Trustees, or any Five or more of them, shall seem meet; and that no Person shall be capable of holding any Place of Trust or Profit under this Act, who shall keep any Inn, Ale-house, or any Publick-house of Entertainment, or who shall sell any Ale, Wine, Brandy, or other Spirituous Liquors by Retail.

Collectors may be appointed although not at a Meeting.

Provided always, That as often as any Collector of the said Tolls shall die, or be incapable of performing his Duty, it shall and may be lawful for any Three or more of the said Trustees, though not assembled at a Meeting in pursuance of this Act, by Writing under their Hands, to appoint any other Person to collect such Tolls; and the Person so appointed shall have the same Authority for the recovering thereof as the Person he shall succeed was vested with, until the Trustees, or any Eleven or more of them, shall, at any Meeting to be held by virtue of this Act, appoint a Collector of such Tolls.

Surveyors may dig Gravel, &c. in Waste Grounds,

And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors appointed or to be appointed, or for any other Person or Persons by them, or any of them, or by the said Trustees, or any Five or more of them, for that Purpose, to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Gravel, Chalk, Lime-stones, Sand, Flints, or other Materials proper for repairing the said Road, in, upon, out of, or from any Waste or Common Ground, or from any River or Brook, in any Parish, Town, or Place, in, adjoining to, or lying near the said Road, or in any neighbouring Parish, Town, or Place, to be used, disposed of, and applied in repairing the said Road, without paying any Thing for the same; such Surveyor or other Person 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 may not be dangerous to Passengers or Cattle; and also, by Order of the said Trustees, or any Five or more of them, to cut, dig, gather, take, and carry away, any Quantity or Quantities of Furze, Heath, Gravel, Stones, Chalk, Lime-stone, Sand, Flints, or other Materials proper and sufficient for that Purpose, in, upon, out of and from the Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, to be used, disposed of, and applied in or towards the

without paying for the same, levelling the Pits;

or in private Grounds,

repairing

repairing the said Road (such Lands, Fields, and Grounds, not being a Park, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery or inclosed Grounds, now planted with any Avenue of Trees) paying or tendering Payment for such Materials, and for the Damage done to the Owners or Occupiers of such Lands and Grounds, where or from whence the same shall be digged, drawn, gathered, taken and carried away, or over which the same, or any other Materials gotten in any waste Ground, Common, River, or Brook, or private Grounds, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable; they the said Trustees, or Surveyors, causing the Pits to be filled up, or the Ground to be levelled, from which such Materials shall be taken, or otherwise sufficiently fenced in and secured. making Satisfaction to the Owners.

Provided always, That if the Owner or Occupier of any Ground or Soil, or any Person whatsoever, shall take away any Materials which shall have been digged or gathered in any Lands, Fields, Wastes, or Grounds, River or Brook, for the Purpose of repairing the said Road, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials for repairing the said Road, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Twenty Days (except the Owner or Occupier, to get Materials therein for his own private Use only, and not for Sale) every Person so offending shall forfeit for every such Offence the sum of Ten Pounds. Penalty on Persons taking away Materials gotten for for repairing the Road.

And be it further enacted, by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, or the Surveyor or Surveyors, or any Person or Persons by them or either of them appointed or employed, from Time to Time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to remove and prevent all Annoyances on any Part of the said Road by Filth, Dung, Ashes, Rubbish, or otherwise, and convert the same to his or their own Use or Uses; and to turn any Water-courses, Sinks, or Drains running along, into, or out of the said Road, to the Prejudice thereof; and from Time to Time to open, scour, cleanse, widen, and make deeper any Water-courses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary; in case the Owners or Occupiers of the Premises shall neglect to open, scour, cleanse, widen, or deepen such Water-courses or Ditches in a proper Manner, or remove such other Annoyances, in such Manner as the said Trustees, Surveyors may remove Annoyances.

or any Five or more of them, or the Surveyor or Surveyors shall require, for the Space of Twenty Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors; and also to cut down, lop or top any Trees, Branches, Shrubs or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto; and to take, carry away, and sell the Wood so cut, and apply the Money arising thereby in repair of the Road; in case the Owners or Occupiers shall neglect to lop or top, cut down and remove such Trees, Branches, Shrubs, or Bushes, in such Manner as the said Trustees, or any Five or more of them, shall require, for the Space of Twenty Days next after Notice given in Writing for that Purpose, to be left at the House belonging to the Land on which the same shall stand, or at the House of the Tenant in Possession thereof, under the Hands of Five of the said Trustees; the Charges whereof, to be settled by the said Trustees, or any Five or more of them, shall be reimbursed by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; and if, after the Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Five Pounds.

Surveyors may make Causeways,

And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as shall be appointed by Order of the said Trustees, or any Five or more of them, to make or cause to be made Causeways in or along the Side or Sides of the said Road, and to cut and make Drains through any Grounds lying contiguous to the said Road,

erect Bridges,

and to erect and keep in repair Arches of Brick, Timber, or Stone thereupon, and to divert and turn the said Road, or any Part or Parts thereof, over any Part of the Commons, Woors, or waste Grounds contiguous or

cut Trenches, &c.

adjoining thereto; and also to cause Ditches or Trenches to be made in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, shall judge necessary for the better amending the said Road, and keeping the same in

and make a temporary Road;

good Repair; and also to make a temporary Road or Way, through, over, and along the Grounds adjoining to any narrow or ruinous Part or Parts of the said Road hereby intended to be repaired (such Ground not being a Garden, Orchard, Yard, Park, or planted Walk or Avenue to a House, Plantation, or Nursery of Trees)

to

to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a Road, whilst the old, narrow, or ruinous Road is repairing or widening, and until the same shall be made convenient and safe for Passengers and Carriages; making such reasonable Satisfaction to the Owner or Occupier of such Ground through which any such Drain or Drains, or on which any such Arch or Arches, Bridge or Bridges, or through, over, or along which any such occasional Road shall be made, for the Damage which he, she, or they shall or may thereby sustain, as shall be assessed and adjudged by the Justices of the Peace, at their General Quarter Sessions of the Peace next holden for the County, City, Division, or Place within which such temporary Road shall be turned, or where any such Drain or Drains, Ditch or Ditches, shall be cut or made, or where such Arch or Arches, Causeway or Causeways, shall be respectively erected or made, in case any Difference shall arise between the said Trustees and such Owners and Occupiers respectively concerning the same. making Satisfaction to Owners.

And be it further enacted, That if any Person or Persons shall interrupt or hinder any Turnpike Surveyor, or other Person or Persons employed by them, or any of them, or by the said Trustees, or any Five or more of them, in the cutting, digging, taking, or carrying away any Furze, Heath, Stones, Gravel, Chalk, Limestones, Sand, Flints, or other Materials for the altering, widening, or repairing of the said Road, or any Part or Parts thereof, or in topping, lopping, cutting down, or removing any Trees or Bushes as aforesaid, or in digging, cleansing, or scouring any Ditch, Drain or Watercourse, or in doing any other Act in or for the repairing, widening, or altering the said Road, or any Part thereof, or otherwise in or for the Execution of the Powers by this Act given, or any of them; every such Person shall, for every such Offence, forfeit and pay the Sum of Five Pounds. Penalty on interrupting Surveyor in his Duty.

And be it further enacted, That the said Trustees, or any Nine or more of them, shall, and they are hereby impowered, from Time to Time, to divert, turn, or alter the Course or Path of any Part or Parts of the said Road, through or over any Moor or waste Grounds, without making any Satisfaction for the same; and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners of and Persons interested therein, for the Damage they may thereby sustain; and for that Purpose it shall and may be lawful to Trustees may change the Course of the Road.

and

and for the said Trustees, or any Nine or more of them, to treat, contract, and agree with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons interested therein, or any of them, shall or may any ways sustain by such widening, turning, diverting, or altering any Part of such Road; and it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or in Behalf of any Infants, Femes Covert, Cestui que Trusts, and for all and every Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any such Lands or Hereditaments, to contract and agree with the said Trustees, or any Nine or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to them, or any Nine or more of them, all or any of such Lands or Hereditaments, as Occasion shall be or require; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid and effectual in the Law to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary notwithstanding: And all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue of or in pursuance of this Act.

Persons refusing or neglecting to treat for the Sale of Lands, &c.

And be it further enacted, That in case any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments so intended to be taken in and added to the said Road, or over which such Road is to be turned or altered as aforesaid, shall, by the Space of Ten Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any of the Cases aforesaid the said Trustees, or any Nine or more

Jury to settle the Damage and Recompence.

of

of them, shall cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the City, County, or Place in which such Lands or Grounds so to be taken in do lie (which Oaths any One of the said Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or Proprietors, or other Person or Persons interested for or upon account of the taking of such Lands, Grounds, or Hereditaments into the said Road, or of turning such Road into the same; and in order thereto the said Trustees, or any Nine or more of them, are hereby impowered and required from Time to Time, as Occasion shall be and require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises (which Oath any One of the said Trustees are hereby impowered to administer); and they shall also order and cause the said Jury to view the Places in Question, if there shall be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premises, as they the said Trustees, or any Nine or more of them, shall think fit; and after the said Jury shall have inquired of, ascertained, and settled such Damage and Recompence, the said Trustees, or any Nine or more of them, shall thereupon order, adjudge, and determine the said Sum or Sums so assessed by the said Jury to be paid to the said Owners, Occupiers, or Proprietors of, or other Persons interested in the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, or in Tail General or Special, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any-ways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid,

Witnesses may be examined upon Oath.

Verdict of Jury to be final.

thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of the same: And for the summoning and returning such Jury or Juries, the said Trustees, or any Nine or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff or Sheriffs of the City or County wherein such Lands or Hereditaments do lie, requiring him or them to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, or any Nine or more of them, at such Time and Place as in such Warrants shall be appointed; and the said Sheriff or Sheriffs, or his or their Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear or cause to be sworn Twelve Men, who shall be the Jury for the Purpose aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen, when they come to be sworn; and the said Trustees, or any Nine or more of them, acting in the Premises, shall have full Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff or Sheriffs, his or their Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury and shall not appear, or appearing who shall refuse to be sworn on the said Jury, and being so sworn shall refuse to give or shall not give their Verdict, or in any other Manner shall wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, or appearing shall refuse to be examined and give Evidence, and from Time to Time to levy and apply such Fine or Fines in the same Manner as any other Forfeiture or Penalty is hereby directed to be levied and applied; so as no such Fine shall exceed the Sum of Ten Pounds upon any such Sheriffs or their Deputy, or more than the Sum of Forty Shillings upon any other Person for One Offence.

Trustees to issue their Warrant to the Sheriff for impanelling a Jury.

Jurors may be challenged.

Penalty on Sheriffs, &c. making Default.

Fine not to exceed 10*l.* or 40*s.*

Provided

Provided always, That in case any Jury, summoned and sworn pursuant to the Directions of this Act, shall give in or deliver a Verdict or Assessment for more Money, as a Recompence for the Right, Interest, or Property of any Person or Persons in any such Lands or Hereditaments, or for any Loss or Damage, than what shall have been agreed to and offered by the said respective Trustees, or any Five or more of them, before the summoning and returning such Jury; then the Costs and Expences attending the Summoning of the Jury and Witnesses, and all other Expences incident thereto, shall be paid by the said Trustees, or any Five or more of them, out of the Tolls arising by virtue of this Act, or out of any Money to be borrowed on the Credit thereof: But in case the Verdict or Assessment of such Jury shall not be for more Money than shall have been agreed to and offered by the said Trustees as aforesaid; the Costs and Expences attending the Summoning of the Jury and Witnesses, and all other Expences incident thereto, shall be paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute. Expences of Jury how to be defrayed.

And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the said Tolls, or out of the said Money to be borrowed on the Credit thereof, to the Party or Persons respectively entitled thereto, or their Agent or Agents; and upon Payment thereof, and in case of Refusal to accept the same, upon leaving the same in the Hands of the Treasurer to the said Trustees for the Use of such Parties or Persons, and after Ten Days Notice thereof given to such Parties or Persons, or their Agents, such Lands or Hereditaments shall be laid into and made Part of the said Road in such Manner as the said Trustees, or any Nine or more of them, shall direct; and shall be by them, or such Person or Persons as they, or any Nine or more of them, shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose; and shall to all Intents and Purposes whatsoever be deemed and taken to be a common Highway, and be from thenceforth Part of the said Road for ever after; and shall be repaired and kept in Repair in such Manner as the Road hereby appointed to be repaired and widened is by this or any Law to be repaired; and from thenceforth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and hereditaments: And after any such new Road shall be completed, the Lands constituting the former Road, unless leading to some Village, Town, or Place to which such new Road doth not lead, shall be vested in, and Purchase-monies to be paid out of the Tolls. Lands purchased to be deemed Part of the Roads, and kept in Repair as such. Old Road may be sold.

and shall and may be sold and conveyed by the said Trustees, or any Nine or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the Repairs of the Road hereby intended to be repaired; and the Person over whose Land such new Road shall be made shall have the Preference in the Purchase of the Road so to be sold; and the Sale or Sales, Conveyance or Conveyances, to be made of such Lands, being executed by the said Trustees, or any Nine or more of them, and inrolled with the Clerk of the Peace for the City or County where such Lands do lie, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

This Act not to extend to the taking down any Dwelling-house, &c.

Provided always, That this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk or Avenue to a House, or Plantation or Nursery of Trees, which were planted and set apart as such before the First Day of January One thousand seven hundred and seventy.

Right of Lords of Manors saved.

Provided always, That the Lords of the respective Manors shall have the same Interest and Property in such new Road, as they had in the former Road in lieu whereof such new Road shall be made.

Trustees not to act where interested.

Provided also, That no Person shall act as a Trustee, in any Case, relating to the contracting for or purchasing of any Lands or Hereditaments wherein he shall be concerned or interested.

Persons chargeable to the Repair of the Road, to continue so.

And be it enacted, That all Persons who are any ways liable or chargeable towards repairing the said Road, or any Part thereof, or any Bridges, shall still remain liable and chargeable to such Repairs, in such Manner as they were before the Passing of this Act.

Surveyors to give in Lists of Persons liable to do Statute-work.

And be it enacted, by the Authority aforesaid, That the Surveyors of Highways for the respective Townships and Places in which any Part of the said Road doth lie, or in case no Surveyor is or shall be appointed, then the Churchwardens and Overseers of the Poor of such Townships or Places, shall yearly and every Year, within Fourteen Days after Demand made to him or them respectively in Writing by any Surveyor or Surveyors to the said Trustees, deliver to such Surveyor or Surveyors an exact Account in Writing under his or their Hand or Hands, of the Christian and Surname of every Person who, within such respective Townships or Places, are obliged by Law to do Statute-work for the Year, with Teams, Draughts, or otherwise, and also the Number of Days Work which each Person ought to do on the said Road in such

such Townships and Places respectively; Part of which Statute-work, not exceeding Three Days for each Person (the Trustees having Regard to the other Highways within such Townships and Places) shall be done at such Times, and in such Manner, and on such Parts of the said Road hereby directed to be repaired, as the said Trustees, or any Five or more of them, shall from Time to Time direct and appoint; and the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor of such Townships or Places respectively, within Ten Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors of the Time or Times when, and how many of the Persons so chargeable as aforesaid he would have to do such their respective Statute-work upon any Part or Parts of the said Road, shall give publick Notice thereof to the Person or Persons so chargeable as aforesaid; and if any Surveyor, Churchwardens, or Overseers of the Poor of any such Township or Place, shall neglect or refuse to do as he is hereby directed and required, every such Surveyor, or Churchwardens or Overseers of the Poor, shall for every such Neglect or Refusal forfeit and pay the Sum of Five Pounds; and every Person keeping a Team or Teams as aforesaid who shall, after such publick Notice as aforesaid, neglect or refuse to send such Team or Teams, with such Horses or Beasts of Draught as he or she usually employs, with a proper Person to attend the same, to perform such their respective Days Work on the said Road, in such Manner as the said Turnpike Surveyor or Surveyors shall direct, shall forfeit the Sum of Ten Shillings for every Day he or she shall make Default; and every Labourer or other Person liable to perform Statute-work on the said Road, who shall neglect or refuse, after such Notice as aforesaid, shall forfeit the Sum of One Shilling and Sixpence for every Day such Labourer or other Person shall make Default; and every Person who shall, according to such Notice as aforesaid, come to work as a Labourer, or with a Team, on the said Road, and shall be found idle or negligent by the said Turnpike Surveyor or Surveyors, such Surveyor or Surveyors may and is and are hereby required to discharge such Person, and it shall be deemed as if such Person or such Team had not come or been sent to do such Work; and every Labourer or Person, or the Owner of any such Team, shall be liable to the respective Forfeitures before mentioned; and all Persons doing such Days Work on the said Road shall not be liable to do any other Statute-work thereon.

Penalty on Surveyors, &c. neglecting to give in such Lists;

and on Persons neglecting to do Statute-work.

Labourers found idle, to be turned off.

Trustees may compound for Statute-work.

Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, to compound, for any Term not exceeding Twelve Months, with the Possessors or Occupiers of Lands, Tenements, or Hereditaments which are or shall be liable or chargeable with the Repairs of any Part of the said Road, or with any Person or Persons for the Performance of his, her, or their Statute-work thereon; and also it shall be lawful for the Churchwardens, Overseers of the Poor, and Surveyors of the said Townships or Places respectively, to compound or agree, for any Term not exceeding Twelve Months, with the Trustees, or any Nine or more of them, for or in lieu of the Statute-work which ought to be performed by such Inhabitants upon any Part of the said Road; all which Composition-money shall be paid in Advance from Time to Time, and 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 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.

On Death, or Refusal to act, new Trustees to be chosen.

And be it further enacted, That when and as often as any of the Trustees named in or appointed by virtue of this Act shall die or refuse to act, it shall and may be lawful to and for the surviving or remaining Trustees, or any Eleven or more of them, by Writing or Writings under their Hands and Seals, from Time to Time to elect, nominate, and appoint One or more fit Person or Persons living or residing in the City of Norwich or County of Norfolk, to be a Trustee or Trustees in the Room of such Trustee or Trustees so dying or refusing to act; but Notice in Writing of the Time and Place of Meeting for such Election of new Trustees shall be given by the Clerk or Clerks to the said Trustees, by affixing the same on all the Turnpike-gates which shall then be erected upon the said Road, at least Fourteen Days before the Meeting for such Election; and all and every the Person and Persons so chosen and appointed to be joined with the surviving and remaining Trustees, shall and may and is and are hereby authorised and impowered to act in the Execution of this Act, to all Intents and Purposes, in as full, large, and ample Manner as the said Trustees herein before named and appointed are by this Act impowered to do.

Penalty on haling Timber, &c. otherwise than on Wheel carriages, &c.

And be it further enacted, by the Authority aforesaid, That if any Person shall hale or draw, or cause to be haled

haled or drawn, upon any Part of the said Road, any Tree or Piece of Timber, or any Stone (Mile-stones excepted) otherwise than upon Wheel-carriages; or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon Wheel-carriages to drag upon any Part of such Road to the Prejudice thereof; every such Person shall for every such Offence forfeit the Sum of Five Pounds.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all Penalties and Forfeitures by this Act inflicted or authorised to be imposed, the Manner of levying and recovering whereof is not otherwise particularly directed, shall, upon Proof of the Offences respectively before any One or more Justice or Justices of the Peace, either by the Confession of the Party or Parties, or by the Oath of any One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal, or Hands and Seals of such Justice or Justices of the Peace (which Warrant or Warrants such Justice or Justices is and are hereby authorised and required to grant for those Purposes, and also to administer such Oath gratis); and the Overplus, after such Penalties and Forfeitures are recovered, and the Charges of levying and recovering the same shall have been deducted, shall be returned, on Demand, to the Owner or Owners of such Goods and Chattels; and all such Penalties and Forfeitures, if not otherwise directed to be applied by this Act, shall from Time to Time be paid to the said Trustees, or any Five or more of them, or to the Treasurer or Treasurers for the Time being, and shall be laid out and applied for the Purposes of this Act; and in case sufficient Distress cannot be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for the said Justice or Justices of the Peace, or any other Justice or Justices of the Peace for the County, City, or Place, and he and they is and are hereby authorised and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be sent to the House of Correction for the County, City, or Place, where the Offence shall be committed, there to remain without Bail or Mainprize for any Time not exceeding One Month, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Treasurers to account.

And be it further enacted by the Authority aforesaid, That the Treasurer or Treasurers for the Time being to the said Trustees, shall make up a true and perfect Account

Account in Writing of the Monies received and disburſed by him or them Once in every Year; and deliver the ſame to the ſaid Truſtees, or any Five or more of them, within Twenty Days next after the Twenty-ninth Day of September yearly.

Perſons aggrieved may appeal to the Quarter Seſſions.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall think him, her, or themſelves, aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed; ſuch Perſon or Perſons may, within the Space of Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen, appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace for the City of Norwich or County of Norfolk; ſuch Appellant firſt giving, or cauſing to be given, Ten intire Days Notice in Writing of his or her Intention to bring ſuch Appeal, and of the Cauſe and Matter thereof, to the Clerk or Treaſurer to the ſaid Truſtees, and within Five Days next after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the ſaid City or County, with ſufficient Sureties, conditioned to try ſuch Appeal, and pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices, at their ſaid Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall proceed to hear and finally determine the Cauſe and Matters of ſuch Appeal, in a ſummary Way, and award ſuch Coſts to the Party appealing, or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter Seſſions ſhall be binding and concluſive to all Intents and Purpoſes.

Notice of Appeal to be given.

Truſtees may contract for repairing the Road.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, or ſuch Perſon or Perſons as they ſhall for that Purpoſe authoriſe or appoint, are hereby empowered to contract with any Perſon or Perſons for repairing, widening, or altering, the ſaid Road, or any Part or Parts thereof, or any other neceſſary Works relating thereto, in ſuch Manner, and for ſuch Sum and Sums of Money, as the ſaid Truſtees, or any Five or more of them, ſhall think proper.

Contracts to be binding.

And be it further enacted by the Authority aforeſaid, That all Contracts in Writing entered into purſuant to any Order made by the ſaid Truſtees, or any Five or more of them, at any Meeting, ſhall be binding to all Parties who ſhall ſign the ſame, his, her, or their Executors and Adminiſtrators; and that Actions and Suits may

may be maintained thereon, and Damages and Costs recovered, against the Parties failing in Execution thereof.

Distress not to be deemed unlawful for want of Form;

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Default or Want of Form in the Summons, Convictions, Notice, Warrant of Distress, or other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity, may recover full Satisfaction for the Special Damage in an Action upon the Case.

nor the Party distraining deemed Trespassers *ab initio*.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and the several Powers and Authorities hereby granted, shall commence and have Continuance from and after the passing thereof, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Proceedings to be entered in Books.

And be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees, or any Five or more of them, in the Execution of the Powers hereby to them given, shall, from Time to Time, be entered in a Book or Books to be kept for those Purposes; and such Orders and Proceedings, so entered, being signed by the Clerk or Clerks to the said Trustees, shall be taken and deemed to be Original Orders; which said Book or Books, and also the Book directed to be kept for registering the said Mortgages, Assignments, or Transfers, shall or may be produced and read in Evidence in all Courts whatsoever.

Books may be read in Evidence.

Writings may be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Warrant, Conviction, Mortgage, Assignment, Transfer, or other Security for the Borrowing of Money, or other Writing whatsoever relating to the Execution of this Act, shall be charged or chargeable with any Stamp-duty whatsoever.

Proceedings not to be quashed for want of Form.

And be it further enacted, That no Order or Conviction, or any Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted, touching any Matter in or relating to the

Execution of this Act, shall be vacated or quashed for want of Form only, or be liable to be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; any Law or Statute to the contrary hereof notwithstanding.

Limitation of Actions. Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Ten Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County of Norfolk, or City of Norwich, and not elsewhere; and the Defendant or Defendants, in every such Action or Suit, shall and may General Issue. plead the General Issue, Not Guilty, and give this Act, and the Special Matter, in Evidence, at the Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought after the Time limited for bringing the same, or after sufficient Satisfaction made or tendered as aforesaid, or shall be brought in any Court or Place than as aforesaid, that then the Jury shall find for the Defendant or Defendants; and upon Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants Treble Costs. shall have Treble Costs, and have such other Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Publick Act. And be it further enacted by the Authority aforesaid, That this Act shall be adjudged, deemed, and taken to be, a Publick Act; and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

FINIS.