Anno decimo

Georgii III. Regis.

An Act for amending and widening the Road from *Saint Benedict's Gate*, in the County of the City of *Norwich*, to *Swaffham*, in the County of *Norfolk*, and from *Halfpenny Bridge* in *Honingham*, to the Bounds of *Yaxham*; and also a Lane called *Hangman's Lane*, near the Gates of the said City.

WHEREAS the Road leading from Saint Benedict's Gate, in the City of Norwich, to Swaffham, in the County of Norfolk, and from a Bridge called Halfpenny Bridge in Honingham, in the said County, to the Bounds of Yaxham; and also a Lane called Hangman's Lane, near the Gates of the City of Norwich, are in a ruinous Condition, and in some Parts narrow and incommodious, and cannot effectually be amended, widened, and kept in good Repair by the ordinary Course of Law: May it therefore please Your Majesty, that it may Preamble.

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 George Hobart, the Honourable Henry Hobart, the Honourable Thomas Walpole, the Honourable Richard Walpole, Sir Armine Wodehouse, Sir Hanson Berney, Sir George Jerningham, Sir Edward Astley, Sir William Beauchamp Proctor, Sir John Turner, Sir Harbord Harbord, Baronets; Sir Clement Trafford, Sir Thomas Churchman, Knights; Thomas de Grey, William de Grey, Wenman Roberts Coke, Charles Townshend, John Wodehouse, Richard Mills, John Conyers, and John Cunstance, Esquires; Jeremiah Ives the younger Esquire Mayor of the City of Norwich, Edward Bacon Esquire Recorder of the said City, Charles Buckle Esquire Steward of the said City, and the Mayor, Recorder, and Steward of the said City for the Time being, Thomas Wodehouse, William Jerningham, Edmund Rolfe, Edmund Rolfe the younger, Thomas Sotherton, John Norris, Thomas Green, John Berney, Edward Pratt, John Lombe, Edward Hase, Randyl Peck, Thomas Beevor, William Mason, John Marcon, George Chad, Thomas Lobb Chute, Leonard Buxton, Samuel Rash, James Smith, Miles Branthwaite Brig Price Fountain, Richard Hammond, James Nelthorpe, Anthony Hammond, Thomas Bodham, Henry Dashwood, Francis Longe, George Schutz, Daniel Collyer, Charles Gould, Paston Gould, John Ramey, John Vere, Thomas Dickens, Richard Lloyd, Thomas Grigson, Charles le Grice, John Fenn, Hammond Alpe, Charles Barnwell, John Crosier, Richard Jackson, Esquires; the Reverend Henry Goodall, Horace Hammond, Thomas Moore, Doctors in Divinity; Robert Dack, John Beevor, John Manning, Doctors of Physick; Edmund Hooke, John Chamber, Edward King, Henry Palmer Watts, William Crowe, Jeremiah Ives, John Goodman, Robert Rogers, Nockold Thompson, John Patteson, Charles Weston, Knipe Gobbet, Ralph Smith, Samuel Sparrow, and Peter Finch, Esquires; the Reverend Philip Wodehouse, Francis Woollaston, Thomas Roger du Quesne, Richard Tapps, Richard Humphry, John Poole, John Burcham, John Longe, George Howes, John Wilson, Gilbert Bouchery, Robert Say, William Barnwell, Daniel Burslem, John Green, Thomas Evan, Henry Crofts, Thomas Shelford, John Curry, John Stona, John Clement Ives, Colby Bullock, Robert Potter, James Buck, George Molden, Clerks; Joseph Burton, Thomas Rogers, John Gurney of Saint

Trustees Names.

Auguſtine's, Edward Gurney, Henry Gurney, John Lens, Thomas Daye, Robert Crowe, William Cooper, Chriſtopher Rodwell, William Rodwell, John Money, William Money, William Nelſon, William Ball, William Clarke Woodbine, John Franingham, Thomas Watts, William Donne, William Donne the younger, Thomas Dade, John Webſter, John Ward, Thomas Smith, George Bayfield, John Daniel, Francis Mowett, John Nelſon, Robert Sterling, John Oddinſel Leake, Robert Thurſton, Thomas Guyton, William Walker, William Colliſon, Edward Caſe, Oliver Saint John, John Aggs, John Aggs the younger, Thomas Fiſher, Thomas Bodham the younger, Thomas Hewit, Samuel Howlett, Henry Smith, and John Baldy, ſhall be, and are hereby appointed Truſtees, for the more effectually mending, widening, turning, altering, and keeping in Repair the ſeveral Roads before-mentioned, and for putting this Act, and all the Powers herein contained, 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 the Right of his Wife, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, Tithes, or Hereditaments, of the clear yearly Value of One hundred Pounds; or be Heir-apparent of ſome Perſon having an Eſtate in Meſſuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred and fifty Pounds, or be poſſeſſed of a Perſonal Eſtate to the Amount 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 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, or otherwiſe ſhall pay the ſaid Penalty, upon Proof given of his having acted as a Truſtee in the Execution of this Act.

Penalty on acting, if not qualified.

Times and Places 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 Tueſday the Seventeenth Day of April, One thouſand ſeven hundred and ſeventy, and proceed to the Execution of this Act; and ſhall then adjourn themſelves,

and hold their next Meeting at the same Place, or at some convenient House or Place in the said City; and after such Second Meeting so had, the said Trustees, or any Five or more of them, shall hold their Two next Meetings at some convenient House in East Dereham, in the said County of Norfolk, and so alternately afterwards shall hold Two Meetings at Norwich, and Two Meetings at Dereham aforesaid, during the Continuance of this Act; all which Meetings shall be held as often as the said Trustees, or any Five or more of them, shall think proper and 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 Trustee or Trustees then present, or their Clerk (in case there shall be no Trustees present) shall, as often as such Case shall happen, by Notice in Writing to be affixed upon all the Turnpikes which shall be then erected upon the said Roads, and Notice thereof given in One or both of the Norwich News-papers (in case any such News-paper or News papers shall be then printed) at least Fourteen Days before the then next Meeting, appoint the Trustees to meet at the House or Place where the last Meeting was appointed to be held, on that Day Fortnight next after the Day on which such last Meeting was appointed 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, 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 Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorised to make any 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 Eleven at the least; and unless the Person or Persons applying to alter or revoke such Order, shall give Notice to the Clerk of the said Trustees, to be by him fixed on all the Gates or Turnpikes then standing upon the said Road, at least Fourteen Days previous to any such Meeting; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act.

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

Trustees to defray their own Expences.

No Orders to be made but at publick Meetings;

nor revoked, unless Eleven Trustees be present.

No Trustee to hold any Place of Profit.

Provided

Provided always, That any of the said Trustees may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested. Trustees who are in the Commission of the Peace, may act as Justices.

And be it further enacted by the Authority aforesaid, That the said Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, shall and may erect, or cause to be erected, Five Turnpikes or Gates, and no more, across the said Roads, at the several Places herein after mentioned; that is to say, One at or near the Two-mile Stone from the City of Norwich; One other at or near the East End of Etling Green, in East Dereham; One other near the Old Gravel-pit, in the Parish of Scarning; One other near the Two-mile Stone from Swaffham, in the Parish of Sporle; and One other at or near a Place called The Brakey Place, in East Tuddenham, being about the Distance of One Mile from Mattishall; and also a Toll-house at each Turnpike or Gate, with suitable Out-buildings thereto; and may also take in and inclose, from the Side or Sides of the said Roads, such convenient Garden-spots for each Toll-house, as the said Trustees, or any Five or more of them, shall direct and appoint; and the Tolls following shall be demanded and taken at each of the said Turnpikes or Gates (except as hereafter excepted) by such Person or Persons as the said Trustees, or any Five 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, Five Turnpikes may be erected, and Tolls taken thereat.

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

For every Chaise and One Horse, the Sum of Three-pence.

For every Coach, Machine, Landau, Berlin, Chariot, Chaise, or Calash, and Two Horses, the Sum of Sixpence.

For every such Carriage and Four Horses, the Sum of Nine-pence.

For every such Carriage and Six Horses, the Sum of One Shilling.

For every Cart or Curry, and One Horse, the Sum of Two-pence.

For every Cart with more than One Horse, not having the Fellies of the Wheels of the Breadth or Gauge

Gauge of Nine Inches from Side to Side, the Sum of Sixpence.

For every Cart, having the Fellies of the Wheels of the Breadth or Gauge of Nine Inches from Side to Side, the Sum of Four-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 One Shilling.

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

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

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

Tolls vested in Trustees.

All 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, and all the Money which shall be borrowed on the Credit of this Act, 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, to and for the several Purposes of this Act.

Only Half-toll to be taken at the Places here mentioned.

Provided always, and be it further enacted, That no more than One Moiety of the respective Tolls herein before granted, shall, upon any Pretence whatsoever, be demanded or taken at the Turnpike or Gate herein before authorised to be erected at or near a Place called The Brakey Place, in East Tuddenham aforesaid; or at any Gate or Side-gates which shall be erected upon the Side or Sides of the said Road, between the Bridge called Halfpenny-bridge, in Honingham, and the Bounds of Yaxham aforesaid (except for Horses, Mares, Geldings, Mules, or other Beasts, not drawing, for which there shall be paid the Sum of One Penny for each Horse, Mare, Gelding, Mule, or other Beast, at the said Turnpike or Gate); any thing in this Act contained to the contrary hereof in any wise notwithstanding.

Exceptions.

Tolls may be levied by Distress and Sale.

And be it further enacted, That in case any Person or Persons subject to the Payment of the said respective 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

such Tolls, to seise 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 such Tolls, and the reasonable Charges of such Distress, and of detaining and keeping the same, shall not be paid within the Space of Five Days next after such Distress made, the Person or Persons making such Distress shall and may sell the Horses, Cattle, Beasts, Carriage, or Goods and Chattles, so seised and distrained, rendering the Overplus (if any) on Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted. Distress may be sold after 5 Days.

Provided always, and be it further enacted by the Authority aforesaid, That any Person having paid any of the Tolls hereby granted, at any One of the said Four first-mentioned Turnpikes or Gates to be erected across the Road from Norwich to Swaffham, for or in respect of any Horse or other Cattle drawing, shall, upon producing a Ticket of the Day denoting such Payment, be permitted on the same Day (to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the succeeding Night) to pass Toll-free through the next or Second Turnpike or Gate, and to return, on that Day, through both the said Turnpikes or Gates, Toll-free, with the same Horse or Beast drawing, in respect whereof such Tolls shall have been so paid as aforesaid; and any Person having paid any of the Tolls hereby granted, at any Two of the said Four first-mentioned Turnpikes or Gates to be erected across the said Road from Norwich to Swaffham, for or in respect of any Horse, or other Cattle or Beast, laden or unladen, and not drawing, shall, upon producing a Ticket or Tickets of the Day denoting such Payments, be permitted, on the same Day (to be computed as aforesaid) to pass Toll-free through the next or Third Turnpike or Gate, and to return on the same Day through the said Three Turnpikes or Gates, Toll-free, with the same Horse, or other Cattle or Beast, laden or unladen, and not drawing, in respect whereof such Tolls shall have been so paid as aforesaid, but shall pay at the next or Fourth Turnpike or Gate; and every Person who shall have paid Three full Tolls in any One Day, for or in respect of any Horse, Beast, or other Cattle, as aforesaid, may, on the same Day (to be computed as aforesaid) return Toll-free, on that Day, through all the said Four Turnpikes or Gates, upon producing a Ticket or Tickets of the Day, denoting the Payment of Three full Tolls as aforesaid; but no Limitation of Payment of Tolls on the Road from *Norwich* to *Swaffham*,

Person shall, in any Case whatsoever, be liable to pay more than Two full Tolls in any One Day, for passing and returning through the said Four Turnpikes or Gates, with the same Horse or other Cattle drawing any Carriage; nor more than Three full Tolls in any One Day, for passing and returning with the same Horse, Beast, or other Cattle, laden or unladen, and not drawing.

and in *East Tuddenham.*

Provided also, That any Person having paid any of the Tolls hereby granted at the Turnpike or Gate to be erected in East Tuddenham aforesaid, for or in respect of any Horse, Cattle, Beast, or Carriage, shall, upon producing a Ticket of the Day denoting such Payment, be permitted to return Toll-free on the same Day (to be computed as aforesaid) through the said Turnpike or Gate, with the same Horse, Cattle, or Carriage, in respect whereof such Toll shall have been so paid; all which said several Notes or Tickets, the respective Collectors of the Tolls are hereby required to give gratis, on Receipt of the Tolls.

Carriages with Corn or Grain, having paid, may return empty in 36 Hours.

Provided also, and be it further enacted, That where any Toll shall have been paid at any of the Turnpikes or Gates to be erected upon any Part of the said Roads herein before-mentioned, for or in respect of any Horses or other Cattle drawing any Waggon or Carriage which shall be laden with Corn or Grain only; the same Horses, Cattle, Waggons, and Carriages, shall and may return empty through any Gate or Turnpike, Toll-free, within the Space of Thirty-six Hours from the Time such Toll was first paid, upon a Ticket being produced, denoting that Toll was paid within that Time in respect of such Waggons.

Trustees may erect Side-gates,

and take Tolls thereat.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may erect, or cause to be erected, any Number of Gates on the Sides of the said Roads, at such Places as they shall think proper, across any Lanes or Ways leading into the same; and may, at such Gates, receive and take such and the like Tolls as are by this Act authorised to be taken at the several Turnpikes to be erected as aforesaid; provided the same do not extend to subject any Person to any additional Toll or Charge for passing, on the same Day, through the next Turnpike or Gate to the Side-gate where such Tolls shall have been paid as aforesaid.

Turnpikes and Toll-houses, &c. vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of the several Turnpikes and Toll-houses to be erected and provided by virtue of this

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 repairing the said Roads, shall be, and they are hereby, vested in the said Trustees; and they, or any Five or more of them, are hereby impowered, 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 by the Authority aforesaid, That out of the Tolls to be collected, or the 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 the 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 Turnpikes and Toll-houses, and amending widening, altering, diverting, turning, and keeping in Repair the said Roads, and in executing the several Purposes of this Act, and to no other Use or Purpose whatsoever.

Application of Monies.

Roads in *Norwich*, and between *Norwich* and *Easton* Church, to be first repaired.

And be it further enacted by the Authority aforesaid, That such Parts of the said Roads as lie within the County of the City of Norwich, and between Norwich and Easton Church, and between Dereham and Little Fransham, shall be first amended and repaired; and after such Repairs shall be completed, then the Repairs of the other Parts of the said Roads shall be done and carried on at such Times and in such Manner as the said Trustees, or any Five or more of them, shall order, direct, and appoint.

Trustees may lessen the Tolls,

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, assembled at a Meeting or Meetings 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 entitled 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 as the said Trustees, or any Nine or more of them, shall think proper; and may afterwards, from Time to Time, advance all or any of the Tolls so lessened 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

and raise them again.

the

the Tolls, hereby granted or 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 as the Tolls hereby granted are directed to be collected, levied, and applied; but no Meeting shall be held for any of the Purposes aforesaid, unless Fourteen Days previous Notice thereof at the least shall have been given in Writing, affixed upon all the Turnpikes which shall have been then erected upon the said Roads.

Trustees impowered to compound with Parishes.

And be it enacted by the Authority aforesaid, 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 Roads hereby directed to be repaired do lead, for the passing of their Carriages or Cattle through all or any of the Turnpikes erected by virtue of this Act; which Composition-money shall be paid Twelve Months in Advance, and in Default thereof the Composition or Agreement with the Person or Persons making Default shall be void; and such Composition-money shall be applied only in such Manner as the Tolls are directed to be applied.

Exemptions from Toll.

And be it further enacted by the Authority aforesaid, That no Toll shall be demanded or taken for any Carriage, or for any Horse, Cattle, or Beast, laden only with, or going unladen, or returning unladen (on the same Day) having been laden only with Gravel, Stone, or other Materials for repairing the said Roads, or any of the Roads in the several Townships in which the Roads hereby directed to be repaired or any Part thereof do lie; or for Hay 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 thereof; or for any Ploughs, Harrows, or Implements of Husbandry, or any Mould, 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 Roads or any Part thereof respectively lie; or of any Person in respect of their Horses or Carriages who shall pass through any of the Turnpikes 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

Persons that 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 Pacquet; or for the Horses of Soldiers upon their March, or for Waggons, Wains, Carts, and 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 Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, or Passengers on Horseback, 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 the City of Norwich, during the Time of such Election or Elections, or on the Day before or Day after such Election shall begin or be concluded: Provided always, That if any Person shall claim and take the Benefit of the Exemptions aforesaid, not being entitled to the same, every such Person so offending shall, for every such Offence, forfeit the Sum of Five Pounds. Penalty on making illegal Claims.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage whatsoever, pass through any Lands, Grounds, or Hereditaments, adjoining to, or lying near any Turnpike erected or to be erected upon the said Roads (the same not being a publick Highway) or if the Owner or Occupier of any such Land, Ground, or Hereditaments, 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 thereof, shall be avoided; or shall give to or receive from any Person or Persons, or shall forge or counterfeit any Ticket by this Act directed to be given by the Collectors of the Tolls; or shall at any Time take off or cause to be taken off any Horse, or other Cattle or Beast from any Carriage, whereby the Payment of any of the Tolls, or any Part thereof shall be avoided; or shall leave or cause to be left upon or near any Part of the said Roads any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of any of the said Tolls or any Part thereof; or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage; every Person so offending in any of the Cases aforesaid shall, for every Offence, forfeit the Sum of Forty Shillings; One Moiety whereof shall be Penalty on evading the Tolls.

paid to the Informer, and the other Money shall be applied towards mending the said Roads.

Trustees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Eleven or more of them, at any Meeting to be held in pursuance of this Act, 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 or Sums of Money, which they, or any Eleven or more of them, shall think fit; and they, or any Eleven or more of them, are hereby impowered, 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 borrowed as aforesaid, and the Interest thereof; 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 on the Credit of the said Tolls, unless Notice in Writing be for that Purpose affixed upon all the Turnpikes then erected upon the said Roads at least Fourteen Days before the borrowing of such Money; and all and every Person or Persons to whom any 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 by 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 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 said Book or Books to be kept for entering the said original Mortgage or Mortgages, for which such Clerk or Treasurer shall be paid such Sum or Sums of Money, not exceeding the Sum of Two Shillings and Sixpence, as the said Trustees, or any

Notice to be given of borrowing of Money.

Assignments to be entered in a Book.

Clerk's Fee.

any Five or more of them, shall order and direct, and which said Book or Books shall and may, at all seasonable Times, be perused and inspected without Fee or Reward; and after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, or 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 equal Degree one with another, and shall have no Preference in respect to the Priority of advancing any such Monies.

All Creditors to be 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 Sum or Sums of Money on the Credit of the Tolls or Duties 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 Monies due to them, and shall deliver Notice in Writing, signed by him, her, or them, signifying such his, her, or their Desire, to the Clerk or Clerks of the said Trustees, then, and in such Case (unless the Principal and Interest due, and to grow due and payable on the Security of the said Tolls and Duties, shall be fully paid unto or tendered to such Creditor or Creditors, so signing and delivering such Notice, within Six Calendar Months next after the Delivery thereof as aforesaid, at some publick House in the City of Norwich, or upon or near some Part of the said Roads, to be expressed in such Notice) it shall and may be lawful to and for such Creditor or Creditors to enter and take Possession of the Gates, Turnpikes, and Toll-houses, to be erected by virtue of this Act, and to receive and collect, or cause to be received and collected, by any and all and every the Ways and Means provided by this Act, the several Tolls or Duties granted as aforesaid, and to pay and apply the same in Payment and Satisfaction of the Principal and Interest Monies then due and owing to such Creditor or Creditors, so entering and taking Possession as aforesaid, together with all reasonable Charges accrued thereby.

Creditors may receive the Tolls, in case of Non-payment of the Money due to them, after Notice given.

Provided

Joint Poſſeſſion may be taken of the Turnpikes.

Provided always, and be it further enacted, That in caſe any Perſon or Perſons ſhall take Poſſeſſion of any Turnpike or Turnpikes, Toll-houſe or Toll-houſes, by virtue of the Powers given 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, as often as the ſame ſhall happen, it ſhall and may be lawful for ſuch other Creditor or Creditors likewiſe to enter upon, and take a joint Poſſeſſion of the ſaid Turnpikes and Toll-houſes 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 Turnpikes and Toll-houſes, 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, receive by virtue of this Act after taking ſuch Poſſeſſion as aforeſaid, and ſhall pay all ſuch Sums of Money as ſhall at ſuch Times appear to be in his or their Hands, to the Creditor or Creditors having taken ſuch 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 Five or more of them, may, and they are hereby impowered, 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 Roads, and ſuch other Officers and Perſons as the ſaid Truſtees, or any Five 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; and may, and are hereby authoriſed and impowered, out of the Monies ariſing by the Tolls aforeſaid, 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 amending or repairing the ſaid Roads, or any Part thereof, as to the ſaid Truſtees, or any Five 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 ſuch Truſtees, or any Five or more

and may remove them and appoint others.

Truſtee to allow Officers Salaries.

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 and 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 Payment, and shall pay all such Monies as shall then appear to be in their or any of 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 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 as aforesaid; or 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 after being thereunto required 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 Cases aforesaid, it shall and may be lawful for any Justice of the Peace for the said County of Norfolk, or for the City of Norwich and County of the same City, to commit every such Offender to the Common Gaol of the County or Place where the Offence shall be committed, 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 with the said Trustees, or any Five or more of them, for the same, and shall have paid such Composition in such Manner as the said Trustees, or any Five or more of them, shall appoint (which Composition the said Trustees, or any Five or more of them, are hereby impowered to make and receive) or until he shall have delivered up all such Books, Papers, and Writings, as aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

Collectors to account on Oath.

On Neglect or Refusal to account,

Justices to inquire into the Default,

and on Conviction, commit the Offender,

until Payment or Composition made.

Treasurer, &c. to give Security.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, are hereby authorised and required to take such Security from their Treasurer or Treasurers, Collector or Collectors, or other Officer or Officers, for the due Execution of his and their Office or Offices, as to the said Trustees, or any Five or more of them, shall seem meet.

Victuallers, &c. not to hold any Place of Profit.

And be it enacted by the Authority aforesaid, That no Person shall be capable of holding any Place of Trust or Profit under this Act, who shall keep any Inn, Alehouse, or any publick House of Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors by Retail.

On Death, &c. of Collectors, others to be chosen.

Provided always, That as often as any Collector of the said Tolls shall die, or be incapable of performing his Duty, it shall 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 Recovery thereof as the Person he shall succeed was vested with, until the Trustees, or any Five or more of them, shall at a 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 by the Authority aforesaid, 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 imployed, 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 Roads, or in any neighbouring Parish, Town, or Place, to be used, disposed of, or applied in repairing the said Roads, without paying any Thing for the same; such Surveyors or other 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 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 Stones, Sand, Flints, or other Materials proper and sufficient for that Purpose, in, upon, out of and from and over the Lands, Fields, or Grounds of any

without paying for the same;

levelling the Pits.

or from private Grounds, making Satisfaction to the Owners;

Person

Person or Persons where the same may be had or found, to be used, disposed of, and applied in or towards the repairing the said Roads (such Lands, Fields and Grounds, or any of them, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery, or inclosed Grounds now planted with any Avenue of Trees) paying or tendering Payment at such Rates for such Materials, and for Damage done to the Owners or Occupiers of such Lands and Grounds where and 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, and the Grounds to be levelled from whence such Materials shall be so taken, or sufficiently fenced in and secured.

Penalty on taking away Materials gotten for the Repair of the Road.

Provided always, and be it enacted by the Authority aforesaid, 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 Roads, or shall get or take away Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials for repairing the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Twenty Days, except the Owner or Occupier of any private Ground, and Persons authorised by such 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 any Sum not exceeding Ten Pounds.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed as aforesaid, or any other Person or Persons by them or either of them appointed or employed, may and are hereby authorised and impowered (they the said Surveyor or Surveyors, or other Persons having an Order from or under the Hands and Seals of the said Trustees, or any Five or more of them, for such Purposes respectively) to make or cause to be made any Causeway or Causeways in or along the Side or Sides of any Part of the said Roads; and shall and may erect and build Bridges or Arches of Brick, Stone, or Timber upon, in, or across the said Roads or any Part thereof; and shall and may dig

erect Bridges, &c.

and

and cut Drains, and cut, or cause to be digged and cut any Drains or Watercourses through or across any Lands or Grounds, to prevent the said Roads or any Part thereof from being overflowed, and erect Bridges over such Drains or Watercourses if necessary, making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds for the Damage they shall thereby sustain, as to the said Trustees, or any Five or more of them, shall seem meet.

making Satisfaction to Owners.

Surveyors may remove Annoyances, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, having an Order from the said Trustees, or any Five or more of them, from Time to Time to remove and carry away all Annoyances by Filth, Dung, Ashes, and Rubbish, or otherwise, on any Part of the said Roads; and to cut down, lop, or top any Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto, the Owners or Occupiers neglecting to cut down, lop, or top such Trees or Bushes, or to remove such Annoyances, for the Space of Twenty Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors; the Charges whereof to be settled by the said Trustees, or any Five or more of them, shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers so neglecting to cut down the said Trees or Bushes, or to remove such other Annoyances as aforesaid; and in case such Owners or Occupiers shall not on Demand pay and reimburse to the said Surveyor or Surveyors such Charges as aforesaid, the same shall be recovered in such Manner as the Penalties and Forfeitures are herein after directed to be recovered; and if after Removal of any of the said Annoyances such Person or Persons shall again offend in the like Manner, or if any Person or Persons shall set or place any Waggon, Wain, Cart, or other Carriage, so as any ways to obstruct the free Passage on any Part of the said Roads, every Person offending in any of the Cases aforesaid, shall, for every such Offence forfeit and pay the Sum of Five Pounds.

Owners neglecting to scour their Watercourses after Notice,

And be it further enacted by the Authority aforesaid, That if any Person or Persons who of Right ought to scour or cleanse any Ditch, Drain, or Watercourse lying in or over, or leading into or out of the said Roads, or any Part thereof, shall not in a proper Manner scour or cleanse such Ditches, Drains, and Watercourses,

or

or cause the same to be done, within the Space of Ten Days after Notice in Writing shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode by Order of the said Trustees, or any Five or more of them; the said Surveyor or Surveyors of the said Roads may and is and are hereby authorised and impowered to cause such Ditches, Drains, and Watercourses to be scoured and cleansed, and to pay for the scouring and cleansing the same; and if the said Person or Persons shall not repay the said Money so paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them respectively made, either in Person, or by Writing to be left at his, her, or their respective Place or Places of Abode, the said Money and every Part thereof, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Non-payment as aforesaid, by the Oath of One or more Witness or Witnesses, before any Two Justices of the Peace for the County or Place where the Offence shall be committed, may and they are hereby authorised and impowered, by Warrant under their Hands and Seals, to levy the same by Distress and Sale of the Goods and Chattels of such Person or Persons who ought to pay the same, rendering the Overplus (if any be) to the Owner or Owners thereof upon Demand, after all Charges paid.

Surveyor to do the same, and be reimbursed the Charges.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for such 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, Ditches, and Drains through any Grounds lying contiguous to the said Roads, and to erect and keep in Repair Arches of Brick, Timber, or Stone, or with Brick and Stone, thereupon, and to divert and turn the said Roads, or any Part or Parts thereof, over any Lands or Grounds contiguous or adjoining thereto, in such Manner as such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, shall adjudge necessary (such Ground not being a Garden, Orchard, Yard, Park, or planted Walk, or Avenue to a House, Plantation or Nursery of Trees) to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a Road, whilst the old Road is repairing, and until the same shall be made convenient and safe for Passengers and Carriages; making such reasonable

Surveyors may make Causeways, &c. cut Ditches,

and make a temporary Road;

making Satisfaction to the Owners.

reasonable Satisfaction to the Owner or Occupier of such Ground through or over which any such Drain or Drains, or on which any such Arch or Arches, Bridge or Bridges, or through, over, and 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 the General Quarter-sessions of the Peace next holden for the County, City, Division, or Place where such Lands or Grounds shall lie, in case any Difference shall arise between the said Trustees and such Owners and Occupiers respectively concerning the same.

If the old Road be discontinued, Inhabitants not liable to repair the same.

Provided always, That in case the ancient or former Way over any Common, Moor, or Waste Ground shall by virtue or in pursuance of this Act be turned or diverted, the Inhabitants of the Township, Hamlet, or Parish wherein the old or former Road shall lie, shall not be obliged to repair such old or former Road, unless the same leads to some Village, Town, or Place with which the new Road doth not communicate.

Penalty on interrupting Surveyor in his Duty.

And be it further enacted by the Authority aforesaid, 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 off any Furze, Heath, Stone, Gravel, Chalk, Lime-stone, Sand, Flints, or other Materials for the altering, widening, or repairing the said Roads, 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 Roads 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.

Trustees may contract for the Purchase of Lands to be taken into the Road.

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

Truſtees, or any Five 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 Roads: 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 on Behalf of any Infants, Femes-covert, or Ceſtuique 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 Five or more of them, for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey to them, or any Five or more of them, all or any 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 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 or in purſuance of this Act.

Truſtees may contract for repairing the Road.

And be it further enacted by the Authority aforeſaid, 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, Corporation 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 Roads, or over which ſuch Roads are 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 ſuch Caſes aforeſaid the ſaid Truſtees, or any Five or more of them, ſhall cauſe

Where Perſons refuſe to treat, &c.

Jury to aſſeſs the Damage and Recompence;

cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County or Place in which such Lands or Grounds so to be taken in do lie (which Oaths any Two 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 Roads, or for turning such Roads into and over the same: And in order thereto, the said Trustees, or any One 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 is 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 said Trustees, or any Five or more of them shall think fit; and after the said Jury shall have enquired of, ascertained, and settled such Damage and Recompence, the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the 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 such 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 and 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, thereby be from thenceforth, to all Intents and Purposes, divested

Witnesses may be examined upon Oath.

Verdict of Jury to be final.

of

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 Five or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County or Place in which such Lands and Grounds so to be taken in do lie, requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and the Sheriff, or his 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 Five or more of them, shall swear, or cause to be sworn, Twelve Men, who shall be the Jury for the Purposes 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 Five 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, his 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, or 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 or 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 herein before mentioned is hereby directed to be levied and applied, so as no such Fine shall exceed the Sum of Ten Pounds upon any such Sheriff or his Deputy, nor 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

Trustees may impose Fines on the Sheriff or Jurors, &c. neglecting their Duty.

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

Money allowed for Lands, &c. how to be charged and tendered.

And be it further enacted by the Authority aforesaid, 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 Money to be borrowed on the Credit thereof, to the Party or Persons respectively intitled thereto, or to their Agent; 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 Roads in such Manner as the said Trustees, or any Five or more of them, shall direct, and shall be by them, or such Person or Persons as they, or any Five or more of them, shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes whatsoever become and be deemed and taken to be a common Highway, and be from thenceforth Part of the said Roads for ever after, and shall be repaired, and kept in Repair, in such Manner as the Roads hereby appointed to be repaired and widened are, by this or any other Law, to be repaired; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments.

Buildings not to be injured, &c.

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

Trustees not to act where interested.

Provided always, That no Person shall act as a Trustee in any Case relating to the contracting for or purchasing any Lands or Hereditaments where he shall be personally interested.

Persons liable to repair the Road, to continue so.

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

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

And be it further enacted by the Authority aforesaid, That the Surveyors of the Highways for the respective Townships and Places in which any Part of the said Roads do 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

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 that Year with Teams, Draughts or otherwise; and also the Number of Days Work which each Person ought to do on the said Roads in such Townships and Places respectively; Part of which said Statute-work, not exceeding Three Days for each Person (the Trustees having Regard to the other Highways within such Townships) shall be done at such Times and in such Manner, and on such Parts of the said Roads 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 for such Townships, Parishes and 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 Statute-work upon any Part or Parts of the said Roads, shall give publick Notice thereof to such Person or Persons so chargeable as aforesaid; and if any Surveyor, Churchwarden, or Overseer of the Poor for any such Township or Place shall neglect or refuse to do as he is hereby directed and required, every such Surveyor, Churchwarden, or Overseer 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 publick Notice as aforesaid, neglect to send his or her 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 Roads, in such Manner as the said Turnpike Surveyor shall direct, shall forefeit the Sum of Ten Shillings for every Day he or she shall make such Default; and every Labourer or other Person liable to perform such Statute-work on the said Roads, 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 Roads, and shall be found idle

Penalty on Surveyors, &c. not delivering in such Lists.

Penalty on Persons not performing their Statute-work.

Persons found idle to be discharged.

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 beforementioned; and all Persons doing such Days Work on the said Roads, shall not be liable to do any other Statute-work thereon.

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 Five or more of them, to compound, for any Term not exceeding One Year, with the Possessors or Occupiers of Lands, Tenements, or Hereditaments, which are or shall be liable to, or chargeable with the Repair of any Part of the said Roads, or with any Person or Persons, for the Performance of his, her, or their Statute-work therein; and also it shall and may 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 One Year, with the Trustees, or any Five or more of them, for and in lieu of the Statute-work which ought to be performed by such Inhabitants upon any Part of the said Roads; all which Composition-money shall be paid in Advance from Time to Time, and shall be applied in Repair of the said Roads; 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 the Highways.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby impowered and required, to cause the said Roads to be measured, and Stones or Posts to be set up on the Sides of the said Roads, with Inscriptions thereon denoting the Distance of every such Stone or Post from any Town or Place, as they shall think fit; and may also, if they think fit, erect Posts at the several Roads leading out of the said Roads hereby directed to be repaired, with Inscriptions thereon denoting to what Place or Places the said Roads respectively lead; and if any Person or Persons shall wilfully or designedly break, pull down, dig up, injure, or destroy any of the Stones or Posts which shall be so fixed and set up, or

Penalty on defacing Mile-stones.

erase,

erase, obliterate, or deface any of the Inscriptions which shall be made thereon, or cause or procure the same to be done, every Person so offending shall forfeit and pay the Sum of Twenty Shillings for each Stone or Post so wilfully or designedly broken, obliterated or defaced, or pulled down, digged up, injured, or destroyed.

Penalty on hauling Timber 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 or drawn upon any Part of the said Roads, any Tree or Piece of Timber or Stone (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 by the Authority aforesaid, 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 for the County or Place where such Offence shall be committed, either by Confession of the Party or Parties, or by the Oath of 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 (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 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 or 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 of Norfolk, or for the City and County of the City of Norwich, 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 or Forfeitures and all reasonable Charges shall be sooner paid and satisfied.

Trustees may lease the Tolls, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees and their Successors, or any Nine or more of them, shall and may, and are hereby impowered, by Writing under their Hands and Seals, to set, demise, and farm-let the Tolls to be collected and received at the Turnpikes or Toll-gates to be erected and set up by virtue of this Act, or any Part thereof, unto any Person or Persons who shall be willing to take or farm the same, for any Time not exceeding Three Years; Three Months Notice of the Intention of such Letting or Setting being affixed on all the Turnpike Gates or Bars to be erected by virtue of this Act, for the best Rent or Rents they can get for such Tolls, to be payable to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Nine or more of them, shall, under their Hands, appoint to receive the same, with such Covenants therein to be contained as the said Trustees, or any Nine or more of them, shall think proper and requisite; and which said Rent or Rents so to be paid by virtue of such Leases or Contracts as aforesaid, shall be applied and disposed of in such Manner as the Tolls granted and made payable by this present Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

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

And, for continuing a sufficient Number of Trustees to put this Act in Execution, be it further enacted by the Authority aforesaid, That when and as often as any Trustee or Trustees shall die or refuse to act, it shall and may be lawful for the surviving or remaining Trustees, or any Five or more of them, by any Writing or Writings under their Hands and Seals, from Time to Time, to elect, nominate, and appoint, One or more fit Person or Persons in the Room or Place of such Trustee or Trustees dying or refusing to act; and such Person or Persons so elected, nominated and appointed, shall be joined with such surviving or remaining Trustees in the Execution of all and every the Powers in them reposed by virtue of this Act; but Notice of the Time and Place of

Meeting for the Election of such new Trustee or Trustees shall be given in Writing, signed by the Clerk or Clerks to the Trustees, to be fixed up at or on all the Turnpikes erected or to be erected on the said Roads, at least Ten Days before the Meeting for such Election; and all and every such Person and Persons as shall be chosen and appointed to be joined with such surviving or remaining Trustees, shall and may, and they are hereby authorised and impowered to act to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees nominated and appointed in and by this Act are hereby authorised and impowered to act and to do. Notice of Meeting to be given.

Provided always, 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-session of the Peace for the County or Place where the Matter or Thing shall be done, for or by reason of which such Complaint shall have arisen, such Appellant first giving, or causing to be given, Ten Days Notice at least in Writing, of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer of the said Trustees, and within Five Days next after such Notice, entering into a Recognizance before some Justice of the Peace for the said County or Place, with sufficient Sureties, conditioned to try such Appeal, and pay such Costs as shall be awarded by the Justices at such Quarter-session: And the said Justices at their said Session, 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 Causes 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. Persons aggrieved may appeal to the Quarter Sessions. Notice of Appeal to be given.

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 impowered to contract Trustees may contract for repairing the Road.

tract with any Person or Persons for repairing or altering the said Roads, or any Part or Parts thereof, and for erecting Mile-stones or Posts thereon, or any other necessary Work 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: And all Contracts in Writing so 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 be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof.

Contracts to be binding.

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, Conviction, Notice, Warrant of Distress, or other Proceedings 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 a Trespasser *ab initio*.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act shall commence from and after Monday the Sixteenth Day of April, One thousand seven hundred and seventy; and shall have Continuance 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 a Book.

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 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, and all Extracts thereof signed by the Clerk to the said Trustees, shall or may be produced and read in Evidence in all Courts whatsoever.

Provided

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. Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That no Order or Conviction, or any Proceeding to be had touching the Conviction of any Offender or Offenders against this present 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. Proceedings not to be quashed for want of Form, nor removeable by *Certiorari*.

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 thereof shall be 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 or Place where the Cause of Complaint shall have arisen, and not elsewhere; and the Defendant or Defendants, in every such Action or Suit, shall and may plead the General Issue, Not Guilty, and give this Act, and the special Matter in Evidence, at any Trial to be had thereupon; and that if such Action or Suit shall be brought after the Time limited for bringing the same, or after sufficient Satisfaction shall have been made or tendered as aforesaid, or shall be brought in any other County than as aforesaid, that then in all or any of the Cases aforesaid, the Jury shall find for the Defendant or Defendants; and upon such 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, the Defendant or Defendants 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. Limitation of Actions. General Issue. Treble Costs.

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.