Anno decimo

Georgii III. Regis.

An Act for amending and widening several Roads leading from the *Bell* in *Stoke Ferry* in the County of *Norfolk*.



WHEREAS the Road leading from the Sign of the Bell in Stoke Ferry, in the County of Norfolk, to the Warrenhouse, commonly called Methwould Lodge (in the Road from King's Lynn to London); and also the Road leading from the Sign of the Bell in Whittington, to the Falgate at the East End of Cranwich (being the Road leading to Thetford); and also the Road leading from a House in the Possession of Thomas Barker in Stoke Ferry aforesaid, through the Parish of Oxborough, into a Field called Cley Field, in the Parish of Cockley Cley, (being the Road leading towards Swaffham); Preamble.

and also the Road leading from the last mentioned Road upon a Plain adjoining to Frith Closes, in the Parish of Stoke Ferry, through Eastmore Falgate, to the Entrance of a Field called Barton Field, in the Parish of Barton, in the said County of Norfolk, are in a ruinous Condition, and in many Parts narrow and incommodious, and cannot be effectually amended 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 Right Honourable Earl of Mountrath in the Kingdom of Ireland, Sir Edward Astley, Sir Hanson Berney, Sir Richard Bedingfeld, Sir Simeon Stuart, Sir John Turner, Sir Armine Wodehouse, Baronets; Sir Thomas Harris Knight, Christopher Adamson, Benjamin Adamson, Patrick Blake, Samuel Browne, Robert Clough, Robert Clough junior, Philip Case, Ralph Cauldwell, Thomas de Grey, William de Grey, John Davis, Francis Dixon, John Richard Dashwood, Gerriatt Dashwood, Henry Dashwood, Edward Everard, Samuel Everard, Anthony Hammond, John Heaton, Richard Heaton, Rowland Holt, Soame Jenyns, John Marcon, Mathew Pepper Manby, Geoffry Nightingale, James Nelthorpe, James Nelthorpe junior, George Nelson, Henry Partridge, Randyll Peck, Edward Pratt, William Say, Francis John Tyson, the Honourable Thomas Walpole, Henry William Wilson, the Reverend Charles Bagg, Thomas Moore, Doctors in Divinity, the Reverend William Adamson, William Adkin, James Adamson, Edward Chamberlain, Henry Crowe, Cyrill Clough, John Coe, Thomas Daville, John Dering, Joseph Forby, John Green, William Greene, Robert Heaton, William Harvey, James Hick, Thomas Ibbot, John King, Richard Oram, Jermyn Pratt, Morgan Powell, Robert Rolfe, Joshua White, Clerks, Scarlet Browne, Robert Basham, Thomas Basham, Robert Basham junior, Robert Butter, Thomas Bagg, Richard Barr, Nathan Booty, Thomas Barsham, Joseph Bennet, Joseph Bennet junior, Benjamin Bayfield, John Coote, John Caney, Edmund Caney, Thomas Collison, Richard Camps, William Catton, John Carter, John Carter junior, Richard Carter, Robert Clarke, Stephen Capp, Cornelius Carr, William Dracket, William Day, Peter Dent, John Eyres, Henry Edgar, Thomas Forby, John Fairchild, Benjamin Frost, Thomas Goddard, Edmund Gurney, Masters Godfrey, Robert

Trustees Names.

Grimmer Thomas Grimmer, Joſeph Gill, Joſeph Grimmer, Henry Linhook Helſham, Anthony Horrex, John Harvey, Francis Hicks, Richard Jodrell, Henry Kett, Thomas Kett, Robert King junior, Francis King, John Langley, Samuel Langley, Samuel Lancaſter, John Land, Valentine Leach, Roger Micklefield, John Mathes, Robert Mathes, Edward Manby, John Nunn, Thomas Nunn, Robert Pointing, Henry Pole, Mathew Pedge, Edmund Paſley, Robert Paſley, James Taverner Reed, Brian Reed, John Riches, William Smith, Edgly Smith, Edmund Saffery, Thomas Steed, Daniel Sewell, Robert Thurrold, Andrew Townſon, Roger Tiffin junior, Thomas Vincent, William Wright, Robert Wright, Edward Wright, Roper Wetherall, John Wright, Daniel Young, John Young, Love Shipley Clerk, John Brewſter, William Creaſy, Oſbert Denton, Philip Theodorick, William Clarke Woodbine, Richard Saffery, John Mann, ſhall be and are hereby appointed Truſtees for amending, widening, altering, and keeping in Repair the ſaid ſeveral Roads herein before deſcribed, and 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 be in his own Right, or in Right of his Wife, in the actual Poſſeſſion, Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, or ſhall be Heir apparent to ſome Perſon having ſuch Eſtate of the clear yearly Value of One hundred Pounds, or poſſeſſed of or intitled unto a perſonal Eſtate to the Amount or Value of One thouſand 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, 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.

Time and Place of Meeting.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the Crown Inn in Stoke Ferry aforeſaid on the Thurſday Fortnight after the paſſing of this Act; and ſhall then proceed to the Execution of

this Act; and shall then, and from Time to Time afterwards, adjourn themselves, and hold their Meetings at the same Place, or at any other Place or Places as the said Trustees, or any Five or more of them, shall think proper, as often as it shall be necessary for putting this Act in Execution during the Continuance thereof: 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 Trustees then present, shall, as often as such Case shall happen, by Notice in Writing specifying the Purpose of such Meeting, to be affixed upon the Turnpike or Turnpikes which shall be then erected upon the said Road, and upon a Post on an Hill in Stoke Ferry aforesaid, called the Market or Stocks Hill, Ten Days before the next Meeting, appoint the Trustees to meet at the House or Place where the last Meeting was to have been held, on that Day Three Weeks next after the Day on which such 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, and 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 and 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 and 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 Seven at 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 in Writing to the like Effect shall be, by such Clerk, affixed on all the Turnpike or Turnpikes then standing upon the said Roads, and on the Post aforesaid, at least Ten Days previous to any Meeting to be held for that Purpose.

In default of a sufficient Number of Trustees to act,

Trustees may adjourn to another Day.

Trustees to defray their own Expences.

No Order to be revoked unless Seven Trustees consent thereto.

How Prosecutions may be carried on for Offences against this Act.

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

Act, under the Authority and by the Direction of the said Trustees, or any Five or more of them, at 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 said Prosecutor so much as the Costs 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 the Surveyors or other Officers, for any Thing done or acted by the Direction of the said Trustees, or any Five or more of them as aforesaid, in pursuance of this Act; that then and in every such Case the said Trustees, or any Five 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.

No Trustee to hold any Place of Profit.

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.

Trustees in the Commission of the Peace may act as Justices.

For holding occasional Meetings.

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 and Adjournments, it shall and may be lawful for any Five 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 the Turnpike or Turnpikes then erected upon the said Roads, and on the Post aforesaid, at least Six 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 Trustees had, at their then last Meeting, adjourned to such Time and Place.

Trustees may erect Turnpikes,

And be it further enacted, That the said Trustees, or such Person or Persons as they, or any Seven or more of them, shall appoint, shall and may erect or cause to be erected One or more Turnpike Gate or Gates (videlicet) One

at

at or between the Wheelwright's Shop and the North West End of Stoke Bridge aforesaid, and another at such Place as the said Trustees, or any Seven or more of them, shall appoint for that Purpose, on the present, or any new Road which may hereafter be made by virtue of this Act, leading from Stoke Ferry towards the Frith Closes aforesaid, so as the Place where the same shall be erected do not exceed the Distance of One Mile from the House of the said Thomas Barker; and shall and may, from Time to Time, as they shall see Occasion, erect or cause to be erected any Side Gate or Gates upon any Part of the said Roads; and shall and may erect and provide a Toll-house at each of the said Turnpikes to be erected, with suitable Buildings thereto; and may also take in and inclose from the said Roads, or any Part or Parts thereof, on any Ground adjoing thereto, a convenient Garden-spot for One or each Toll-house to be erected as aforesaid, as the said Trustees, or any Seven or more of them, shall direct: And the following Tolls shall be demanded and taken at each of the said Turnpike Gates 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)

and take Tolls thereat.

Tolls.

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

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 Four-pence Halfpenny.

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 One Penny Halfpenny.

For every Cart with not more than Four Horses, the Sum of Four-pence Halfpenny.

For every Cart with more than Four Horses, the Sum of Sixpence.

For every Waggon not having more than Four Horses, the Sum of Sixpence.

For every Waggon having more than Four, and not more than Six Horses, the Sum of Nine-pence.

For every Waggon having more than Six Horses, the Sum of One Shilling.

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Eight Pence per Score, and so in proportion for any greater or lesser Number.

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

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 Purpose 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 to and for the Person or Persons appointed to collect such Tolls to 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 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, Beast, Carriage, or Goods and Chattels so seized and distrained, rendering the Overplus, if any, on Demand to the Owner thereof, after such Costs, and all reasonable Charges shall be deducted.

Tolls vested in the Trustees.

Application of the Tolls.

Tolls may be levied by Distress.

Distress may be sold after 5 Days.

And be it further enacted, That the Right and Property of the said Turnpike Gate or Gates, and Toll House or 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 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.

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

Provided always, and be it further enacted, That no Turnpike Gate or Gates shall be erected on any of the said Roads, until Subscriptions shall be obtained for advancing

vancing and lending the Sum of One thousand five hundred Pounds upon the Credit of the Tolls by this Act granted; any Thing herein contained to the Contrary notwithstanding.

Expences of this Act, &c. to be first paid.

And be it further enacted, That out of the Tolls to be collected, or Monies 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 or Expences incurred in and in relation to procuring and passing this Act; and that after all such Charges and Expences shall be paid and satisfied, all the Tolls and Monies so to be borrowed shall be applied in making, erecting, and repairing the said Turnpike Gate or Gates and Toll House or Houses, and repairing, widening altering, diverting, turning, and keeping in Repair the said Roads, and the several other Purposes of this Act, and to no other Use or Purpose whatsoever.

Trustees, with Consent of Creditors, 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 Seven 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 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 the Tolls herein before mentioned, and for such Time or Times, and in such Manner, Parts, and Proportions as the said Trustees, or any Seven or more of them, shall think proper; and afterwards, from Time to Time, advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money, not exceeding the respective Rates herein before mentioned; and the said Trustees, or any Seven 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 Turnpikes which shall be erected upon the said Roads, and also affixed upon the said Post in Stoke Ferry aforesaid.

and raise them again.

Notice thereof to be given.

Tolls to be paid but Once a Day.

Provided always, and be it enacted by the Authority aforesaid, That no Person or Persons shall be subject

ject to the Payment of any Toll hereby made payable, more than Once in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night) for paſſing with the ſame Horſe, Beaſt, Cattle, or Carriage through either or both of the Turnpike-gates to be erected by virtue of this Act; but that every Perſon or Perſons, having paid any of the ſaid Tolls, upon producing a Note or Ticket of the Day to the Collector or Collectors of the ſaid Tolls, denoting that ſuch Toll has been paid on that Day at either of the ſaid Turnpike-gates (all which Tickets the Collectors of the Tolls are hereby required to give gratis on Receipt of the Toll) ſhall be permitted to paſs free that Day through both or either of the ſaid Gates.

Truſtees to compound with the Inhabitants, &c.

And be it enacted, That the ſaid Truſtees, or any Seven 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 One Year at any One Time, with all or any of the Inhabitants of the ſeveral Farms, Pariſhes, Hamlets, or Places near to or through which any of the ſaid Roads do lead, for the Paſſing of their Horſes, Cattle, Beaſts, and Carriages through the ſaid Turnpike-gate or Gates erected by virtue of this Act; which Compoſition-money ſhall be paid Twelve Months in Advance, and, in Default thereof, the Compoſitions or Agreements with the Perſon or Perſons making ſuch Default, ſhall be void; and all Money ariſing from ſuch Compoſitions as aforeſaid, ſhall be applied only in ſuch Manner as the Tolls herein before granted are directed to be applied.

Truſtees may leaſe the Tolls.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, or any Seven 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-gate or Gates to be erected and ſet up by virtue of this Act, or any Part of ſuch Tolls, unto any Perſon or Perſons from Year to Year, or for any Term not exceeding Three Years, One Month's Notice of the Intention of letting ſuch Tolls being fixed on the ſaid Turnpike-gate or Gates, and on the ſaid Poſt in Stoke Ferry aforeſaid, and advertiſed in both the Norwich News-papers (if ſuch Papers ſhall then be publiſhed) for the beſt Rent or Rents that can be gotten for ſuch Tolls, payable at ſuch Times, and under ſuch Covenants, and to ſuch Perſon or Perſons as they the ſaid Truſtees, or any Seven or more of them, ſhall direct and appoint; and the Monies ariſing thereby, ſhall be applied in ſuch Manner

ner as the Tolls so leased are directed to be applied by this Act.

Exemptions from Toll.

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 any of the said Roads, or any of the Roads in the several Parishes in which any Part of the said Roads hereby directed to be repaired do 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, Compost, Manure, or Lime to be employed in Husbandry, and manuring and improving the Lands in the several Townships near to or through which the said Roads, or any Part thereof respectively, do or doth lie; or for any Ploughs, Harrows, or other Implements of Husbandry; or from the Owners or Occupiers of any Lands, or their Servants, coming to or from their respective Lands on the Business only of looking after such Lands, or the Stock upon the same; or of any Person in respect of their Horses and Carriages who shall pass through the said Turnpike-gate or Gates to be erected as aforesaid, on Sundays, to or from their proper Parish or parochial Church, Chapel, or other Place of Religious Worship to which they usually resort, 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, Cattle, or Sheep going to or from Water or Pasture, or from one Pasture to another, to feed, such Pastures lying in the same or any adjoining Parish; or for any Post-horse carrying the Mail or Packet; 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 Horses or Cattle drawing Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, or from Passengers on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Norfolk, during the Time of such Election or Elections, or on the Day before or after such Election or Elections shall begin or be concluded: And if any Person shall claim and take Benefit of any of the Exemptions granted by this Act,

Penalty on making undue Claims.

nor

not being intitled to the same; every such Person so offending shall, for every such Offence, forfeit the Sum of Five Pounds.

Parishes exempted from paying Tolls.

Provided also, and it is further enacted, That nothing in this Act contained shall extend or be construed to extend to charge the Riders of any Horses, or the Owners or Drivers of any Waggons, Carts, or other Carriages, with any of the Tolls or Duties granted by this Act, which shall from Time to Time travel, pass, repass, and carry Corn, or any other Grain, Lime, or any other Merchandize, or on any other Account whatsoever, in the Parish of Stoke Ferry, and from the several Parishes of Wretton, West-Dereham, Wereham, and Boughton, in the said County of Norfolk, to the North-west End of Stoke Bridge, and no further; provided such Person or Persons travelling on Horseback, and such Owners or Drivers respectively, shall deliver a Ticket or Note of the Owner's Name and Residence to the Collector of the said Tolls, signed by such Owner; but if any such Person or Persons travelling on Horseback, or any such Waggons, Carts, or other Carriages shall pass over the said Bridge, called Stoke Bridge, then, and in such Case, the same shall be liable to pay the said Tolls in the same Manner, to all Intents and Purposes, as any other Travellers, Waggons, Carts, or Carriages.

Penalty on evading the Tolls.

And be it further enacted, That if any Person or Persons shall with any Horse, Beast, or Carriage pass through any Land, Ground, or Hereditaments adjoining to and lying near the said Turnpike-gate or Gates to be erected as aforesaid (the same not being a publick Highway) or if the Owner or Occupier of any such Lands, Grounds, 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 or Parts thereof, shall be evaded; 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 shall turn out of any of the said Roads with an Intent to evade the Tolls; or if any Person or Persons shall at any Time or Times 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 or Parts thereof, shall be evaded; or shall leave or cause to be left upon or near any Part of the said Road any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of the said Tolls, or of any Part or Parts thereof; or with such

Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage, or in any other Manner evade or attempt to evade the Payment of any of the said Tolls, or any Part thereof; every Person so offending shall, for every such Offence, forfeit the Sum of Five Pounds; whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied towards amending the said Roads.

Penalty.

Monies may be borrowed 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 Seven 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 or 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 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 of 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 the Turnpike or Turnpikes to be erected upon the said Roads, and upon the said Post in Stoke Ferry aforesaid, at least Fourteen Days before the borrowing such Money; and all and every Person and 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

Mortgages and Assignments to be entered in a Book.

Mortgages and Assignments may be transferred.

of

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 the Sum of Two Shillings and Sixpence, and no more; and which said Book or Books shall and may, at all reasonable 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.

Clerk's Fee.

All Creditors to be deemed equal in Degree.

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, 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 other 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; but no Appointment or Removal of any Officer at any Meeting of the Trustees shall be valid, unless Notice thereof shall have been given by the Clerk or Treasurer to the said Trustees, affixed upon the said Turnpike or Turnpikes so to be erected as aforesaid, and upon the said Post in Stoke Ferry aforesaid, at least Fourteen Days before any such Appointment or Removal; and the said Trustees, or any Five or more of them, 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 Roads, 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

Trustees may appoint Officers,

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

any Five or more of them, deliver 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 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 Accounts 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 Fourteen 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 said County of Norfolk, and he and they is and are hereby required to make Enquiry concerning such Default in a summary Way, as well by the 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 and required 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 said County of Norfolk, there to remain, without Bail or Mainprise, 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 Five or more of them, 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

Officer refusing to account,

Justice to enquire into the Default;

and commit the Offender if he conform.

or

or more of them, are hereby impowered to make); and until he shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

Treasurer, to give Security.

And be it further enacted, That the said Trustees, or any Five or more of them, shall, and they are hereby required to take such Security from their Treasurer or other 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 Publick-house of Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors by Retail.

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

Trustees may appoint Collectors, tho' not at a publick 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 Five 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 recovering 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. from 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 employed, to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Gravel, Chalk, Limestones, Sand, Flints, or other Materials proper for repairing the said Roads, 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 off, and applied in repairing the said Roads, without paying any Thing for the same, such Surveyor 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

without paying for the same,

levelling the Pits;

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, or out of, or from or over 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 repairing the said Roads (such Lands, Fields, and Grounds not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery, or inclosed Grounds, planted with any Avenue of Trees, planted and set apart as such before the First Day of January One thousand seven hundred and seventy,) paying or tendering Payment for such Materials, and for the 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 Grounds, 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 Ground to be levelled from which such Materials shall be so taken, or otherwise sufficiently fenced in and secured; and in case the said Trustees and such Owners or Occupiers shall not agree about the Money to be so paid for such Materials and Damages as aforesaid, then the Trustees, or any Five or more of them, shall pay or tender so much as shall be assessed by a Jury or Juries as hereafter mentioned.

or from private Grounds,

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, Rivers or Brooks, for the Purpose of repairing the said Roads, 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 Roads, before the said Surveyors or other Workmen shall have discontinued working therein for the Space of Thirty Days, except the Owner or Occupier thereof, every Person so offending shall forfeit, for every such Offence, the Sum of Twenty Shillings.

Penalty on taking away Materials gotten 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,

Surveyors may remove Annoyances,

or

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 Annoyances on any Part or Parts of the said Road by Filth, Dung, Ashes, Rubbish, or otherwise, and convert the same to his, her, or their own Use or Uses; and to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Roads to the Prejudice thereof; and, from Time to Time, to open, scour, cleanse, widen, alter, and make deeper any Watercourses 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, alter or deepen such Watercourses or Ditches in a proper Manner, or remove such other Annoyances, in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors shall require, for the Space of Twenty-one Days next after Notice in Writing given for that Purpose under the Hands of such Surveyor or Surveyors; and also to cut down, lop, or top any Trees, (except Timber Trees) Branches, Shrubs, or Bushes growing in the said Roads, 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 said Roads, in case the Owners or Occupiers shall neglect to lop or top, cut down, and remove such Treees, 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-one 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, or shall set or place any Waggon, Wain, Cart, or other Carriage, so as any-ways to obstruct the Passage on any Part or Parts of the said Roads; every Person offending in any of the Cases aforesaid shall, for every such Offence, forfeit the Sum of Forty Shillings.

turn Watercourses, &c.

and lop Trees,

Owners neglecting to do the same after the Space of Twenty Days Notice.

And

Persons liable to scour Ditches, &c. to continue so.

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 or near the said Roads, or any Part or Parts thereof, shall not in a proper Manner scour or cleanse such Ditches, Drains, and Watercourses, or cause the same to be done, within the Space of Twenty-one 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 Nonpayment as aforesaid, by the Oath of One or more Witness or Witnesses, before any One or more Justice or Justices of the Peace for the said County of Norfolk; such Justice or Justices are hereby authorised and impowered, by Warrant under his or 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) to the Owner or Owners thereof, upon Demand, after all Charges paid.

Surveyors may make Causeways, &c.

And be it further enacted, That it shall and may be lawful to and for such Surveyor or Surveyors, and such Person or Persons as shall and may 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 thereupon, or with Brick and Stone thereupon; and to divert and turn the said Roads, or any Part or Parts thereof, over any Part of the Lands or Grounds contiguous and 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

of the said Trustees, or any Five or more of them, shall adjudge necessary; 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 Roads hereby intended to be repaired (such Ground not being a Garden, Orchard, Yard, Park, or planted Walk or Avenue to an House, Plantation, or Nursery of Trees planted and set apart as such before the First Day of January, One thousand seven hundred and seventy) to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a Road, whilst the old narrow or ruinous Roads are repairing, altering, 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 Quarter-sessions of the Peace next holden by Adjournment or otherwise in and for the said County of Norfolk, or for the 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.

and make a temporary Road;

making Satisfaction to the Owners of the Grounds.

Provided always, That in case the ancient or former Way over any Common, Wood, or Waste Ground, shall by virtue of 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.

If Road discontinued, Inhabitants not liable to the Repair thereof.

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 cutting, digging, taking, or carrying away any Furze, Heath, Stones, Gravel, Chalk, Limestones, Sand, Flints, or other Materials for altering or repairing the said Roads, or any Part or Parts thereof; or in topping, lopping, cutting down, or removing

Penalty on obstructing Turnpike Surveyors, &c.

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, diverting, or altering the said Roads, or any Part or Parts 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 the Sum of Forty Shillings.

Power of the Court of Sewers not to be injured.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall be deemed or taken to prejudice, lessen, or in any ways defeat the Power of the Court of Sewers over such Drains and Works as have been heretofore subject to the Laws of that Court; other than and except the Powers herein before given to the said Trustees for conveying of Materials for repairing the said Roads, and for enlarging any Bridges, Drains, or Arches, in or across any Part of the Roads hereby directed to be repaired.

Trustees may turn or alter the Course of the Road.

And be it further enacted, That the said Trustees, or any Five 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 Roads through or over any Moor or Waste Grounds, without making 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 and for the said 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 or Parts of the said 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, 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 Damage as aforesaid, or to sell or convey to them, or any Five or more of them, all or any of such Lands or Hereditaments, as Occasion shall be or require; and all Contracts, Sales,

Bodies Politick, &c. may agree with Trustees for Sale of Lands.

and Conveyances which shall be so made, shall be valid and effectual in the Law to all Intents and Purposes; any Law, or 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 impowered to treat for Sale of Lands;

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 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 several Roads, or over which any such Road is to be turned or altered as aforesaid, shall, by the Space of Twenty 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 Five or more 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 said County of Norfolk (which Oaths any One of the said Trustees is hereby impowered and required to administer) what Damage 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 of turning such Road into or over the same; and in order thereto the said Trustees, or any Five 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 or proper to be examined as a Witness or Witnesses touching or concerning the Premises (which Oath any One of the Trustees is hereby impowered to administer); and they shall also order

and in case they refuse,

a Jury is to settle Damages.

Witnesses to be examined on Oath.

der 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 Five 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 Five 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 or Persons any ways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money to be assessed as aforesaid, 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 Five or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County of Norfolk, 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 Warrants shall be appointed; and the said 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 Purpose aforesaid; and in Default of a sufficient Number of Jurymen,

Verdict of the Jury to be final.

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

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 or 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 not 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 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 Five Pounds upon any other Person for One Offence.

Jurors may be challenged.

Penalty on Sheriff, &c. making Default.

Fines not to exceed 10*l.* or 5*l.*

And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money, as a Recompence or Satisfaction for any such Lands, Grounds, or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to, and offered by, the said Trustees, or any Five or more of them, before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any such Lands, Grounds, or Hereditaments, or Loss or Damage as aforesaid; that then, and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses, concerning the ascertaining and determining the Value of any such Lands, Grounds, and Hereditaments, or Losses or Damages sustained as aforesaid, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Tolls or Duties hereby granted: But if any Jury or Juries so to be summoned and sworn as

Expences of Juries how to be borne.

aforesaid, shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to, and offered by, the said Trustees, or any Five or more of them, before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Lands, Grounds, or Hereditaments, or Losses or Damages as aforesaid; that then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute.

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 Parties or Persons respectively intitled thereto, or to their 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 Fourteen Days Notice thereof given to such Parties or Persons, or to 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 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 said Road hereby appointed to be repaired, altered, and widened, is by this or any 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; and after 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 shall and may be sold and conveyed by, the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same; and the Money arising from such Sale shall be applied to the Repair of the Roads 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 old Road to be sold; and the Sale, or Conveyance or Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them,

Lands, &c. purchased, to be made Part of the Roads, and esteemed as publick Highways, and kept in Repair as such.

Old Road may be sold.

and

and inrolled with the Clerk of the Peace for the said County of Norfolk, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Dwelling-houses not to be injured.

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 on or before the First Day of March, One thousand seven hundred and seventy.

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, any Lands, Grounds, or Hereditaments wherein he shall be personally concerned or interested.

Persons liable to repair the Road, to continue so.

And be it enacted by the Authority aforesaid, That in case any Owner, Proprietor, Occupier, Bodies Politick, Corporations Collegiate, Corporations Aggregate or Sole, Feoffees, Trustees, or any other Person or Persons whomsoever, who now are, or at any Time have been, liable or chargeable towards repairing any Bridge or Bridges, built across, near to, or adjoining to 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 to deliver in Lists of the Persons obliged to do Statute-work.

And be it 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 and Places, shall yearly and every Year, within Ten 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 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 that the Surveyor or Surveyors of the Highways,

Highways, Churchwardens, or Overseers of the Poor for such Townships or Places respectively, within Seven Days after Notice 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 Roads, shall give publick Notice thereof to the Person or Persons so chargeable as aforesaid; and if any Surveyor or Surveyors, Churchwarden, or Overseer of the Poor for any such Township or Place, shall neglect or refuse to do as he or they is or are 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 if any of the Inhabitants of such Townships or Places, being obliged or liable by Law to do Statute-work in and upon the Highways, shall not do such Statute-work in and upon the said Roads, at such Times and Places, and in such Manner as they shall, by the said Trustees, or any Five or more of them, or by their Surveyor or Surveyors, be directed or appointed to do; such Inhabitants, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums hereafter mentioned; that is to say, Every such Inhabitant and Person who shall keep, or by Law shall be deemed to keep, a Team, for every Day's Default, the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or by Law not deemed to keep, a Team, for every Day's Default, the Sum of One Shilling and Sixpence; 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 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 such Labourer or Person, or the Owner of any such Team, shall be liable to the respective Forfeitures before-mentioned; and all Persons doing the respective Days Work on the said Roads, as herein before directed, shall not be liable to do any other Statute-work thereon.

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

Penalty on Persons not performing their Statute-work.

Labourers found idle, to be turned off.

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,

Trustees may compound for Statute-work.

Hereditaments, which are or shall be liable or chargeable with the Repairs of any Part of the said Roads, or with any Person or Persons for the Performance of his, her, or their Statute-work; 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: Copies of all which Compositions or Agreements to be made by the said Trustees as aforesaid, shall be entered at Length in the Book or Books to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may, at all reasonable Times, be seen and perused by any Person or Persons whomsoever, without Fee or Reward.

Composition-money to be reimbursed to Surveyors.

Provided always, and be it enacted by the Authority aforesaid, That if it shall appear to the said Trustees, or any Five or more of them, that any Lands, Tenements, or Hereditaments, or any Rents and Profits issuing out of any Lands, Tenements, or Hereditaments, now are, or hereafter shall be, liable and chargeable towards the amending any Part or Parts of the Roads by this Act to be repaired, such Lands, Tenements, and Hereditaments, shall still remain liable and chargeable; and the Proprietors and Occupiers of such Lands, Tenements, and Hereditaments, are hereby required and directed to pay such Rents and Profits as ought to be applied towards the Repairs of the said Roads, to such Person or Persons as the said Trustees, or any Five of more of them, shall appoint to receive the Tolls granted by this Act; and upon Default of Payment thereof, it shall and may be lawful to and for any Justice of the Peace for the said County of Norfolk, by Warrant under his Hand and Seal, to levy the same by Distress and Sale of the Goods of such Person or Persons who shall neglect or refuse to make such Payment as aforesaid; and such Rents and Profits, when recovered

Lands, &c. chargeable with the Repairs of the Highways, to continue so.

recovered and received, shall be applied, from Time to Time, for and towards amending the said Roads, and to no other Use or Purpose whatsoever.

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 thereof, 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 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 such Roads 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 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 Forty Shillings for each Stone or Post so wilfully or designedly broke, obliterated, or defaced, or pulled down, digged up, injured, or destroyed, to be levied by Distress and Sale of the Goods and Chattels of such Offenders, by Warrant under the Hand and Seal of any One Justice of the Peace for the said County of Norfolk; One Moiety of which Forfeiture shall go to the Informer, and the other Moiety shall be applied towards repairing the said Roads; and in case the said Penalty shall not be forthwith paid upon Conviction, then it shall and may be lawful for such Justice of the Peace to commit such Person or Persons to the House of Correction or Common Gaol, there to remain for any Time not exceeding One Month, or until he shall have paid the said Penalty.

Penalty on defacing Mile-stones.

Penalty on hauling Timber otherwise than on Wheel-carriages.

And be it further enacted by the Authority aforesaid, That if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone (Mill-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 Roads, to the Prejudice thereof; every such Person shall, for every such Offence, forfeit any Sum not exceeding Twenty Shillings, nor less than Five Shillings.

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

ing 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 said County of Norfolk, either by the 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 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 or Forfeitures shall not be forthwith paid, it shall and may be lawful for the said Justice or Justices of the Peace, 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 committed to the House of Correction or Common Gaol for the said County of Norfolk, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Treasurers to account.

And be it further enacted, That the Treasurer or Treasurers for the Time being to the said Trustees shall make up a true and perfect Account in Writing of the Monies received and disbursed by him or them to the First Wednesday in the Month of May, in every Year, and deliver the same to the said Trustees, or any Five or more of them, within One Month next after the said Day, yearly.

On Death, &c. of Trustees, others to be elected.

And be it further enacted by the Authority aforesaid, That as often as any of the said 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 Writing under their Hands and Seals, to elect

and

and appoint One other Person a Trustee in the Room of every Trustee so dying or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same upon all the said Turnpike or Turnpikes, and upon the said Post in Stoke Ferry aforesaid, at least Ten Days before any such Meeting; and all Persons who shall be so elected and appointed, are hereby vested with the same Powers and Authorities as any Trustee or Trustees hereby appointed is or are vested with.

Notice to be given for the Election of Trustees.

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 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 said County of Norfolk, or holden by Adjournment in and for the said County 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 Fourteen Days Notice at the least in Writing of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Fourteen Days next after such Notice entering into a Recognizance before some Justice of the Peace for the said County of Norfolk, 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 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.

Justices may determine, and award Costs.

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 with any Person or Persons for repairing, widening, diverting or altering the said Roads, or any

Trustees may contract for repairing the Road.

Part or Parts thereof; and all 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; and 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 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.

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 be deemed a Trespasser *ab initio*, for subsequent Irregularity.

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 the Execution of the Powers hereby 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.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act shall commence from and after the passing thereof, 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.

Writings to 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 Secu-

rity 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;

Provided also, and be it further enacted by the Authority aforesaid, That no Order made touching or concerning any of the Matters aforesaid, or in pursuance of this Act, or any Proceedings to be had or done under this Act, or touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only, or be removed or removeable 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 thereof 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 Thirty Days Notice thereof shall be given to the Clerk or Clerks to the said Trustees, or after a sufficient Satisfaction or Tender thereof shall have 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 said County of Norfolk, and not

General Issue.

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 appear to 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 other County or Place than as aforesaid, that then 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, then the Defendant or Defendants shall have

Treble Costs.

Treble Costs, and have the like 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.