Anno decimo

Georgii III. Regis.

An Act for repairing and widening the ſeveral Roads from the *South Gate*, in the Borough of *King's-Lynn*, into the Pariſhes of *Eaſt Walton*, *Narborough*, *Stoke-Ferry*, and *Downham-Market*, in the County of *Norfolk*.

WHEREAS the Roads leading from the South Gate, in the Borough of King's-Lynn, to the Mile Stone on Hardwick Common, and from thence through the Pariſhes or Hamlets of Hardwick, North Runcton, and Middleton, to Walton Fallgate in Eaſtwinch; and from thence through the Pariſh of Bilney, to the Houſe in the Uſe of Thomas Baker in East Walton, in the ſaid County of Norfolk; and from the ſaid Walton Fallgate to the Weſt End of Bilney Bridge, in Bilney aforeſaid; and from the Eaſt End of the ſame Bridge, over the Common of Pentney, to the Weſt End of a certain other Bridge acroſs the navigable River called The Narr in Narborough in the ſaid County; and from the ſaid Mile Stone on Hardwick Common, through the Pariſh of Weſtwinch, to the North End of a certain Bridge in Setchey Preamble.

Setchey, called Setchey Bridge; and from the South End of the ſame Bridge to the Direction Poſt on Tottenhill Heath or Common; and from thence through the Pariſhes or Hamlets of Wormegay, Foddeſton, Shouldham, Thorpe, Stradſett, Weſt Dereham, Wereham, and Wretton, to the Bell in Stoke Ferry, in the ſaid County; and from the ſaid Direction Poſt on Tottenhill Heath or Common, to the North End of a certain Bridge, called Thieves Bridge in Tottenhill; and from the South End of the ſame Bridge, through the Pariſhes of Watlington, Runcton with Holme, Wallington, Stowe, Bardolph, and Wimbotſham, to the Chequer in Downham Market, in the ſaid County, are in a ruinous Condition, and in many Parts narrow and incommodious, and cannot be effectually amended, widened, and kept in good Repair by the ordinary Courſe of Law: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the acting Juſtices of the Peace for the ſaid County of Norfolk for the Time being, the Mayor, Recorder, Aldermen, and Common Council of the Borough of King's Lynn aforeſaid for the Time being, Sir Edward Aſtley Baronet, Thomas Alderſon, Maxey Allen, Maxey Allen junior, Edmund Allen, Stephen Allen, Thomas Audley junior, John Towers Allen Clerk, Chriſtopher Adamſon, William Adkin Clerk, Benjamin Adamſon, Sir Richard Bedingfield Baronet, Sir Hanſon Berney Baronet, Sir William Browne Knight, Samuel Browne, Charles Bagge D. D. Charles Bagge junior, John Bagge, John Bagge junior, William Bagge, Thomas Bagge, Scarlet Browne, William Browne, Daniel Browne, Thomas Berney, Richard Berney, Charles Bailey, Robert Bayfield, Rayner Belman Clerk, Charles Boutell, Gilbert Bouchery Clerk, Henry Bell, Wenman Coke, James Coldham, James Coldham junior, John Cary, Philip Caſe, Ralph Cauldwell, Robert Cony, Thomas Lobb Chute, George Chadd, Briggs Cary Clerk, John Cary junior, William Clarke, Thomas Caſe, Edward Caſe, Robert Crowe, William Cooper, Carlos Cony, Francis Carlton, George Collins, John Carr, Thomas Carr, William Creaſy, Richard Carter, Robert Crowe Clerk, James Caſe, Thomas Mallet Caſe, Henry Caſe, Henry Caſe junior, John Davis, Henry Daſhwood, Thomas Dixon, Francis Dalton, Thomas Day, John Dowſing Clerk, Thomas Dewing, Thurlow Dereing Clerk, Edward Everard, Edward Everard junior, William

Truſtees Names.

William Everard Clerk, Venn Eyre Clerk, James Everard, Edmund Elſden, Edmund Rolfe Elſden, John Edwards, Nicholas Edwards, Bartholomew Edwards, Richard Eaton Clerk, Henry Edgar, William Folkes, Martin Folkes, Brigg Priſe Fountaine, James Fyſh, Robert Freeman, Thomas Forby, Joſeph Forby Clerk, Cozens Framingham, Lancaſter Framingham Clerk, John Fairchild, Thomas de Grey, Thomas Goddard, John Green Clerk, Sir Thomas Harris Knight, Richard Hamond, Horace Hamond D. D. William Hoſte Clerk, Henry Corniſh Henley, Henry Holt Henley, Theodore Hoſte, Dixon Hoſte, Anthony Hamond, Richard Hamond Clerk, John Heaton, Robert Hudſon, Robert Hales, George Hogge, George Hogge junior, Stephen Hogge, John Hogge, Thomas Hawkins, Gavin Hamilton, Robert Hamilton M. D. James Hamilton, Robert Harvey, Thomas Hendry, Thomas Hendry junior, William Hickman, William Hickman junior, John Hart, William Hardyman, Henry Helſham, Richard Heaton, John Hudſon, James Johnſtone, Hugh Jackſon, William Langley, Jenkin Mather Leet, John Langley, Thomas Moore D. D. Criſp Molineux, John Marcon, William Maſon, William Mixon, Thomas John Medlycoat, Benoni Mallett, Matthew Pepper Manby, George William Manby, John Money, John Mann, James Nelthorpe, James Nelthorpe junior, Roger North, Benjamin Nuthall, Bartholomew Nelſon, Edmund Nelſon Clerk, Henry Partridge, Henry Partridge junior, Randyll Perk, George Patteſon, Roger Pratt, Edward Pratt, Edward Roger Pratt, Jerman Pratt Clerk, Henry Poole, Joſeph Peckover junior, Philip Pyle Clerk, Charles Phelpes Clerk, Edmund Rolfe, Edmund Rolfe junior, Edmund Rolfe, Son of Edmund junior, Walter Robertſon, James Robertſon, James Taverner Read, William Rodwell, William Rogerſon, Walter Robertſon junior, Nicholas Raven junior, Sir Simeon Stewart Baronet, Nicolas Styleman, Armine Styleman Clerk, Henry Styleman, Thomas Somerſby, Thomas Somerſby junior, Daniel Swaine, Spelman Swaine, William Say, Henry Spelman Clerk, Richard Saffery, Edmund Saffery, Robert Say Clerk, Thomas Say, Thomas Stona Clerk, Edward Sharpin M. D. Sir John Turner Baronet, Charles Turner, Joſeph Taylor M. D. Wilſon Taylor, Thomas Turner, Thomas Topper, William Topper, Samuel Upwood, the Honourable Thomas Walpole, Sir Armine Wodehouſe Baronet, Henry Lee Warner, John Wilſon, James Weatherby, John White Clerk, William Clarke Woodbine, Henry

William Wilson, William Young Clerk, and their Successors, to be appointed as herein after mentioned, shall be and are hereby appointed Trustees for putting this Act in Execution.

Qualification of Trustees.

Provided always, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents, Issues, and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of 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;

Penalty on acting, if unqualified.

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.

Time and Place of Trustees Meeting.

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the Duke's Head in King's Lynn aforesaid, on the Thursday Fortnight after the Day of 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 such 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 that a General Meeting of the said Trustees shall yearly or every Year be held on Wednesday in Whitsun Week in King's Lynn for the passing and settling all Accounts of their Treasurer and other Officers;

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

and if it shall happen that there shall not appear at any Meeting a sufficient Number of Trustees to act, the Trustees then present shall and may adjourn the same to another Day; and if only One Trustee shall be then present, then such Trustee (or the Clerk in case there shall be no Trustee then present) shall, as often as such

such Case shall happen, by Notice in Writing, specifying the Purpose of such Meeting, to be affixed upon the Turnpikes which shall then be erected upon the said Roads, and on the said South Gate in King's Lynn aforesaid, at least 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 in the Execution of this Act shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and no such Order or Determination shall be made unless the major Part of the Trustees present at such Meeting shall concur therein, such major Part not being less than the Number of Trustees by this Act authorised to make such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless the Number of Trustees revoking or altering the same shall be Nine at the least, and unless the Person or Persons applying to revoke or alter such Order shall give Notice to the Clerk of the said Trustees of his, her, or their Intention to revoke or alter such Order, and also unless Notice to the like Effect shall be by such Clerk affixed on the Gates or Turnpikes then standing upon the said Roads, and on the said South Gate, at least Ten Days previous to any Meeting to be held for that Purpose.

Trustees to defray their own Expences.

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

nor revoked unless Nine Trustees be present, and concur therein.

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 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, under the Authority and by the Direction of the said Trustees, or any Five or more of them as aforesaid, that then the said Trustees, or any Five or more of them, at some such publick Meeting as aforesaid, shall, out of the Monies arising by the Tolls hereby granted, or out of the Money that shall be borrowed upon the Credit thereof, allow and pay to the Prosecutor so much as the Costs 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

Prosecutions to be carried on for Offences committed against this Act.

tained against any of the said Trustees, or any of their Surveyors or other Officers for any Thing done or acted by the Direction of the said Trustees, or any 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.

Trustees not to act where interested.

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.

Special Meetings may be appointed.

And be it further enacted, That in case any of the Trustees shall, at any Time or Times, think it necessary to hold a Meeting of the Trustees between the several Times of Adjournment, it shall and may be lawful for any 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 several Turnpikes then erected upon the said Roads, and on the said South Gate, 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.

Notice thereof to be given.

Trustees may erect Turnpikes and Toll-houses, and take Toll thereat.

And be it further enacted, That the said Trustees, or such Person or Persons as they, or any Nine or more of them shall appoint, shall and may erect, or cause to be erected Two Turnpike-gates on the said Roads, videlicet, One on the said Road to East Walton and Narborough, East of the Messuage or Farm-house in Hardwick, belonging to Robert Hudson Esquire, in the Use of Francis Langley; and the other on the said Road to Stoke and Downham, between Setch Bridge and the said Direction-post on Tottenhill Heath; and shall and may, from Time to Time, as they shall see Occasion, erect, or cause to be erected, any Side-gate or Side-gates upon any Part of the said Roads; and shall and may erect and provide a Toll-house to each such Turnpike, with suitable Out-buildings

buildings thereto; and may also take in and inclose from the said Roads, or any Part or Parts thereof, or any Ground adjoining thereto, a convenient Garden-spot for each Toll-house, as the said Trustees, or any Nine or more of them, shall direct: And the following Tolls shall be demanded and taken at each of the said Turnpikes or 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,

The Tolls.

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

For every Chaise and One Horse, the Sum of Four Pence Halfpenny.

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

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

For every such Carriage and Six Horses, the Sum of Two Shillings.

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

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

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

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

For every Waggon having more than Four Horses, and not more than Six Horses, the Sum of One Shilling and Sixpence.

For every Waggon having more than Six Horses, the Sum of Two Shillings.

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Three-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 Seven-pence Halfpenny 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

Tolls vested in the Trustees.

vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned, for the Purposes of this Act; and if any Person or Persons, subject to the Payment of any of the said Tolls, or any Part or Parts thereof, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part or Parts thereof, it shall and may be lawful for the Person or Persons appointed to collect such Tolls, his, her, or their Servant, 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 Horse, Beast, Cattle, Goods, or Carriage so seised and distrained, rendering the Overplus, if any, on Demand to the Owner thereof, after such Tolls and reasonable Charges shall be deducted.

Tolls may be levied by Distress.

Distress may be sold after 5 Days.

Property of Turnpikes, &c. vested in Trustees.

And be it further enacted, That the Right and Property of the Turnpikes and Toll-houses to be erected and provided by virtue of this Act, and of the Materials of which the same shall be built or consist, and also of all Materials which shall be collected for 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 or Persons who shall injure the same, or disturb them in the Possession thereof.

No Turnpike to be erected until 3000*l.* be subscribed.

Provided always, and be it further enacted, That no Turnpike shall be erected on the said Roads, until Subscriptions shall be obtained for advancing and lending the Sum of Three thousand Pounds, upon the Credit of the Tolls by this Act granted; any Thing herein contained to the contrary notwithstanding.

Charges of passing this Act how to be paid.

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

pairing the said Turnpikes and Toll-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.

Manner of repairing the Roads.

Provided always, and be it further enacted, That after the Money to be borrowed in pursuance of this Act shall be paid into the Hands of the Treasurer or Receiver, the Road from the said South Gate to Hardwick Corner shall be first amended and repaired; and from thence the said other Roads in equal Proportions, according to the Number of Miles in each Branch, considering the said Roads from the said Hardwick Corner to Narborough Bridge and East Walton as One Branch, and from the said Corner to Stoke and Downham as another Branch; and that, after the said Roads to Stoke and Downham shall divide, the same Proportion shall be observed respecting those Roads.

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 any Meeting to be held for that Purpose, and they are hereby empowered, from Time to Time, with the Consent of such Person or Persons as shall be intitled to Five Sixths or more of the Money which shall have been advanced upon the Credit of the said Tolls, to lessen or reduce all or any of the Tolls herein before mentioned, and for such Time or Times, and in such Manner, Parts, and Proportions as the said Trustees, or any Nine or more them, shall think proper; and afterwards from Time to Time to 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 Nine or more of them, may, from Time to Time, direct the Tolls hereby granted, or so reduced as aforesaid, to be collected in such Parts or Proportions as they shall think proper; and such reduced Tolls, and also such Parts and Proportions thereof as aforesaid, shall and may be collected, levied, and applied, in such and the same Manner, and to such and the same Uses, as the Tolls herein before granted are directed to be collected, levied, and applied; but no Meeting shall be held for the Purposes aforesaid, unless Fourteen Days previous Notice of the Time, Place, and Purpose thereof shall have been given in Writing affixed upon all the Turnpikes which shall then be erected upon the said Roads, and upon the said South Gate.

and raise them again.

Notice of Meeting to be given.

Provided

Tolls to be paid but Once a Day.

Provided always, and be it further enacted, That no Person passing through any of the said Turnpikes or Gates erected upon any of the said Roads, who shall return or pass through the same Turnpike or Gate on the same Day, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the succeeding Night, with the same Horses, Cattle, Beasts, or Carriage, and who shall produce a Note or Ticket of the Day, denoting that the Toll was paid in that Day, which Note or Ticket the said Collector or Collectors of the Tolls is and are hereby required to give gratis on Receipt of the Toll, shall be liable to pay the said Toll more than Once in the same Day at the same Gate.

Trustees may compound with Parishes, &c.

And be it further 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 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 any of the said Roads do lead, for the passing of their Horses, Cattle, Beasts, and Carriages, through the said Turnpikes erected by virtue of this Act (except in such Cases only where, by any Law in being, they are restrained from making such Composition); which Composition-money shall be paid Twelve Months in Advance; and, in Default thereof, the Composition or Agreement with the Person or Persons making such Default shall be void; and all Money arising from the Compositions aforesaid, shall be applied only in such Manner as the Tolls herein before granted are directed to be applied.

Trustees may lease, &c. the Tolls.

And be it further enacted, 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 Turnpikes or Toll-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 such Letting being fixed on the Turnpike-gates or Bars to be erected by virtue of this Act, and on the said South Gate, and advertised in One of the Norwich Papers, if any such Paper shall then be subsisting; for the best Rent or Rents that can be got for such Tolls, payable at such Times, and under such Covenants, and to such Person or Persons,

der such Covenants, and to such Person or Persons, as they the said Trustees, or any Seven or more of them, shall direct or appoint; and the Monies arising thereby shall be applied in such Manner as the said Tolls so leased are directed to be applied by this Act.

Exemptions from Tolls.

Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horse, Cattle, Beast, or Carriage, laden only with, or going unladen for, or returning unladen on the same Day, having been laden only with Gravel, Stones, or other Materials for repairing the said Roads, or any of the Roads in the several Parishes in which any Part of the said Roads hereby directed to be repaired doth lie; or with Grass, Hay, or Corn in the Straw, not sold or disposed of, but carrying to be laid up or placed in the Outhouses 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 of 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 going 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 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 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, and no other; 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 Counties of Norfolk or Suffolk, or of any Burgess or Burgesses to serve in Par-

liament for the said Borough of King's Lynn, during such Election or Elections, or on the Day before or after such Election or Elections shall begin or be concluded.

Exemption in favour of the Markets and Hamlet of *Setch*.

Provided also, That in case the said Turnpike-gate to be set on the said Stoke and Downham Branch, shall be fixed at Setch Bridge, the Inhabitants of the Country of Marshland and other Places, bona fide going to the Markets or Hamlet of Setch aforesaid, by the Bank Road from Seech to Setch aforesaid, and going no further than the said Hamlet or Market, shall pass and repass to and from the said Hamlet or Markets of Setch aforesaid, Toll-free.

Carriages exempted from Tolls the Day after the Market.

Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend, to charge the Owners or Drivers of any Waggons, Carts, or other Carriages, which shall have carried Corn, or any Sort of Grain, Hemp, Flax, Wool, or other Merchandize to the Market of King's Lynn aforesaid on a Market Day, with any of the Tolls or Duties granted by this Act on the Day after such Market Day, if such Waggons, Carts, or Carriages shall return such Day after the Market Day without any Loading; the Owners or Drivers thereof producing a Note or Ticket, signifying that such Toll or Duty was paid for such Waggon, Cart, or Carriage the preceding Day.

Penalty on evading the Tolls.

And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, pass through any Land, Ground, or Hereditaments, adjoining to or lying near any of the said Turnpikes to be erected as aforesaid, the same not being a publick Highway; or shall turn out of the Road to be amended by virtue of this Act, before or on One Side of any Turnpike-gate, and come again the same Day into the same Road beyond or on the other Side of such Turnpike-gate, although by any publick Highway, with an Intent to evade the Toll; such Intent to be judged of according to the Circumstances of the Case, by the Person or Persons authorised to hear and determine the Offences against this Act, before whom the Information shall be laid; 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 or Parts thereof, shall be evaded; or if any Person or Persons shall give to, or receive from, any Person

ſon or Perſons, or forge or counterfeit any Ticket by this Act directed to be given by the Collector of the Tolls; every Perſon ſo offending, in any of the Caſes aforeſaid, ſhall, for every ſuch Offence reſpectively, forfeit and pay the Sum of Five Pounds.

Truſtees may borrow Money on the Credit of the Tolls.

And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Nine or more of them, upon the Credit of the Tolls ariſing by virtue of this Act, in ſuch Manner as they ſhall think proper, to borrow and take up at Intereſt any Sum 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 to the ſaid Truſtees; but no Money ſhall be borrowed upon the Credit of the ſaid Tolls, unleſs Notice of the Time, Place, and Purpoſe, of ſuch Meeting ſhall be affixed upon the Turnpikes to be erected upon the ſaid Roads, and on the ſaid South Gate, 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 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

Copies of Aſſignments to be entered in a Book.

Aſſignments may be tranſferred.

of

Clerk's Fee.

of Two Shillings and Sixpence, and no more; 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.

Trustees may appoint Officers,

And be it further enacted, That the said Trustees, or any Five or more 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 said Trustees shall be valid, unless Notice thereof shall have been given by the Clerk or Treasurer to the said Trustees, affixed upon the said Turnpikes so to be erected as aforesaid, and on the said South Gate, at least Ten Days before any such Appointment or Removal; and the said Trustees, or any Five or more of them, may and are hereby authorised and impowered, out of the Monies arising by virtue of this Act, to pay such Salaries, and make such Allowances to such Officers and other Persons, and also to any other Person or Persons who shall be assisting to them in or about repairing or widening the said 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 Five or more of them, deliver to the said Trustees, or any Five or more of them, or to such Person or Persons as

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

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

Justices to commit the Offenders until Payment or Composition made.

of them, shall appoint (which Composition the said Trustees, or any Five 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, &c. to give Security.

And be it further enacted, That the said Trustees, or any Five or more of them, are hereby required to take such Security from their Treasurer or 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, Alehouse, or any 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.

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 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, Lime-stones, 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 of, and 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, or out of, and from or over the Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, and over any adjoining Grounds, to be used, disposed, and applied in or towards the repairing the said Roads such Lands, Fields, and Grounds not having been a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery or inclosed Grounds

without paying for the same, levelling the Pits;

Grounds planted with any Avenue of Trees 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 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 Ground to be levelled from which such Materials shall be taken, or otherwise sufficiently fenced in and secured: And in case the said Trustees and such Owners or Occupiers cannot agree about the Money to be so paid for such Materials and Damages as aforesaid, then the said Trustees shall pay or tender so much as shall be assessed by a Jury or Juries as hereafter mentioned. making Satisfaction.

Provided always, That if the Owner or Occupier of any Ground or Soil, or any Person whatsoever, shall take away any Materials which shall have been digged or gathered in any Lands, Fields, Wastes, or Grounds, River or Brook, for the Purpose of repairing the said 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 other Workmen shall have discontinued working therein for the Space of Forty Days, except the Owner or Occupier to get Materials therein for his own private Use only, and not for Sale; every Person so offending shall forfeit, for every such Offence, the Sum of Five Pounds. Penalty on taking away Materials gotten for the Repair of the Road.

And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, or any Person or Persons by them or either of them appointed or employed, from Time to Time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to remove and prevent all Annoyances on any Part or Parts of the said Roads by Filth, Dung, Ashes, Rubbish, or otherwise, and convert the same to his 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, Surveyors may remove Annoyances, turn Watercourses,

Scour Drains, cleanse, widen, 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, 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 Fourteen Days next after Notice in Writing given for that Purpose under the Hands of such Surveyor or Surveyors; and

Cut down and lop Trees; 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 so arising thereby in Repair of

Owners neglecting to do the same after the Space of 14 Days Notice. the said Roads, in case the Owners or Occupiers shall neglect to lop or top, cut down and remove such Trees, Branches, Shrubs, or Bushes in such Manner as the said Trustees, or any Five or more of them, shall require, for the Space of Fourteen 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

Surveyors to be reimbursed 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 herein after mentioned are to be recovered and applied; and if after the

Penalty on Second Offence. Removal of any of the said Annoyances any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit any Sum not exceeding Forty Shillings, nor less than Five Shillings.

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, and to cut and make Drains through any Grounds lying contiguous to the said Roads, and to erect and keep in Repair Arches of Brick, Timber, or Stone thereupon, and

erect Bridges, &c. to divert and turn any of the said Roads, or any Part or Parts thereof, over any Part of the Common, Moors, or Waste Grounds contiguous or adjoining thereto; and also to cause Ditches or Trenches to be made

in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, shall adjudge necessary for the better amending the said Roads, and keeping the same in good Repair; and also to make a temporary Road or Way through or 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 having been a Garden, Orchard, Yard, Park, or planted Walk or Avenue to a House, Plantation, or Nursery of Trees, 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 Road is repairing or widening, and until the same shall be made convenient and safe for Passengers and Carriages; making such reasonable Satisfaction to the Owner or Occupier of such Ground through which any such Drain or Drains, or on which any such Arch or Arches, Bridge or Bridges, or through, over, or along which any such occasional Road shall be made, for the Damage which he, she, or they, shall or may thereby sustain, as shall be assessed and adjudged by the Justices of the Peace at their General Quarter Sessions of the Peace next holden for the County, 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 widen the narrow Part of the Road;

making Satisfaction.

Provided always, That in case the ancient or former Way over any Common, Moor, 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.

Where a new Road is made over any Moor, &c. old Road not liable to be repaired by the Inhabitants.

And be it further enacted, That if any Person or Persons shall interrupt or hinder any Turnpike Surveyor, or other Person or Persons employed by them or any of them, or by the said Trustees, or any Five or more of them, in the cutting, digging, taking, or carrying away any Furze, Heath, Stones, Gravel, Chalk, Lime-stone, Sand, Flints, or other Materials, for the

Penalty on obstructing Officers in their Duty.

altering, widening, or repairing the said several 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 several 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.

Power of Court of Sewers reserved.

Provided always, and be it further enacted, 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 the said Court.

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 widen, divert, turn, or alter the Course or Path of any Part or Parts of the said several Roads through or over any Moor or Waste Grounds within the Parish where such Roads lie, without making any Satisfaction for the same; and also through any private Grounds or Lands, 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 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 such 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 of such Lands or Hereditaments as Occasion shall be or require; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid and effectual in the Law to all Intents and Purposes;

Trustees may contract for the Purchase of Lands.

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

Purpoſes; any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the contrary notwithſtanding: And all ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue of or in purſuance of this Act.

Where Perſons refuſe to treat, &c.

And be it further enacted, That in caſe any ſuch Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Truſtees, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, or in the Materials to be taken, or Damages to be done, as herein before-mentioned, upon Notice to him, her, or them given, or left in Writing at the Dwelling-houſe or Houſes, or Place or Places of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands, Grounds, or Hereditaments ſo intended to be taken in and added to any of the ſaid Roads, or over which any ſuch Road is to be turned or altered as aforeſaid, or out of, from, or to which ſuch Materials ſhall be taken, or Damages done, 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 County or Place in which ſuch Lands or Grounds do lie (which Oath 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 any of the ſaid Roads, or of turning any ſuch Roads into the ſame, or of taking Materials, or doing Damage as aforeſaid; 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,

Jury to ſettle the Damage and Recompence.

Witneſſes to be examined on Oath.

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 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, Ground, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, and Determination so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming in Possession, or in Tail General or Special, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, 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 impannel, 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 said Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, summon, and return such Number accordingly, and out of

Verdict of the Jury to be final.

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

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, 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 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.

Trustees may impose a Fine upon 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 or 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 ascer-

Expence of Juries how to be borne.

taining 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 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 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, how to be charged and tendered.

And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the said Tolls, or out of the Money to be borrowed on the Credit thereof, to the Parties 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 any such Road, in such Manner as the said Trustees, or any Five or more of them, shall appoint, and shall be sufficiently drained, ditched, fenced, and set out for that Purpose; and shall to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be a common Highway, and be from thenceforth Part of such Road for ever after; and shall be repaired and kept in Repair in such Manner as the said Roads hereby appointed to be repaired and widened, are 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

Old Road may be sold.

that

that can be gotten for the same; and the Money arising by 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, and inrolled with the Clerk of the Peace for the County of Norfolk, shall be good and effectual in Law to all Intents and Purposes whatsoever.

Buildings 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, Plantation or Nursery planted with Trees on or before the passing of this Act, unless the Owner or Proprietor thereof shall consent thereto.

Lords of the Manor to have the same Interests, &c.

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

Trustees not to act where interested.

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

Persons liable to repair Bridges, &c. to continue so.

And be it further enacted, That in case any Owner, Proprietor, or Occupier, Bodies Politick, Corporate, or 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 of the Highways to give in Lists of Persons liable to do statute-work.

And be it further enacted, That in case the Surveyors of the Highways for the respective Townships and Places in which any Part of the said Roads doth lie, shall die, 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 said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor for such Townships or Places respectively, within Ten Days after Notice 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, 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 such publick Notice as aforesaid, neglect or refuse to send his or her Team or Teams, with such Horses or Beasts of Draught, as he or she usually employ, with a proper Person to attend the same, to perform such their respective Days Work on the said several Roads, in such Manner as the said Turnpike Surveyor shall direct, shall forfeit the Sum of Ten Shillings for every Day he or she shall make such Default; and every Labourer or other Person liable to perform 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 or negligent by

Penalty on Persons not performing their Statute-work.

Labourers found idle, to be turned off.

by the said Turnpike Surveyor or Surveyors, such Surveyor or Surveyors may, and is and are hereby required to discharge such Person, and it shall be deemed as if such Person or such Team had not come or been sent to do such Work; and every Labourer or Person, or the Owner of any such Team, shall be liable to the respective Forfeitures before mentioned; and all Persons doing such Days Work on the said Roads shall not be liable to do any other Statute-work thereon: Provided always, That nothing herein contained shall extend to charge the Parish of South Lynn with any Statute-work upon the Roads hereby directed to be repaired.

South Lynn exempted.

Provided always, and be it further enacted, 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; Copies of all which Compositions or Agreements so 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.

Trustees may compound for Statute-work.

Provided always, and be it further enacted, 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, &c. chargeable to the Repair of the Roads to continue so.

Lands, Tenements, or Hereditaments, now are or hereafter shall be liable and chargeable towards the amending any Part or Parts of the said Roads by this Act to be repaired, such Lands, Tenements, and Hereditaments shall still remain liable and chargeable; and the Possessors 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 Repair of the said Roads, to such Person or Persons as the said Trustees, or any Five or 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 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 as shall neglect or refuse to make such Payment as aforesaid; and such Rents and Profits, when 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, That the said Trustees, or any Five or more of them, may and are hereby impowered and required before the First Day of December, One thousand seven hundred and seventy, 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 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, to be levied by Distress and Sale of the Goods and Chattels of such Offender, by Warrant under the Hand and Seal of any One Justice of the Peace for the said County of Norfolk; One Moiety of

Penalty on defacing Mile-stones.

which

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 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 haling Timber, &c.

And be it further enacted, 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 any Stones (Mill-stones excepted) otherwise than 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 Twenty Shillings.

Treasurer, &c. to deliver in Accounts.

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 Fifth Day of April in every Year; and deliver the same to the said Trustees, or any Five or more of them, or their Clerk, Ten Days before the said General Annual Meeting in Whitsun Week.

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

And be it further enacted, That as often as any Trustee by this Act appointed or to be elected 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 appoint One other Person a Trustee in the Room of the 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 Turnpikes in or upon the said Roads, at least Six 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.

Persons aggrieved may appeal to the Quarter-sessions.

Provided always, and be it further enacted, 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 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 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 Four Days next after such Notice entering into a Recognizance before some Justice of the Peace for the said County or Place, with Two 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.

Notice of Appeal to be given.

Trustees may contract for repairing the Road, &c.

And be it further enacted, 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, or altering the said Roads, or any Part or Parts thereof, and for erecting Milestones or Posts thereon, or any other necessary Work relating thereto, in such Manner, and for such Sum or 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 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.

Distress not unlawful for want of Form,

And be it further enacted, 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

ceedings 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 Parties distraining deemed Trespassers *ab initio*.

And be it further enacted, 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 and may be produced and read in Evidence in all Courts whatsoever. Proceedings to be entered in a Book.

And be it further enacted, That this Act shall commence from and after the Passing of this Act, 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. Commencement and Continuance of this Act.

Provided always, and be it further enacted, 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.

Provided also, and be it further enacted, 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 hereof notwithstanding. Proceedings not to be quashed for want of Form only; nor removeable by *Certiorari*.

Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, Limitation of Actions.

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 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 arise, 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 if such Action or Suit shall be brought after the Time limited for bringing the same, or after a 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; and have such Remedy for recovering the same as any Defendant or Defendants hath or have in other Cases by Law.

General Issue.

Treble Costs.

Publick Act.

And be it further enacted, 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.