Anno decimo

Georgii III. Regis.

An Act for repairing and widening the Roads from the *East Gate*, in the Borough of *King's-Lynn*, into the Parishes of *Geyton* and *Grimstone*, and to the Gate next *Hillington*, on *Congham Common*, and to the North End of *Babingley Lane*, in the County of *Norfolk*.

WHEREAS the Roads leading from the East Gate, in the Borough of King's-Lynn, to the Corner House in Gaywood, and from thence through the Parishes of Myntlin, Bawsey, and Leziat, to the Guide-post where the Road from Hillington to Swaffham crosses this Road in the Field of the Parish of Geyton, in the County of Norfolk; and from the said Corner House in Gaywood to the South-east End of a certain Bridge in Gaywood aforesaid, called Double Bridge; and from the North-west Preamble.

End of the same Bridge to Wootton Gaps in South Wootton, and from thence to Rising-Lodge in Castle-Rising, and from thence, through the Parish of Roydon, to the North-east Corner of a Close or Piece of Land called The Saffron Close, in Grimstone in the said County; and from the said Rising-Lodge, to the West End of a certain Bridge in Congham called Congham Bridge; and from the East End of the same Bridge to the Gate next Hillington, on Congham Common in Congham, in the aforesaid County; and from the said Wootton Gaps, through the Parish of Castle-Rising aforesaid, to the South End of a certain other Bridge called Babingly Bridge in Babingly; and from the North End of the same Bridge to the North End of Babingly Lane in Babingly, 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, 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, George Barton, John Browne, Wenman Coke, James Coldham, James Coldham junior, John Cary, Philip Case, Ralph Cauldwell, Robert Cony, George Chad, Briggs Cary Clerk, John Cary junior, William Clarke, Thomas Case, Edward Case, Carlos Cony, Francis Carlton, George Collins, John Carr, Thomas Carr, John Curtis, Francis Cremer, Richard Camps, Christian Clerk, Cowper Clerk, James Case, Thomas Mallett Case, Henry Case, Henry Case junior, John Davis, Thomas Dixon, Thomas Day, John Dowsing Clerk, Wacey Dunham, Andrew Dixon, Edward Everard,

Trustees Names.

Everard, Edward Everard junior, William Everard Clerk, Venn Eyre Clerk, James Everard, Edmund Elsden, Edmund Rolfe Elsden, Nicholas Edwards, John Edwards, William Folkes, Martin Folkes, Brigg Prise Fountaine, James Fysh, John Forster, William Fuller, Robert Freeman, Richard Fawsett, Thomas Fawsett, William Fawsett, Thomas de Grey, Henry Goodwin, Robert Goodwin Clerk, Thomas Goddard, John Green Clerk, Richard Hamond, Horace Hamond D. D. William Hoste Clerk, Henry Cornish Henley, Henry Holt Henley, Theodore Hoste, Dixon Hoste, Anthony Hamond, Richard Hamond Clerk, Robert Hales, John Henley, George Hogge, George Hogge junior, Stephen Hogge, John Hogge, Thomas Hawkins, Gavin Hamilton, Robert Hamilton M. D. William Hudson, James Hamilton, Robert Harvey, Thomas Hendry, Thomas Hendry junior, William Hickman, William Hickman junior, John Hart, William Hardyman, Henry Helsham, Richard Jackson, James Johnstone, William Langley, Jenkin Mather Leet, Sir Charles Mordaunt Baronet, John Mordaunt, Thomas Moore D. D. Crisp Molineux, William Mixon, Benoni Mallett, James Nelthorpe, James Nelthorpe junior, Roger North, Benjamin Nuthall, Bartholomew Nelson, Edmund Nelson Clerk, William Nelson Clerk, Clement Pastor, Henry Partridge, Henry Partridge junior, Randyl Peck, George Patteson, Edward Pratt, Edward Roger Pratt, Jerman Pratt Clerk, Joseph Peckover junior, Philip Pyle Clerk, Charles Phelpes Clerk, Henry Pigge, Edmund Rolfe, Edmund Rolfe junior, Edmund Rolfe Son of Edmund junior, Walter Robertson, James Robertson, Philip Bodham Roberts, Robert Rogers,

Rose, Paler Rose, Nicholas Raven, Edward Rust, James Taverner Read, Thomas Rand, Walter Robertson junior, Nicholas Raven junior, Jenison Shafto, Nicolas Styleman, Armine Styleman Clerk, Henry Styleman, Thomas Somersby, Thomas Somersby junior, Daniel Swaine, Spelman Swaine, William Say, Henry Spelman Clerk, Edward Sharpin M. D. John Shipton, John Swanton, Robert Sharrock, Sir John Turner Baronet, Charles Turner, Joseph Taylor M. D. Wilson Taylor, John Thruston M. D. Thomas Turner, Samuel Upwood, the honourable Thomas Walpole, Sir Armine Wodehouse Baronet, Henry Lee Warner, John Wilson, Thomas Whateley, Cyril Wyche, Robert Wensley, James Weatherby, Henry William Wilson, **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; 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 unqualified.

Time and Place of Truſtees 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 Duke's Head in King's Lynn aforeſaid, on the Wedneſday 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 and every Year be held on Friday in Whitſun Week in King's Lynn for the paſſing and ſettling all Accounts of their Treaſurer and other Officers; 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 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

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

Roads, and on the said East 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 East 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 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 against any of the said Trustees, or any of their Surveyors or other Officers for any Thing done or acted by

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

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 East 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 Geyton, between Gaywood Church and the Bounds of the Parish of Bawsey; and the other between the North-west End of Gaywood Lane, and the Folly Closes in Gaywood aforesaid; 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 also shall and may, Four Days in each Year, set up and erect One Turnpike or Gate between the said Corner House in Gaywood and the said East Gate in Lynn, for taking thereat the Tolls hereafter specified; and shall and may erect and

provide a Toll-house to each such Turnpike, with suitable Out-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 Tolls following 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.

Tolls vested in the Trustees.

Which said respective Sums of Money shall be demanded and taken in the Name of and as a Toll; and the Money so to be raised and collected shall be and is hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, and 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 Servants, 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 all 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 several 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 who shall injure the same, or disturb them in the Possession thereof.

No Turnpike to be erected until 4000*l.* be subscribed.

Provided always, and be it enacted, That no Turnpike shall be erected on the said Roads, until Subscriptions shall be obtained for advancing and lending the Sum of Four 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 the said Turnpikes and Toll-houses, and repairing, widening, altering, diverting, turning, and keeping in Repair the said several Roads, and the several other Purposes of this Act, and to no other Use or Purpose whatsoever.

Trustees may lessen the Tolls,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, assembled at any Meeting to be held for that Purpose, and they are hereby 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 the Turnpikes which shall then be erected upon the said several Roads, and upon the said East Gate.

and raise them again.

Notice of Meeting to be given.

Tolls to be paid but Once a Day.

Provided always, and be it enacted, That no Person passing through any of the said Turnpikes or Gates erected upon any of the said several 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

succeeding Night) with the same Horses, Cattle, Beasts, or Carriages, 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 several 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 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, &c. 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 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 of Years 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 East 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, 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.

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 several Roads, or any of the Roads in the several Parishes in which any Part of the said several 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 any of the said several Roads, or any Part thereof respectively, 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 Parliament for the said Borough of King's Lynn, or for the Borough of Castle Rising, during the Time of such Election or Elections, or on the Day before or after such Election or Elections shall begin or be concluded. Exemptions from Tolls.

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, for returning on the Day after such Market Day, if such Waggons, Carts, or Carriages shall return without any Loading; the Owners or Drivers thereof producing a Note or Ticket, signifying that such Toll or Duty was paid for such Waggons, Carts, or Carriages 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 the Turnpikes to be erected as aforesaid, (the same not being a publick Highway); or if the Owner or Occupier of any such Land, Ground, or Hereditaments, shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, Beast, or Carriage, to pass through the same, whereby the Payment of any of the said Tolls, or any Part 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; every such 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, by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, upon the Credit of the Tolls arising by virtue of this Act, in such Manner as they shall think proper, to borrow and take up at Interest any Sum 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

Copies of Assignments to be entered in a Book.

Books

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

Assignments may be transferred.

Clerk's Fee.

All Creditors to be deem'd equal in Degree.

Trustees may appoint Officers,

And be it further enacted, by the Authority aforesaid, 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 several 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; and the said Trustees, or any Five or more of them, may and they 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 and widening any of the said several 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 they, or any Five or more of them, shall for that Purpose appoint, true and perfect Accounts in Writing under their respective Hands upon Oath (which Oath any One of the said Trustees is hereby impowered to administer) of all Monies which he, they, and every of them respectively shall to that Time have received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall then appear so to be in their Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to give such Account as aforesaid, or shall refuse or neglect to deliver up all the Vouchers relating to the same, or to verify the Articles thereof upon Oath, or shall neglect or refuse to pay the Money due on such Account in Manner aforesaid; or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, or to such

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

such Person or Persons as they, or any Five or more of them, shall appoint, within Ten Days next after being thereunto 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 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.

Justices to commit the Offenders until Payment or Composition made.

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

Treasurer, &c. to give Security.

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

And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors to be appointed as aforesaid, 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,

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

gather, take, and carry away, any Furze, Heath, Stones, Gravel, Chalk, Lime-stones, Sand, Flints, or other Materials proper for repairing the said several Roads, (except white Sand for Flint, Crown, and Plate Glass, and Sand Stone) 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 any of the said several Roads, to be used, disposed of, and applied in repairing the said several 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, or over any adjoining Grounds, (except White Sand for Flint, Crown, and Plate Glass, and Sand Stone) to be used, disposed of, and applied in or towards the repairing the said several Roads; such Lands, Fields, and Grounds not being a Garden, Orchard, Yard, Wood, Park, or planted Walk or Avenue to a House, or a Plantation or Nursery of Trees made or planted 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 so 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 or 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.

without paying for the same, levelling the Pits;

making Satisfaction.

Provided

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 several 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 several 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, by the Authority aforesaid, 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 several 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 any of the said several Roads to the Prejudice thereof; and from Time to Time to open, scour, 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 Hand or Hands of such Surveyor or Surveyors; and also to cut down, lop, or top any Trees, Branches, Shrubs, or Bushes growing in any of the said several 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 several 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 Surveyors may remove Annoyances, turn Watercourses, scour Drains, cut down and lop Trees; Owners neglecting to do the same after the Space of 14 Days Notice.

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 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 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 to be reimbursed the Charges.

Penalty on Second Offence.

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 any of the said several Roads, and to erect and keep in Repair Arches of Brick, Timber, or Stone thereupon, and to divert and turn any of the said several Roads, or any Part or Parts thereof, over any Part of the Commons, 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 several Roads, and keeping the same in good Repair; and also to make a temporary Road or Way through, over, and along the Grounds adjoining to any narrow or ruinous Part or Parts of any of the said several Roads hereby intended to be repaired (such Ground not being a Garden, Orchard, Yard, Wood, Park, or planted Walk or Avenue to a House, or a Plantation, or Nursery of Trees, made or planted 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

erect Bridges, &c.

and widen the narrow Parts of the Road;

pier 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 temporary Road or Way 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.

making Satisfaction to the Owners of the Grounds.

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 altering, widening, or repairing of any of 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.

Penalty on obstructing Officers in their Duty.

Provided always, and be it further 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 the said Court.

Power of Court of Sewers reserved.

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 Woor or Waste Grounds being within the Parish where such Roads lie, without making any Satisfaction for the same; and also through any private Grounds or Hereditaments (save in Castle Rising aforesaid, as hereafter mentioned) 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 such Roads; and it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Femes-covert, or Cestuique Trusts, and for all and every Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any such Lands or Hereditaments, to contract and agree with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to them, or any Five or more of them, all or any of such Lands or Hereditaments as Occasion shall be or require; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid and effectual in the Law to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary notwithstanding: And all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue of or in pursuance of this Act.

Trustees may contract for the Purchase of Lands.

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

Trustees not to alter a certain Road leading to *Babingly*,

Provided always, That this Act shall not extend to authorise or impower the said Trustees, or any of them, to widen, divert, turn, or alter the present Course or Path of so much of the said Road leading to Babingly Lane, as extends from the Cottage or Out-house late in the Use of Robert Monument, to the North-west Corner of the Wood in Castle Rising aforesaid, or to

dig, gather, take, or carry away any Gravel, Stones, Bricks, Earth, or other Materials from the Caſtle in Riſing aforeſaid, or the Yards, Mounds, Ditches, or Fences thereof. nor the Materials from the Caſtle in *Riſing*.

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 Damage 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 into, and added to any of the ſaid ſeveral Roads, or over which any ſuch Road or Roads is or are to be turned or altered as aforeſaid, or out of, from, or to which ſuch Materials ſhall be taken, or Damage 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 ſhall 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 ſeveral Roads, or of turning ſuch Road or 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, 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 Where Perſons refuſe to treat, *&c.* Jury to ſettle the Damage and Recompence. Witneſſes to be examined on Oath.

ing 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, Grounds, 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 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 the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of

Verdict of the Jury to be final.

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

for repairing any of the said Roads, or for amending any of the Streets in the said Town of Bromyard, or for repairing the Turnpike Road leading from Clifton towards a Common called The Broad Heath; nor for Corn in the Straw, or Hay or Straw only, not sold or disposed of, but passing to be laid up in the Outhouses or upon the Land of the Owners thereof; or for Hops going to be dried only, or for any Plows, Harrows, or other Implements of Husbandry, or Mould, Ashes, Dung, Compost, or Manure, Lime excepted, used in improving Land belonging to the Owners or Occupiers of the Lands adjoining the said Roads; or for any Cattle or Horses going to and from Water or Pasture, or in order to be shod, cured or carried; nor for the Cattle or Carriage of any Person or Persons going to or returning from their Parish Church on a Sunday; nor for any Post-horse carrying the Mail or Packet; nor for the Horses of Soldiers on their March, or Carriages attending them with their Baggage; nor for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; nor for any Coach, Landau, Chariot, Calash, Chaise, or Chair, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Hereford, during the Time of such Election, or on the Day before or after the same: And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Penalty on evading the Tolls,

And be it enacted by the Authority aforesaid, That if any Person or Persons shall forcibly or wilfully go or pass with any Horse, Beast, or Carriage, through any or either of the Turnpikes by virtue of this Act to be continued, erected, or set up, without paying the Toll or Tolls by this Act directed to be paid for the same; or shall knowingly or designedly interrupt or obstruct any or either of the Collectors or Persons in the collecting or receiving any or either of the said Tolls, or otherwise in the Execution of his or their Office or Offices of Collector or Collectors; or shall forge, counterfeit, or alter, or shall deliver to, or receive of, any other Person or Persons any Ticket or Tickets with an Intent to avoid the Payment of any or either of the said Tolls, or any Part thereof; or if any Person or Persons shall

or obstructing Collectors.

take off, or cause to be taken off, any Horse or other Beast from any Carriage, or shall unload any Cattle or Carriage, or, having passed through any of the Turnpikes, shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said Roads, so as to increase the Number of Horses or other Beasts drawing the said Carriage after the same shall have passed through any of the said Turnpikes, with Intent to evade, or having thereby evaded the Payment of any or either of the said Tolls, or any Part thereof; or if any Person or Persons shall go or pass with any Horse, Beast, or Carriage, through or over any Land, Ground, or Place lying by the Side of, or near to, either of the said Roads, the same not being a Publick Highway; or if any Person or Persons owning or occupying any Land, Ground, or other Place, not being a Publick Highway, shall knowingly and wittingly permit or suffer any other Person or Persons to go or pass with any Horse, Beast, or Carriage through or over such Land, Ground, or Place, in order or with Intent that the Payment of the said Tolls, or either of them, or any Part thereof, should be avoided; such Person, and every of them, so offending, shall for every such Offence forfeit and pay the Sum of Forty Shillings, over and besides such Damages and Punishments as they and every of them respectively shall be liable to by Law; and it shall and may be lawful for the said Collectors, and for every of them, and all other Persons by them required to assist in that Respect, to seize any Horse or Horses, Beast or Beasts, together with their Bridles, Saddles, Gears, Harness, or Accoutrements, or any Goods belonging to, or in the Possession, or under the Care of any Person or Persons so offending in the Premises, and then apply to any Justice of the Peace of the County or Place where such Offence or Offences shall be committed, and before him to make Complaint of such Offence or Offences; and such Justice may and is hereby required to examine the Nature of the Offence or Offences so complained of, and by the Confession of the Party or Parties complained of, or upon the Oath or Oaths of any one or more Witness or Witnesses, if the said Justice shall see Cause, to convict the Party or Parties complained of, if he, she, or they shall or shall not appear before him, in the respective Penalties aforesaid; and for Nonpayment thereof, and of the Tolls that shall

Penalty may be levied by Distress.

shall be due, though the same shall not be demanded, by Warrant under his Hand and Seal, to cause the said Horse or Horses, Beast or Beasts, or Goods, or any Part thereof, to be sold for Payment of the said Tolls and Penalties, and the Charges of seizing, keeping, and selling the same, and of such Convictions; and after Payment thereof, to render the Overplus of the Money arising by such Seizure, Distress and Sale, (if any there shall be) and what shall remain unsold, to the Owner or Owners of the said Horse or Horses, Beast or Beasts, or Goods, or to the Person or Persons under whose Care, or in whose Possession they respectively was or were when so seized and distrained as aforesaid; and if no such Seizure as aforesaid can or shall be made, then the aforesaid Penalties, Forfeitures, and Tolls shall be levied and recovered by such Means, and in such Manner, as are hereinafter mentioned and provided for the levying and recovering of Penalties and Forfeitures imposed by this Act. Distress may be sold.

Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That so long as the Owners or Occupiers of the several Farms called Gains, Huntlands, Hammish Park, Elmores-end, and Warners, otherwise Elmoresend, and of a Tenement called Pipers, in the Parish of Whitburne, and situate near some Part of the Road from Bromyard to Herefordshire Lake, shall agree amongst themselves to amend, and shall, over and above all other Statute-duty, amend and keep in sufficient Repair, to be allowed of by the said Trustees, or any Five or more of them, so much of the said Road, within the said Parish of Whitburne, as lies between a Drain or Watercourse which crosses the said Road, from a Pool on the One Side thereof, to a Meadow in the Possession of John Howles on the other Side thereof, and the said Place called Herefordshire Lake, where the said Road joins the Worcester Turnpike Road; they the said Owners and Occupiers, and their respective Servants, and every of them, shall and may, from Time to Time, and at all Times, go and pass with their Horses, Cattle, and Carriages, not being employed for Hire, through all Gates or Turnpikes which shall or may, at any Time during the Continuance of this Act, be continued, erected, or set up on, across, or on the Side of any Part of the said Road, in the said Parish of Whitburne, between the said Drain or Watercourse in Herefordshire Lake aforesaid, without being liable to the Payment of any or any Part of the Tolls Particular Exemptions from Toll.

Tolls by this Act granted; any Thing herein contained to the contrary notwithstanding.

Trustees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and are hereby impowered, at their first or any subsequent Meeting, to borrow, and take up at Interest, any Sum or Sums of Money upon the Credit of the Tolls, payable by virtue of this Act; and to assign over and convey the said respective Tolls, or any Part or Parts thereof, by any Writing or Writings under their Hands and Seals, the Charges of such Assignments and Conveyances to be paid out of such Tolls respectively, to any Person or Persons that shall advance or lend Monies thereon, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be borrowed, and the Interest thereof as aforesaid; and Copies of all such Assignments and Conveyances 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 on the Credit of the said Tolls, after such first Meeting, unless Notice in Writing be for that Purpose fixed upon all the said Turnpikes, at least fourteen Days before the borrowing of such Money: And all and every Person and Persons to whom such 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 Securities, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, which shall be executed in the Presence of Two or more credible Witnesses, to assign over, or transfer his, her, or their Right to the Principal or Interest Money thereby secured, to any Person or Persons whomsoever; all which Assignments shall be produced and notified to the said Clerk or Treasurer, within Thirty Days after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be assigned and transferred, in the said Book or Books to be kept for entering the said original Assignments, for which the Clerk or Treasurer shall be paid the Sum of Two Shillings and Sixpence, and no more; which said Book shall and may at all seasonable Times be perused

Tolls may be assigned for Monies borrowed.

Assignments to be entered in a Book.

14 Days Notice to be given of borrowing Money.

Owner of any such Team, shall be liable to the respective Forfeitures before mentioned.

Trustees may compound for Statute work.

Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to compound for any Term, not exceeding One Year, with the Possessors or Occupiers of Lands, Tenements, or Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part of the said Roads, or with any Person or Persons for the Performance of his, her, or their Statute-work therein; and also it shall 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 a Book or Books to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers to the said Trustees; which said Book or Books shall and may, at all seasonable Times, be seen and perused by any Person or Persons whomsoever without Fee or Reward.

Lands, &c. chargeable to the Repair of the Roads, to continue so.

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 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 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 several 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 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 haling Timber, &c.

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

haled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stones (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 the Sum of Twenty Shillings.

Treasurer, &c. to deliver in Accounts.

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

Notice of Appeal to be given.

tees, 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 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 Appeals 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.

Trustees may contract for repairing the Road, &c.

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, or altering the said Roads, or any Part or Parts thereof, and for erecting Mile-stones or Posts thereon, or any other necessary Works 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 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 Parties distraining deemed Trespassers *ab initio.*

And

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 and may be produced and read in Evidence in all Courts whatsoever. Proceedings to be entered in a Book.

And be it further enacted by the Authority aforesaid, That this Act shall commence from and after the Passing hereof; 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 by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Warrant, Conviction, Mortgage, Assignment, Transfer, or other Security for the Borrowing of Money, or other Writing whatsoever relating to the Execution of this Act, shall be charged or chargeable with any Stamp-duty whatsoever. Writings to be without Stamps.

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 hereof notwithstanding. Proceedings not to be quashed for want of Form only; nor removeable by *Certiorari*.

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

or Defendants in every such Action or Suit shall and may
General Issue. plead the General Issue, Not Guilty, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon: And that if such Action or Suit shall be brought after the Time limited for bringing the same, or after 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
Treble Costs. 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.

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.