Anno quinto

Georgii III. Regis.

An Act for repairing and widening the Roads from the Little Bridge over the End of the Drain next *Wisbeach River*, lying between *Roper's Fields* and the *Bell Inn* in *Wisbeach*, in the *Isle of Ely*, to the Sign of the *Bear* in *Walsoken*, in the County of *Norfolk*; and from *Walsoken Bridge* (lying over the same Drain) to the said Sign of the *Bear*; and to *Lord's Bridge* in *Islington*; and from thence to the West Ends of *Maudlin Bridge* and *German's Bridge*, in the County of *Norfolk*; and from the East End of *German's Bridge* aforesaid, to the West End of *Long Bridge*, in *South Lynn*, in the Borough of *King's Lynn*, in the said County of *Norfolk*; and from *Islington* aforesaid, to *Cross Keys Wash*, in the said County.

Preamble.

WHEREAS the Roads leading from the Little Bridge in Wisbeach, in the Isle of Ely, and County of Cambridge, to the Sign of the Bear in Walsoken, in the County of Norfolk; and from the Bridge called Walsoken Bridge, to the said Sign of the Bear; and from thence through the said Parish of Walsoken; and also through the several Parishes of West Walton, Walpole Saint Peter's, Terrington Saint John's, and Tilney Saint Lawrence, in the said County of Norfolk, to the West End of the Bridge called Lord's Bridge, in Islington, in the County aforesaid; and from the East End of the same Bridge through the Parish of Islington aforesaid; and the Parishes of Wiggenhall Saint Mary's, Wiggenhall Saint German's, Wiggenhall Saint Peter's, and Wiggenhall Saint Mary Magdalen, to the West End of another Bridge called Magdalen Bridge; and from the East End of Lord's Bridge aforesaid, through other Parts of the said Parishes of Islington, Wiggenhall Saint Mary's, and Wiggenhall Saint German's, to the West End of One other Bridge there called German's Bridge, in the County of Norfolk aforesaid; and from the East End of the same Bridge, through some other Parts of the said Parishes of Wiggenhall Saint German's and Wiggenhall Saint Mary's, to and through the Parish of South Lynn, to the West End of a certain Bridge called Long Bridge, in South Lynn aforesaid, and from Islington aforesaid, to a certain Place called Cross Keys Wash, in the said County of Norfolk, are in a ruinous Condition, narrow in many Parts, and inconvenient to Passengers, and cannot be effectually repaired and widened by the present Laws: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Honourable Horatio Walpole, Sir Armine Wodehouse Baronet, Sir John Turner Baronet, Sir William Browne Knight, the Right Honourable Lord Orwell in the Kingdom of Ireland, Thomas Alderson, Philip Case, John Bentinck, Robert Cony, James Coldham, John Cary, Ralph Cauldwell, John Colvill, Richard Colvill, Thomas Lobb Chute, John Davis, G. R[d]. Dashood, Henry Dashwood, Thomas Dixon, Francis Dalton, Edward Everard, William Folkes, Martin Folkes, Price Fountain, Thomas Farrer, Thomas De Grey,

Trustees Names

Grey, Richard Hammond, Henry Cornish Henley, Anthony Hammond, Theophilus Hoſt, Charles Hubert Herriott, Edward Haſe, James Johnſtone, William Langley, John Marcon, William Maſon, William Mixon, Benjamin Nuthall, James Nelthorpe, James Nelthorpe junior, Henry Partridge, Randyll Peck, Henry Partridge junior, William Price, George Patteſon, Walter Robertſon, James Robertſon, Edmund Rolfe, Edmund Rolfe junior, Nicholas Styleman, John Sumpter, Thomas Sommerſby, Daniel Swaine, John Spelman, George Schutz, Edward Spelman, William Say, Charles Turner, James Townesend, the honourable Robert Boyle Walſingham, Henry Lee Warner, John Wilſon, Henry Wilſon, Robert Wilſon, George Waddington, Thomas Waddington, Eſquires; Thomas Lidderdale, Joſeph Taylor M. D. Samuel Smith LL. D. Charles Bagge, Horatio Hammond, Edmund Pyle D. D. Thomas Audley, Maxey Allen, John Allen, John Towers Allen, Edmund Allen, Stephen Allen, Joſeph Alderſon, Thomas Audley junior, Robert Abraham, Anderſon Allen, John Bagge, William Bagge, Thomas Bagge, Samuel Browne, Scarlet Browne, William Browne, Daniel Browne, John Bailey, Charles Bailey, John Baines, Thomas Berney, Richard Berney, Robert Bayfield, William Clerke, Edmund Clerke, John Cary junior, Thomas Caſe, Edward Caſe, Francis Carlton, Carlos Cony, George Collins, John Chadd, Joſeph Chapman, John Carr, Thomas Day, Andrew Dixon, Patrick Docking, Thomas Docking, Edward Everard junior, Edmund Elſden, Nicholas Edwards, Nicholas Edwards, Francis Edwards, James Everard, John Edwards, James Fyſh, Robert Freeman, Henry Fyſh, Richard Fawſſett, Thomas Fawſſett, Henry Faulkner, William Green, Gaven Hamilton, George Hogge, George Hogge junior, George Hogge Son of George Hogge junior, Robert Hamilton, James Hamilton, Richard Hawkins, Thomas Hawkins, Richard Hawkins junior, Richard Hammond junior, Robert Hervey, Thomas Hendry, William Hickman, William Jenkin, Francis Langley, Samuel Leake, Jenkin Mather Leet, Richard Marſhall, John Mayer, Barnard Middleton, Matthew Pepper, Manby Bartholomew Nelſon, Joſeph Peckover junior, Linſtead Pettit, Jermain Patrick, James Taverner Read, Brian Read, Thomas Sommerſby junior, Thomas Say, Edmund Shaul, Thomas Topper, William Topper, John Thiſtleton, Francis Weſton, Gregory Wright, John Winter, John Wright, Henry Wright Gentleman, Briggs Cary, Thomas Daville, Venn Eyre, William Everard, William Hoſt, Thomas Moore, Edmund Nelſon, John Peele, Philip Pyle, Charles Phelpes, William Prior,

Henry Robinson, Henry Spelman, Robert Say, Thomas Stone, Thorogood Upwood, Clerks, and their Successors, to be elected in the Manner herein after mentioned, shall be, and are hereby, appointed Trustees for repairing and widening the said Roads, and for putting all the Powers of this Act into Execution.

Times and Places of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall meet at the House of John Davis, known by the Sign of the White Lyon, in the Town of King's Lynn, on the Fourth Monday next after the Day of the passing of this Act, and proceed to the Execution of this Act; and shall then, and from time to time afterwards, adjourn themselves, to meet at the Place aforesaid, or at any other Place within or near the said Roads, as they, the said Trustees, or any Seven or more of them, shall from time to time think most convenient for putting this Act in Execution; And if, at any Meeting or Meetings appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act or adjourn to another Day, the Trustee or Trustees then present, or the Clerk or Clerks to the said Trustees, shall, from time to time, as often as such Case shall so happen, by Notice in Writing, to be affixed upon Maudlin and German's Bridges, and the Market Cross in King's Lynn, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the Place where the last Meeting was appointed to be held, or at such other Place as the said Trustee or Trustees then present, or the Clerk or Clerks to the said Trustees, shall think convenient, at any Time not exceeding Three Weeks after the Day for which such last Meeting was appointed; and in case it shall happen that no such Adjournment shall be made at any Meeting of the Trustees, as aforesaid, or that no Notice or Appointment for meeting shall be given or made by the Trustee or Trustees, less than Seven appearing at any Day and Place of Adjournment, or by the Clerk or Clerks to the Trustees within Three Weeks after such Day of Adjournment, as aforesaid, then, and in either of the said Cases, it shall and may be lawful, at any Time after such Omission or Neglect, for any Seven of the Trustees, though not assembled at a Meeting in pursuance of this Act, by Notice in Writing, to appoint the Trustees to meet at such Place, upon or near to any Part of the said Roads, as they the said Seven Trustees shall think convenient, at any Time not sooner than Ten Days, and not exceeding Twenty one Days after the

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

the Day on which such Notice shall be given by them; and that Ten Days Notice of all Meetings (excepting the General Meeting) shall be given in Writing, and affixed upon Maudlin and German's Bridges, and the Market Cross in King's Lynn; and that a General Meeting of the said Trustees shall yearly, and every Year, be held on Thursday in Whitsun-Week, in King's Lynn, for the passing and settling all Accounts of their Treasurers, Receivers, Toll-bar Keepers, and other Officers relating to the said Roads, and for the Choice of Trustees in the Room of such Trustees as shall then be dead or refuse to act; and the said Trustees, at all their Meetings, shall defray their own Expences; and that all Orders and Determinations of the said Trustees, in Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order shall be made, unless the Majority of the Trustees present at any Meeting shall concur therein, such Majority not being less than Seven; nor shall any such Order or Determination be revoked or altered, at any subsequent Meeting, unless by a Majority of the Trustees then present, such Majority not being less than Eleven; nor shall any Trustee be capable of acting in the Execution of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of the Peace, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees.

Trustees to defray their own Expences.

No Order made to be repealed, &c. but at a publick Meeting.

No Trustee to accept of a Place of Profit.

And be it further enacted, That the said Trustees or any Seven or more of them, are hereby required at publick Meetings, from time to time, to make proper Rules and Orders for the more effectually putting this Act into Execution, and 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 prosecured, for any Offence committed against this Act, under the Authority, and by the Direction of the said Trustees, or any Seven or more of them as aforesaid, that then the said Trustees, or any Seven or more of them, at some such publick Meeting as aforesaid, shall, out of the Money arising by the Tolls hereby granted, or out of the Money that shall be borrowed upon the Credit thereof, allow and pay to the Prosecutor, so much as the Costs as allowed by Law shall fall short of reimbursing him his just and reasonable Expences; and that if any Action, Suit, or Prosecution, Rule, or Order of Court, shall be brought, commenced, prosecuted, or obtained against any

Trustees to make Rules at their publick Meetings.

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 Seven or more of them, as aforesaid, in Pursuance of this Act, that then and in every such Case the said Trustees, or any Seven 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.

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

And be it further enacted by the Authority aforesaid, That upon the Death or Refusal to act of any Trustee hereby appointed, or hereafter to be chosen, it shall be lawful for the surviving or remaining Trustees, or any Eleven or more of them, from time to time, to elect One other Person to be a Trustee in the Room of every Trustee so deceased, or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election, shall be fixed upon Maudlin and German's Bridges, and the Market Cross in King's Lynn aforesaid, at least Fourteen Days before every such Meeting; and all Persons who shall be so elected, are hereby vested with the same Powers for the putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

Notice of Election to be given.

Qualification of Trustees.

Provided nevertheless, and be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of this Act, except in the Power of administering the Oath of Qualification herein after mentioned, unless he shall be in his own Right, or in Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of the Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, above Reprizes; or possessed of, or intitled unto, a Personal Estate of the clear Value of One thousand Pounds; or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds: And if any Person, not being so qualified, shall presume to act, contrary to the Intent and Meaning hereof, 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

Penalty on acting if not qualified.

of

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.

Trustees may erect Turnpikes and Toll-houses, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Eleven or more of them, may cause to be erected a Turnpike cross the said Road, at or near Maudlin Bridge; and also One other Turnpike cross the said Road, at or near German's Bridge; and also One other Turnpike cross the said Road, at or near Long Bridge aforesaid; and such other Turnpikes across the said Roads, between Wisbeach aforesaid and Maudlin and German's Bridge aforesaid, (not exceeding Three) as the said Trustees, or any Eleven or more of them, shall think proper; and also such other Turnpikes on the Sides of the said Roads, and cross any Lane or Way leading out of or near the same, as the said Trustees, or any Eleven or more of them, shall think proper, to prevent the Tolls being evaded; and shall also cause to be erected or provided a Toll-house upon or adjoining to the said Roads, at or near each of the Places where the said Turnpikes shall be erected; and the Tolls following shall be paid at each of the said Turnpikes, to such Person or Persons as the said Trustees, or any Seven or more of them, shall, in such Manner as is herein after mentioned, appoint to receive the same, before any Horse, Cattle, or Carriage, shall pass through the same; that is to say,

and take the following Tolls thereat,

The Tolls.

For every Coach, Berlin, Landau, Chariot, Calash, Chair, Chaise, Caravan, Hearse, or Litter, drawn by Six Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Four Pence; and drawn by Four or Five Horses, Mares, Geldings, or Mules, One Shilling; and drawn by Two or Three Horses, Mares, Geldings, or Mules, Eight Pence.

For every Calash, Chair, or Chaise, drawn by One Horse, Mare, Gelding, or Mule only, Four Pence.

For every Waggon, Wain, Cart, or other Carriage, drawn by Six Horses, Mares, Geldings, Oxen, or other Cattle, One Shilling and Three Pence; and drawn by Five Horses, Mares, Geldings, Oxen, or other Cattle, One Shilling and One Penny; and drawn by Four Horses, Mares, Geldings, Oxen, or other Cattle, One Shilling; and drawn only by Three Horses, Mares, Geldings, Oxen, or other Beasts of Draught, Nine Pence; and drawn only by Two Horses, Mares, Geldings,

ings, Oxen, or Beasts of Draught, Seven Pence; and drawing only by One Horse, Mare, Gelding, Ox, or other Beast of Draught, Four Pence.

For every Horse, Mare, Gelding, Ass, or Mule, laden or unladen, and not drawing, Two Pence.

For every Drove of Oxen, Cows, or Neat Cattle, One Shilling and Three Pence per Score; and so in Proportion for a greater or lesser Number.

For every Drove of Calves, Swine, Sheep, or Lambs, Five Pence per Score; and so in Proportion for a greater or lesser Number.

Which said respective Sum and Sums of Money shall be demanded and taken in the Name of or as a Toll;

Tolls vested in the Trustees.

and the same shall be and are hereby vested in the said Trustees; and shall be applied in such Manner as is herein after mentioned: And if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, it shall and may be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, to seize and detain any Horse or Horses, or other Cattle, or any Goods or Carriages, upon which such Toll is by this Act imposed, or any of the Goods or Chattles of such Person and Persons so refusing or neglecting to pay the same;

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person and Persons so distraining shall and may sell the Cattle or Goods so distrained, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall be deducted.

Proviso.

Provided always, and be it enacted, That nothing in this Act shall extend to impower the said Trustees to erect any Toll-gate or Gates nearer to the Great Bridge in Wisbeach Saint Peter's than the Distance of Three Furlongs.

Tolls to be paid but Once a Day.

Provided always, and be it enacted by the Authority aforesaid, That no Person shall be liable to the Payment of more than One Toll for passing the same Day (to be computed from Twelve o'Clock in the Night to Twelve of the Clock in the succeeding Night) with the same Cattle or Carriage, through any of the Turnpikes to be erected by virtue of this Act, cross or on the Sides of such Part of the said Roads, or cross any

Lane

Lane or Way leading out of or near the same; but all and every Person and Persons, after having paid Toll once for passing through any Turnpike, cross or on the Side of such respective Parts of the said Road as aforesaid, or cross any Lane or Way leading out of or near such respective Parts of the said Road, shall, during the Remainder of such Day, pass Toll-free with the same Cattle or Carriage through the Turnpike where such Toll was paid, upon producing a Note or Ticket, denoting the Payment of such Toll; which Note or Ticket, the Collectors of the Tolls are hereby required to deliver gratis, on the Receipt of the Toll; nor shall any Toll be demanded or taken for only crossing the said Road.

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

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses, to be erected or provided by virtue of this Act, and of the Materials for building the same, and also of all Materials which shall be actually got or collected for repairing the said Roads, shall be and are hereby vested in the said Trustees; and they, or any Seven or more of them, are hereby impowered to bring, or cause to be brought, any Action or Actions, in the Name or Names of any One or more of them, or of their Treasurer or Clerk; or to prefer, or order the preferring of Indictments against any Person or Persons, who shall injure or disturb them in the Possession thereof.

No Turnpike to be erected till 6000*l.* shall have been 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 or lending the Sum of Six thousand Pounds, upon the Credit of the Tolls by this Act granted; any thing herein contained to the contrary notwithstanding.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That out of the Tolls collected and levied by virtue of this Act, or the Money to be borrowed upon the Credit thereof, the said Trustees, or any Seven or more of them, shall, in the first Place, pay all the Expences incurred in and in relation to the obtaining this Act; and afterwards all such Tolls and Monies shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and of repairing, widening, altering, turning, and keeping in Repair, the said Roads, and of executing the other Purposes of this Act, and to no other Use whatsoever.

And whereas certain customary Payments in the Nature of Tolls, have been immemorially made and taken for the Passage of Horses, Cattle, and Carriages, over the

the said Bridges called Maudlin's Bridge and German's Bridge respectively, and such respective Payments or Tolls, have been generally respectively demised annually, at certain respective Rents, by their several and respective Bridgereeves, Officers yearly appointed for the Management of the said respective Bridges, by the Inhabitants of the said respective Parishes, by whom respectively the Repairs of the said respective Bridges have immemorially been born; that is to say, The Repairs of the said Bridge called Maudlin Bridge, jointly by the Inhabitants of Wiggenhall Saint Mary Magdalen, and Watlington, and the Repairs of the said Bridge called German's Bridge, solely by the Inhabitants of Wiggenhall Saint German's; and such Payments or Tolls have been immemorially collected by the respective Persons to whom the same have been respectively demised as aforesaid: And whereas the said Payments of the said Bridge called Maudlin Bridge, are agreed to be worth the yearly Sum of Fifty six Pounds, and the said Payments of the said Bridge called German's Bridge, are agreed to be worth the yearly Sum of Sixty Pounds; which said respective yearly Sums have been found sufficient to keep the said Bridges respectively in Repair: And whereas the Traffick over the said Bridges will, by the said intended Turnpike Road, be much greater than heretofore, and the Payments or Tolls for passing over the same will be greatly increased, more than sufficient to repair the said Bridges: Therefore the Bridgereeves and Inhabitants of the said respective Parishes have agreed, that such Increase over and above the said Rents, shall go in Aid of the said intended Turnpike Road; and that the said Payments or Tolls shall be respectively demised to the said Trustees authorized to put this Act in Execution, for the Term of Twenty one Years, at the said respective yearly Rents or Sums: Be it therefore enacted by the Authority aforesaid, That after the Expiration of the several Terms for which the said respective Tolls or Payments of the said Bridges are demised, the said Payments or Tolls shall be respectively demised to, or in Trust for, the said Trustees authorized to put this Act in Execution, for the Term of Twenty one Years, at the said respective yearly Rents, by the present or any future Bridgereeves of each respective Bridge; and that the said Trustees shall hire the same at the said respective Rents, which they shall pay out of the said Payments or Tolls to be so demised, and also out of the said Tolls to be collected by virtue of this Act; and that the said Trustees, and such Person and Persons as they shall

Tolls of *Maudlin* and *German's Bridges* to be demised to the Trustees for 21 Years, on Payment of 316 *l. per Ann.*

shall appoint to collect the said Payments or Tolls, for passing over the said respective Bridges, shall have the same Power to collect, and Remedy to recover, such Payments and Tolls, to all Intents and Purposes, as the respective Bridgereeves, and Inhabitants of the said several and respective Parishes ever had, or now have, to collect and recover the same; and that such Tolls so collected shall (after Payment of such Rents and other incident Charges) be applied towards making and keeping in Repair the said Roads.

On Nonpayment, Demise to be void.

Provided always, That if the said respective Rents of Fifty six Pounds, and Sixty Pounds per Annum, or either of them, or any Part thereof, shall be unpaid on either of the Days whereon the same ought to be paid to the said respective Bridgereeves, by virtue of the said respective Demises which shall be thereof made to the said Trustees (Six Days previous Notice having been given by the said respective Bridgereeves to the Treasurer or Treasurers to be appointed by virtue of this Act of such Days of Payment); then, and from thenceforth, the said Demise shall become void, and it shall and may be lawful to and for such of the said respective Bridgereeves to whom such Rent or Rents shall be so in Arrear, to resume and take into their own Hands again the Collection of the said respective Payments or Tolls whereof such Demise shall have been made; and such Bridgereeves may and are by this Act enabled to commence Actions, and prosecute the same to Judgement and Execution, against such Treasurer or Treasurers, for Recovery of such respective Rents, so in Arrear, with Costs of Suit, in case the said Rents, or either of them, or any Part thereof, shall be in Arrear as aforesaid.

Reservation of Rights.

Provided also, That nothing in this Act shall extend, or be construed to extend, to charge the Inhabitants of the Parishes of Wiggenhall Saint Mary Magdalen, and Watlington, or their own Servants, Horses, Cattle, and Carriages, or other Carriages, carrying their Goods only, with the Payment of any Toll, for passing and repassing upon and over the said Bridge called Maudlin Bridge, at all Times during such Time as the Tolls thereof shall be so in Demise to the said Trustees; or the Inhabitants of the said Parish of Wiggenhall Saint German's, or their own Servants, Horses, Cattle, and Carriages, with the Payments of any Tolls, for the passing and repassing upon and over the said Bridge called German Bridge, at all Times, during such Time as the Tolls thereof shall be so demised to the said Trustees as aforesaid: But that they the said Inhabitants

respectively, their own Servants, Cattle, and Carriages, and other Carriages carrying their Goods only, shall and may at all Times pass and repass upon and over the said respective Bridges Toll-free, without any Denial or Interruption, as they have always heretofore done; and also have and enjoy all other Privileges and Immunities in being, free from the Tolls of the said Bridges respectively as heretofore; and shall and may pass and repass through the Turnpike Gates which shall be erected and placed nearest to those respective Bridges, with Horses and Carriages, for the Purpose only of going for and drawing Timber or other Materials, for the Reparation and Amendment of the said respective Bridges, without paying any Toll therefore; nor shall the Inhabitants of the Parishes of Wiggenhall Saint German's, or Wiggenhall Saint Mary Magdalen, their Servants, Cattle, and Carriages, be charged with the Payment of any Tolls at those Gates to be erected in their respective Parishes; any thing in this Act contained to the contrary notwithstanding.

Trustees may lessen the Tolls,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Eleven or more of them, at their First Meeting, and from time to time assembled at any subsequent Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls by this Act granted; and for such Time or Times as they the said Trustees, or any Eleven or more of them, shall think proper; and may afterwards, from time to time, advance all or any of the Tolls so lessened, to any Sum or Sums of Money not exceeding the respective Rates herein before mentioned; and the said Trustees, or any Eleven 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 and Portions, at all or any of the Turnpikes to be erected by virtue of this Act, as they the said Trustees, or any Eleven or more of them, shall think fit; and such reduced or advanced Tolls, and also such Parts and Proportions as aforesaid, shall and may be collected, levied, and applied, in such and the same Manner as the said respective Tolls are directed to be collected, levied, and applied; but no Reduction shall be made at any Time after the said First Meeting, unless the Person or Persons who shall be intitled to Two Thirds of the Money, which shall have been lent upon the Credit of the Tolls intended to be reduced, shall be consenting thereto; and that no such subsequent Meeting shall be held for any of the Purposes aforesaid,

and raise them again.

unless

unless Fourteen Days previous Notice at the least shall be given thereof in Writing, to be affixed upon German's and Maudlin's Bridges, and the Market Cross at Lynn.

And whereas it may happen that some of the Turnpikes to be erected by virtue of this Act, may be so placed as to be a particular Hardship upon the Inhabitants of several of the Parishes through or near which the said Roads lead, or adjacent thereto, whose Business may occasion their frequent passing through such Turnpikes to Market or otherwise; be it therefore enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, at their General Annual Meeting, or any Adjournment or Adjournments thereof, or any other Meeting or Meetings to be especially appointed for that Purpose, of which Fourteen Days Notice shall be given thereof in Writing, to be affixed upon Maudlin and German Bridges, and the Market Cross at Lynn, and at no other Meeting, may, and they are hereby impowered, from time to time, as they shall see convenient, to compound and agree, for any Term not exceeding One Year at any One Time, with all or any of such Inhabitants, for the passing of such Inhabitants with their Carriages, Cattle, and Goods, through any of the said Turnpikes, for such Sum of Money as the said Trustees, or any Nine or more of them, shall think proper; which Composition-money shall be instantly paid to the Treasurer or Treasurers of the said Road. Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Eleven or more of them, at the General Meeting to be held on the Thursday in Whitsun Week in every Year, by Writing under their Hands and Seals, to release the Tolls arising 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, for the best Rent that can be got for the same, payable at such Times, and under such Covenants, and to such Person or Persons, as they the said Trustees, or any Eleven or more of them, shall direct or appoint; and the Monies arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied. Trustees may release, &c. the Tolls.

And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, pass through or over any Land, Ground, or Hereditaments, lying near any Turnpike which shall be erected by virtue of this Act (the same not being a publick Highway) or if any Owner or Occupier of any such Ground, Land, Penalty on passing thro' private Passage, &c.

Land, or Hereditament, shall knowingly permit or suffer any Person or Persons, with any Horse, Beast, or Carriage whatsoever, to pass through or over the same; 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, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall forcibly or deceitfully pass through any such Turnpike, with any Horse, or other Cattle or Beast, or shall take off, or cause to be taken off, any Horse, or other Cattle, from any Carriage, or shall leave, or cause to be left, upon or near to any Part of the said Roads, any Carriage, Horse, Cattle, or Beast, with an Intent to avoid the Payment of any of the said Tolls, or of any Part thereof; or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage, or secrete any Goods chargeable with any such Toll; or if any Person or Persons, who shall or may compound for his, her, or their Toll or Tolls, by virtue of this Act, shall colour or permit any Goods, Horses, Beasts, or Carriages, which are not truly and bona fide the Property of such Compounder; to pass any of the Gates or Turnpikes so to be erected, every such Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit and pay the Sum of Five Pounds; One Moiety whereof shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are hereafter directed to be applied.

to avoid Payment of the Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That no Toll shall be taken for any Carriage, or any Horse or Beast laden only with, or going unladen for, or returning unladen, having been laden only with (on the same Day) Gravel, Stone, or other Materials for repairing any of the said Roads, or any of the Roads in the Townships in which such Roads lie; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Outhouses or on the Lands of the Owners thereof; or for any Ploughs, Harrows, or Implements of Husbandry, or Mould, Dung, Lime, Compost, or Manure employed in Husbandry for manuring or improving of Lands; or for any Hemp or Flax passing from the Grounds where it grew, to the Place where it is proper and convenient for it to be rated or watered, and from thence to the Place where it is proper and convenient for it to be spread upon the Ground, and from thence

Exemptions from Tolls.

thence to be laid up in the Outhouses or on the Lands of the Owners thereof; 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 for any Person or Persons residing in any Township in which any of the said Roads lie, going to or returning from their Parochial Church, Chapel, or other Place of Religious Worship, or attending the Funeral of any Person or Persons that shall die or be buried in any of the said Parishes; or for any Post Horse carrying the Mail or Packet; 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 to be, or from being, shoed or farried; or for any Sheep going to or returning from any Wash Dyke, River, or other Place used for the washing of Sheep in or near any Part of the said Roads; or for any Sheep going to or returning from any Place used for the clipping of Sheep near the said Roads; or for the Horses of any Soldiers upon the March, or Carriages attending them with their Baggage; or for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, 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 Norfolk, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded: And if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted, not being intitled to the same, such Person shall forfeit for every such Offence the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety thereof shall be applied in such Manner as the other Penalties are herein after directed to be applied. Penalty on making illegal Claims, &c.

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 other Sort of Grain, Hemp, Flax, Wool, or other Merchandize, to the several Markets of Lynn, and Wisbeach, or either of them, on a Market Day, with any of the Tolls and Duties granted by this Act, on the Day after such Market Day respectively, if such Waggons, Carts, or Carriages, shall return Particular Exemptions.

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.

Trustees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Eleven or more of them, at their First or any subsequent Meeting, upon the Credit of the Tolls to be collected by virtue of this Act, to borrow and take up at Interest such Sum and Sums of Money as they the said Trustees, or any Eleven or more of them, shall think fit; and may, and are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to mortgage or 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 Time or Times during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof; and Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or Treasurer to the said Trustees; which Book or Books shall and may, at all reasonable Times, be inspected and perused without any Fee or Reward; but no Money shall be borrowed upon the Credit of the said Tolls, after such First Meeting, unless Notice be for that Purpose affixed, in Writing, upon Maudlin and German's Bridges, and the Market Cross in Lynn, at least Fourteen Days before the borrowing thereof; and all and every Person and Persons, to whom any such Mortgage or Assignment shall be made, or who shall be intitled to the Money thereby secured, is and are hereby impowered, from time to time, to assign or transfer his, her, or their Right and Interest therein to any other Person or Persons; and such Assignment, or Transfer, shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, 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 any such Assignment or Transfer, to make void, release, or discharge, the same, or any Monies thereon due; 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 the said Tolls, in equal Degree one with another; and shall have no

Tolls may be assigned for Money borrowed.

Assignments to be entered in a Book.

Notice to be given of borrowing of Money.

Assignments may be transferred.

All Creditors to be deemed equal in Degree.

Preference in respect of the Priority of advancing any such Monies.

Trustees may advance Money on the Credit of the Tolls,

And be it further enacted and declared by the Authority aforesaid, That all and every Trustee and Trustees appointed by this Act, or which shall hereafter be appointed by virtue of any Power or Authority hereby given, shall, and lawfully may, notwithstanding his or their being such Trustee or Trustees, advance and lend any Sum and Sums of Money at Interest, on the Security of the said Tolls, in such Manner as any other Person or Persons, not being a Trustee or Trustees, may, can, or shall do, by means or virtue of this Act; and such Trustee or Trustees, so advancing and lending such Sum or Sums of Money, shall and lawfully may accept and take a Mortgage or Mortgages, Assignment or Assignments, of the said Tolls, from Eleven other or more of the said Trustees, as a Security or Securities for the said Sum or Sums of Money so to be by him or them advanced and lent; which Mortgage or Mortgages, Assignment or Assignments, being so executed by Eleven or more of the said Trustees, shall be effectual and binding to all Intents and Purposes whatsoever; and the Trustee or Trustees so advancing and lending such Sum or Sums, and accepting and taking such Security or Securities, shall, by means and virtue thereof, have and exercise such and the like Powers and Remedies for recovering and receiving the said Sum or Sums of Money, and the Interest thereof, which any other Mortgagee or Mortgagees of the said Tolls can, may, or shall, have and take, by means and virtue of this Act.

and take Security.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Eleven or more of them, may, from time to time, appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act; and, from time to time, remove such Officers and other Persons, and appoint others in their Stead; and out of the Monies to arise by virtue of this Act, make such Allowances to the said Officers and Persons as to them the said Trustees, or any Seven or more of them, shall seem reasonable: And all such Officers and Persons shall, under their Hands, at such Time and Times, and in such Manner, as the said Trustees, or any Seven or more of them, shall direct, deliver to the said Trustees, or such Person or Persons as they, or any Seven or more of them, shall appoint, true and perfect Accounts in Writing of all the Monies which shall have been by such Officers and Persons respectively

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

ly 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 remain in their respective hands to the said Trustees, or any Seven or more of them, or to such Person or Persons as they shall appoint: And all the said Officers and Persons so accounting as aforesaid, shall upon Oath, if thereunto required by the said Trustees, or any Seven or more of them (which Oaths the said Trustees, or any Two or more of them, are hereby impowered to administer) verify their said Accounts: And if any such Officer or Person shall not make and render, or refuse to verify upon Oath, any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or any Seven or more of them, within Fourteen Days after being thereunto required by any Seven or more of the said Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act; in each, any, or either, of the said Cases, any One or more of the Justices of the Peace for the Division or Place wherein such Officer or Person shall be or reside, shall make Enquiry concerning such Default, either by Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without Fee or Reward): And if any such Officer or Person shall be convicted of any or either of the Offences aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol for the County of Norfolk, or to some House of Correction in the said County; there to remain, without Bail or Mainprize, until he shall give or make a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Trustees, or any Seven or more of them, and shall have paid such Composition, in such Manner as they shall appoint; which Composition the said Trustees, or any Seven or more of them, are hereby impowered to make; or 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 Seven or more of them.

Officers refusing to account,

Justices to enquire into the Default,

and commit the Offender,

till Payment or Composition made.

And whereas there are several Commons and Waste Grounds belonging to the said respective Parishes through which the said Roads intended by this Act to be amended

and

and widened do lie, and it will greatly contribute, not only to expedite the said intended Work, but also to lessen the Expence thereof, if the Horses employed therein be permitted to feed and depasture upon the said Commons and Waste Grounds; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for all Horses, Mares, and Geldings, employed about the amending and widening any Part of the said Roads, lying within any of the said Parishes, to feed and depasture upon the Commons, and Waste Grounds, of or belonging to such respective Parishes, wherein such Parts of the said Roads do lie, during such Days as they shall be so employed, and during the Nights of such Days, and the Night before, and the Night after such Employment, on any of the said Roads in any of the respective Parishes, without any Lett, Suit, Trouble, Interruption, or Denial, of any Person or Persons whomsoever: And that if any Person or Persons whatsoever, shall impound or disturb such Horses, Mares, or Geldings, so feeding and depasturing as aforesaid, the Person or Persons so impounding or disturbing, shall forfeit and pay to the Owner or Owners of such Horses, Mares, or Geldings, for every One of them so impounded, the Sum of Twenty Shillings; to be levied by Distress and Sale of the Goods and Chattles of such Impounder or Disturber, by Warrant under the Hands and Seals of any Two or more Justices of the Peace for the said County of Norfolk, any Law, Usage, or Custom, to the contrary notwithstanding.

How Cattle employed in repairing the Roads may be depastured.

And whereas a Turnpike Road is already made from many considerable Towns in the County of Lincoln, to a certain Wash called Sutton Wash, in the said County, which is opposite to a certain Place called Cross Keys Wash, in the County of Norfolk, and it would be of great Utility to Horsemen, Waggoners, Drovers, and others, in passing to and from the Counties of Essex, Suffolk, and Norfolk, into and from Lincolnshire, Yorkshire, and other Northern Counties, if a good Road was made from Cross Keys Wash aforesaid to Islington aforesaid; be it therefore further enacted, That from and after the said Road leading from Wisbeach aforesaid, to Long Bridge aforesaid, shall be repaired and widened as aforesaid; and the Sum of One thousand Pounds shall be subscribed for the repairing and widening the Road leading from Cross Keys Wash to Islington aforesaid; and the Sum of Five hundred Pounds, Part thereof, shall actually be laid out in the repairing and widening the said Road; that then, and from thenceforth, it shall and

A Road to be made from *Cross Keys Wash* to *Islington*.

may be lawful to and for the said Trustees, or any Seven or more of them, to erect and provide such Turnpikes and Toll-houses upon the said Road as shall be necessary, and cause to be taken such Tolls, and in such Manner, as is herein before directed to be taken at the Turnpikes or Toll-houses to be erected upon the Road leading from Wisbeach to Long Bridge aforesaid; and the said Trustees are hereby vested with the same Powers and Authorities, to all Intents and Purposes, for repairing, widening, and keeping in Repair, the Road leading from Cross Keys Wash to Islington aforesaid; and to do, or cause to be done and executed, every Act relative thereto, as well as for repairing and widening the Road leading from Wisbeach to Long Bridge aforesaid; any thing herein contained to the contrary notwithstanding.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall take such Security from their Treasurer or Treasurers, Receiver and Receivers, for the due Execution of his or their Office or Offices, as the said Trustees, or any Seven or more of them, shall think proper.

Trustees may appoint Officers, tho' not at a publick Meeting.

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

Proviso.

Provided always, That the Tolls laid, and Salaries to be allowed, under this Act, or any Part thereof, shall not be charged or chargeable to the Land Tax, or to any Parochial Rates or Assessments whatsoever.

Victuallers not to have a Place of Profit.

And be it further enacted, That no Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant to any Trustee, shall be capable of being a Trustee, or of holding any Place of Profit under this Act; except only the Collectors of the Tolls at the Gates that shall be erected nearest to the said Bridges called Maudlin Bridge and Gerrman's Bridge.

Surveyors may dig Gravel, &c.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors to be appointed by any Seven or more of the said Trustees, and such other Person as shall be employed by such Surveyor or Surveyors, is and are hereby impowered to cut, dig, gather,

ther, take, and carry away, Furze, Heath, Stones, Chalk, Flint, Gravel, Sand, Silt, Sedge, Reed, or other Materials, proper for the repairing of the said Roads, out of and from any Waste Grounds and Commons, Rivers and Brooks, in any Parish, Town, or Place, in which any Part of the said Roads lie, or in any neighbouring Parish, Town, or Place (Tottenhill Common and Holm Common excepted) 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 Seven or more of them, to dig, gather, take, and carry away, any such Materials as aforesaid, from Tottenhill Common and Holm Common aforesaid; and also from and over the private Lands of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or in the Front View of the Dwelling-house of any Gentleman on the East Side of the River Ouse, or any inclosed Ground planted or set apart as a Nursery for Trees) paying or tendering Satisfaction for such Materials, and for the Damage done to the Owners or Occupiers of such Lands 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 Seven or more of them, shall adjudge reasonable; and in case they cannot agree with the Owners of such Lands about the same, then, as shall be assessed by a Jury or Juries, as hereafter mentioned.

without paying for the same; levelling the Pits.

If sufficient Materials cannot be had there, the same may be taken from private Grounds;

making Satisfaction to the Owners.

Provided nevertheless, That nothing in this Act contained shall extend to be construed, or extended to empower such Surveyor or Surveyors, or any other Person or Persons employed by him or them, or by the said Trustees, or any of them, to cut, dig, take, or carry away, any Flag, Soil, or Earth, from any Salt Marsh, or in the Front next the River of any Sea Bank, or defensive Bank against the Tidal Waters, or within Forty Feet of the Foot or Seat at the Back of any such Banks, nor within Forty Feet of the Foot or Seat of any Ward Bank; any thing herein contained to the contrary notwithstanding.

No Materials to be taken within 40 Feet of any Sea Bank.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, from

Surveyors may remove Annoyances, &c.

from time to time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Seven or more of them) to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, Straw, Timber, or otherwise, and to turn any Water-courses, Sinks, or Drains, running into, along, or out of the Roads, to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper, any Water-courses or Ditches adjoining thereto, and the same as large and deep as he or they shall think necessary; and to cut down, lop, or top, any Trees, Shrubs, or Bushes, growing in the said Roads, or in the Hedges or Banks adjacent thereto, and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall neglect to lop or top, cut down and remove, such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen, such Water-courses or Ditches, or remove such other Annoyances, in such Manner as the said 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; the Charges whereof (to be settled by the said Trustees, or any Seven or more of them) shall be reimbursed to such Surveyor or Surveyors, by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; and if, after 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, and not less than Five Shillings.

and cut down Trees,

the Owners neglecting to remove the same after Notice;

the Charges to be reimburled the Surveyor.

Penalty of a second Offence.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order in Writing for that Purpose from the said Trustees, or any Seven or more of them) to make, or cause to be made, Causeways, and also Ditches or Drains, in and upon the said Roads, and also through any Ground lying contiguous thereto; and to erect, rebuild, and keep in Repair, Bridges, Sluices, and Arches, upon the said Roads, or cross any such Ditches or Drains, where necessary; or enlarge any Bridges, Sluices, and Arches already made, so as to be passable at all Times for Coaches, Waggons, or other Carriages; and also to widen any of the narrow Parts of the said Roads, by opening, clearing, and laying into

Surveyors may make Causeways, &c.

and make a temporary Road;

the

the same; any Grounds of any Person or Persons lying contiguous thereto, so as to make such Parts of the said Roads not more than Sixty Feet in Width; and also to make a Road through the Grounds adjoining or lying near to any narrow or ruinous Part of the said Roads, (such Grounds respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) to be made use of as a publick Highway whilst the old Road is repairing or widening; making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Seven or more them; but no Satisfaction shall be made for doing and performing any of the Works aforesaid upon or through any Moor, Common, or Waste Grounds.

Make Temporary Roads,

making Satisfaction to the Owners of the Grounds.

And be it further enacted, That if any Person or Persons who of Right ought to scour or cleanse any Ditch, Drain, or Watercourse, which shall lead into or out of any Part or Parts of the said Road, shall not in a proper Manner cause the same to be scoured and cleansed, within the Space of Ten Days next after Notice in Writing, shall, for that Purpose, be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode, by the said Surveyor or Surveyors; then the said Surveyor or Surveyors may cause such Ditches, Drains, and Watercourses, to be scoured and cleansed, and pay for the scouring and cleansing the same; and if the same Person or Persons shall not repay the Money paid by such Surveyor or Surveyors, upon Demand thereof, upon him or them respectively made, either in Person or by Writing, to be left at his, her, or their respective Place or Places of Abode, the said Money and every Part thereof, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Non-payment thereof as aforesaid, by the Oath of One or more Witness or Witnesses, before any Justice of the Peace of the County or Place where such Person or Persons respectively shall live, shall and may, by Warrant or Warrants, under the Hand and Seal of such Justice, be levied by Distress of the Goods and Chattles of such Person or Persons, rendering the Overplus (if any be) to the Owner or Owners thereof upon Demand, after all Charges paid.

Owners of Watercourses, &c. neglecting to scour the same,

Surveyors may set Men to cleanse the same,

and levy the Charge by Distress and Sale.

Proviso. Provided always, That no such Surveyor or Surveyors shall use or employ his or their own Carriages, or Horses, about the Repair of the said Road.

Bridges not to be pulled down without Consent of the Trustees. And be it further enacted by the Authority aforesaid, That no Person or Persons, Bodies Politick, or Corporate, shall at any Time, during the Continuance of this Act, pull down and remove, or cause to be pulled down and removed, any Bridge or Bridges, otherwise than for the repairing thereof (in any Part of the Roads hereby intended to be made or repaired) without the Consent of the said Trustees, or any Seven or more of them, at a Publick Meeting; and that the Road leading over each and every of the said Bridges, shall be deemed, adjudged, and taken to be, a Publick and Common Highway, to the Intent that all Persons obstructing the Passage over all or any of them, may be proceeded against and punished, as Persons who stop or obstruct the King's Highway; and if any Person or Persons shall build or cause to be built any Bridge over any River, Drain, or Ditch, where there is or shall be no Bridge at the Time of the passing of this Act, or shall make or cause to be made any Passage over or through any River, Drain, or Ditch, by Means of which the Payment of the Tolls hereby granted may be avoided, every such Person or Persons building, or making, or causing to be built, or made, such Bridge or Passage, shall be liable to the Penalties by this Act inflicted on Persons permiting private Passage.

Materials for repairing the Roads may be conveyed on Drains. And be it enacted by the Authority aforesaid, That it shall and may be lawful for such Person or Persons as the said Trustees, or any Seven or more of them, shall appoint, to make use of any Publick or Parish Drain, leading to or near the said Roads, or of any Ditch lying contiguous to the said Roads, for the Conveyance in Boats of any Materials to be used in widening and repairing the said Roads; and to hale with Men and Horses on the Bank or Banks of such Drains and Ditches, and also to have free Passage over the aforesaid Bridges, called Maudlin Bridge and German's Bridge, for all Horses, Carts, and Carriages, bringing or going for any such Materials, without paying any Toll for the same.

Power of the Court of Sewers reserved. 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 way 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, other than and except

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the Powers herein before given to the said Trustees, for conveying of Materials for repairing the said Roads, and for enlarging any Bridges, Drains or Arches, in or cross any Part of the Roads hereby directed to be repaired.

Trustees may contract with Persons for the Purchase of Lands, &c. to be laid into the Road, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall be, and are hereby fully impowered to divert, turn, or alter, the Course or Path of any Part or Parts of the said Roads, through, or build or erect any Toll-house, upon any Moor, Common, or Waste Ground, without making any Satisfaction for the same; and also through or on any private Lands or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein, for the Damage they may thereby sustain: And that for the Purposes aforesaid, it shall be lawful for the said Trustees, or any Seven or more of them, to contract and agree with the Owners of, and Persons interested in, any such private Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the building or erecting such Toll-houses; or diverting, turning, or altering the Course or Path of any Part or Parts of such Roads through such Lands or Hereditaments: And that it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, but also for and on Behalf of their Cestuiques Trusts, whether Infants, or Issue unborn, Lunaticks, Ideots, Femes Covert, or other Person or Persons whatsoever, and to and for all Femes Covert who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of, or interested in, any such Lands or Hereditaments, to contract with the said Trustees, or any Seven or more of them, for the Purchase and Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Seven or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid, and to sell and convey the same as Occasion shall require; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other Matter, whatsoever, to the contrary notwithstanding: And all such Bodies Politick, Corporate, or Collegiate,

Bodies Politick, &c. to contract for the Sale of such Lands.

Corpo-

Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act: And if any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them, given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Road is intended to be diverted, turned, or altered, or any Toll-houses intended to be erected, shall, for the Space of Twenty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; or in case any Person or Persons from whose Lands or Soil Materials for repairing the said Roads are herein before directed to be taken (on making Satisfaction) shall not agree with the said Trustees, or any Seven or more of them, for the Satisfaction to be made for the same, then, and in all and every such Case, the said Trustees, or any Seven or more of them, shall cause such Damage and Recompence to be enquired into and ascertained by a Jury of Twelve indifferent Men of the said Division, wherein such Lands or Hereditaments do lie; in order thereunto, the said Trustees, or any Seven or more of them, are hereby impowered and required, from time to time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every such Person and Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer) and such Trustees, or any Seven or more of them, shall, by ordering a View of the Premisses in Question, or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premisses; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees, or any Seven or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money, so assessed by the said Jury, to be

Persons, &c. neglecting to treat,

Jury to settle the Damage and Recompence.

Witnesses may be summoned and examined upon Oath.

paid to the said Owners and other Persons interested in the said Lands or Hereditaments, according to the Verdict and Inquisition of such Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination thereupon, shall be enrolled with the Clerk of the Peace for the said County of Norfolk, for the Enrollment whereof such Clerk of the Peace shall not demand or receive any further or other Gratuity than the Sum of Two Shillings; and, when so enrolled as aforesaid, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming, or to claim, in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent and present, Infants, Femes Coverts, Lunaticks, Ideots, and Persons under any other Disability whatsoever; Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever: And, for summoning and returning such Juries, the said Trustees, or any Seven or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the said County of Norfolk, commanding him to impanel, summon, and return, an indifferent Jury of Eighteen Persons out of the Hundred of Free Bridge, on the Side Lynn, and the Hundred of Free Bridge in the Parts of Marshland in the said County, qualified to serve upon Juries, to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly: And out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall, and they are hereby impowered and required to 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, being Freeholders of the said County, and having Lands or Tenements of the clear yearly Value of Five Pounds, 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 Seven or more of them, acting in the Premisses, shall

Verdict of the Jury to be final.

Trustees to issue their Warrant to the Sheriff, to impanel and summon a Jury.

Jurors may be challenged.

Truſtees may impoſe a Fine on Sheriff, &c. making Default.

ſhall have Power, from time to time, to impoſe any reaſonable Fine or Fines upon ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or that ſhall refuſe to be ſworn on the ſaid Jury; or, being ſo ſworn, ſhall refuſe to give, or not giving their Verdict, or in any other Manner wilfully neglecting 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, ſhall refuſe or neglect to appear, or, appearing, ſhall refuſe to be examined, or to give Evidence, to levy any Fine or Fines; which Fine or Fines ſhall be levied and applied in ſuch Manner as the Penalties and Forfeitures are herein after directed to be levied and applied; ſo that no ſuch Fine be more than Ten Pounds, nor leſs than Ten Shillings, on any One Perſon for any One Offence.

Fine not to exceed 10 *l.*

Expences of the Jury how to be borne.

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 Monies, 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 Seven 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 aſcertaining and determining the Value of any ſuch Lands, Grounds, and Hereditaments, or Loſſes or Damages ſuſtained as aforeſaid, ſhall be borne and paid by the ſaid Truſtees, or any Seven 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 Seven 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.

And be it further enacted by the Authority aforesaid, That every such Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls collected by virtue of this Act, or out of the Money to be borrowed upon the Credit thereof, to the Party or Parties respectively intitled to such Money, or to their Agents; and upon Payment thereof, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk of the said Trustees, for the Use of such Parties or Persons, it shall be lawful for any Person or Persons authorized by Writing under the Hands of the said Trustees, or any Seven or more of them, to divert or turn such Roads through, and build Toll-houses upon, and take Materials from, such Lands or Hereditaments, and to do all and every such Act, Matter, or Thing, with relation to such Lands or Hereditaments, for the Purposes aforesaid, as the said Trustees, or any Seven or more of them, shall think fit; and the said Trustees, or any Seven or more of them, shall cause such Parts of the said Roads, as shall be diverted or turned through any private Grounds, to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments which shall be made a Part or Parts of the said Roads by virtue of this Act, shall be for ever thereafter, to all Intents and Purposes, a common Highway, and shall be repaired and kept in Repair in such Manner as the Roads hereby appointed to be repaired are by this, or any other Law ought to be, amended and kept in Repair; and from thenceforth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Road shall be completed the Lands constituting the former Road (unless leading over some Moor, Common, or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead) shall be vested in, and shall and may be sold, leased, or conveyed, by the said Trustees, or any Seven or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale or Lease, shall be applied to the Repair of the Roads by this Act directed to be repaired: But 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, without the Consent of the Owner or Proprietor thereof; any thing herein contained to the contrary notwithstanding.

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

Lands, &c. purchased to be made Part of the Road, and esteemed a publick Highway.

Old Road may be sold.

Buildings, &c. not to be damaged.

Provided always, That in case the Owner or Owners of any Lands, adjoining to the Lands constituting the former Roads, shall signify in Writing, to any Seven or

Owners to have the Preference in the Purchase of Lands.

or more of the ſaid Truſtees, before the new Road ſhall be compleated, his, her, or their Deſire to purchaſe ſo much of the ſaid former Road as ſhall adjoin to his, her, or their Lands, ſuch Owner or Owners ſhall be allowed to purchaſe the ſame in Preference to any other Perſon.

Truſtees not to act where intereſted.

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

If a new Road be made over any Moor, &c. Inhabitants not liable to repair the former, except, &c.

Provided alſo, That if any new Road ſhall be made as aforeſaid, inſtead of any former Road, over any Moor, Common, or Waſte Ground, the Inhabitants of the Pariſh or Place ſhall not be obliged to repair ſuch former Road, unleſs the ſame doth lead to ſome Town or Place with which ſuch new Road doth not communicate.

Roads made over any Moor, &c. to be 40 Feet wide.

And whereas ſome Parts of the Roads by this Act to be repaired, lie over ſeveral Commons and Waſte Grounds; be it therefore enacted, That when any Part of the ſaid Roads over any Common, or Waſte Grounds, ſhall be made or repaired in purſuance of this Act, the ſaid Roads ſhall for ever thereafter be and remain not leſs than Forty Feet broad, and be deemed Publick and Common Highways.

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

And be it further enacted by the Authority aforeſaid, That all the Owners, Occupiers, Grantees, Truſtees, Feoffees, and Committees, of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given, or are liable to the amending or maintaining any Part or Parts of the ſaid Roads, or any Bridge or Bridges thereon, ſhall ſtill remain liable and chargeable to the Repair thereof, in ſuch Manner as they were before the making of this Act; and that all Inhabitants of the Townſhips, Pariſhes, and Places in which any Part of the ſaid Roads lie, and all other Perſons liable to perform the Work commonly called Statute-work upon the ſaid Roads, ſhall remain ſubject to the Performance of ſuch Work;

Perſons renting 50 *l. per Ann.* deemed Team-holders.

and every Perſon that ſhall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds or upwards, ſhall be deemed to keep a Team for every Fifty Pounds per Annum ſo held and occupied, and ſhall be liable to perform ſuch Statute-work as Perſons keeping Teams are obliged by Law to do: And that the reſpective Surveyor or Surveyors of the Highways for the reſpective Townſhips, Pariſhes, and Places, in which any Part of the Roads doth lie, or in caſe no ſuch Surveyor is or ſhall be appointed,

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

pointed, the Churchwardens or Overseers of the Poor of such Townships, Parishes, 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 be appointed by virtue of this Act, deliver to each Turnpike 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, Parishes, and Places, are liable to do Statute-work; and shall distinguish in such Lists which of such Persons shall, or by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams; and the Statute-work shall be done by all such Persons, on such Parts of the Roads hereby intended to be repaired, as lie within the said respective Townships, Parishes, and Places, in such Manner, and at such Times, as the said Trustees, or any Seven or more of them, or the Surveyor or Surveyors, shall, from time to time, direct and appoint; so that no more than Three Days Work shall be done by any One Person or Team on the said Roads in any One Year; and the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor, for such Townships, Parishes, and Places respectively, within Ten Days after Notice shall be given to him or them, by such Turnpike Surveyor or Surveyors, of the Time or Times when, and how many of such Persons are to do such Work upon any Part or Parts of the said Roads, shall give Notice thereof to such Persons; and if any Surveyor, Churchwarden, or Overseer of the Poor, for any such Town, Parish, or Place aforesaid, shall neglect or refuse to do as he is hereby required and directed, every such Surveyor, or Churchwarden, or Overseer, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Five Pounds; and every Person who shall neglect or refuse to do such Work, at such Times and Places, and in such Manner, as shall be appointed by the said Trustees, or any Seven or more of them, or by such Turnpike Surveyor or Surveyors, every such Person shall forfeit and pay the respective Sums herein after mentioned; that is to say, Every Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Default for each Team the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep, a Team, for

Inhabitants to do Statute-work.

Penalty on Surveyors neglecting to deliver in such Lists,

and on Persons not performing Statute-work.

every Day's Default the Sum of One Shilling and Six Pence; and every Person who shall, according to such publick Notice as aforesaid, come as a Labourer, or with any Team, to work on the said Roads, and be found idle or negligent by the said Turnpike Surveyor or Surveyors, where the Work is to be done, such Surveyor or Surveyors may, and is and are hereby required to discharge such Person; and it shall be deemed as if such Person or such Team had not come, or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the respective Forfeitures before mentioned; and all Persons doing such Days Works on the said Roads as aforesaid, shall not be liable to do any other Statute-work thereon.

Persons found idle to be turned off.

Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, to compound or agree, by the Year or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees 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 or their Statute-work thereon; and also, that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid (by and with the Consent of the Majority of the Inhabitants of such Townships or Places first had at any Vestry, or other publick Meeting of such Inhabitants) to compound and agree by the Year or otherwise with the said Trustees, or any Seven or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said Roads; all which Composition-monies shall be, from time to time, paid in Advance, and shall be applied in the Repair of the said Roads; and all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Monies 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.

Trustees, with Consent of Inhabitants, may compound for Statute-work.

Surveyors, &c. paying the Composition-money, how to be reimbursed.

And be it further enacted by the Authority aforesaid, That if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone (Mill Stones excepted) otherwise than upon Wheel Carriages, or

Penalty on haling Timber otherwise than on Wheel Carriages.

or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon Wheel Carriages, to drag upon any Part of such Roads, to the Prejudice thereof; every such Person shall, for every such Offence, forfeit any Sum not exceeding Twenty Shillings, nor less than Five Shillings.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may cause the said Roads to be measured, and Stones or Posts to be set up in, upon, or near the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon, denoting the Distance of every such Stone or Post from any Town or Place, as they shall think fit: And if any Person or Persons shall wilfully pull down, break, or damage, any such Stone or Post, or obliterate any Inscription which shall have been made thereon, or shall cause or procure the same to be done, and be thereof convicted upon Oath by One or more credible Witness or Witnesses, or by his or their own Confession, before any Justice of the Peace for the Division wherein such Offence shall be committed, which Oath such Justice is hereby impowered and required to administer without Fee or Reward; every such Person so offending shall forfeit any Sum not exceeding Forty Shillings, nor less than Five Shillings, for every such Stone or Post pulled down, broke, or damaged, or Inscription so obliterated; whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the Penalties are herein after directed to be applied; and in case such Penalty shall not be forthwith paid, such Justice of the Peace shall commit such Person or Persons to some House of Correction within the Division where the Offence shall be committed, there to remain without Bail or Mainprize, for any Space not exceeding Two Calendar Months, nor less than One Calendar Month, unless such Forfeiture, and all reasonable Charges, shall be sooner paid; and every such Offender, in either of the said Cases, shall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed, and shall be immediately delivered to a Constable or other Peace Officer, who shall convey such Offender before any Justice of the Peace, to be dealt with according to Law, and the Directions of this Act.

Penalty on defacing Mile-stones.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed (the Manner of levying

bying and recovering whereof is not otherwise hereby particularly directed) shall, upon Proof of the Offences respectively, before any One Justice of the Peace for the Division wherein the Offender shall be or reside, either by Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath such Justice of the Peace is hereby impowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby impowered to grant for those Purposes) and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattles; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be (if not otherwise directed to be applied by this Act) from time to time, paid to any Seven or more of the Trustees, or to their Treasurer, and applied in the Repair of the said Road; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to some House of Correction within the Division where the Offence shall be committed, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed; such Person may appeal to the Justices of the Peace at their next General Quarter Session for that Division or Place wherein the Cause of Complaint shall arise; and within Six Calendar Months after the Cause of Complaint shall have arisen; such Appellant first giving, or causing to be given,

Notice of Appeal to be given.

Ten intire Days Notice at the least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees;

Recognizance to be entered into.

and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for

such Division or Place, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Quarter Session; and the said Justices at the said Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Session shall be final, binding, and conclusive, to all Intents and Purposes.

Distress not to be deem'd 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 Defect 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*.

Plaintiff not to recover, if Tender of Amends hath been made.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity, Trespass, or other Proceeding, if Tender of sufficient Amends shall be made by or on Behalf of the Party or Parties who shall have committed, or cause to be committed, any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought, or if such Amends be paid into Court, with the Costs.

Writings to be without Stamps.

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

Proceedings to be enter'd in a Book.

And be it further enacted by the Authority aforesaid, That full, true, and fair Accounts and Entries of all the Money that shall be collected and received, laid out, expended and paid by virtue of this Act, and of all Orders, Acts, Matters, Proceedings, and Things, which shall be done by the said Trustees in the Execution of

the Powers hereby to them given, shall, from time to time, be duly and regularly entered in Books which shall be kept for those Purposes by the Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and other Officers for the said Roads; and that all and every Person and Persons whomsoever, may take Copies of all or any Part of such Book or Books, paying for every Copy not exceeding One hundred Words, Two Pence, and so proportionably for any greater Number of Words; and all such Orders of the said Trustees, so entered, shall be signed by the said Clerk or Clerks, at any Meeting of any Seven or more of the said Trustees, as the Case shall require; and such Orders shall be deemed and taken to be original Orders, as if the same were under the Hands and Seals of the said Trustees: Which said Books, and also the Books directed to be kept for the registering and entering the said Mortgages or Assignments, shall be read in Evidence in all Cases of Appeals, Suits, or Actions, touching any thing done in pursuance of this Act.

Books may be read in Evidence.

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

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for want of Form, or be liable to be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for want of Form, or 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 Twenty one Days Notice shall be thereof given to the Clerk or Clerks of the said Trustees; or after a sufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved; or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County of Norfolk, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall and may at his Election plead specially,

Limitation of Actions.

specially, or the General Issue, Not Guilty, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in Pursuance of and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty one Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for the bringing the same as aforesaid, or shall be brought in any other County, 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 recover Treble Costs, and have such other Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law. General Issue. Treble Costs.

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

FINIS.