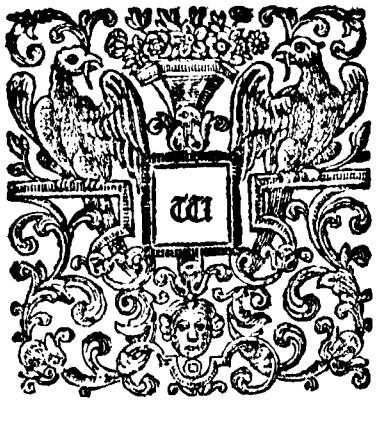
Anno ſeptimo

Georgii III. Regis.

An Act for continuing the Term of ſeveral Acts for repairing the Road between *Wymondham* and *Attleborough*, in the County of *Norfolk*; and for amending the Road from the End of the Town Cloſe, in the County of the City of *Norwich*, to the Chalk Pits, near *Thetford*, in the ſaid County of *Norfolk*.



WHEREAS by ſeveral Acts of Parliament of the Seventh and Eighth Years of King William the Third, the Seventh Year of Queen Anne, the Twelfth Year of King George the Firſt, and the Twentieth Year of His late Majeſty King George the Second, the Road leading from Hetherſet to Frettlebridge, in Attleborough, in the County of Norfolk (being Part of the great Road from Norwich to London) hath from time to time been directed to be amended and repaired, and ſeveral Tolls have been granted by the ſaid Acts for that Purpoſe, and divers Powers given to the Juſtices of the Peace for the ſaid County, who are thereby appointed Truſtees for putting in Execution the ſeveral Powers and Authorities granted by the ſaid ſeveral Acts: And whereas the ſaid Acts have Continuance until the Twenty fifth Day of March, One thouſand Preamble.

ſand ſeven hundred and ſeventy three, and to the End of the then next Seſſion of Parliament: And whereas certain Parts of the great Road aforeſaid, lying between a Place called The End of the Town Cloſe, in the County of the City of Norwich, and a certain Water-courſe in the great Road, oppoſite to a Farm Houſe in the Occupation of Cannell in Hetherſet, in the County of Norfolk aforeſaid; and alſo the Road lying between Frettlebridge and the Chalk Pits in Thetford, in the ſaid County, are not included in any of the ſaid Acts, and are in a ruinous Condition, and in many Parts narrow and dangerous for Paſſengers and Carriages, and cannot be effectually amended by the Laws now in being: To the End therefore that all the Road between the End of the Town Cloſe, in the County of the City of Norwich, and the Chalk Pits near Thetford, in the ſaid County of Norfolk, may be effectually amended, widened, and made commodious; May it pleaſe Your moſt Excellent 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 Terms granted by the ſaid ſeveral recited Acts made in the Seventh and Eighth Years of King William the Third, the Seventh Year of Queen Anne, the Twelfth Year of King George the Firſt, and the Twentieth Year of His late Majeſty King George the Second, ſhall be, and the ſame are hereby further continued from the Expiration thereof, and alſo for the additional Term granted by an Act made in the Twenty eighth Year of the Reign of His late Majeſty King George the Second, intituled, An Act to amend an Act made in the Twenty ſixth Year of His preſent Majeſty, intituled, *An Act for the Amendment and Preſervation of the Publick Highways and Turnpike Roads of this Kingdom, and for the more effectual Execution of the Laws relating thereto*, for and during the further Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament; and inſtead of the ſeveral Clauſes, Proviſions, Tolls, Powers, Penalties, Forfeitures, Payments, Puniſhments, Rules, Matters, and Things, in the ſaid recited Acts contained, the ſeveral Clauſes, Proviſions, Tolls, Powers, Penalties, Forfeitures, Payments, Puniſhments, Rules, Matters, and Things, in this Act contained, ſhall, for the Purpoſe of repairing, widening, and keeping in Repair, all the Road between the End of the Town Cloſe, in the County of

The recited Acts further continued.

the City of Norwich, and the Chalk Pits near Thetford, in the ſaid County of Norfolk, take Place, and ſhall commence from and immediately after the paſſing of this Act, and ſhall continue in Force for and during the Terms of the ſaid ſeveral recited Acts, and alſo for and during the additional Term of Twenty one Years hereby granted, and to the End of the then next Seſſion of Parliament.

Truſtees. And be it further enacted by the Authority aforeſaid, That the Juſtices of the Peace of and for the County of Norfolk for the time being, ſhall be, and are hereby appointed Truſtees for the more effectual amending, widening, turning, or altering, and keeping in Repair, the ſaid Road, except ſuch Part thereof as lies between the End of the ſaid Town Cloſe and Cringleford Bridge, in the Pariſhes of Heigham and Eaton, in the County of the City of Norwich, or One of them, and for putting this Act, and all the Powers herein contained, in Execution.

Their Qualification. Provided always, and be it enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be qualified to act, and ſhall act as a Juſtice of the Peace in and for the ſaid County of Norfolk; and if any Perſon, not being ſo qualified, ſhall preſume to act as a Truſtee in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of One hundred Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, upon Proof given of his having acted as a Truſtee in the Execution of this Act.

Penalty on Perſons acting if not qualified.

Time and Place of Truſtees Meeting. And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the Caſtle of Norwich, in the Shire Houſe there in and for the County of Norfolk, on Wedneſday the Twenty ninth Day of April, One thouſand ſeven hundred and ſixty ſeven, and ſhall then proceed to the Execution of this Act, and ſhall then adjourn themſelves, and afterwards meet at the Place aforeſaid, or at any other Place or Places near the ſaid Road, as the ſaid Truſtees, or any Three or more of them, ſhall think proper, as often as they ſhall think ne-

In Default of a sufficient Number to act,

cessary for putting this Act in Execution; and if it shall happen that there shall not appear at any Meeting a sufficient Number of Trustees to act and to adjourn to another Day, the Trustee or Trustees then present, or their Clerk (in case there shall be no Trustee present) shall from time to time, as often as such Case shall happen, by Notice in Writing, to be affixed upon all the Turnpikes which shall be then erected upon the said Road, at least Four Days before the next Meeting, appoint the Trustees to meet at the House or Place where the last Meeting was appointed to be held, or at any other Place on or near the said Road, on that Day Sevennight next after the Day on which such last Meeting was appointed to have been held; and the said Trustees at all their Meetings shall defray their own Expences: And all Orders and Determinations of the said Trustees in the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless the Number of Trustees revoking or altering the same shall be Ten at the least, and unless the Person or Persons applying to revoke or alter such Order shall give Notice to the Clerk of the said Trustees by him to be fixed on all the Gates or Turnpikes then standing upon the said Road, at least Fourteen Days previous to any Meeting to be held for that Purpose; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted during the Time that he shall hold any Place of Profit under this Act.

Clerk to give Notice of another Meeting.

Trustees to defray their own Expences.

Trustees not to act but at a publick Meeting.

No Order to be made unless a Majority of the Trustees present shall concur therein.

No Order made to be repealed, unless 10 Trustees are present.

No Trustee to accept a Place of Profit arising from the Tolls.

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

Trustees who are in the Commission of the Peace may act as Justices. Exception.

And be it further enacted by the Authority aforesaid, That the said Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, shall and may erect, or cause to be erected, a Turnpike upon or near adjoining to Cringleford Bridge, and One other Turnpike or Gate, upon or near adjoining to Fretchebridge aforesaid; and also shall or may, from time to time, as they shall see Occasion, erect or cause to be erected any Side-gate or Side-gates upon any Part of the

Trustees may erect Turnpikes and Toll-houses,

the ſaid Road, between Cringleford Bridge and Frettle-bridge aforeſaid; and alſo a Toll-houſe to each Turnpike or Gate, with ſuitable Out-buildings thereto in and upon the ſame; and alſo may take in and incloſe from the ſaid Road, or any Part or Parts thereof, convenient Garden Spots for each of the ſaid Toll-houſes, as the ſaid Truſtees, or any Five or more of them, ſhall direct or appoint; and the Tolls following ſhall be demanded and taken at each of the ſaid Turnpikes, by ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall, from time to time, appoint to receive the ſame, before any Horſe, Cattle, Beaſt, or Carriage whatſoever, ſhall be permitted to paſs through the ſame; that is to ſay; and take the following Tolls thereat.

The Tolls.

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

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

For every Coach, Machine, Landau, Berlin, Chariot, Chaiſe, or Calaſh, and Two Horſes, the Sum of Six Pence; for every ſuch Carriage and Four Horſes, the Sum of Nine Pence; for every ſuch Carriage and Six Horſes, the Sum of One Shilling.

For every Cart and One Horſe, the Sum of Two Pence.

For every Cart with more than One Horſe, not having the Fellies of the Wheels of the Breadth or Gauge of Nine Inches from Side to Side, the Sum of Six Pence.

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

For every Waggon, not having the Fellies of the Wheels of the Breadth or Gauge of Nine Inches from Side to Side, and not more than Four Horſes, the Sum of One Shilling.

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

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

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

All

All which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of and as a Toll; and the Money ſo to be raiſed and collected, ſhall be, and is hereby veſted in the ſaid Truſtees, and the ſame, and every Part thereof, ſhall be paid, applied, and diſpoſed of, and aſſigned in ſuch Manner as is herein after-mentioned; and if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls, or any Part thereof, ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, or any Part thereof, it ſhall and may be lawful for the Perſon or Perſons appointed as aforeſaid to collect ſuch Tolls, to ſeize and diſtrain any Horſe, Beaſt, or other Cattle, or any Goods or Carriage, upon which any ſuch Tolls are by this Act impoſed; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, and of detaining and keeping the ſame, ſhall not be paid within the Space of Five Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining, ſhall and may ſell the Horſes, Cattle, Beaſt, Carriage, or Goods and Chattles ſo ſeized and diſtrained, rendering the Overplus (if any) on Demand, to the Owner thereof, after ſuch Tolls and all reaſonable Charges ſhall be deducted.

Tolls veſted in Truſtees.

Tolls to be levied by Diſtreſs and Sale.

Diſtreſs to be ſold after 5 Days.

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

Turnpikes, &c. veſted in the Truſtees.

And be it enacted by the Authority aforeſaid, That out of the Tolls to be collected, or Money to be borrowed on the Credit thereof, the ſaid Truſtees, or any Five or more of them, ſhall, in the Firſt Place, pay all the Charges and Expences incurred in, and in relation to, procuring this Act; and after all ſuch Charges and Expences ſhall be paid and ſatisfied, all ſuch Tolls and Money ſhall be applied in making, erecting, and repairing, of Bars and Toll-houſes, and repairing, widening, altering, turning, and

Application of the Monies.

and keeping in Repair, the ſaid Road, and in executing the ſeveral other Purpoſes of this Act, and to no other Uſe or Purpoſe whatſoever.

Trustees not to repair Pavements.

Provided always, and be it enacted, That no Part of the Monies ariſing from the ſaid Tolls, or to be borrowed on the Credit thereof, ſhall be laid out in, or applied to, the paving or repairing any Pavements in any Town or Street through which any Part of the Road by the ſaid former Acts, or by this preſent Act, directed to be widened or repaired, ſhall lead.

Truſtees, with Conſent of Creditors may leſſen the Tolls;

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Ten or more of them, aſſembled at a Meeting or Meetings to be held for that Purpoſe, and they are hereby impowered, from time to time, with the Conſent of ſuch Perſon or Perſons as ſhall be intitled to Five Sixths or more of the Money which ſhall have been advanced upon the Credit of the ſaid Tolls, to leſſen or reduce all or any of the Tolls herein before mentioned, and for ſuch Time or Times as the ſaid Truſtees, or any Ten 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 Ten or more of them, may, from time to time, direct the Tolls hereby granted or reduced as aforeſaid, to be collected in ſuch Parts or Proportions as they ſhall think proper; and ſuch reduced Tolls, and alſo ſuch Parts and Proportions thereof as aforeſaid, ſhall and may be collected, levied, and applied, in ſuch and the ſame Manner as the Tolls hereby granted are directed to be collected, levied, and applied; but no Meeting ſhall be held for any of the Purpoſes aforeſaid, unleſs Fourteen Days previous Notice thereof at the leaſt ſhall have been given in Writing, affixed upon all the Turnpikes which ſhall have been then erected upon the ſaid Road.

and raiſe them again.

Notice thereof to be given.

Tolls to be paid but Once a Day.

Provided always, and be it enacted, That no Perſon having Occaſion to paſs through any Turnpike erected upon the ſaid Road, who ſhall return through the ſame Turnpike on the ſame Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the ſucceeding Night, with the ſame Horſes, Cattle, Beaſts, or Carriage, and who ſhall produce a Note or Ticket of the Day, denoting that the Toll was paid at ſuch Turnpike (which Note or Ticket the ſaid Collector or Collectors of the Tolls is and are hereby required to

give gratis on Receipt of the Toll) ſhall be liable to pay the ſaid Toll more than Once at the ſaid Gate.

Truſtees may compound with Inhabitants.

And be it enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, may, and they are hereby impowered, from time to time, as they ſhall ſee convenient, to compound and agree, for any Term not exceeding One Year at any one Time, with all or any of the Inhabitants of the ſeveral Farms, Pariſhes, Hamlets, or Places, near to or through which the Road hereby directed to be repaired doth lead, for the paſſing of their Carriages or Cattle through all or any of the Turnpikes erected by virtue of this Act; which Compoſition-money ſhall be paid Twelve Months in Advance, and, in Default thereof, the Compoſition or Agreement with the Perſon or Perſons making ſuch Default ſhall be void; and all ſuch Compoſition-money ſhall be applied only in ſuch Manner as the Tolls are directed to be applied.

Exemptions from Tolls.

And be it enacted by the Authority aforeſaid, That no Toll ſhall be demanded or taken for any Carriage, or for any Horſe, Cattle, or Beaſt, laden only with, or going unladen for, or returning unladen, having been laden only with (on the ſame Day) Gravel, Stone, or other Materials, for repairing the ſaid Road, or any of the Roads in the ſeveral Townſhips in which the Road hereby directed to be repaired, or any Part thereof, doth lie; or for Hay, or Corn in the Straw, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Outhouſes, or on the Lands, of the Owners thereof; or for any Ploughs, Harrows, or Implements of Husbandry; or any Mould, Dung, Compoſt, Manure, or Lime, to be employed in Husbandry, and manuring and improving of Lands, in the ſeveral Townſhips near to, or through which, the ſaid Road, or any Part thereof, reſpectively lies; or who ſhall paſs through any of the Turnpikes on Sundays, to or from their proper Pariſh or Parochial Church, Chapel, or other Place of Religious Worſhip, which they uſually reſort to; or who ſhall attend the Funeral of any Perſon or Perſons that ſhall die and be buried in any of the ſaid Pariſhes; or for any Horſe or Cattle going to or from Water or Paſture; or for any Poſt-horſe carrying the Mail or Packet; or for the Horſes of Soldiers upon their March, or for Waggons, Wains, Carts, and Carriages, attending them; or for Horſes, Carts, and Carriages, travelling with Vagrants ſent by legal Paſſes, or returning after having been ſo employed; or for any Coaches, Berlins, Landaus, Chariots, Calaſhes, Chaiſes, Chairs, or Paſſengers

Paſſengers on Horſeback, going to, or returning from, any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of Norfolk, or of any Citizen or Citizens to ſerve in Parliament for the ſaid City of Norwich, during the Time of ſuch Election or Elections, or on the Day before, or Day after, ſuch Election ſhall begin or be concluded: And if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being intitled to the ſame, every ſuch Perſon ſo offending ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds. Penalty of making illegal Claims.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, with any Horſe, Cattle, Beaſt, or Carriage whatſoever, paſs through any Land, Ground, or Hereditament, adjoining to, or lying near, any Turnpike erected, or to be erected, upon the ſaid Road (the ſame not being a publick Highway) or if the Owner or Occupier of any ſuch Land, Ground, or Hereditament, ſhall knowingly permit or ſuffer any Perſon or Perſons, with any Horſe, Cattle, Beaſt, or Carriage, to paſs through the ſame, whereby the Payment of any of the ſaid Tolls, or any Part thereof, ſhall be avoided; or if any Perſon or Perſons ſhall give to, or receive from, any Perſon or Perſons, or forge or counterfeit any Ticket by this Act directed to be given by the Collector of the Tolls; or if any Perſon or Perſons ſhall, at any Time or Times, take off, or cauſe to be taken off, any Horſe, or other Cattle or Beaſt, from any Carriage, whereby the Payment of any of the Tolls, or Part thereof, ſhall be evaded; or ſhall leave, or cauſe to be left, upon or near to any Part of the ſaid Road, any Carriage, Horſe, Cattle, or Beaſt, with an Intent to evade the Payment of the ſaid Tolls, or of any Part thereof; or, with ſuch Intent, ſhall unload any Goods from any Horſe, Cattle, Beaſt, or Carriage; any Perſon, ſo offending in any of the Caſes aforeſaid, ſhall, for every Offence, forfeit the Sum of Five Pounds; One Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied towards amending the ſaid Road. Penalty on permitting, or going thro' private Paſſage, &c. or on giving or receiving Tickets, &c. or taking off Horſes, &c. or unloading Goods, to avoid Payment 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 Ten or more of them, at any Meeting to be held in purſuance of this Act, upon the Credit of the Tolls ariſing by virtue of this Act, in ſuch Manner as they ſhall think proper, to borrow and take up at Intereſt any Sum and Sums of Money which they, or any Ten or more of them, ſhall think fit; and they, or any Ten Tolls may be aſſigned for Money borrowed.

Ten or more of them, are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to mortgage and aſſign over the ſaid Tolls, or any Part or Parts thereof (the Charges of ſuch Mortgages or Aſſignments to be paid out of ſuch Tolls) to any Perſon or Perſons, for any Term or Number of Years during the Continuance of this Act, as a Security or Securities for the ſeveral Sums of Money which ſhall be borrowed as aforeſaid, and the Intereſt thereof; and Copies of all ſuch Mortgages and Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Truſtees; but no Money ſhall be borrowed upon the Credit of the ſaid Tolls, unleſs Notice in Writing be, for that Purpoſe, affixed upon all the ſaid Turnpikes erected upon the ſaid Road, at leaſt Fourteen Days before the Borrowing ſuch Money: And all and every Perſon or Perſons, to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, is and are hereby impowered, from time to time, by Aſſignment under his, her, or their Hand or Hands, to be endorſed on the Back of his, her, or their Security, or by any other Writing or Writings to be executed under his, her, or their Hand and Seal, or Hands and Seals, in the Preſence of Two or more credible Witneſſes, to transfer or aſſign over ſuch Security or Securities; and the Money, both Principal and Intereſt, which ſhall be due thereon, to any Perſon or Perſons whomſoever: All which Aſſignments or Transfers ſhall be produced and notified to the Clerk or Treaſurer to the ſaid Truſtees, within Six Calendar Months after the Date thereof, who ſhall cauſe an Entry to be made of ſuch Aſſignments, containing the Dates, Names of the Parties, and Sums of Money therein mentioned to be aſſigned or transferred, in the ſaid Book or Books to be kept for entering the ſaid original Mortgage or Mortgages, for which ſuch Clerk or Treaſurer ſhall be paid the Sum of Two Shillings and Six Pence, and no more; and which ſaid Book or Books ſhall or may, at all ſeaſonable Times, be peruſed and inſpected without Fee or Reward; and after ſuch Entry made, ſuch Aſſignment or Transfer ſhall intitle ſuch Aſſignee, his, her, and their Executors and Adminiſtrators, to the Benefit thereof and Payment thereon, and ſuch Aſſignee may in like Manner aſſign or transfer again, and ſo toties quoties; and it ſhall not be in the Power of any Perſon who ſhall have made ſuch Aſſignment or Transfer, to make void, releaſe, or diſcharge, the ſame, or any Monies due

Notice to be given of borrowing Money.

Aſſignments may be tranſferred.

Entries to be made of all Aſſignments.

Clerk's Fee.

due thereon; and all and every Perſon and Perſons, to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, ſhall be, in Proportion to the Sum or Sums therein mentioned, Creditors on ſuch Tolls in equal Degree one with another, and ſhall have no Preference in reſpect to the Priority of advancing any ſuch Monies. All Creditors to be deemed equal in Degree.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, may, and are hereby impowered, by Writing under their Hands, to appoint One or more Collector or Collectors of the ſaid Tolls, and One or more Clerk or Clerks, Treaſurer or Treaſurers, and Surveyor or Surveyors, of the ſaid Road, and ſuch other Officers and other Perſons as the ſaid Truſtees, or any Five or more of them, ſhall think neceſſary, and, from time to time, remove ſuch Officers and other Perſons, or any of them, and appoint others in their Stead; and may, and are hereby authorized and impowered, out of the Monies ariſing by the Tolls aforeſaid, to pay ſuch Salaries, and make ſuch Allowances to ſuch Officers and other Perſons, and alſo to any other Perſon or Perſons who ſhall be aſſiſting to them in or about repairing or widening the ſaid Road, or any Part thereof, as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem reaſonable; and all ſuch Officers and Perſons ſhall, from time to time, when thereunto required by the ſaid Truſtees, or any Five or more of them, deliver to ſuch Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall for that Purpoſe appoint, true and perfect Accounts in Writing under their reſpective Hands upon Oath (which Oath any One of the ſaid Truſtees are hereby impowered to adminiſter) of all Monies which he, they, and every of them reſpectively, ſhall to that Time have received by virtue of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall then appear to be in their or any of their Hands to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint to receive the ſame; and if any ſuch Officer or Perſon ſhall refuſe or neglect to give ſuch Account as aforeſaid, or ſhall refuſe or neglect to deliver up the Vouchers relating to the ſame, or to verify the Articles thereof upon Oath, or ſhall neglect or refuſe to pay the Money due on ſuch Account in Manner aforeſaid; or if any ſuch Officer or Perſon ſhall refuſe or neglect to deliver up to the ſaid

Truſtees may appoint Officers;

and remove them, and appoint others.

Truſtees to allow Officers Salaries.

Officers to account upon Oath.

Officers refuſing to account,

Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, within Seven Days after being thereunto required by the ſaid Truſtees, or any Five or more of them, all the Books, Papers, and Writings, in his Cuſtody or Power, relating to the Execution of this Act; in all or any of the ſaid Caſes, it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, to commit every ſuch Offender to the Common Gaol of the County or Place where the Offence was committed, there to remain without Bail or Mainprize until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall have compounded with the ſaid Truſtees, or any Ten or more of them, for the ſame, and ſhall have paid ſuch Compoſition in ſuch Manner as the ſaid Truſtees, or any Ten or more of them, ſhall appoint (which Compoſition the ſaid Truſtees, or any Ten or more of them, are hereby impowered to make) or until he ſhall have delivered up ſuch Books, Papers, and Writings aforeſaid, or given Satisfaction in reſpect thereof to the ſaid Truſtees, or any Ten or more of them.

may be committed,

till Payment or Compoſition made.

Treaſurers to give Security.

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

No Victualler, &c. to hold any Place of Profit.

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

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

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

Surveyors may dig Gravel, &c.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Surveyor or Sur-

Surveyors appointed or to be appointed, or for any other Perſon or Perſons by them, or any of them, or by the ſaid Truſtees, or any Five or more of them, for that Purpoſe employed, to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Chalk, Lime-ſtones, Sand, Flints, or other Materials proper for repairing the ſaid Road, in, upon, out of, or from any Waſte or Common Ground, or from any River or Brook, in any Pariſh, Town, or Place, in, adjoining to, or lying near the ſaid Road, or in any neighbouring Pariſh, Town, or Place, to be uſed, diſpoſed of, and applied in repairing the ſaid Road, without paying any thing for the ſame, ſuch Surveyors or other Perſons filling up the Pits, and levelling the Ground from whence ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and alſo by Order of the ſaid Truſtees, or any Five or more of them, to cut, dig, gather, take, and carry away, any Quantity or Quantities of Furze, Heath, Gravel, Stones, Chalk, Lime-ſtones, Sand, Flints, or other Materials, proper and ſufficient for that Purpoſe, in, upon, or out of, and from, or over the Lands, Fields, or Grounds, of any Perſon or Perſons where the ſame may be had or found, to be uſed, diſpoſed of, and applied in or towards the repairing the ſaid Road (ſuch Lands, Fields, and Grounds, or any of them, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nurſery, or incloſed Ground, now planted with any Avenue of Trees) paying or tendering Payment of ſuch Rates for ſuch Materials, and for the Damage done to the Owners or Occupiers of ſuch Lands and Grounds where and from whence the ſame ſhall be digged, drawn, gathered, taken, and carried away, or over which the ſame or any other Materials gotten in any Waſte Ground, Common, River, or Brook, or private Grounds, ſhall be conveyed, as the ſaid Truſtees, or any Five or more of them, ſhall adjudge reaſonable, they the ſaid Truſtees or Surveyors cauſing the Pits to be filled up, and the Ground to be levelled from which ſuch Materials ſhall be ſo taken, or otherwiſe ſufficiently fenced in and ſecured.

without paying for the ſame;

levelling the Pits.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

Provided always, and be it enacted by the Authority aforeſaid, That if the Owner or Occupier of any Ground or Soil, or any Perſon whatſoever, ſhall take away any Materials which ſhall have been digged or gathered in any Lands, Fields, Waſtes, or Grounds, River, or Brook,

Penalty on taking away Materials, &c. got by Order of the Surveyor.

Brook, for the Purpoſe of repairing the ſaid Road, or ſhall get or take away any Materials out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting ſuch Materials for repairing the ſaid Road, before the ſaid Surveyors or their Workmen ſhall have diſcontinued working therein for the Space of Twenty one Days, except the Owner or Occupier of any private Ground, and Perſons authorized by ſuch Owner or Occupier to get Materials therein for his own private Uſe only, and not for Sale, every Perſon ſo offending ſhall forfeit for every ſuch Offence the Sum of Ten Pounds.

Surveyors may make Cauſeways, &c.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, or the Surveyor or Surveyors by them appointed as aforeſaid, or any other Perſon or Perſons by them, or either of them, appointed or employed, may and are hereby authorized and impowered (they the ſaid Surveyor or Surveyors, or other Perſons having an Order under the Hands and Seals of the ſaid Truſtees, or any Five or more of them, for ſuch Purpoſes reſpectively) to make or cauſe to be made, any Cauſeway or Cauſeways, in or along the Side or Sides of any Part of the ſaid Road; and ſhall and may erect and build Bridges or Arches of Brick, Stone, or Timber, upon, in, or acroſs the ſaid Road, or any Part thereof, and ſhall and may dig and cut, or cauſe to be digged and cut, any Drains or Watercourſes, through or acroſs any Lands or Grounds, to prevent the ſaid Road, or any Part or Parts thereof, from being overflowed, and erect Bridges over ſuch Drains or Watercourſes, if neceſſary, making ſuch reaſonable Satisfaction to the Owners or Occupiers of ſuch Lands or Grounds for the Damage they ſhall thereby ſuſtain, as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem meet.

and erect Bridges;

making Satisfaction to the Owners.

Surveyors may remove Annoyances, &c.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, having an Order from the ſaid Truſtees, or any Five or more of them, from time to time, to remove and carry away all Annoyances, by Filth, Dung, Aſhes, and Rubbiſh, or otherwiſe, on any Part of the ſaid Road, and to cut down, lop, or top, any Trees or Buſhes growing in the ſaid Road, or in the Hedges or Banks adjacent thereto, the Owners or Occupiers neglecting to cut down, lop or top, ſuch Trees or Buſhes, or to remove ſuch other Annoyances, for the

and cut down Trees, &c.

the Owners neglecting to remove the ſame after Notice;

Space

Space of Twenty one Days after Notice in Writing given for that Purpoſe under the Hand or Hands of the ſaid Surveyor or Surveyors; the Charges whereof ſhall be reimburſed to the ſaid Surveyor or Surveyors, by ſuch Owners or Occupiers ſo neglecting to cut down the ſaid Trees or Buſhes, or to remove ſuch other Annoyances as aforeſaid; and in caſe ſuch Owners or Occupiers ſhall not on Demand pay and reimburſe to the ſaid Surveyor or Surveyors ſuch Charges as aforeſaid, it ſhall and may be lawful for ſuch Surveyor or Surveyors, by Warrant or Warrants under the Hands and Seals of any Five or more of the ſaid Truſtees, from time to time, to levy the Charges thereof upon ſuch Owners or Occupiers by Diſtreſs and Sale of his and their Goods and Chattles, rendering the Overplus (if any be) to the Owner or Owners thereof, on Demand, after all Charges paid; and if after Removal of any of the ſaid Annoyances, ſuch Perſon or Perſons ſhall again offend in the like Manner, every ſuch Perſon ſo offending, and being thereof convicted upon Oath before any Five or more of the ſaid Truſtees, ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds.

the Charges to be reimburſed the Surveyor,

be to levied by Diſtreſs and Sale.

Penalty of a Second Offence.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons, who of Right ought to ſcour or cleanſe any Ditch, Drain, or Watercourſe, lying in or over, or leading into or out of, the ſaid Road, or any Part thereof, ſhall not, in a proper Manner, ſcour or cauſe ſuch Ditches, Drains, and Watercourſes, or cauſe the ſame to be done, within the Space of Twenty one Days after Notice in Writing ſhall, for that Purpoſe, be given to him, her, or them reſpectively, or ſhall be left at his, her, or their reſpective Place or Places of Abode, by Order of the ſaid Truſtees, or any Five or more of them; the ſaid Surveyor or Surveyors of the ſaid Road may, and is and are hereby authorized and impowered, to cauſe ſuch Ditches, Drains, and Watercourſes, to be ſcoured and cleanſed, and to pay for the ſcouring and cleanſing the ſame: And if the ſaid Perſon and Perſons ſhall not repay the ſaid Money ſo paid by ſuch Surveyor or Surveyors, upon Demand thereof upon him, her, or them reſpectively made, either in Perſon, or by Writing to be left at his, her, or their reſpective Place or Places of Abode; the ſaid Money, and every Part thereof, upon Proof of the cleanſing and ſcouring the ſaid Ditches, Drains, or Watercourſes, and Payment of the ſaid Money, and Demand thereof made, and Non-payment as aforeſaid, by the Oath of One or

Owners neglecting to ſcour their Watercourſes, after Notice,

Surveyors may cleanſe them,

and levy the Charges by Diſtreſs and Sale.

more Witneſs or Witneſſes, before the ſaid Truſtees, or any Five or more of them, they the ſaid Truſtees, or any Five or more of them, ſhall and may, and they are hereby authorized and impowered, by Warrant under their Hands and Seals, to levy the ſame by Diſtreſs and Sale of the Goods and Chattles of ſuch Perſon or Perſons who ought to pay the ſame, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

Surveyors may make Cauſeways, &c.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for ſuch Surveyor or Surveyors, and ſuch Perſon or Perſons as ſhall or may be appointed by Order of the ſaid Truſtees, or any Five or more of them, to make, or cauſe to be made, Cauſeways, and to cut and make Drains, through any Grounds lying contiguous to the ſaid Road; and to erect, and keep in Repair, Arches of Brick, Timber, or Stone thereupon; and to divert and turn the ſaid Road, or any Part or Parts thereof, over any Part of the Commons, Woods, or Waſte Grounds, contiguous or adjoining thereto; and alſo to cauſe Ditches or Trenches to be made in ſuch Places, and in ſuch Manner, as ſuch Surveyor or Surveyors, by Order of the ſaid Truſtees, or any Five or more of them, ſhall adjudge neceſſary for the better amending the ſaid Road, and keeping the ſame in good Repair; and alſo to make a Road or Way through, over, and along, the Grounds adjoining to any narrow or ruinous Part or Parts of the ſaid Road hereby intended to be repaired (ſuch Ground not being a Garden, Orchard, Park, Park, or planted Walk, or Avenue to a Houſe, Plantation, or Nurſery of Trees) to be made uſe of by all Paſſengers with Horſes, Coaches, Carriages, or otherwiſe, as a Road, whilſt the old, narrow, or ruinous Road is repairing or widening, and until the ſame ſhall be made convenient and ſafe for Paſſengers and Carriages; making ſuch reaſonable Satisfaction to the Owner or Occupier of ſuch Ground through which any ſuch Drain or Drains, or on which any ſuch Arch or Arches, Bridge or Bridges, or through, over, and along, which any ſuch occaſional Road ſhall be made, for the Damage which he, ſhe, or they ſhall or may thereby ſuſtain, as ſhall be aſſeſſed and adjudged by the Juſtices of the Peace at their General Quarter Seſſions of the Peace next holden for the County, Diviſion, or Place, within which ſuch temporary Road ſhall be turned, or where any ſuch Drain or Drains, Ditch or Ditches, ſhall be cut or made, or

erect Bridges,

and make a temporary Road;

making Satisfaction to the Owners.

where

where ſuch Arch or Arches, Cauſeway or Cauſeways, ſhall be reſpectively erected or made, in caſe any Differences ſhall ariſe between the ſaid Truſtees and ſuch Owners and Occupiers reſpectively concerning the ſame.

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

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

Penalty on obſtructing Officers in their Duty.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall interrupt or hinder any Turnpike Surveyor, or other Perſon or Perſons employed by them, or any of them, or by the ſaid Truſtees, or any Five or more of them, in the cutting, digging, taking, or carrying off, any Furze, Heath, Stones, Gravel, Chalk, Lime-ſtones, Sand, Flints, or other Materials, for the altering, widening, or repairing, the ſaid Road, or any Part or Parts thereof, or in topping, lopping, cutting down, or removing, any Trees or Buſhes as aforeſaid, or in digging, cleanſing, or ſcouring, any Ditch, Drain, or Watercourſe, or in doing any other Act in or for the repairing, widening, or altering, the ſaid Road, or any Part thereof, or otherwiſe in or for the Execution of the Powers by this Act given, or any of them; every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Truſtees may contract for the Purchaſe of Lands to be laid into the Roads.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Ten or more of them, ſhall, and they are hereby authorized and impowered, from time to time, to divert, turn, or alter, the Courſe or Path of any Part or Parts of the ſaid Road through or over any Wood or Waſte Grounds, without making any Satisfaction for the ſame; and alſo through any private Grounds or Hereditaments, firſt making Satisfaction to the Owners of, and Perſons intereſted therein, for the Damage they may thereby ſuſtain; and for that Purpoſe it ſhall and may be lawful to and for the ſaid Truſtees, or any Ten or more of them, to treat, contract, and agree, with the Owners of, and Perſons intereſted in, any Lands or Hereditaments, for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners or Perſons intereſted therein, or any of them, ſhall or may any ways ſuſtain by ſuch widening, turning, diverting, or altering, any Part of ſuch Road: And it ſhall and may be lawful to and for all Bodies Politick, Corporate,

Bodies Politick, &c. impowered to treat.

porate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, or other Truſtees whatſoever, for or in Behalf of any Infants, Femes Covert, or Ceſtuique Truſts, and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any ſuch Lands or Hereditaments, to contract and agree with the ſaid Truſtees, or any Ten or more of them, for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey to them, or any Ten or more of them, all or any of ſuch Lands or Hereditaments, as Occaſion ſhall be or require; and all Contracts, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid and effectual in the Law to all Intents and Purpoſes; any Law, Statute, Uſage, or any other Matter or Thing whatſoever, to the contrary notwithſtanding: And all ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue of or in purſuance of this Act.

Perſons neglecting to treat for the Sale of Lands;

And be it further enacted by the Authority aforeſaid, That in caſe any ſuch Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Truſtees, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-houſe or Houſes, or Place or Places of Abode, of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands, Grounds, or Hereditaments, ſo intended to be taken in, and added to, the ſaid Road, or over which ſuch Road is to be turned or altered as aforeſaid, ſhall, by the Space of Thirty Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſſes, or by reaſon of Abſence ſhall be prevented from treating; then, and in every or any of the Caſes aforeſaid, the ſaid Truſtees, or any Ten or more of them, ſhall cauſe it to be enquired into and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County or Place in which ſuch Lands or Grounds ſo to be taken in do lie (which Oaths any One or more of the ſaid Truſtees are hereby impowered and required to adminiſter) what Damages will be ſuſtained by, and what Recompence and Satisfaction

Truſtees to aſſeſs the Damages.

ſhall

shall be made to, such Owners, Occupiers, or Proprietors, or other Person or Persons interested, for or upon account of the taking of such Lands, Grounds, or Hereditaments, into the said Road, or of turning such Road into the same: And in order thereto, the said Trustees, or any Ten or more of them, are hereby impowered and required, from time to time, as Occasion shall be and require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premisses (which Oath any One of the said Trustees are hereby impowered to administer); and they shall also order and cause the said Jury to view the Places in Question, if there shall be Occasion, and use all lawful Ways and Means as well for their own as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Ten or more of them, shall think fit; and after the said Jury shall have inquired of, ascertained, and settled, such Damage and Recompence, the said Trustees, or any Ten or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums so assessed by the said Jury to be paid to the said Owners, Occupiers, or Proprietors of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, or in Tail General or Special, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate and Sole, as well as all other Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, thereby be, from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of, the same: And, for the summoning and returning such Jury or Juries, the said Trustees, or any Ten or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County or Place in

Witnesses may be summoned and examined upon Oath.

Trustees may issue their Warrant to Sheriff, &c. to impannel a Jury.

which ſuch Lands and Grounds ſo to be taken in do lie, requiring him to impanel, ſummon, and return, an indifferent Jury of Twenty four Perſons to appear before the ſaid Truſtees, or any Ten or more of them, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and the Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, ſummon, and return, ſuch Number accordingly; and out of the Perſons ſo impanelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Ten or more of them, ſhall ſwear, or cauſe to be ſworn, Twelve Men, who ſhall be the Jury for the Purpoſe aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn: And the ſaid Truſtees, or any Ten or more of them, acting in the Premiſſes, ſhall ſhall have full Power, from time to time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſſes; and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or appearing, who ſhall refuſe to be ſworn on the ſaid Jury; and being ſo ſworn, ſhall refuſe to give, or ſhall not give, their Verdict, or in any other Manner ſhall wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons who, being required to give Evidence before the ſaid Jury touching the Premiſſes, ſhall refuſe or neglect to appear, or appearing, ſhall refuſe to be examined and give Evidence; and, from time to time, to levy and apply ſuch Fine or Fines in the ſame Manner as any other Forfeiture or Penalty herein before mentioned is hereby directed to be levied and applied, ſo as no ſuch Fine ſhall exceed the Sum of Ten Pounds upon any ſuch Sheriff or his Deputy, nor more than the Sum of Five Pounds upon any other Perſon, for One Offence.

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

And be it further enacted by the Authority aforeſaid, That every Sum of Money or Recompence to be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of the ſaid Tolls, or out of the Money to be borrowed on the Credit thereof, to the Party or Perſons reſpectively intitled thereto, or to their Agent; and upon Payment thereof, and

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

and in case of Refusal to accept the same, upon Lodgin the same in the Hands of the Treasurer to the said Trustees for the Use of such Parties or Persons, and after Twenty one Days Notice thereof given to such Parties or Persons, or their Agents, such Lands or Hereditaments shall be laid into and made Part of the said Road, in such Manner as the said Trustees, or any Ten or more of them, shall direct; and shall be by them, or such Person or Persons as they, or any Ten or more of them, shall appoint, sufficiently drained, ditched, fenced, and set out, for that Purpose; and shall to all Intents and Purposes whatsoever become and be, and be deemed and taken to be, a common Highway, and be from thenceforth Part of the said Road for ever after, and shall be repaired and kept in Repair in such Manner as the Road hereby appointed to be repaired and widened is by this or any Law to be repaired; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Road shall be compleated, the Lands constituting the former Road, unless leading to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by, the said Trustees, or any Ten or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the Repair of the Road hereby intended to be repaired; and the Person over whose Land such new Road shall be made, shall have the Preference in the Purchase of the old Road to be sold; and the Sale, or Conveyance or Conveyances, to be made of such Lands or Grounds being executed by the said Trustees, or any Ten or more of them, and inrolled with the Clerk of the Peace for the County of Norfolk, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Lands, &c. purchased to be made Part of the Road,

and deemed a publick Highway.

Old Road to be sold.

Provided always, That this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, or Plantation or Nursery now planted with Trees.

Buildings, &c. not to be damaged.

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

Reservation of Rights.

Provided also, That no Person shall act as a Trustee in any Case relating to the contracting for, or purchasing of,

Trustees not to act where interested

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

Perſons chargeable with the Repairs of Highways, to continue ſo.

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

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

And be it enacted by the Authority aforeſaid, That the Surveyors of the Highways for the reſpective Townſhips and Places in which any Part of the ſaid Road doth lie, or in caſe no Surveyor is or ſhall be appointed, then the Churchwardens and Overſeers of the Poor of ſuch Townſhips or Places, ſhall yearly, and every Year, within Fourteen Days after Demand made to him or them reſpectively in Writing, by any Surveyor or Surveyors to the ſaid Truſtees, deliver to ſuch Surveyor or Surveyors an exact Account in Writing, under his or their Hand or Hands, of the Chriſtian and Surname of every Perſon who, within ſuch reſpective Townſhips or Places, are obliged by Law to do Statute-work for that Year with Teams, Draughts, or otherwiſe, and alſo the Number of Days Work which each Perſon ought to do on the ſaid Road in ſuch Townſhips and Places reſpectively, Part of which ſaid Statute-work, not exceeding Three Days for each Perſon (the ſaid Truſtees having regard to the other Highways within ſuch Townſhips) ſhall be done at ſuch Times, and in ſuch Manner, and on ſuch Parts of the ſaid Road hereby directed to be repaired, as the ſaid Truſtees, or any Five or more of them, ſhall, from time to time, direct and appoint; and the ſaid Surveyor or Surveyors of the Highways, Churchwardens or Overſeers of the Poor for ſuch Townſhips or Places reſpectively, within Seven Days after Notice ſhall be given to him or them by ſuch Turnpike Surveyor or Surveyors, of the Time or Times when and how many of the Perſons ſo chargeable as aforeſaid he would have to do ſuch their reſpective Statute-work upon any Part or Parts of the ſaid Road, ſhall give publick Notice thereof to the Perſon or Perſons ſo chargeable as aforeſaid; and if any Surveyor, Churchwarden, or Overſeer of the Poor for any ſuch Townſhip or Place, ſhall neglect or refuſe to do as he is hereby directed and required, every ſuch Surveyor, Churchwarden, or Overſeer of the Poor, ſhall, for every ſuch Neglect or Refuſal, forfeit and pay the Sum of Twenty Shillings; and every Perſon keeping a Team or Teams as aforeſaid, who ſhall, after ſuch publick

Penalty on Surveyors neglecting to deliver in Liſts;

and on Perſons not performing Statute-work.

Notice

Notice as aforeſaid, neglect or refuſe to ſend his or her Team or Teams, with ſuch Horſes or Beaſts of Draught as he or ſhe uſually employs, with a proper Perſon to attend the ſame, to perform ſuch their reſpective Days Work on the ſaid Road, in ſuch Manner as the ſaid Turnpike Surveyor ſhall direct, ſhall forfeit the Sum of Ten Shillings for every Day he or ſhe ſhall make ſuch Default; and every Labourer or other Perſon, liable to perform Statute-work on the ſaid Road, who ſhall neglect or refuſe, after ſuch Notice as aforeſaid, ſhall forfeit the Sum of One Shilling and Six Pence for every Day ſuch Labourer or other Perſon ſhall make Default; and every Perſon who ſhall, according to ſuch Notice as aforeſaid, come to work as a Labourer, or with a Team, on the ſaid Road, and ſhall be found idle or negligent by the ſaid Turnpike Surveyor or Surveyors, ſuch Surveyor or Surveyors may, and is and are hereby required to diſcharge ſuch Perſon, and it ſhall be deemed as if ſuch Perſon, or ſuch Team, had not come or been ſent to do ſuch Work; and every Labourer or Perſon, or the Owner of any ſuch Team, ſhall be liable to the reſpective Forfeitures before mentioned; and all Perſons doing ſuch Days Work on the ſaid Road, 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 to and for the ſaid Truſtees, or any Five or more of them, to compound, for any Term not exceeding One Year, with the Poſſeſſors or Occupiers of Lands, Tenements, or Hereditaments, which are or ſhall be liable to, or chargeable with, the Repair of any Part of the ſaid Road, or with any Perſon or Perſons for the Performance of his, her, or their Statute-work therein; and alſo it ſhall be lawful for the Churchwardens, Overſeers of the Poor, and Surveyors of the ſaid Townſhips or Places reſpectively, to compound or agree, for any Term not exceeding One Year, with the Truſtees, or any Five or more of them, for and in lieu of the Statute-work which ought to be performed by ſuch Inhabitants upon any Part of the ſaid Road; all which Compoſition-money ſhall be paid in Advance from time to time, and ſhall be applied in Repair of the ſaid Road; and all ſuch Surveyors, Churchwardens, or Overſeers of the Poor, ſhall be reimburſed the Money ſo by them paid, in ſuch Manner as Surveyors of the Highways are, by the Laws now in being, to be reimburſed the Monies by them expended in buying Materials for repairing the Highways.

Truſtees may compound for Statute-work.

Repairs where to begin.

And be it further enacted by the Authority aforeſaid, That the Road leading from the Houſe of Cannell aforeſaid, to Cringleford Bridge aforeſaid, and One hundred Yards from Frettlebridge aforeſaid, towards Thetford aforeſaid, ſhall be repaired before any other Part of the Road comprized within this Act.

Road to be meaſured, and Mile-ſtones erected.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, may and are hereby impowered and required, before the Twenty ninth Day of September next enſuing, to cauſe the ſaid Road to be meaſured, and Stones or Poſts to be ſet up on the Sides of the ſaid Road, with Inſcriptions thereon, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place as they ſhall think fit; and may alſo, if they think fit, erect Poſts at the ſeveral Roads leading out of the ſaid Road hereby directed to be repaired, with Inſcriptions thereon, denoting to what Place or Places the ſaid Roads reſpectively lead: And if any Perſon or Perſons ſhall wilfully or deſignedly break, pull down, dig up, injure, or deſtroy, any of the Stones or Poſts, which ſhall be ſo fixed and ſet up, or eraſe, obliterate, or deface any of the Inſcriptions which ſhall be made thereon, or cauſe or procure the ſame to be done, every Perſon ſo offending, ſhall forfeit and pay the Sum of Forty Shillings for each Stone or Poſt ſo wilfully or deſignedly broken, obliterated, or defaced, or pulled down, digged up, injured, or deſtroyed; to be levied by Diſtreſs of the Goods and Chattles of ſuch Offenders, by Warrant under the Hands and Seals of any One or more of the ſaid Truſtees; One Moiety of which Forfeiture ſhall go to the Informer, and the other Moiety towards repairing the Stones or Poſts ſo broken, pulled down, digged up, obliterated, injured, or defaced, or in ſupplying new Ones in their Stead; and if there ſhall be an Overplus of ſuch Forfeitures, the ſame ſhall be laid out in repairing the ſaid Road: And in caſe the ſaid Penalty ſhall not be forthwith paid upon Conviction, then it ſhall and may be lawful for any One or more Juſtice or Juſtices of the Peace for the County or Place where the Offence ſhall be committed, to commit ſuch Perſon or Perſons to the Houſe of Correction or Common Gaol, there to remain for any Time not exceeding One Month, or until he ſhall have paid the ſaid Penalty.

Penalty on defacing Mile-ſtones, &c.

Penalty on Perſons haling Timber otherwiſe than on Wheel Carriages.

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 Road, any Tree or Piece of Timber, or any Stone (Mill-ſtones excepted)

excepted) otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber which ſhall be conveyed upon Wheel Carriages, to drag upon upon any Part of ſuch Road, to the Prejudice thereof, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Twenty Shillings.

Penalties and Forfeitures how to be recovered.

And be it further enacted by the Authority aforeſaid, That all Penalties and Forfeitures by this Act inflicted or authorized to be impoſed, the Manner of levying and recovering whereof is not otherwiſe particularly directed, ſhall, upon Proof of the Offences reſpectively before any One or more Juſtice or Juſtices of the Peace for the County or Place where the Offence ſhall be committed, either by the Confeſſion of the Party or Parties, or by the Oath of One or more credible Witneſs or Witneſſes, be levied by Diſtreſs and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices of the Peace (which Warrant or Warrants ſuch Juſtice or Juſtices is and are hereby authorized and required to grant for thoſe Purpoſes, and alſo to adminiſter ſuch Oath gratis) and the Overplus, after ſuch Penalties are recovered, and the Charges of levying and recovering the ſame ſhall have been deducted, ſhall be returned on Demand to the Owner or Owners of ſuch Goods and Chattles: And all ſuch Penalties and Forfeitures, if not otherwiſe directed to be applied by this Act, ſhall, from time to time, be paid to the ſaid Truſtees, or any Five or more of them, or to the Treaſurer or Treaſurers for the time being, and ſhall be laid out and applied for the Purpoſes of this Act; and in caſe ſufficient Diſtreſs cannot be found, or ſuch Penalties or Forfeitures ſhall not be forthwith paid, it ſhall be lawful for the ſaid Juſtice or Juſtices of the Peace, or any other Juſtice or Juſtices of the Peace for the County or Place, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to cauſe ſuch Offender or Offenders to be ſent to the Houſe of Correction or Common Gaol for the County or Place where the Offence ſhall be committed, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties or Forfeitures, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

And whereas the Road leading from the End of the Town Cloſe within the County of the City of Norwich to Cringleford Bridge, being about One Mile and Two Furlongs

Directing a certain Part of the Road to be repaired by the Corporation of *Norwich*.

Furlongs in Length, is within the Juriſdiction of the Mayor, Sheriffs, Citizens, and Commonalty of the City of Norwich, who are willing to take the Management thereof during the Continuance of this Act, which will tend to the Eaſe and Conveniency of the ſaid Truſtees, and may avoid Diſputes, which might otherwiſe ariſe in relation thereto; be it therefore further enacted by the Authority aforeſaid, That the Sum of One hundred and twenty Pounds, Part of the Monies intended to be borrowed upon the Credit of this Act, ſhall, within One Month next after Midſummer, One thouſand ſeven hundred and ſixty ſeven, be paid by the Treaſurer to the ſaid Truſtees, to the Mayor, Sheriffs, Citizens, and Commonalty of the City of Norwich, or to their Receiver for the time being of the Duties directed to be raiſed by an Act of Parliament made in the Twelfth Year of the Reign of King George the Firſt, intituled, An Act for repairing the Walls, Gates, and other publick Works in the City of *Norwich*, and ſeveral Bridges in and near the ſaid City, and for amending the Roads therein mentioned, for the Purpoſe of putting into Repair ſuch Part of the ſaid Road hereby intended to be repaired as lies in the Pariſhes of Heigham and Eaton, in the County of the ſaid City of Norwich, or either of them; and that there ſhall be yearly paid into the Hands of the ſaid Mayor, Sheriffs, Citizens, and Commonalty, or their ſaid Receiver for the time being, by the Treaſurer to the ſaid Truſtees, One Twentieth Part of the Tolls which ſhall be collected upon the ſaid Road, after deducting the Intereſt of all Monies to be borrowed on the Credit of the ſaid Act, and all Principal Money which ſhall be, from time to time, paid off by Order of the ſaid Truſtees, or any Five or more of them; and the ſaid Twentieth Part of the ſaid Monies ſo to be paid as aforeſaid, ſhall be paid within One Month after the Tenth Day of October in every Year, and ſhall be applied and diſpoſed of in amending and keeping in Repair that Part of the ſaid Road only which lies between the End of the Town Cloſe and Cringleford Bridge, and to no other Uſe or Purpoſe whatſoever; and ſuch Part of the ſaid Road ſhall, during the Continuance of this Act, be entirely under the Care, Direction, and Management of the ſaid Mayor, Sheriffs, Citizens, and Commonalty, and not in any wiſe under the Care, Direction, and Management of the ſaid Truſtees appointed to put this Act in Execution; any thing contained in this Act to the contrary notwithſtanding: And that it ſhall be lawful for any Perſon appointed by the ſaid Mayor,

Mayor, Sheriffs, Citizens, and Commonalty, to ſearch for and get Materials for repairing ſo much of the ſaid Road as lies between the End of the Town Cloſe and Cringleford Bridge, by ſuch Ways and Means, and in ſuch Manner, as Materials can or may be gotten by virtue of this Act for repairing the Road from Cringleford Bridge to the Chalk Pits near Thetford.

Accounts to be made up yearly.

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

Perſons aggrieved may appeal to the Quarter Seſſions.

Provided always, and be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall think him, her, or themſelves, aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, ſuch Perſon or Perſons may, within the Space of Six Months next after the Cauſe of Complaint ſhall have ariſen, appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace for the County or Place where the Matter or Thing ſhall be done for or by reaſon of which ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving or cauſing to be given Fourteen entire Days Notice at the leaſt, in Writing, of his or her Intention to bring ſuch Appeal, and of the Cauſe or Matter thereof, to the Clerk or Treaſurer to the ſaid Truſtees, and, within Fourteen Days next after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County or Place, with ſufficient Sureties, conditioned to try ſuch Appeal, and pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices at their ſaid Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall proceed to hear and finally determine the Cauſes and Matters of ſuch Appeals in a ſummary Way, and award ſuch Coſts to the Party appealing, or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter Seſſions ſhall be binding and concluſive to all Intents and Purpoſes.

Notice of Appeal to be given.

Recognizance to be entered into.

Truſtees may contract for repairing the Road,

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, or ſuch Perſon or Perſons as they ſhall for that Purpoſe authorize or appoint, are hereby impowered to con-

tract with any Person or Persons for repairing, widening, or altering, the said Road, or any Part or Parts thereof, and for erecting Mile-stones or Posts thereon, or any other necessary Works relating thereto, in such Manner and for such Sum or Sums of Money as the said Trustees, or any Five or more of them, shall think proper.

and erecting Mile-stones.

All Contracts, &c. entered into by Trustees, deemed valid.

And be it further enacted by the Authority aforesaid, That all Contracts, in Writing, entered into pursuant to any Order made by the said Trustees, or any Five or more of them, at any Meeting, shall be binding to all Parties who shall sign the same, his, her, or their Executors and Administrators, and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in Execution thereof.

Distress not to be deemed unlawful for want of Form,

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Default or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceeding relating thereto;

nor the Parties distraining deemed Trespassers *ab initio*.

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.

Proceedings to be entered in Books.

And be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees, or any Five or more of them, in the Execution of the Powers hereby to them given, shall, from time to time, be entered in a Book or Books to be kept for those Purposes; and such Orders and Proceedings so entered, being signed by the Clerk or Clerks to the said Trustees, shall be taken and deemed to be original Orders; which said Book or Books, and also the Book directed to be kept for registering the said Mortgages, Assignments, or Transfers, shall or may be produced and read in Evidence in all Courts whatsoever.

Writings to be written out Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Warrant, Conviction, Mortgage, Assignment, Transfer, or other Security for the Borrowing of Money, or other Writing whatsoever relating to the Execution of this Act, shall be charged or chargeable with any Stamp Duty whatsoever.

And

And be it further enacted by the Authority aforeſaid, That no Order or Conviction, or any Proceeding to be had touching the Conviction of any Offender or Offenders againſt this preſent Act, or any Order made, or other Matter or Thing to be done or tranſacted, touching any Matter in or relating to the Execution of this Act, ſhall be vacated or quaſhed for want of Form only, or be liable to be removed by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; any Law or Statute to the contrary hereof notwithſtanding. Proceedings not to be quaſhed for want of Form, nor removable by *Certiorari*.

Provided always, and be it further enacted by the Authority aforeſaid, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Thirty Days Notice ſhall be thereof given to the Clerk or Clerks to the ſaid Truſtees, or after a ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every ſuch Action or Suit ſhall be laid or brought in the County or Place where the Cauſe of Complaint ſhall ariſe, and not afterwards; and the Defendant or Defendants in every ſuch Action or Suit ſhall and may plead the General Iſſue, Not Guilty, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear ſo to be done, or that ſuch Action or Suit ſhall be brought after the Time limited for bringing the ſame, or after ſufficient Satisfaction made or tendered as aforeſaid, or ſhall be brought in any other County or Place than as aforeſaid, that then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict; or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared; or if upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs; then the Defendant or Defendants ſhall have Treble Coſts, and have ſuch other Remedy for the ſame as any Defendant or Defendants hath or have in other Caſes by Law. Limitation of Actions. General Iſſue. Treble Coſts.

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

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FINIS.