Anno octavo

Georgii III. Regis.

An Act for amending the Road from *Chriſtopher's Bridge*, in the Borough of *Thetford*, in the County of *Suffolk*, to the North East End of the Town of *Newmarket*, in the County of *Cambridge*.

WHEREAS the Road, from Chriſtopher's Bridge, in the Borough of Thetford, in the County of Suffolk, to the North East End of the Town of Newmarket, in the County of Cambridge, is in a ruinous Condition, and cannot be amended and kept in good Repair by the ordinary Courſe of Law: May it 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 Moſt Honourable John Manners, commonly called the Marquis of Granby; the Honourable William Harvey, the Right Honourable Henry Seymour Conway, Sir Edward Aſtley, Sir Charles Bunbury, Sir John Hinde Cotton, Sir Robert Clarke, Sir William Beauchamp Proctor, Baronet and Knight of the Bath, Sir John Sebright, Sir Simeon Stuart, Sir John Turner, Sir Armine Wodehouſe, Sir William Wake, Baronets; the Mayor, Recorder, and Coroner, of Thetford, for the time being; John Afflick, Gilbert Afflick, John Alderſon, William Burch,

Preamble.

Truſtees Names.

Burch, Patrick Blake, Edmond Bacon, John Buxton, John Barker, Thomas Beevor, Thomas Bullock, Woodward Bidwell, William Churchman, Wenman Coke, William Croftes, Richard Croftes, Robert Clough, William Clayton, Thomas Lobb Chute, George Clarke, John Cauldwell, Philip Crispigny, Henry Dashwood, John Drummond, Richard Dashwood, John Dashwood, John Edwards of Stow, John Strong Ensor, Charles Fitz Roy, Thomas Fehn, Daniel Guilt, John Guilt, John Guilt, Thomas De Grey, William Grigson, Rowland Holt, Richard Hopkins, John Hunt, Richard Hulke, Harbord Harbord, Hugh Hare, John House, Soame Jenyns, Carteret Leathes senior, John Leathes junior, Baptist Lee, John Lense, William Metcalfe, James Metcalfe, Crisp Molineux, Thomas Moseley, Hutchinson Mure, John Mason, John Marcon, Thomas John Medlycott, John Thomas Medlycott, James Nelthorpe senior, James Nelthorpe junior, Richard Norton, George Nelson, Thomas Panton senior, Thomas Panton junior, Randyl Peck, Henry Partridge, William Pawlett, Robert Quinte, Orbell Ray, Barham Ruthbrooke, John Swale, Thomas Swale, Ezekiel Sparke of Waltham in the Willows, Ezekiel Sparke of Risby, Richard Saffery, Philip Ryley Taylor, Charles Townshend, William Varey, John Wodehouse, William Woodley, Cyrill Wyche, William Woolaston, Thomas Wright of Kilverston, Charles Wright, the Reverend George Burton, John Barker senior, John Barker junior, John Barnes, Robert Capell, Samuel Carter, Denny Cole, Dunham Gains, John Cole Galloway of Thetford, John Hull, [illegible] Monro, Richard Oram, William Robinson, Doctor Michael Smith, Doctor Anthony Shepherd, Henry Soame, Clement Tookie, Robert Wright of East Harling, John Wright of Euston, Robert Welton, Nicholas Wakeham, Clerks; John Brewster, William Barrett, James Cook, Henry Cafe, Charles Dunham, Alexander Falconer, Isaac Fox, Joseph Fyson, Thomas Garnham, Thomas Garner, Joseph Gill senior, Joseph Gill junior, Thomas Haws, William Holmes, William Hall, John Hanslip, John Lock, James Mingay, Henry Morley, Thomas Morley, Thomas Scotchmer, Edward Tomson, Henry Thompson, John Walton senior, John Walton junior, Samuel Browning, Philip Ellis, Henry Ellis, John Ellis, Robert Manby, John Newbery, John Sparke, Peter Salmon, Thomas Salmon, and Thomas Wright of Thetford, shall be, and are hereby appointed Trustees for the more effectual amending, turning, altering, and keeping in Repair, the said Road, and for putting this Act in Execution.

Provided

Provided always, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds; or shall be Heir Apparent of some Person having an Estate in Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds, or be possessed of a Personal Estate alone, to the Amount of Two thousand five hundred Pounds: And if any Person, not being so qualified, shall presume to act as a Trustee in the Execution of this Act, every such Person shall, for every 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.

Qualification of Trustees.

Penalty on acting if not qualified.

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 House known by the Sign of The Bull at Barton Mills, otherwise Barton Parva, on Thursday the Fourteenth Day of April, One thousand seven hundred and sixty eight, and 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 Five or more of them, shall think proper, as often as they shall think necessary 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, 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,

Time and Place of Trustees Meeting.

In Default of a sufficient Number to act,

Clerk to give Notice of another Meeting.

Trustees to defray their own Expences.

Meetings, shall defray their own Expences: And all Orders and Determinations of the said Trustees 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, to be by him fixed on all the Gates or Turnpikes then standing upon the said Road, at least Fourteen Days previous to any such Meeting: 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.

No Order to be valid, unless made by the Majority of the Trustees present.

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

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

Trustees not to act where interested.

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 or Gate at the Village of Elden, otherwise Elvéden, and also a Turnpike or Gate at a Place called Red Lodge Water, in the Parishes of Freckenham and Badlingham, and also a Toll-house at each Turnpike or Gate, with suitable Out-buildings thereto; and may also take in and inclose of the Side of the said Road convenient Garden Spots for each Toll-house, as the said Trustees, or any Five or more of them, shall direct and appoint; and the Tolls following shall be demanded and taken at each of the said Turnpikes or Gates by such Person or Persons as the said Trustees, or any Five or more of them, shall, from time to time, appoint to receive the same, before any Horse, Cattle, Beast, or Carriage whatsoever, shall be permitted to pass through the same; that is to say,

Trustees may erect Turnpikes and Toll-houses,

and take 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 which said respective Sums of Money shall be demanded and taken in the Name of and as a Toll; and the Money so to be raised and collected shall be, and is hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned, 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

Tolls vested in Trustees.

Distress may be sold after 5 Days.

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.

Property of Turnpikes, &c. vested in the Trustees.

And be it further 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 Five or more of them, are hereby impowered, from time to time, to bring, or cause to be brought, any Action or Actions in the Name of their Treasurer or Clerk, or to prefer, or order the preferring of, Indictments against any Person who shall injure the same, or disturb them in the Possession thereof.

Application of the Tolls.

And be it enacted by the Authority aforesaid, That out of the Tolls to be collected, or the 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, Turnpikes and Toll-houses, and amending and keeping in Repair the said Road, and in executing the several other Purposes of this Act, and to no other Purpose whatsoever.

How the Repair of the Road shall be carried on.

And be it further enacted by the Authority aforesaid, That such Part of the said Road as leads through Elden Lane, on the North Side of Elden, otherwise Elveden Church, to the Turnpike proposed to be erected in the Village of Elden as aforesaid, shall, in the First Place, be sufficiently amended and repaired; and as soon as the Repairs thereof shall be completed, then the Road leading from Mildenhall Warren Lodge Hill, to the Bull at Barton Mills, shall, in the next Place, be sufficiently amended and repaired; and after such Repairs shall respectively be completed, then the Repairs of the other Parts of the said Road shall be done and carried on at such Times, and in such Places, as the said Trustees, or any Five or more of them, shall order, direct, and appoint.

And

And be it further enacted by the Authority aforesaid, That for the better Accommodation of Passengers and Travellers, the said Trustees, or any Five or more of them, are hereby authorized and impowered, to pay to the Owner or Proprietor of the Bridge now erected over the River or Brook at the Mill at Little Barton, the Sum of One hundred and seventy five Pounds, for the absolute Purchase of the said Bridge; which Money shall be paid out of the said Tolls hereby granted, or out of any Money to be borrowed on the Credit thereof; and after Payment of such Purchase-money, the Owner or Proprietor of the said Bridge shall be from thenceforth divested of all Right, Title, Claim, Interest, and Property, of, in, to, and out of, the said Bridge; and the said Bridge shall from thenceforth for ever afterwards be deemed a free and publick Bridge for all Persons, and for all Horses, Cattle, and Carriages whatsoever; any Custom or Usage to the contrary notwithstanding; And the same shall be repaired and kept in Repair, for the future, in such Manner as any other Part of the said Road is to be repaired and kept in Repair. For purchasing the Bridge at the Mill at *Little Barton*.

Provided always, and be it further enacted by the Authority aforesaid, That no Part of the said Tolls, or Money to be borrowed on the Credit thereof, shall be laid out and applied in paving or repairing any Pavement in any Town or Street through which any Part of the Road hereby directed to be repaired doth lead. No Money to be laid out in repairing Pavements.

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 by this Act granted, 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 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 Trustees, with Consent of Creditors, may lessen the Tolls, and raise them again.

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.

Tolls to be paid but Once a Day.

Provided always, and be it enacted by the Authority aforesaid, That no Person or Persons shall be subject to the Payment of any Toll hereby made payable more than Once in any One Day (to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night) for passing with the same Horse, Beast, Cattle, or Carriage, through the Turnpike or Gate to be erected at the Village of Elden, otherwise Elveden, as aforesaid; nor more than Once in any One Day (to be computed as aforesaid) for passing with the same Horse, Beast, Cattle, or Carriage, through the Turnpike or Gate to be erected at Red Lodge Water, in the Parishes of Freckenham and Badlingham aforesaid; such Person or Persons producing a Ticket of the Day that such Toll has been paid at such Turnpikes or Gates respectively; all which Tickets, the Collectors of the Tolls are hereby required to give gratis on Receipt of the Toll.

Trustees may compound with Parishes, &c.

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 Toll.

And be it further 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 (on the same Day) having been laden only with, Gravel, Stone, or other Materials, for repairing the said Road, or any of the Roads in the several Townships in which the

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 Out-houses 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 other Cattle going to or from Water or Pasture; or for any Post-horse carrying the Mail or Packquet; 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 on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of Norfolk, Suffolk, and Cambridge, 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 on 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 Carrriage, 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, Penalty on permitting, &c. private Passage; or on giving or receiving Tickets, &c.

or taking off Horses, &c.

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 avoided; 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; every Person so offending in any of the Cases aforesaid, shall, for every such 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.

or unloading Goods, &c. to avoid Payment of the Tolls.

Tolls may be assigned for Money borrowed.

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 or Sums of Money which they, or any Ten or more of them, shall think fit; and they, or any 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 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 and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, is and are hereby impowered, from time to time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings to be executed under his, her, or their Hand and Seal, or Hands and Seals, in the Presence of Two or more credible Witnesses, to transfer or assign over such Security or Securities, and the Money both Principal and Interest,

Notice to be given of borrowing Money.

Assignments may be transferred.

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

Entries to be made of all Assignments.

Clerk's Fee.

All Creditors to be deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby impowered, by Writing under their Hands and Seals, to appoint One or more Collector or Collectors of the said Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and Surveyor or Surveyors, of the said Road, and such Officers and 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 amending 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

Trustees may appoint Officers;

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

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 is hereby impowered to administer) of all Monies which he, they, and every of them respectively, shall to that Time have received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall then appear 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, 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 Cases aforesaid, it shall and may be lawful for any Two Justices of the Peace of the County or Place where the Offence shall be committed, to commit every such Offender to the Common Gaol of such County or Place, 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) and until he shall have delivered up all such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Ten or more of them.

Officers refusing to account,

to be committed,

until Payment or Composition made,

Treasurer, &c. 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 from their Treasurer or Treasurers, Collector or Collectors,

lectors, or other Officer or Officers, for the due Execution of his and their 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 public House of Entertainment, or who shall sell Ale, Wine, Brandy, or Spirituous Liquors, by Retail.

Trustees may appoint Collectors, tho' not assembled 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 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, Limestones, 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 and Grounds not

without paying for the same;

levelling the Pits.

Materials may be taken from private Grounds;

being

being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery, or inclosed Grounds, 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 whence such Materials shall be so taken, or sufficiently fenced in and secured.

making Satisfaction to the Owners.

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

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 gotten in any Lands, Fields, Wastes, or Grounds adjoining to any River or 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 from or 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

and erect Bridges;

any Lands or Grounds to prevent the said Road, or any Part 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. making Satisfaction to the Owners.

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 Annoyances, for the 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 to be settled by the said Trustees, or any Five or more of them, 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, the same shall be recovered in such Manner as the Penalties and Forfeitures are herein after directed to be recovered: And if, after Removal of any of the said Annoyances, such Person or Persons shall again offend in the like Manner, or if any Person shall set or place any Waggon, Wain, Cart, or Carriage, so as any Ways to obstruct the free Passage on any Part of the said Road; every Person offending in any of the Cases aforesaid, shall, for such Offence, forfeit and pay the Sum of Forty Shillings. Surveyors may remove Annoyances, &c. Owners neglecting to remove the same, after Notice. Charges to be reimbursed to the Surveyors. 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 cleanse such Ditches, Drains, and Watercourses, or cause the same to be done within the Space of Twenty one Days after Notice in Writing shall for that Purpose be given to him, her, or them respectively, or shall Owners neglecting to cleanse their Watercourses, after Notice,

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 more Witness or Witnesses, before any Two Justices of the Peace for the County or Place where the Offence shall be committed, 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 cleanse the same,

and levy the Charge by Distress and Sale.

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, Ditches, and Drains, through any Grounds lying contiguous to the said Road; and to erect and keep in Repair Arches of Brick, Timber, or Stone, or with Brick and Stone thereupon; and to divert and turn the said Road, or any Part or Parts thereof, over any Lands or Grounds contiguous or adjoining thereto, in such Manner as such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, shall adjudge necessary (such Ground not being a Garden, Orchard, Yard, 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, 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 or over which any such Drain or Drains, or on which any such

and erect Bridges,

and make a temporary Road,

making Satisfaction to the Owners.

Arch

Arch by 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, where such Lands or Grounds shall lie, in case any Difference shall arise between the said Trustees and such Owners and Occupiers respectively, concerning the same.

Surveyors may clean the same, and lay the Charge by Distress and Sale

Penalty on Persons interrupting Surveyors getting Materials.

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.

Surveyors may make Cattle way, &c.

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

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Ten or more of them, shall, at any Time or Times, think proper to alter the Course or Path of any Part or Parts of the said Road, or to widen any Part or Parts of the said Road, for the better Accommodation of Passengers and Travellers; that then, 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 of such Lands or Hereditaments, or for the Loss or Damage such Owners or Persons interested therein, or any of them, shall or may any ways sustain, by turning the Course or Path of such Road, or by widening the same, or any Part or Parts thereof: And it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes-covert, or Cestuique Trusts, and for all and every Person and Persons whomsoever,

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

who

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.

Where Persons refuse to treat, &c.

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 Premises, or, by reason of Absence, shall be prevented from treating; then, and in every or any of the Cases aforesaid, the said Trustees, or any Ten of 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 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 and over the same; and in order thereto, the said Trustees, or

Jury to settle the Damages and Recompence.

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 is hereby impowered to administer) and they shall also order and cause the said Jury to view the Places in Question, if there shall be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Ten or more of them, shall think fit; and after the said Jury shall have enquired 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 or Sole, as well as all other Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money, so assessed as aforesaid, thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of, the same: And, for the summoning and returning such Jury or Juries, the said Trustees, or any Ten or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County or Place in 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;

Witnesses may be summoned, and examined upon Oath, &c.

Verdict of the Jury to be final.

Trustees may issue a Warrant to the Sheriff, &c. to impanel a Jury.

pointed; and the Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summons and return, such Number accordingly; and out of the Persons to impannelled, 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 Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve: And all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; And the said Trustees, or any Ten or more of them, acting in the Premisses, 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, or 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.

Jurors may be challenged.

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

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

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 Agents; and upon Payment thereof, and in case of Refusal to accept the same, upon leaving the same in the Hands of the Treasurer to the said Trustees for the Use of such Parties or Persons; and after 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

Expences of Jurors, how to be borne.

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 all such Lands and Hereditaments.

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

and esteemed a Publick Highway.

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 not to be injured.

Provided also, That in making, altering, or repairing, the said Road at or near Barton Mills, nothing shall be done to prejudice or injure the present Mill, or to obstruct or hinder the Owner or Occupier thereof from carrying on his Business as he hath heretofore been accustomed to do.

Proviso.

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

Trustees not to act where interested.

And be it further 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.)

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

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 (except within the said Borough of Thetford) 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, her, or their Hand or Hands of the Christian and Surname of every Person who, within such respective Townships

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

or

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 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 that 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 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 publick Notice as aforesaid, neglect 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 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

Penalty on Persons not performing Statute-work.

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.

How Statute-work shall be performed in certain Parishes within the Borough of *Thetford*.

And whereas Disputes may arise touching the Proportion of the Statute-work to be done by the Inhabitants of the several Parishes of Saint Peter, Saint Mary, and Saint Cuthbert, within the said Borough of Thetford; be it therefore enacted by the Authority aforesaid, That from and after the passing of this Act, the said several Parishes of Saint Peter, Saint Mary, and Saint Cuthbert, within the said Borough, shall, with respect only to the Statute-work to be done by the Inhabitants thereof within the said Borough, be deemed and taken to be One Parish; and the Constables of the said Borough, and the respective Churchwardens, Surveyor or Surveyors of the Highways, and Houlholders of the said several Parishes, being assessed to any parochial or publick Rate within the said Borough, are hereby required to assemble at the Guildhall in the said Borough Once in every Year, and shall then and there make out a List in Writing of all such Persons within the said Parishes as are liable to perform the Office of Surveyor of the Highways within the said Borough, and shall deliver the said List to the Justices of the said Borough at their Special Sessions, in such Manner and Form as are or is directed and appointed by the Laws and Statutes now in force and being for nominating and appointing Surveyors of the Highways of this Kingdom, under the Forfeitures, Penalties, and Conditions, therein named; and the Justices, in their said Sessions, shall order and appoint what Proportion of Statute-work shall be done and performed by the Inhabitants of the said several Parishes within the said Borough; and the said several Inhabitants are hereby required to do and perform such Statute-work accordingly, from time to time, and in such Manner, and upon such Parts of the Roads within the said Borough, as shall be so ordered and appointed by the said Justices as aforesaid; any Law, Usage, or Custom, or any thing in this Act contained, to the contrary notwithstanding.

Trustees may compound for Statute-work.

Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to compound, for any Term not exceeding One Year, with the Possessors or Occupiers of Lands, Tenements, or Hereditaments, which are or shall be liable to or charge-

able 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.

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

And be it further enacted by the Authority aforesaid, That as often as any Trustee by this Act appointed, or their Successors, shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands and Seals, to elect and appoint One other Person a Trustee in the Room of the Trustee so dying or refusing to act; but Notice in Writing, of the Time and Place of Meeting for every such Election, shall be given by the Clerk or Clerks to the said Trustees, by affixing the same upon all the Turnpikes in or upon the said Road, at least Fourteen Days before every such Meeting; and all Persons, who shall be so elected and appointed, are hereby vested with the same Powers and Authorities as any Trustee or Trustees hereby appointed is or are vested with.

On Death or Removal, others to be chosen.

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,

Roads to be measured, and Mile-stones erected.

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 any 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 such 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 Milestones,

to be levied by Distress and Sale.

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

Penalty on drawing Timber otherwise than upon Wheel Carriages.

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 such 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, to 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

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 where such Offence shall be committed; 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.

For want of Distress, the Offenders to be committed,

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 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

Persons aggrieved may appeal to the Quarter Sessions.

given as aforesaid, and of the entering into such Recognizance, shall proceed to hear and finally determine the Causes and Matters of such Appeals in a summary Way, and award such Costs to the Party appealing, or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be binding and conclusive to all Intents and Purposes.

Trustees may contract for repairing the Roads,

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 contract with any Person or Persons for repairing 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 and 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 the Execution thereof.

Distress not unlawful for want of Form,

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

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act shall commence from and after the Fourth Day of April, One thousand seven hundred and sixty eight, and shall have Continuance for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

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 without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Warrant, Conviction, Mortgage, Assignment, Transfer, or other 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.

Proceedings not to be quashed for want of Form,

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.

nor removeable by *Certiorari*.

Limitation of Actions.

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Thirty Days Notice 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 elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, Not Guilty, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that if such Action or Suit shall be brought after the Time limited for bringing the same, or after sufficient Satisfaction made

General Issue.

or

7

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. 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.

FINIS.