Anno nono

Georgii III. Regis.

An Act for amending the Road from *Biſhopſ-gate Bridge*, in the City of *Norwich*, to a Stone formerly called the *Two Mile Stone*, where the *Norwich* Road joins the *Caiſter* Cauſeway, Two Miles and a Half ſhort of the Town of *Great Yarmouth*.

WHEREAS the Road leading from the Bridge called Biſhopgate Bridge, in the City of Norwich, to a Stone formerly called the Two Mile Stone, where the Norwich Road joins the Caiſter Cauſeway, in the County of Norfolk, is in a ruinous Condition, and in many Parts narrow and incommodious, and cannot be properly amended, widened, and kept in good Repair, by the ordinary Courſe of Law: May it therefore please Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, Preamble.

Truſtees Names.

and by the Authority of the ſame, That the Honorable Richard Walpole, the Honourable Thomas Walpole, Sir Edward Aſtley, Sir John Turner, Baronets; Sir William Harbord Baronet, and Knight of the Bath; Sir Hanſon Berney Baronet, Sir William Beauchamp Proctor Baronet, and Knight of the Bath; Sir Charles Blackwell Baronet, Sir Charles Saunders Knight of the Bath, William Whitacre, One of his Majeſty's Serjeants at Law; Thomas de Grey, Harbord Harbord, Edward Bacon, Charles Townſhend, Thomas Anſon, John Day Eſquire Mayor of Norwich, and the Mayor of Norwich for the time being, Robert Lancaſter Eſquire Mayor of Great Yarmouth, and the Mayor of Great Yarmouth for the time being, John Thomas Doctor of Divinity, Cartaret Leathes, John Vere, Charles Buckle, John Chamber, James Calthorpe, John Tomlinſon, Phillip Stevens, John Lombe, John Bedingfeld, William Fellowes, Robert Fellowes, John Ramey, Leonard Mapes, Jacob Preſton, Engle Knights, Jeremiah Ives, Gibſon Lucas, Thomas Martin, Thomas Adkin, David Urquhart, John Cotman, Nockold Thompſon, Eſquires; John Boycatt, Mathew Goſs, the Reverend Richard Humfry, Jeremiah Ives Harvey, Thomas Harvey junior, John Ives of Norwich, Jehoſaphat Poſtle, Charles Maltby, John Gurney, the Reverend John Arnham, John Beevor M.D. William Fiſher, Richard Baker, John Fiſher, John Ives of Great Yarmouth, John Tilard, James Riddell LL.D. William Fell, William Carter, Peter Greaves, Paul Colombine, John Moy, Jehoſaphat Poſtle Attorney, Robert Baret, the Reverend John Peele, the Reverend George Molden, the Reverend Richard Berney, the Reverend John Manclarke, the Reverend John Love, the Reverend William Adams, the Reverend Robert Tilyard, the Reverend Samuel Browne, the Reverend Carlos, the Reverend Richard Fayerman, William Heath, Edward Nathercoat, Thomas Allday, William Manning, Nathaniel Symonds, Robert Woolmer, John Spurgeon, Philip Proctor, Samuel Colby, and their Succeſſors, to be appointed as herein after-mentioned, ſhall be, and they are hereby appointed Truſtees for putting this Act in Execution.

Qualification of Truſtees.

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

Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds, or shall be Heir Apparent to some Person having such Estate of the clear yearly Value of Two hundred and fifty Pounds, or possessed of, or intitled unto, a Personal Estate to the Amount or Value 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 such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same; to be recovered in any of his Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall meet together at the Guildhall in the City of Norwich, on the Day Fortnight after the Day of the passing of this Act, and shall then proceed to the Execution of this Act; and shall then adjourn themselves, and hold their next Meeting at the same Place, or at some convenient House or Place, in the said City of Norwich; and after such Second Meeting so had, the said Trustees, or any Nine or more of them, shall hold their Two next Meetings at some convenient House or Place in Great Yarmouth aforesaid, and so alternately afterwards shall hold Two Meetings at Norwich, and Two Meetings at Great Yarmouth, during the Continuance of this Act; all which Meetings shall be held as often as the said Trustees, or any Five or more of them, shall think proper and 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 Trustees then present (or their Clerk in case there shall be no Trustee then present) shall, as often as such Case shall happen, by Notice in Writing specifying the Purpose of such Meetings, to be affixed upon all the Turnpikes which shall then be erected upon the said Road, and Notice thereof to be given in the Norwich News Paper, at least Fourteen Days before the next Meeting, appoint

Time and Place of Trustees Meeting.

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

the Trustees to meet at the House or Place where the last Meeting was to have been held on that Day Three Weeks next after the Day on which such last Meeting was to have been held; and the said Trustees, at all their Meetings, shall defray their own Expences; and all Orders and Determinations of the said Trustees, in the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and no such Order or Determination shall be made, unless the major Part of the Trustees present at such Meeting shall concur therein, such major Part not being less than the Number of Trustees by this Act authorized to make such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless the Number of Trustees revoking or altering the same shall be Nine at the least, and unless the Person or Persons applying to revoke or alter such Order shall give Notice to the Clerk of the said Trustees, of his, her, or their Intention, to revoke or alter such Order; and also unless Notice to the like Effect shall be by such Clerk affixed on 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.

Trustees to defray their own Expences.

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

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

And be it further enacted, That the said Trustees, or any Nine or more of them, are hereby authorized and impowered at any publick Meeting, from time to time, to appoint such Person or Persons as they shall think fit, effectually to carry on Prosecutions for Offences committed against this Act; and that in case any Action or Prosecution shall be commenced or prosecuted for any Offence committed against this Act, under the Authority and by the Direction of the said Trustees, or any Nine or more of them as aforesaid, that then the said Trustees, or any Nine or more of them, at some such publick Meeting as aforesaid, shall, out of the Monies arising by the Tolls hereby granted, or out of the Money that shall be borrowed upon the Credit thereof, allow and pay to the Prosecutor so much as the Costs, as allowed by Law, shall fall short of reimbursing him his just and reasonable Expences; and that if any Action, Suit, or Prosecution, Rule, or Order of Court, shall be brought, commenced, prosecuted, or obtained, against any of the said Trustees, or any of their Surveyors or other Officers, for any Thing done or acted by the Direction of the said Trustees, or any Nine or more of them as aforesaid, in pursuance of this Act, that then

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

and in every such Case the said Trustees, or any Nine or more of them as aforesaid, shall, out of the Monies arising by the Tolls hereby granted, allow and pay to such Trustee or Trustees, their Surveyors or other Officers, all such reasonable Costs, Charges, and Expences, as they or any of them shall or may sustain or be put unto by reason or means thereof.

Trustees not to act where interested.

Provided always, That no Trustee shall be capable of acting in the Execution of any of the Powers or Authorities hereby granted during the Time he shall hold any Place of Profit under this Act; but any of the Trustees who are Justices of the Peace may act as such in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Trustees in Commission of the Peace to act as Justices.

Trustees may hold occasional Meetings.

And be it further enacted, That in case any of the Trustees shall at any Time or Times think it necessary to hold a Meeting of the Trustees between the several Times of Adjournment; it shall and may be lawful for any Five Trustees to appoint such Meetings, by giving Notice in Writing under their Hands of the Time, Place, and Purpose thereof; all which Notices shall be affixed on the several Turnpikes then erected upon the said Road at least Fourteen Days before any such Meeting shall be held; and the Proceedings of the Trustees, at all such Meetings so held, shall be as valid and effectual to all Intents and Purposes as if the said Trustees had, at their then last Meeting, adjourned to such Time and Place.

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

And be it further enacted, That the said Trustees, by such Person or Persons as they, or any Five or more of them, shall appoint, shall and may erect, or cause to be erected, One Turnpike-gate at or near a Fall Gate called Postwick Gate, near the Three Mile-stone; and also One other Turnpike or Gate at or near the Bridge called Filby Bridge, on the East Side of the said Bridge; and also shall and may, from time to time as they shall see Occasion, erect, or cause to be erected, any Side-gate or Side-gates upon any Part of the said Road, between the Place where the Three Mile-stone now stands and Filby Bridge aforesaid; and shall and may erect and provide a Toll-house to each such Turnpike, with suitable Out-buildings thereto; and may also take in and inclose from the said Road, or any Part or Parts thereof, or any Ground adjoining thereto, convenient Garden Spots for each Toll-house, as the said

Trustees,

Trustees, or any Five or more of them, shall direct: And the Tolls following shall be demanded and taken at each of the said Turnpikes or Gates by such Person or Persons as the said Trustees, or any Five or more of them, shall, from time to time, appoint to receive the same, before any Horse, Cattle, Beast, or Carriage whatsoever, shall be permitted to pass through the same (that is to say)

The Tolls.

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

For every Chaise and One Horse, the Sum of Four 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 or Curry 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 any 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 any greater or lesser Number.

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

Money 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 for the Purposes of this Act: And if any Person or Persons liable to the Payment of any of the said Tolls, or any Part or Parts thereof, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part or Parts thereof; it shall and may be lawful for the Person or Persons appointed to collect such Tolls, 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 Distress, and of detaining and keeping the same, shall not be paid within the Space of five Days next after such Distress made; the Person or Persons making such Distress shall and may sell the 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.

And be it further enacted, That the Right and Property of the several Turnpikes and Toll-houses to be erected and provided by virtue of this Act, and of the Materials of which the same shall be built or consist, and also of all Materials which shall be collected for the 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.

Property of Turnpikes and Toll-houses vested in Trustees.

And be it further enacted, That out of the Tolls to be collected, or Money to be borrowed on the Credit thereof, the said Trustees, or any Five or more of them, shall, in the First Place, pay all the Charges and Expences incurred in, and in relation to, procuring and passing this Act; and after all such Charges and Expences shall be paid and satisfied, all the Tolls and Money so to be borrowed shall be applied in making, erecting, and repairing, the said Turnpikes and Toll-houses, and repairing, widening, altering, diverting, turning, and keeping in Repair, the said Road, and the several other Purposes of this Act, and to no other Use or Purpose whatsoever.

Charges of passing this Act how to be paid.

Trustees not to repair Pavements.

Provided always, That no Part of the Money arising from the said Tolls, or to be borrowed on the Credit thereof, shall be laid out in or applied in making or repairing any Pavements in any Town or Street through which any Part of the said Road doth or shall lead.

Trustees may lessen the Tolls,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, assembled at any Meeting to be held for that Purpose, and they are hereby impowered from time to time, with the Consent of such Person or Persons as shall be intitled to Four Fifths or more of the Money which shall have been advanced upon the Credit of the said Tolls, to lessen or reduce all or any of the Tolls herein before mentioned, and for such Time or Times, and in such Manner, Parts, and Proportions, as the said Trustees, or any Nine or more of them, shall think proper; and afterwards, from time to time, advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money, not exceeding the respective Rates herein before mentioned; and the said Trustees, or any Nine or more of them, may, from time to time, direct the Tolls hereby granted, or so reduced as aforesaid, to be collected in such Parts or Proportions as they shall think proper; and such reduced Tolls, and also such Parts and Proportions thereof as aforesaid, shall and may be collected, levied, and applied, in such and the same Manner, and to such and the same Uses, as the Tolls herein before granted are directed to be collected, levied, and applied; but no Meeting shall be held for the Purposes aforesaid, unless Fourteen Days previous Notice of the Time, Place, and Purpose thereof, shall have been given in Writing affixed upon all the Turnpikes which shall be then erected upon the said Road.

and raise them again.

Toll to be paid but Once in 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 same Gate.

And

And be it enacted, That the said Trustees, or any Nine or more of them, may, and they are hereby impowered from time to time, as they shall see convenient, to compound and agree for any Term not exceeding Twelve Months at any One Time, with all or any of the Inhabitants of the several Farms, Parishes, Hamlets, or Places, near to or through which the Road doth lead, for the passing of their Horses, Cattle, Beasts, and Carriages, through all or any of the Turnpikes erected by virtue of this Act (except in such Cases only where by any Law in being they are restrained from making such Composition); which Composition-money shall be paid Twelve Months in Advance; and in Default thereof, the Composition or Agreement with the Person or Persons making such Default shall be void; and all Money arising from Compositions as aforesaid, shall be applied only in such Manner as the Tolls herein before granted are directed to be applied. Trustees may compound with Parishes, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, by Writing under their Hands and Seals, to demise, and to farm let the Tolls to be collected and received at the Turnpikes or Tollgates to be erected and set up by virtue of this Act, or any Part of such Tolls, unto any Person or Persons from Year to Year, or for any Term of Years, not exceeding Three Years; Three Months Notice of the Intention of such Letting being fixed on all the Turnpike Gates or Bars to be erected by virtue of this Act, and advertised in the Norwich Paper; for the best Rent or Rents that can be got for such Tolls, payable at such Times, and under such Covenants, and to such Person or Persons as they, the said Trustees, or any Nine or more of them, shall direct or appoint; and the Monies arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied by this Act. Trustees may lease the Tolls, &c.

Provided always, and be it enacted by the Authority aforesaid, That no Toll shall be demanded or taken for any Horse, Cattle, Beast, or Carriage, laden only with, or going unloaden for, or returning unladen on the same Day, having been laden only with Gravel, Stones, or other Materials, for repairing the said Road, or any of the Roads in the several Parishes in which any Part of the Road hereby directed to be repaired doth lie; or with Grass, Hay, or Corn in the Straw, not Exemptions from Tolls.

not sold or disposed of, but carrying to be laid up or placed in the Out-houses or on the Lands of the Owners thereof; or with any Furze, Ling, Flag, or Turf, cut on Mousehold Heath, to be consumed for Firing by the poor Inhabitants of Postwick aforesaid; or with Mould, Dung, Compost, Manure, or Lime, to be employed in Husbandry, and manuring and improving of Lands, in the several Townships near to or through which the said Road, or any Part thereof respectively, doth lie; or for any Ploughs, Harrows, or other Implements of Husbandry; or of any Person, in respect of their Horses and Carriages, who shall pass through either of the said Turnpikes on Sundays to or from their proper Parish or parochial Church, Chapel, or other Place of religious Worship which they usually resort to, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes; or for any Horse 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 Horses or Cattle drawing Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, or from Passengers on Horseback going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of Norfolk, or of any Citizen or Citizens to serve in Parliament for the said City and County of the City of Norwich, or for the Burgh of Great Yarmouth, during the Time of such Election or Elections, or on the Day before or Day after such Election or Elections 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 Person so offending shall for every such Offence forfeit the Sum of Five Pounds.

Penalty on making illegal Claims.

Penalty on evading the Tolls.

And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, pass through any Land, Ground, or Hereditament, adjoining to or lying near either of the said Turnpikes to be erected as aforesaid (the same not being a publick Highway) or if the Owner or Occupier of any such Land, Ground, or Hereditament, shall knowingly

knowingly permit or suffer any Person or Persons with any Horse, Cattle, Beast, or Carriage, to pass through the same, whereby the Payment of any of the said Tolls, or any Part or Parts thereof, shall be avoided, every Owner or Occupier of Lands, Grounds, or Hereditaments, so offending, shall, for every such Offence, forfeit a Sum not exceeding Five Pounds; 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 or Parts 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 any Part or Parts thereof, or with such Intent shall unload any Goods or other Things from any Horse, Cattle, Beast, or Carriage; every Person so offending, in any of the Cases aforesaid, shall, for every such Offence respectively, forfeit and pay the Sum of Five Pounds.

Money may be borrowed on Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, upon the Credit of the Tolls arising by virtue of this Act, in such Manner as they shall think proper, to borrow and take up at Interest any Sum and Sums of Money which they shall think fit; and, from time to time, by any Writing or Writings under their Hands and Seals, to mortgage and assign over the said Tolls, or any Part or Parts thereof (the Charges of such Mortgages or Assignments to be paid out of such Tolls), to any Person or Persons, for any Term or Number of Years during the Continuance of this Act, as a Security or Securities for the several Sums of Money which shall be so borrowed as aforesaid, together with Interest for the same; and Copies of all such Mortgages and Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed upon the Credit of the said Tolls, unless Notice of the Time, Place, and Purpose, of such Meeting shall be affixed upon both the Turnpikes to be erected upon

Assignments to be entered in Books.

Notice to be given of borrowing of Money.

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, which shall be due thereon, to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the Clerk or Treasurer to the said Trustees within Six Calendar Months next after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Dates, Names of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Mortgage or Mortgages, for which such Clerk or Treasurers shall be paid the Sum of Two Shillings and Six Pence, and no more; and which said Book or Books shall and may, at all seasonable Times, be inspected and perused without Fee or Reward; and after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors and Administrators, to the Benefit thereof and Payment thereon, and such Assignee may in like Manner assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person who shall have made such Assignment or Transfer, to make void, release, or discharge, the same, or any Monies due thereon; and all and every Person and Persons, to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in proportion to the Sum or Sums therein mentioned, Creditors on such Tolls in an equal Degree one with another, and shall have no Preference in respect to the Priority of advancing any such Monies.

Assignments may be transferred.

Clerk's Fee.

All Creditors deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That in case any Person or Persons who shall lend and advance any Money on the Credit of the Tolls by this Act granted, or such Person or Persons to whom any such Loans shall become due and payable, shall at any Time

Impowering Creditors to take Possession of the Turnpikes, and take the Tolls, &c.

Time be desirous to be repaid the Money due to him, her, or them, and shall deliver a Notice in Writing, signed by him, her, or them, signifying such his, her, or their Desire, to the Clerk or Clerks to the said Trustees; then, and in such Case, unless the Principal and Interest due and to grow due on the Security of the said Tolls, shall be fully paid unto, or tendered to such Creditor or Creditors so signing such Notice, within Six Months next after the Delivery of such Notice as aforesaid, at some publick House in the City of Norwich, or in the Burgh of Great Yarmouth; it shall and may be lawful to and for the said Creditor or Creditors to enter upon and take Possession of the Turnpikes and Toll-houses so to be erected as aforesaid, and to collect and receive, or cause to be collected and received, the Tolls by this Act granted, and to apply the same to the Payment of the Principal and Interest-monies then due to such Creditor or Creditors so taking Possession as aforesaid.

Other Creditors may take joint Possession.

Provided always, and be it further enacted, That in case any Person or Persons shall take Possession of any Turnpike or Turnpikes, Toll-house or Toll-houses, by virtue of the Power given to him or them as aforesaid, and any other Creditor or Creditors shall also in like Manner signify his or their Desire to be repaid the Money then due to him or them as aforesaid; that then, and in every such Case, it shall and may be lawful for such other Creditor or Creditors likewise to enter upon and take a joint Possession of the said Turnpikes and Toll-houses so to be erected as aforesaid; and such Creditors, or the major Part of them, shall and may, within Fourteen Days next after taking Possession as aforesaid of such Turnpikes and Toll-houses, appoint One or more Collector or Collectors to receive the said Tolls by this Act granted, who shall every Month account with such Creditors for all Monies which he, they, and every of them respectively, shall from time to time after such Seizure receive by virtue of this Act, and pay all such Sums of Money as shall at such Times appear to be in his or their Hands, to such Creditor or Creditors so taking Possession as aforesaid, in proportion to the Sum or Sums of Money which shall be then due and owing to each of them respectively in Discharge of the same.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Eleven or more of them, may,

may, and are hereby impowered, by Writing under their Hands and Seals, to appoint One or more Collector or Collectors of the said Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and Surveyor or Surveyors of the said Road, and such other Officers and other Persons as the said Trustees, or any Eleven or more of them, shall think necessary; and from time to time remove such Officers and other Persons, or any of them, and appoint others in their Stead: But no Appointment or Removal of any Officer at any Meeting of the said Trustees shall be valid, unless Notice thereof shall have been given by the Clerk or Treasurer to the said Trustees, assixed upon both the Turnpikes to be erected as aforesaid, at least Fourteen Days before any such Appointment or Removal; And the said Trustees, or any Eleven or more of them, may, and are hereby authorized and impowered, out of the Monies arising by virtue of this Act, to pay such Salaries, and make such Allowances to such Officers and other Persons, and also to any other Person or Persons who shall be assisting to them in or about repairing or widening the said Road, as to the said Trustees, or any Eleven or more of them, shall seem reasonable; and all such Officers and Persons shall, from time to time, when thereunto required by the said Trustees, or any Five or more of them, deliver to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall for that Purpose appoint, true and perfect Accounts in Writing, under their respective Hands, upon Oath (which Oath any One of the said Trustees is hereby impowered to administer), of all Monies which he, they, and every of them respectively, shall to that Time have received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall then appear so to be in their Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to give such Account as aforesaid, or shall refuse or neglect to deliver up all the Vouchers relating to the same, or to verify the Articles thereof upon Oath, or shall neglect or refuse to pay the Money due on such Account, in Manner aforesaid; or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, or to such Person or Persons as they,

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

Officer refusing to account,

or

or any Five or more of them, shall appoint, within Twenty Days next after being required so to do by the said Trustees, or any Five or more of them, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act; in all or any of the said Cases, it shall and may be lawful for any One or more Justice or Justices of the Peace of the County or Place where such Officer or other Person shall reside, and he and they is and are hereby required to make Inquiry concerning such Default in a summary Way, as well by Confession of the Party as by the Testimony of One or more credible Witness or Witnesses, upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer); and if any such Officer or other Person shall be convicted of all or any of the Offences aforesaid, such Justice or Justices shall commit the Offender or Offenders to the Common Gaol of the County or Place where such Officer or Person shall reside, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall have compounded for the same with the said Trustees, or any Eleven or more of them, and shall have paid such Composition in such Manner as the said Trustees, or any Eleven or more of them, shall appoint; which Composition the said Trustees, or any Eleven or more of them, are hereby impowered to make, and until he shall have delivered up such Books, Papers, and Writings aforesaid, or given Satisfaction in respect thereof, to the said Trustees, or any Eleven or more of them.

Justices may enquire into Default,

and commit the Offender until he conform.

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

Treasurer, &c. to give Security.

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

Provided always, That as often as any Collector of the said Tolls shall die, or be incapable of performing his Duty, it shall and may 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

Trustees may appoint Collectors though not at a publick Meeting.

der their Hands to appoint any other Person to collect such Tolls; and the Person so appointed shall have the same Authority for recovering thereof as the Person he shall succeed was vested with, until the Trustees, or any Eleven 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. from Commons, &c.

And be it further enacted, 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, 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, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery, or inclosed Grounds, now planted with any Avenue of Trees) paying or tendering Payment for such Materials, and for the Damage done to the Owners or Occupiers of such Lands and Grounds where and from whence the same shall be digged, drawn, gathered, taken, and carried away, or over which the same or any other Materials gotten in any Waste Ground, Common, River or Brook, or private Grounds, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable, they the said

without paying for the same;

levelling the Pits, &c.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

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.

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

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

Surveyors may remove Annoyances in the Road, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, or any Person or Persons by them or either of them appointed or employed, from time to time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to remove and prevent all Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, or otherwise, and convert the same to his or their own Use or Uses; and to turn any Watercourses, Sinks, or Drains, running along, into, or out of the said Road to the Prejudice thereof; and from time to time to open, scour, cleanse, widen, and make deeper, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary, in case the Owners or Occupiers of the Premisses shall neglect to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches in a proper Manner, or remove such other Annoyances, in such Manner as the said Trustees, or any Five or more of them, or the Surveyors or Surveyor, shall require, for the Space of Twenty Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors; and also to cut down, lop, or top, any Trees, Branches, Shrubs, or Bushes, growing in the said Road, or in the Hedges or Banks adjacent

the Owners neglecting to remove the same after Notice;

adjacent thereto, and to take, carry away, and ſell, the Wood ſo cut, and apply the Money ariſing thereby in Repair of the Road, in caſe the Owners or Occupiers ſhall neglect to lop or top, cut down, and remove ſuch Trees, Branches, Shrubs, or Buſhes, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall require, for the Space of Twenty Days next after Notice given in Writing for that Purpoſe, to be left at the Houſe belonging to the Land on which the ſame ſhall ſtand, or at the Houſe of the Tenant in Poſſeſſion thereof, under the Hands of Five of the ſaid Truſtees; the Charges whereof to be ſettled by the ſaid Truſtees, or any Five or more of them, ſhall be reimburſed by ſuch Owners or Occupiers, and be recovered and applied in ſuch Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; and if after the Removal of any of the ſaid Annoyances, any Perſon ſhall again offend in the like Kind, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds.

Surveyors may make Cauſeways, &c. erect Bridges, &c.

And be it further enacted, That it ſhall and may be lawful to and for ſuch Surveyor or Surveyors, and ſuch Perſon or Perſons as ſhall 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 temporary 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, 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 or widening, and until the ſame ſhall be made convenient

and make a temporary Road;

and safe for Passengers and Carriages; making such reasonable Satisfaction to the Owner or Occupier of such Ground through which any such Drain or Drains, or on which any such Arch or Arches, Bridge or Bridges, or through, over, or along, which any such occasional Road shall be made, for the Damage which he, she, or they, shall or may thereby sustain, as shall be assessed and adjudged by the Justices of the Peace at their General Quarter Sessions of the Peace next holden for the County, Division, or Place, within which such temporary Road shall be turned, or where any such Drain or Drains, Ditch or Ditches, shall be cut or made, or where such Arch or Arches, Causeway or Causeways, shall be respectively erected or made, in case any Difference shall arise between the said Trustees and such Owners and Occupiers respectively concerning the same. making Satisfaction to the Owners.

Provided always, That in case the ancient or former Way over any Common, Moor, 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 Roads shall lie, shall not be obliged to repair such old or former Road, unless the same leads to some Village, Town, or Place, with which the new Road doth not communicate. Where a new Road is made over any Moor, &c. old Road not liable to be repaired by the Inhabitants.

And be it further enacted, That if any Person or Persons shall interrupt or hinder any Turnpike Surveyor, or other Person or Persons employed by them, or any of them, or by the said Trustees, or any Five or more of them, in the cutting, digging, taking, or carrying away, any Furze, Heath, Stones, Gravel, Chalk, Lime Stone, Sand, Flints, or other Materials, for the altering, widening, or repairing of 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 Five Pounds. Penalty on obstructing Surveyors, &c. in their Duty.

And be it further enacted, That the said Trustees, or any Nine or more of them, shall and they are hereby impower- Trustees may alter the Course of the Road.

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

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

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

And be it further enacted, That in case any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or any other Person or Persons, interested in any such Lands or Hereditaments, upon Notice to him, her, or them, given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode,

Where Persons refuse to treat, &c.

of

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 Ten 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 Nine or more of them, shall cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County or Place in which such Lands or Grounds so to be taken in do lie (which Oaths any One of the said Trustees are hereby impowered and required to administer) what Damage will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Occupiers, or Proprietors, or other Person or Persons interested for or upon account of the taking of such Lands, Grounds, or Hereditaments, into the said Road, or of turning such Road into the same; and in order thereto, the said Trustees, or any Nine 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 Nine 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 Nine 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,

Jury to assess the Recompence on Oath.

Witnesses may be summoned and examined upon Oath.

Verdict of the Jury to be final.

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 Nine or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County of Norfolk, requiring him to impanel, summon, and return an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Nine or more of them, at such Time and Place as in such Warrants shall be appointed; and the said 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 Two 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 Nine 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

Trustees to issue their Warrant to the Sheriff to impanel a Jury.

Jurors may be challenged.

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

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 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 Forty Shillings upon any other Person, for One Offence. Fines not to exceed 10 *l.* or 40 *s.*

Provided always, That in case any Jury summoned and sworn, pursuant to the Directions of this Act, shall give in or deliver a Verdict or Assessment for more Money, as a Recompence for the Right, Interest, or Property, of any Person or Persons in any such Lands or Hereditaments, or for any Loss or Damage, than what shall have been agreed to and offered by the said respective Trustees, or any Five or more of them, before the summoning and returning such Jury; then the Costs and Expences attending the summoning of the Jury and Witnesses, and all other Expences incident thereto, shall be paid by the said Trustees, or any Five or more of them, out of the Tolls arising by virtue of this Act, or out of any Money to be borrowed on the Credit thereof: But in case the Verdict or Assessment of such Jury shall not be for more Money than shall have been agreed to and offered by the said Trustees as aforesaid, the Costs and Expences attending the summoning of the Jury and Witnesses, and all other Expences incident thereto, shall be paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute. Expences of Juries how to be borne.

And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid shall be paid out of the said Tolls, or out of the Money to be borrowed on the Credit thereof, to the Party or Persons respectively intitled thereto, or to their Agent or 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 Ten Days Notice there- Money allowed for Lands how to be charged and tendered.

of 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 Nine or more of them, shall direct; and shall be by them, or such Person or Persons as they, or any Nine or more of them, shall appoint, sufficiently drained, ditched, fenced, and set out, for that Purpose; and shall to all Intents and Purposes whatsoever 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 whatsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Road shall be completed, the Lands constituting the former Road, unless leading 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 Nine 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 so to be sold; and the Sale or Sales, Conveyance or Conveyances, to be made of such Lands, being executed by the said Trustees, or any Nine 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 esteemed a publick Highway.

Old Road may be sold.

Buildings, &c. not to be injured.

Provided always, That this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Garden, Orchard, Yard, planted Walk, or Avenue to a House, or Plantation or Nursury of Trees which were planted and set apart as such before the First Day of January, One thousand seven hundred and fifty nine.

Lords of the Manors indemnified.

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

Trustees not to act where interested.

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

And

And be it enacted, That all Persons who are anyways liable or chargeable towards repairing the said Road, or any Part thereof, and Bridges, shall still remain liable and chargeable to such Repairs, in such Manner as they were before the Passing of this Act. Persons chargeable to the Road, &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, 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 Works which each Person ought to do on the said Road in such Townships and Places respectively; Part of which 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 the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor, of such Townships or Places respectively, within Ten Days after Notice shall be given to him or them, by such Turnpike Surveyor or Surveyors, of the Time or Times when, and how many of 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, Churchwardens, or Overseers of the Poor, of any such Township or Place, shall neglect or refuse to do as he is hereby directed and required; every such Surveyor, or Churchwardens, or Overseers of the Poor, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Five Pounds; and every Person keeping a Team or Teams as aforesaid, who shall, after such publick Notice as aforesaid, neglect or refuse to send such Team or Surveyors of the Highways, &c. to deliver in Lists of Persons liable to do Statute-work. Penalty on Surveyors, &c. neglecting to deliver in such Lists. Penalty on Persons not performing Statute-work.

Teams

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 or Surveyors 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.

Trustees may compound for Statute-work.

Provided always, and be enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, to compound, for any Term not exceeding Twelve Months, with the Possessors or Occupiers of Lands, Tenements or Hereditaments, which are or shall be liable or chargeable with the Repairs of any Part of the said Road, or with any Person or Persons, for the Performance of his, her, or their Statute-work thereon; 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 Twelve Months, with the Trustees, or any Nine 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 Highways.

And

And be it further enacted, That the said Trustees, or any Five or more of them, may and are hereby impowered and required, before the Twenty ninth Day of September next, 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, 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 shall fill up, break down, injure, or damage, any Banks, Ditches, or Trenches, which shall be erected, cut, or made, upon or on the Sides of the said Road, or adjoining or near to the same, or shall 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, diggen up, injured, or destroyed, to be levied by Distress of the Goods and Chattles of such Offenders, by Warrant under the Hand and Seal of any One Justice of the Peace for the County or Place where the Offence shall be committed; One Moiety of which Forfeitures shall go to the Informer, and the other Moiety in repairing the said Road; and in case the said Money shall not be forthwith paid upon Conviction, then it shall and may be lawful for such Justice to commit such Person or Persons to the Common Gaol, there to remain for any Time not exceeding Two Months, or until he shall have paid the said Money.

Road to be measured, and Mile-stones erected.

Penalty on defacing Mile-stones.

And be it further enacted, That when and as often as any of the Trustees named in or appointed by virtue of this Act shall die or refuse to act, it shall and may be lawful to and for the surviving or remaining Trustees, or any Eleven or more of them, by Writing or Writings under their Hands and Seals, from time to time, to elect, nominate, and appoint, One or more fit Person or Persons living or residing in the City of Norwich or County of Norfolk, to be a Trustee or Trustees in the Room of such Trustee or Trustees so dying or refusing to act; but Notice in Writing of

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

the Time and Place of Meeting for such Election of new Trustees shall be given by the Clerk or Clerks to the said Trustees, by affixing the same on all the Turnpikes which shall then be erected upon the said Road, at least Fourteen Days before the Meeting for such Election; and all and every the Person and Persons so chosen and appointed to be joined with the surviving or remaining Trustees, shall and may, and is hereby authorized and impowered to act in the Execution of this Act, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees herein before named and appointed are by this Act impowered to do.

Penalty on drawing Timber, &c. 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) 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 Forty Shillings.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, 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, either by the Confession of the Party or Parties, or by the Oath of any 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

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said 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 for the County or Place where the Offence shall be committed, there to remain without Bail or Mainprize, for any Time not exceeding One Month, unless Penalties or Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Treasurer to account 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 Once in every Year; and deliver the same to the said Trustees, or any Five or more of them, within Twenty Days next after the Twentieth Day of July yearly.

Persons aggrieved may appeal to the Quarter Sessions.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall think himself, herself, 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 Calendar 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 of Norfolk, such Appellant first giving, or causing to be given, Fourteen intire Days Notice in Writing of his or her Intention to bring such Appeal, and of the Cause and Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Five Days next after such Notice entering into a Recognizance before some Justice of the Peace for the said County, 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 Appeal, in a summary Way, and award such Costs to the Party appealing, or appealed against, as they the said

Notice of Appeal to be given.

said Justices shall think proper; and the Determination of such Quarter Sessions shall be binding and conclusive to all Intents and Purposes.

The Trustees are impowered to 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 contract 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 and Sums of Money, as the said Trustees, or any Five or more of them, shall think proper.

Contracts to be binding.

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 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, Convictions, 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, and the several Powers and Authorities hereby granted, shall commence and have Continuance from and after the passing thereof for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Proceedings to be entered in a Book.

And be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees,

or

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. Books may be read in Evidence.

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

And be it further enacted, That no Order or Conviction, or any Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted, 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 removeable by *Certiorari*.

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

after the Time limited for bringing the same, or after sufficient Satisfaction made or tendered as aforesaid, or shall be brought in any Court 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.

Publick Act.

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

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FINIS.