



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 17.

An Act to enlarge the Term and Powers of Two Acts of His present Majesty, for repairing the Roads from the East Gate of *King's Lynn*, to the North End of *Babingley Lane*, and to extend the Road from thence to *Darsingham*, in the County of *Norfolk*. [4th April 1811.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His present Majesty King George the Third, intituled, *An Act for repairing and widening the Roads from the East Gate, in the Borough of King's Lynn, into the Parishes of Geyton and Grimstone, and to the Gate next Hillington, on Congham Common, and to the North End of Babingley Lane, in the County of Norfolk*: And whereas an Act was passed in the Thirty-first Year of the Reign of His said present Majesty, intituled, *An Act for continuing an Act of the Tenth Year of His present Majesty, for repairing and widening the Roads from the East Gate, in the Borough of King's Lynn, into the Parishes of Geyton and Grimstone, and to the Gate next Hillington, on Congham Common, and to the North End of Babingley Lane, in the County of Norfolk*: And whereas the Term of the said several Acts is near expiring, and considerable Sums of Money have been borrowed, and are now due and owing upon the Credit of the Tolls authorized to be collected upon the said Roads, by virtue of the said several Acts, which Money cannot be paid off, nor can the said Roads be effectually widened, improved, and kept in Repair, unless the Term granted and continued by the said Acts be further continued, and some of the Powers and Provisions thereof altered and enlarged: And whereas the Road leading from the North End of *Babingley Lane*, through the

[Loc & Per.] 3 S Parishes

Former Acts
continued.

Parishes of *Babingley*, *Woolferton*, and *Sandringham*, to the Sign of the *Dun Cow*, in *Darlington* in the said County, is much out of Repair, incommodious and dangerous for Travellers, and cannot be effectually amended and kept in Repair by the ordinary Course of Law, and it would be a great Accommodation to the Neighbourhood, and of public Utility, if the same were to be repaired, and put under the Care and Management of the Trustees for executing the said recited Acts and this Act: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all the Clauses, Powers, Authorities, Provisions, Exemptions, Penalties, Forfeitures, Matters, and Things, therein contained (except such Parts thereof as relate to Exemptions from Stamp Duties, and also such as are hereby varied, altered, explained, or repealed) shall be and remain in full Force and Effect, and, together with this present Act, shall be put in Execution for and during the Term hereinafter mentioned, as well for the Purpose of amending, widening, improving, and keeping in Repair the Road included in the said recited Acts, as for amending, widening, and keeping in Repair the old Road leading from the North End of *Babingley Lane* aforesaid, through the Parishes of *Babingley*, *Woolferton*, and *Sandringham*, to the Sign of the *Dun Cow*, in *Darlington* in the said County, as fully and effectually in all Respects, and to all Intents and Purposes, as if the said Acts, and the Clauses, Powers, and Provisions therein respectively contained, were expressly repeated and re-enacted in the Body of this present Act, and as if the said additional Road had been Part of the Road included in the said Acts; but subject nevertheless to the Alterations and Amendments herein contained, and which shall commence and take Effect upon the passing of this Act; and that this Act, and the Term and Powers hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all Monies now due and owing, or which shall or may hereafter be borrowed or become due, on the Credit of the said recited Acts and of this present Act, any or either of them, and all Interest due and to become due for the same respectively.

No Toll-gate
on certain
Part of the
Road.

II. And be it further enacted, That no Turnpike or Tollgate shall be erected or set up, or Toll collected by virtue of the said recited Acts or this Act, upon any Part of the said Road, leading from the North End of *Babingley Lane* to the *Dun Cow* in *Darlington* aforesaid.

Present Securities to be in
force during
the additional
Term.

III. And be it further enacted, That all Mortgages or Securities for securing the Repayment of any Money borrowed on the Credit of the Tolls authorized to be collected upon the said Roads, and which are now in force, shall remain and continue in force during the Term granted by this Act, unless the Money thereby secured, with the Interest thereof, shall be sooner paid off and discharged.

Money may
be borrowed
on the Credit
of the Tolls.

IV. And whereas the Sum of Nine hundred and fifty Pounds hath been subscribed for defraying the Expences of making the said intended Road from the North End of *Babingley Lane* to the *Dun Cow* in *Darlington* aforesaid; be it therefore further enacted, That it shall and may be lawful for the said Trustees, or any Nine or more of them, on the Credit of
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the Tolls arising by virtue of the said recited Acts or this Act, in such Manner as they shall think proper, to borrow and take up at Interest the said Sum of Nine hundred and fifty Pounds, and 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 said Sum of Nine hundred and fifty Pounds, 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; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, is and are hereby empowered, from Time to Time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings to be executed under his, her, or their Hand and Seal or Hands and Seals, in the Presence of Two or more credible Witnesses, to transfer or assign over such Security or Securities, and the Money, both Principal and Interest, which shall be due thereon, to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the Clerk or Treasurer to the said Trustees, within Six Calendar Months next after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Dates, Names of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Mortgage or Mortgages, for which such Clerk or Treasurer shall be paid the Sum of Five Shillings 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 entitle such Assignee, his, her, or their Executors and Administrators, to the Benefit thereof and Payment thereon, and such Assignee may in like Manner assign or transfer the same 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 regard to the Priority of advancing any such Monies, subject nevertheless to the Payment in the first Place of all such Sum or Sums of Money which are already lent and advanced upon the Credit of such Tolls, under and by virtue of the said recited Acts, and all Interest that may be due thereon respectively.

Assignments
to be entered
in a Book.

Assignments
may be trans-
ferred.

V. And whereas an Act was passed in the Forty-eighth Year of His present Majesty's Reign, for inclosing Lands in the Parishes of *Gaywood* and *Mintlyn*, in the County of *Norfolk*: And whereas the Turnpike Gates erected across the said Roads in the said Parish of *Gaywood*, are so placed as to be a particular Hardship on the Inhabitants, Owner or Owners, Occupier or Occupiers of Messuages, Lands, Grounds, or Hereditaments, in the said Parish of *Gaywood*, whose Business occasions the frequent passing through such Turnpike Gates, for the Purpose of carrying Materials for the making or repairing of Tunnels, Gates, Bridges, Fences, and Ditches

Exemption
for the Inha-
bitants, &c.
of *Gaywood*,
for fencing
Materials.

belonging to their respective Lands, and for the carrying of Hurdles and Lifts for the fencing and folding of Sheep and Cattle on such Lands, lying in the said Parish of *Gaywood*, late Part of the Commons and Waste Grounds belonging to the Parish of *Gaywood* aforesaid, and lately inclosed, and otherwise, be it therefore further enacted, That from and after the Twenty-fourth Day of *June* One thousand eight hundred and eleven, no Toll shall be demanded or taken by virtue of the said recited Acts or this Act, for or in respect of any Carriages, Horses, or Cattle employed only in carrying any Gates, Posts, or Materials for the making or Reparation of Tunnels, Gates, Bridges, Fences, or Ditches, and Hurdles and Lifts for the fencing and folding of Sheep and Cattle belonging to any of the said Inhabitants, Owner or Owners, Occupier or Occupiers of any such Messuages, Lands, Grounds, or Hereditaments in the said Parish of *Gaywood*, or returning empty after having been so employed; or for any Carriages, Horses, or Cattle going for the Purpose of or returning after having been so employed in carrying Whins, Flags, Turf, or Wood for Fuel, unfold and not for Sale, belonging to any of such Inhabitants, Owner or Owners, Occupier or Occupiers as aforesaid in the said Parish of *Gaywood*, any Thing in the said recited Acts contained to the contrary thereof notwithstanding: Provided always, that no Person or Persons shall be entitled to the Exemption aforesaid, for passing and repassing to Lands lying in any other than the said Parish of *Gaywood*; and if any Person or Persons shall in any fraudulent or collusive Manner whatever, claim and take the Benefit of the Exemption aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, One Moiety whereof shall be paid to the Informer, and the other Moiety thereof shall be applied in such Manner as other Forfeitures and Penalties are by the said recited Acts directed to be applied.

Persons and Things exempted from Toll.

VI. Provided always, and be it further enacted, That no Toll shall be demanded or taken for the Passage of any Horse or other Beast drawing any Cart, Waggon, Wain, or other Carriage, through any of the Turnpikes erected or to be erected by virtue of the said recited Acts or this Act, laden with Stone, Gravel, or other Materials for making or repairing the said Road or Branch of Road, or any Part or Parts thereof respectively, or laden only with Dung or other Manure for the Improvement of Land, (Lime-stones or Lime excepted,) or with Seed to be sown, or with Hay or Corn in the Straw only, or other Produce, from or to any of the Lands in the Occupation of the respective Inhabitants of the several Parishes in which the said Road or Branch of Road lies, or any neighbouring Parishes, and to be laid up in the Houses, Barns, Outhouses, or Yards of such Inhabitants only, and not for Sale; nor for any Horse, Beast, or other Cattle drawing any such Carriage belonging to such Inhabitants respectively, going empty for the Purposes of loading such Stones, Gravel, and other Materials for making and repairing the said Road and Branch of Road, or returning empty having been laden therewith on the same Day; or for any Carriage, Horse, or Cattle going for the Purposes of or returning from ploughing, tilling, or sowing any Land or Ground; nor shall any Toll be demanded or taken from any Rector, Vicar, Curate, or any other Person or Persons residing in any of the Parishes through which the said Road or Branch of Road leads, who shall pass through any Turnpike or Toll Gate to or from his or their proper Parochial Church, Chapel, or other

other Place of Religious Worship on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or from any Clergyman going to or returning from visiting any sick Person; or for any Cattle or Carriage conveying a Corpse, or going to or attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Road or Branch of Road lies; nor for any Horse or Cattle going to or returning from Water, or to or from Pasture, or going to or returning from being shod or farried; or for any Horses or Carriages, of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or returning back from conveying or guarding the same; or for such Horse as is or shall be used only to ride on by the Owner or Driver of any Waggon, Cart, or Carriage, provided such Horse pass through the said Turnpike or Turnpikes with such Waggon, Cart, or Carriage; nor shall any Toll be demanded or taken for the Horses of any Officers or Soldiers that are on their March or on Duty; or for Carts, Carriages, or Waggons employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers; or any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or for the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for Exercise, Inspection, or Review, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements, according to the Regulations appointed by such Corps at the Time of claiming the Exemptions; or for Horses, Carts, or Waggons, travelling with Vagrants sent by legal Passes, or returning after having been so employed; or for any Horses or Cattle drawing Coaches or other Carriages, or from Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Norfolk* or *Suffolk*, or of any Burgesses or Burgesses to serve in Parliament for the said Borough of *King's Lynn*, or for the Borough of *Castle Rising*, during the Time of such Election or Elections, or on the Day before or Day after such Election or Elections shall begin or be concluded; and if any Person shall in any fraudulent or collusive Manner whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

VII. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn

[*Loc. & Per.*]

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by

Owners or Drivers of Waggons employed in the Service of the King's Forces, not to be subject to Penalties for Overweight.

by any Number of Horses or Oxen; but it shall be lawful for the Owners or Drivers of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing contained in any Act or Acts of Parliament relating thereto in anywise notwithstanding.

Application
of Compensation
Money
when exceeding
200l.

VIII. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments, which shall be purchased for the Purposes of this Act, of any Body Corporate, Ecclesiastical, or Civil, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or any Feme or Femes Covert, or other Person or Persons being incapacitated to give Discharges for the Purchase or Compensation Money, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, or any Five or more of them, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents or Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the like or the same Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and the annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments so to be purchased, in case such Purchase or Settlement were made.

Application
where Money
does not
amount to
200l. and
shall exceed
20l.

IX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed

the Sum of Twenty Pounds, then and in all such cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands and Hereditaments so purchased, taken or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy to be signified in Writing under their respective Hands, be paid into the said Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the Trustees for executing this Act, or any Five or more of them, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising therefrom, may be applied in Manner herein directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

X. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application where the Money is less than 20l.

XI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Five or more of them; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such case it shall be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*], subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other

In case of not making out Titles, or if Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery on Motion or Petition.

Order

Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Respecting
disputed
Titles.

XII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, in pursuance of this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest in any Lands or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in the Possession of such Lands or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands and Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities shall be purchased, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

The Court
may order
reasonable
Expences of
Purchases
to be paid
by the Trus-
tees.

XIII. Provided also, and be it further enacted, That where by Reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time, to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For regulat-
ing Statute
Labour, and
Justices to
determine
Differences
touching Sta-
tute Work.

XIV. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace for the said County of *Norfolk*, and they are hereby empowered and required, on Application made to them by the said Trustees, or any Five or more of them, or by their Clerk or Surveyors by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be

be by him, her, or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be so paid, which Lists of Names shall be made in Manner, and under such Regulations and Restrictions as is or may be directed by any Law or Statute in Force and Effect for the Repairs of the public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Haytime or Harvest) and on such Parts of the said Roads, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer or Treasurers, at such Time or Times as they the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor or Surveyors to the said Trustees, such Surveyor or Surveyors is and are hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid; and in that case every such Person sending such Labourer, Team, or Draught, shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if such Team or Draught had not been sent to work on any Part of the said Roads, all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and be applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully

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give

give in false or imperfect Lists, every such Surveyor or Surveyors so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may
compound
with Parishes.

XV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree by the Year or otherwise, with the Possessors, Occupiers, Grantees, Feoffees and Committees of Lands, Tenements, and Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part of the said Roads within their respective Districts, or of any Bridge, Arch or Sewer, or with any Person or Persons, for the Performance of his, her, or their Statute Work thereon; and also that it shall be lawful for the Surveyors of the Highways of any of the said Parishes, Hamlets, Districts, or Places, by and with the Consent and Approbation of a Majority of the Inhabitants of such Parishes, Hamlets, Districts, or Places, first had at any Vestry or other public Meeting of such Inhabitants, to compound and agree, by the Year or otherwise, with the said Trustees, or any Five or more of them, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Roads, all which Composition Monies shall be from Time to Time paid in Advance, and shall be applied in the Repair of the said Roads; and all such Surveyors shall be reimbursed the Money so by them paid, in such Manner as Surveyors of the Highways are by Law to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Empowering
Trustees to
compound
for Toll.

XVI. And be it further enacted, That the said Trustees, or any Five or more of them, may, and they are hereby empowered from Time to Time as they shall see convenient, to compound and agree for any Term not exceeding Twelve Calendar Months at any one Time, with all or any of the Inhabitants or Occupiers of the several Farms, Lands, Grounds, or Hereditaments, near to or through which any of the said Roads do lead, or other Person or Persons, for the passing of their Horses, Cattle, Beasts, and Carriages, of every Denomination or Description, Toll free, through the Turnpike Gates erected or hereafter to be erected by virtue of the said recited Acts or this Act, upon or across the said Roads, 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 the Compositions aforesaid, shall be applied only in such Manner as the Tolls hereinbefore granted are directed to be applied.

Trustees em-
powered to
contract with
Surveyors for
repairing
Roads.

XVII. And whereas it may be for the Benefit and Advantage of the Roads directed to be repaired by virtue of the said several recited Acts and this Act, if Power were given to the said Trustees to contract and agree with all or any of the Surveyors of the Highways of the several Parishes in which the said several Roads do lie, for the amending and keeping in Repair of all such and so much of the said several Roads as are directed to be repaired as aforesaid; be it therefore further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or such Person or Persons as they shall for that Purpose authorize or appoint, from Time to Time to contract and agree, by Writing, to and with the Surveyor or Surveyors for the Time being, of any Parish or Place in which any Part of the said Roads do lie, for any Time not exceeding

Five Years, for amending, widening, improving, and keeping in Repair, in such Manner as they shall think fit, all or any Part of the said Roads within such their respective Parishes and Places.

XVIII. And be it further enacted, That the several Persons who have subscribed, or who shall hereafter subscribe, to advance any Sum or Sums of Money for the Purposes of paying the Expences of this Act, and for paying for Land which may be necessary to be purchased for making and completing the said new Branch of Road, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Part or Parts thereof as shall from Time to Time be called for by the said Trustees, or any Five or more of them, by an Order in Writing to be made and subscribed by them, at any public Meeting or Meetings to be held for the Purposes of the Act, to be paid to their Treasurer or Treasurers, at such Time or Times, Place or Places, as they shall in and by such Order direct or appoint; and in case any Person or Persons shall neglect or refuse to pay the same at the Time and in Manner required as aforesaid for that Purpose, it shall and may be lawful for the said Trustees, or any Five or more of them, and they are hereby empowered, in the Name of their Treasurer or Treasurers for the Time being, to sue for and recover the same by an Action or Actions of Debt, on this Act, in any of His Majesty's Courts of Law at *Westminster*.

To compel the Payment of Subscriptions.

XIX. And be it further enacted, That all the Costs, Charges, and Expences, incident to and attending the obtaining and passing of this Act, shall be paid by the said Trustees, or any Five or more of them, out of the Money already collected or received, or to be collected or received, by virtue of the said recited Acts or of this Act, in preference to all other Payments whatsoever.

Expences of the Act.

XX. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices and others, without being specially pleaded.

Publick Act.

XXI. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force, and be executed for and during the Residue now to come and unexpired of the Term granted and continued by the said recited Acts, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Commencement and Continuance of the Act.

