



ANNO QUARTO

GEORGIIV. REGIS.

Cap. iv.

An Act for more effectually amending the Roads from the *Little Bridge* over the End of the Drain next *Wisbeach River*, lying between *Roper's Fields* and the *Bell Inn* in *Wisbeach* in the Isle of *Ely*, to the West End of *Long Bridge* in *South Lynn* in the Borough of *King's Lynn* in the County of *Norfolk*; and for amending, improving, and keeping in Repair certain other Roads therein mentioned, in the said County of *Norfolk*.

[23d May 1823.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act for repairing and widening the Roads from the Little Bridge over the End of the Drain next Wisbeach River, lying between Roper's Fields and the Bell Inn in Wisbeach in the Isle of Ely, to the Sign of The Bear in Walsoken in the County of Norfolk, and from Walsoken Bridge, lying over the same Drain, to the said Sign of The Bear, and to Lord's Bridge in Islington, and from thence to the West Ends of Maudlin Bridge and German's Bridge in the County of Norfolk, and from the East End of German's Bridge aforesaid to the West End of Long Bridge, in South Lynn in the Borough of King's Lynn, in the said County of Norfolk, and from Islington aforesaid to Cross-Keys Wash, in the said County.* And whereas

5 G.3. c.101.

[Local.]

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- 26G.3. c.127. an Act was passed in the Twenty-sixth Year of His said Majesty's Reign, for continuing the Term and altering and enlarging the Powers of the said Act: And whereas an Act was passed in the Forty-seventh Year of
- 47G. 3. c. 26. His said Majesty's Reign, for continuing the Term and altering and enlarging the Powers of the said Two Acts of the Fifth and Twenty-sixth Years of the Reign of His said Majesty: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King *George* the
- 3G.4. c.126. Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas the Trustees appointed in and by virtue of the said Three first recited Acts have proceeded from Time to Time to put the said Acts into Execution, and great Improvements have been made in the said Roads; but a large Sum of Money having been borrowed on the Credit of the Tolls authorized to be collected upon the said Roads by virtue of the said Three first recited Acts, great Part of which Money still remains due and owing and cannot be paid off, nor can the said several and respective Roads mentioned and described in the said Three first recited Acts be kept in good Repair unless the Term granted and continued by the said Three first recited Acts be further continued; and it would be more convenient if the said Three first recited Acts were repealed, and other Powers and Provisions granted instead thereof; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: And whereas many Alterations have been made in the Roads herein-after mentioned and described within the last Two Years, under and by virtue of the various *Eau Brink* Acts of Parliament, by which a new River or Cut has been made from *Eau Brink* aforesaid to the Borough of *King's Lynn* aforesaid, and a free Bridge built across the same, by which Bridge the Road from *South Lynn* aforesaid to *Wisbeach* aforesaid will (when completed) be shortened full Three Miles out of a Distance of Sixteen Miles, and the Road from *South Lynn* aforesaid to *Cross-Keys Wash* aforesaid will likewise be shortened about Six Miles out of a Distance of Fourteen Miles; and the Public in general will thereby be greatly benefited, but the Creditors upon the Tolls will be considerably injured until new Houses are built and Toll Gates erected, in lieu of those which by the said Change of Roads have been deserted and evaded, to the great Loss of the Persons who have already advanced Money upon the Credit of the said Tolls: And whereas the Road leading from the present Turnpike Road at or near the Turnpike Gate called *Long Bridge Gate* or Bar in *South Lynn* aforesaid, to the East End of the said Bridge called *Marshland Free Bridge*, and also the Road leading from the West End of the said Bridge called *Marshland Free Bridge*, lying in the several Parishes of *South Lynn All Saints*, *West Lynn Saint Peter's*, *Clenchwarton*, *Wiggenhall Saint Mary's*, *Tilney All Saints*, *Tilney cum Islington*, *Tilney Saint Lawrence*, and *Terrington Saint John's*, in the said County of *Norfolk*, to another Bridge or Tunnel called the *Rose and Crown Tunnel* in the said Parishes of *Terrington Saint John's*, and *Tilney Saint Lawrence*, and adjoining a certain Bank called the *Five Mile Bank*: And also the Road leading from the said Road at the West End of the said Bridge called *Marshland Free Bridge*, lying in the several Parishes of *West Lynn Saint Peter's* and *Clenchwarton* aforesaid, and also in the several Parishes of *Terrington Saint Clement's* and *Walpole Saint Andrew's* in the said County of *Norfolk*, to the common Sea Bank in the said Parish of *Walpole Saint Andrew's*.

Andrew's, adjoining the Road or Way leading over the Wash called *Cross-Keys Wash*, and from the North-west End of the Ferry House in *West Lynn Saint Peter's* aforesaid, to and through the said Parish of *Clenchwarton*, and also from the Boundary of *Clenchwarton* aforesaid to the End of the Weir Bank or Boundary Bank near *Kenwick Farm*, between the said Parishes of *Clenchwarton* and *Tilney All Saints*, and along the said Road from *Clenchwarton* aforesaid, to join the said Turnpike Road in *Tilney Saint Lawrence* aforesaid, are greatly out of Repair, and in some Parts narrow and incommodious for Travellers and Carriages, and cannot be effectually amended, widened, improved, and kept in good Repair by the ordinary Course of Law; and it would be a great Accommodation to the Neighbourhood, and of great public Utility, if the same were to be repaired and put under the Care and Management of the Trustees for executing the said last recited Act 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 Three first recited Acts, and all the Powers, Provisions, Matters, and Things therein respectively contained, shall be and the same is and are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever; and that this Act and the said last recited Act shall commence and take Effect in lieu and instead thereof, and shall be put in Execution for and during the Term herein-after mentioned, as well for the Purpose of amending, widening, improving, and keeping in Repair the Roads included in the said Three first recited Acts, as for the surveying, amending, turning, widening, improving, and keeping in Repair the said several additional Roads herein mentioned and described, as fully and effectually in all Respects, and to all Intents and Purposes, as if the said additional Roads had been Part of the Roads comprized in the said Three first recited Acts and this Act; and the Term and Tolls hereby granted shall be and are hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing on the Credit or on account of the said Three first recited Acts, and also of such other Sum or Sums of Money as may be borrowed by virtue of or become due on the Credit of the said Three first recited Acts and of this Act, any or either of them, and of all Interest due and to grow due for the same respectively.

The Three
first recited
Acts repealed.

II. And be it further enacted, That all the Powers, Provisions, Remedies, Penalties, Exemptions, Matters, and Things contained in the said recited Act, passed in the Third Year of the Reign of His said present Majesty, shall extend and be deemed, construed, and taken to extend to this Act, in as full, large, and ample a Manner, to all Intents, Constructions, and Purposes whatsoever, as if the same respectively were repeated and re-enacted in the Body of this Act, save and except where the same are or any Part thereof is expressly varied, altered, or repealed by this Act.

3 G. 4. c. 126.
extended to
this Act.

III. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities, made or entered into by any Person or Persons to or with any of the Trustees for executing the said Three first recited Acts, according

Bonds and
Securities
entered into
under the

former Acts
to remain in
force until
satisfied and
paid.

ing to the Provisions and Directions thereof respectively, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed; and all Contracts, Agreements, Demises, Mortgages, and Securities, duly made or entered into by the Trustees for executing the said Acts hereby repealed, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act and the said last recited Act, and be observed and kept by them according to the Terms and Stipulations and Tenor thereof respectively.

Trustees.

IV. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said County of *Norfolk*, together with Sir *Jacob Astley* Baronet, *Stephen Allen* Clerk, *Stephen Allen* the younger, Clerk, *Thomas Allen*, *John Maxcy Allen*, the Right Honourable *William Henry Cavendish Scott Bentinck* commonly called the Marquis of *Titchfield*, the Right Honourable *William Cavendish Bentinck* commonly called Lord *William Cavendish Bentinck*, Sir *Charles Brown*, *Philip Bell* Clerk, *Thomas Philip Bagge*, *William Bagge*, *Henry Birkbeck*, *William Bagge* the younger, *Richard Bagge*, *Edward Bagge*, *Henry Case Bagge*, *John Prescott Blencowe*, *John Prescott Blencowe* the younger, *Alexander Bowker*, *John Brett* Clerk, *George Barnes* Clerk, *Philip Bell* the younger, *George Brown*, *James Coldham*, *Henry Waller Coldham*, *John Coldham* Clerk, *William Davy* Clerk, *John Davy*, *James Dillingham*, *Edward Everard*, *Edward Everard* the younger, *Scarlet Everard*, *William Everard*, *James Everard*, *Edward Brown Everard*, *Salisbury Everard*, *Wallen Everard*, *Edward Edwards* Clerk, *George Edwards*, *Henry Elsdon*, *Edmund Elsdon*, Sir *William John Henry Brown Folkes* Baronet, *Price Fountain*, *Andrew Fountain*, *Andrew Fountain* the younger, *William Fawcett* Clerk, *Daniel Gurney*, *Robert Green*, *Thomas Gales*, *Frederic Goldfrap* Clerk, *Ambrose Goode* Clerk, *Ambrose Goode* the younger, Clerk, Sir *Andrew Snape Hamond* Baronet, Sir *Thomas Hare* Baronet, *Graham Eden Hamond*, *Thomas Hoseason*, *Thomas Pellew Hoseason*, *John Cochrane Hoseason*, *Charles James Hoseason*, *George Hogg*, *George Hogg* the younger, *Martin Hogg* Clerk, *Henry Hogg*, *Richard Hamond*, *Philip Hamond*, *Robert Hamond* Clerk, *Henry Hoste Henley*, *Henry John Henley*, *John Turner Hales*, *George Harwood*, *Robert Hales* Clerk, *William Hoste*, *Dixon Hoste*, *Derick Hoste*, *Robert Hankinson* Clerk, *Robert Edwards Hankinson* Clerk, *Thomas Hulton*, *Francis Hulton*, *John Hemington*, *Henry Helsham*, *Cornelius Pateman Herbert*, *William Hardyman* Clerk, *Hugh Jackson*, *Arthur Iveson* Clerk, *Saint Andrew Saint John*, *Samuel Lane*, *Frederick Lane*, *John Lloyd*, *John Mills*, *James Edward Rose Nelson* Clerk, *Edward Roger Pratt*, *Edward Roger Pratt* the younger, *John Davis Plestow* Clerk, *Charles Plestow*, *Edward Paston*, *Algernon Peyton* Clerk, *William Seppings*, *Jonathan Townley* Clerk, *Gale Townley* Clerk, *Thomas Upwood*, *Thomas Thorogood Upwood* Clerk, *Edmond Wodehouse*, the Honourable *John Walpole*, *William Wilson*, *Lee Warner*, *Peter Skrimpsire Wood* Dean of *Middleham*, *John Whing*, and their Successors, shall be and they are hereby appointed the Trustees for putting the said last recited Act and this Act into Execution.

Power to
appoint
additional
Trustees.

V. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Three or more of them, and they are hereby authorized and empowered, at their First Meeting to be holden in pursuance of

of the said last recited Act and this Act, to elect any Number of Persons, not exceeding Five in the Whole, to be Trustees for the Purposes of this Act and the said last recited Act, in addition to the Trustees hereby and by the said last recited Act appointed; and such Trustees so elected, and being qualified according to the Directions of the said Act and this Act, shall be and are hereby vested with the same Powers and Authorities for executing this and the said last recited Act, as if they had been hereby nominated and appointed.

VI. And be it further enacted, That no Person shall be capable of acting as a Trustee, for putting the said last recited Act and this Act in Execution, unless he shall be qualified in such Manner as in and by the said last recited Act is directed and prescribed; and unless (being so qualified) he shall, before he shall act as a Trustee (except in administering the Oath mentioned in the said last recited Act, and the Oath hereinafter mentioned), take and subscribe, before any Two or more of the said Trustees, an Oath, or, being a Quaker, an Affirmation, in the Words or to the Effect following; (that is to say),

Trustees to take an Oath truly to execute the Acts.

‘ I *A.B.* do swear, [*or, being a Quaker, do affirm,*] That I will truly, honestly, and impartially, according to the best of my Judgment, execute and perform the several Powers, Authorities, and Trusts reposed in me as a Trustee by virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act, &c.* [*here insert the Title of this Act*], and also an Act passed in the Third Year of the Reign of His said Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England.* So help me GOD.’

Form of the Oath.

Which Oath or Affirmation any Two or more of the said Trustees is and are hereby authorized and empowered to administer; and if any Person shall presume to act (except as aforesaid) before he shall have taken and subscribed the said Oath or Affirmation, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed: Provided nevertheless, that no Act or Proceeding touching the Execution of the said last recited Act or this Act, which shall be done or performed by any such Person who shall have omitted or neglected to take and subscribe the said Oath by this Act prescribed, shall be thereby impeached or rendered nugatory, but all such Acts and Proceedings shall be as valid and effectual as if such Person had taken such Oath previously to his having acted as such Trustee as aforesaid.

VII. And be it further enacted, That the First Meeting of the said Trustees shall be held at the Guildhall, or at some other convenient House or Place, in the Borough of *King's Lynn* aforesaid, on the Fifth Day of *June* next after the passing of this Act, or as soon after as conveniently may be, at which Meeting the said Trustees shall and may, by Writing under their Hands, elect and appoint a Treasurer or Treasurers, and a Clerk or Clerks, and also a Collector or Collectors of the Tolls, and of all the Monies to be collected, or which shall or may be due and

First Meeting of the Trustees.

payable under or by virtue of the said recited Acts and this Act, and shall likewise appoint some fit and proper Person or Persons to be a Surveyor or Surveyors of the said Roads, and all such other Officers as they the said Trustees shall think proper; and that they the said Trustees shall and may, from Time to Time, remove all such Treasurers, Clerks, Collectors, Receivers, Surveyors, and other Officers, or any of them, when and as often as they shall see Occasion, and appoint others in their Stead, as to the said Trustees shall seem proper; and the said Trustees shall and may, out of the Tolls and other Monies to be collected and received under or by virtue of the said recited Acts and this Act, make such Allowance, by way of Salaries or otherwise, unto the Treasurers, Clerks, Collectors, Receivers, Surveyors, and other Officers so to be appointed, for and in consideration of the Care and Pains by them respectively taken in the Execution of their respective Offices, and to such other Person or Persons as shall be assisting in and about the Execution of the said recited Act and this Act, as to the said Trustees shall seem proper.

Trustees not
to appoint
the same
Person to
Two Offices.

VIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act; or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees, other than that of Treasurer, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Old Officers
may continue
until others
are ap-
pointed.

IX. And be it further enacted, That every Clerk, Collector of the Tolls; Surveyor, and other Officer and Officers (except the Treasurer or Treasurers to the said Trustees) nominated and appointed under and by virtue of the said Acts hereby repealed, or any of them, shall hold and enjoy their several and respective Offices and Employments until he or they shall be removed therefrom respectively by the said Trustees; and every such Clerk, Collector, Surveyor, or other Officer or Officers, shall have the like Powers and Authorities for carrying the said recited Act of the Third Year of the Reign of His said present Majesty and this Act into Execution, and shall be subject and liable to such Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations,

relations, in all respects whatsoever, as if he or they had been nominated or appointed under or by virtue of this Act.

X. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said Three first recited Acts had not been repealed.

Books used under former Acts to be Evidence.

XI. Provided also, and be it further enacted, That all Persons who have been employed or who shall have received any Tolls or other Money by virtue or in pursuance of the said recited Acts, or who shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things relating to the said Roads, shall account, pay, and deliver over the same to the said Trustees, in like Manner, and under the like Penalties and Forfeitures, as are by the said last recited Act inflicted in respect to the several Persons receiving any Monies, or having the Possession of any Books, Writing, or other Things, by virtue of the said Act and this Act.

Officers under the former Acts to account to the Trustees for executing this Act.

XII. Provided always, and be it further enacted, That the Treasurer or Treasurers for the Time being, of the Monies arising by virtue of the said last recited Act and this Act, shall and they are hereby required to settle his or their Account or Accounts with the said Trustees, or any Three or more of them, on the last *Friday* in the Month of *April* in every Year during the Continuance of this Act, in such Manner as is directed in and by the said last recited Act.

Treasurers to make up their Accounts annually.

XIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees for putting the said last recited Act and this Act into Execution, or any Three or more of them, or for such Persons as they or any Three or more of them shall employ for that Purpose, and they are hereby fully authorized and empowered to enter in and upon the Lands and Grounds of any Person or Persons into or through which the said new Pieces of Road are intended to pass, to set out, form, make, and complete the same, from the Road leading from the present Turnpike Road, at or near the Turnpike Gate or Bar in *South Lynn* aforesaid, to the East End of the said Bridge called *Marshland Free Bridge*; and also from the West End of the said Bridge called *Marshland Free Bridge* to another Bridge or Tunnel, called *The Rose and Crown Tunnel*, in the said Parishes of *Terrington Saint John's* and *Tilney Saint Lawrence*, and adjoining the said Bank called the *Five Mile Bank*; and also from the said Road at the West End of the said Bridge, called *Marshland Free Bridge*, to the common Sea Bank in the said Parish of *Walpole Saint Andrew's*, adjoining the Road or Way leading over the Wash called *Cross Keys Wash*, and from the North-west End of the Ferry House, in *West Lynn Saint Peter's* aforesaid, to and through the said Parish of *Clenchwarton*, and also from the Boundary of *Clenchwarton* aforesaid to the End of the Weir Bank, or Boundary Bank, near *Kenwick Farm*, between the said Parishes of *Clenchwarton* and *Tilney All Saints*, and along the said Road from *Clenchwarton* aforesaid, to join the said Turnpike Road in *Tilney Saint Lawrence* aforesaid; and to cut and make such Drains, Gutters, and Tunnels

Power to make new Roads.

nels in and upon the Lands adjoining and near such Roads, as shall be by them the said Trustees thought necessary or proper for draining the Water from such Roads, according to the true Intent and Meaning of this Act, doing as little Damage as may be in the Execution of the Powers to them hereby granted; and for this Purpose it shall be lawful for the said Trustees, or any Three or more of them, and they are hereby authorized to treat, contract, and agree with the Owners, Proprietors, and Occupiers of, and Persons entitled to or interested in such Lands and Grounds, for the Purchase thereof, or of any Part thereof respectively, in such Manner, and under the same Powers and Provisions, as are given and granted in and by the said recited Act for ascertaining and settling the Value of any Lands, not being Common or Waste Land, to be taken or made use of for the Purposes thereof.

Act not to extend to Works made by Eau Brink Commissioners.

XIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to charge or make liable the said Trustees to the Repair of any Bank, Bridge, or Dam, made or to be made by or under the Authority of the Commissioners appointed under or by virtue of the several Acts of Parliament for making a River or Cut from *Eau Brink* aforesaid to the Borough of *King's Lynn* aforesaid.

Maps or Plans, &c. deposited at the Office of the Clerk of the Peace, to remain there for Inspection.

XV. And whereas Maps or Plans describing the Lines of the new Pieces of Road leading from the present Turnpike Road, at or near the Turnpike Gate or Bar in *South Lynn* aforesaid, to the East End of the said Bridge called *Marshland Free Bridge*; and also from the West End of the said Bridge called *Marshland Free Bridge* to another Bridge or Tunnel called *The Rose and Crown Tunnel*, in the said Parishes of *Terrington Saint John's* and *Tilney Saint Lawrence*, and adjoining the said Bank called the *Five Mile Bank*; and also from the said Road at the West End of the said Bridge called *Marshland Free Bridge*, to the common Sea Bank in the said Parish of *Walpole Saint Andrew's*, adjoining the Road or Way leading over the Wash called *Cross Keys Wash*, and from the Northwest End of the Ferry House in *West Lynn Saint Peter's* aforesaid, to and through the said Parish of *Clenchwarton*, and also from the Boundary of *Clenchwarton* aforesaid to the End of the Weir Bank or Boundary Bank, near *Kenwick Farm*, between the said Parishes of *Clenchwarton* and *Tilney All Saints*, and along the said Road from *Clenchwarton* aforesaid, to join the said Turnpike Road in *Tilney Saint Lawrence* aforesaid, and the Lands through which the same are intended to be carried, together with Books of Reference, containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the said County of *Norfolk*: Be it therefore further enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the Clerk of the Peace for the said County of *Norfolk* for the Time being, to the End that all Persons may, at seasonable Times, have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will or Pleasure, (paying the Clerk of the Peace for the Time being a reasonable Compensation for making such Copies or Extracts); and that the said Trustees, in making the said new Pieces of Road, shall not deviate more than One hundred Yards from the Lines described in the said Map or Plan, without the Consent in Writing first had and obtained of the Person or Persons, Body or Bodies Politic, Corporate,

Corporate, or Collegiate; through whose Lands or Premises such Deviation shall be made.

XVI. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Roads through, across, or over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of the Lands over which the same are set out and described in the said Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Norfolk*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees may make Roads through Grounds, although the Owners' Names are omitted in the Book of Reference, if omitted by Mistake.

XVII. Provided also, and be it further enacted, That the Powers and Authorities hereby and by the said recited Act made in the Third Year of the Reign of His present Majesty given or granted, shall not extend or be construed to extend to authorize or empower the said Trustees, in making the said new Pieces of Road, to take or pull down, injure or damage any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted or set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

Houses, &c. not to be injured.

XVIII. And whereas the Traffic on the said new Pieces of Road will be greatly increased by Horsemen, Waggoners, Drovers, and others, in passing to and from the Counties of *Essex*, *Suffolk*, and *Norfolk*, into and from *Lincolnshire*, *Yorkshire*, and other Northern Counties; be it therefore further enacted, That it shall and may be lawful to and for the said Trustees, or any Three or more of them, to erect or cause to be erected Two Turnpike Gates on the said Roads; that is to say, One on the said Road at or near *Cross Keys Wash*, in the Parish of *Walpole Saint Andrew's* aforesaid; and the other on the said Road in the said Parish of *Clenchwarton*, at or near a Place known by the Name of the *Weir Bank*, or *Boundary Bank*, between the said Parishes of *Clenchwarton* and *Tilney All Saints*; and shall and may also set up and erect a Toll House to each such Turnpike, with suitable Conveniences thereto; and may also inclose from the said Roads, or any Part or Parts thereof, or any Ground adjoining such Toll Houses, convenient Garden Spots to the said Toll Houses respectively, as they the said Trustees may judge proper, not exceeding in the Whole One-eighth Part of a Statute Acre to or for each Toll House; and that all such Tolls as are by this Act authorized to be collected and paid at the several and respective Gates or Turnpikes which have been or shall hereafter be erected in, upon, across, or on the Side or Sides of the said Roads, by virtue of this Act, and also the Tolls granted by the said recited Act of the Third Year of the Reign of His said present Majesty, shall and may be demanded and taken thereat.

Power to erect Toll Gates.

XIX. And whereas, by the said Change of Road since the said *Eau Brink* River or Cut was made, it will be expedient that the Toll Gate erected at or near *German's Bridge* aforesaid should be removed to such

Power to remove German's Bridge Gate.

[Local.]

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Place

Place as the said Trustees may think proper and convenient; be it therefore further enacted, That it shall and may be lawful to and for the said Trustees, or any Three or more of them, at any Time hereafter, to remove, sell, or dispose of the Toll-Bar House, or cause to be removed, sold, or disposed of, the above-mentioned Toll-Bar House and Toll Gate near *German's Bridge* aforesaid; and in lieu thereof to erect or cause to be erected one other Turnpike Gate on such Part of either of the said Roads already made or hereafter to be made between *King's Lynn* aforesaid and *Wisbeach* aforesaid, as they may think proper and convenient, and shall and may also set up and erect a Toll House to such Turnpike, with suitable Conveniences thereto, and may also inclose from the said Roads, or any Part or Parts thereof, or any Ground adjoining such Toll House, a convenient Garden Spot to the said Toll House, as they the said Trustees may judge proper, not exceeding in the whole One-eighth Part of a Statute Acre; and that all such Tolls as are by this Act authorized to be collected and paid at the several and respective Gates and Turnpikes which have been or shall hereafter be erected in, upon, or across, or on the Side or Sides of the said Roads, by virtue of this Act, and also the Tolls granted by the said recited Act of the Third Year of the Reign of His said present Majesty, shall and may be demanded and taken thereat.

Trustees discharged from the Care of the Road from the old North Sea Bank to Lord's Bridge.

XX. And whereas it will be proper that as soon as the Toll Gate is removed from near *German's Bridge* and Parish aforesaid, that the said Trustees should be discharged from the Care and Management of such Part of the Roads comprised in the said first recited Act hereby repealed, as leads from the old *North Sea Bank*, in the Parish of *South Lynn* aforesaid, to *Thornton's Bridge* in the Parishes of *Wiggenhall Saint Mary's* and *Islington* aforesaid, and also lying in the several Parishes of *South Lynn All Saints*, *Wiggenhall Saint Mary's*, and *Wiggenhall Saint German's* aforesaid; be it therefore further enacted, That from and immediately after the Removal of the said Toll Gate from *German's Bridge* and Parish aforesaid, the said Trustees shall be and are hereby discharged from the Care and Management of the Roads leading from the *North Sea Bank* aforesaid to *Thornton's Bridge* aforesaid; and also that from and immediately after such Removal of the said Toll Gate near *German's Bridge* aforesaid, no Toll shall be collected on the said Roads from *North Sea Bank* aforesaid to *Thornton's Bridge* aforesaid; and the said Trustees shall not have any Controul, Power, or Authority over the same Roads by virtue of the said recited Acts, any or either of them, or this Act.

Power to continue the present Gates or to erect others.

XXI. And be it further enacted, That the said Trustees shall and may continue the Five several Turnpike Gates which now stand across or on the said Roads, and also such Side Gate or Side Gates as are erected on the Sides thereof, or across any Lane or Way leading out of or near the same, or from Time to Time to remove the same, or any of them, and set up or erect in lieu thereof, and in addition thereto, one other Turnpike Gate on the said Roads between *Wisbeach* aforesaid, and *Maudlin* and *German's Bridge* aforesaid, as by the said first recited Act they the said Trustees are authorized and empowered to erect, if they should think proper; and also such other Turnpike Gate or Turnpike Gates in, upon, or across, or on the Side or Sides of any Part or Parts of the Roads directed by this Act to be amended, widened, and repaired, or within a reasonable Distance of the Sides of such Roads, or across any Lane or Way leading

out of or near the same, to prevent the Tolls being evaded, as they the said Trustees may deem expedient ; and may also set up and erect a Toll House to each such Turnpike, with suitable Conveniences thereto ; and may also inclose from the said Roads, or any Part or Parts thereof, or any Ground adjoining such Toll Houses, convenient Garden Spots to the said Toll Houses respectively, as they the said Trustees may judge proper, not exceeding in the whole One-eighth Part of a Statute Acre to or for each Toll House ; and the said Trustees may cause all or any of such Turnpikes Toll-Gates, Toll Houses, and other Buildings, from Time to Time to be taken down, removed, and set up again, or altered, in such Place or Places, across or on the said Roads, or on the Side or Sides thereof, in such Manner as the said Trustees shall judge proper.

XXII. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected by virtue of the said Acts hereby repealed, on the said Roads to be improved and repaired by virtue of this Act, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same ; and in case of Sale, to convey the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple ; and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trust, and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Non-application thereof : Provided always, that such Preference of purchasing shall be given to the Owner or Owners of the adjoining Land as is by the said last-recited Act directed to be given, where any Piece or Pieces of Ground or old Road, not wanted for the Purposes of any Turnpike Road, is authorized to be sold and disposed of.

Power to sell
the present
Toll Houses.

XXIII. And be it further enacted, That the respective Tolls following shall be demanded, taken, collected, and paid at the several and respective Gates or Turnpikes which have been or shall hereafter be erected in, upon, or across, or on the Side or Sides of the said Roads ; (that is to say),

Power to
take Tolls.

For every Horse or other Beast of Draught, drawing any Coach, Stage Coach, Sociable, Berlin, Landau, Chariot, Barouche, Phaeton, Calash, Curricle, Chair, Chaise, Caravan, Gig, Hearse, or Litter, or other Four or Two-wheeled Carriage of the like Kind, the Sum of Four-pence :

Tolls.

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Drug, Cart, or other Carriage of the like Kind, the Sum of Three-pence :

For every Ass, drawing any Chaise, Gig, Tax Cart, or other Two or Four-wheeled Carriage, the Sum of Two-pence :

For

For every Horse or Mule, laden or unladen, and not drawing, the Sum of Two-pence :

For every Ass, laden or unladen, and not drawing, the Sum of One Penny :

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Eight-pence *per* Score, and so in proportion for any greater or less Number ; and,

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in proportion for any greater or less Number.

Which said Tolls, and also the Tolls granted by the said recited Act of the Third Year of the Reign of His said present Majesty, shall be and the same are hereby vested in the said Trustees ; and the same and every Part thereof shall be collected, recovered, levied, paid, applied, assigned, varied, and disposed of, in such and the same Manner, and by such and the same Ways and Means, and with such Remedies for Non-payment or Evasion thereof, and with such Powers, Provisions, Exemptions, and Restrictions, as are contained in the said last recited Act, but subject nevertheless to the Provisions, Exemptions, and Regulations therein and in this Act contained.

Application
of Tolls.

XXIV. And be it further enacted, That out of the Tolls and other Monies to be collected and levied under or by virtue of the said last-recited Act and this Act, or out of the Monies to be borrowed on the Credit thereof, the said Trustees shall, after Payment of the Charges and Expences incurred in, about, and relating to the obtaining and passing of this Act, defray the Expence and Charge of erecting and providing the Turnpikes, Toll Gates, and Toll Houses, and of repairing, widening, altering, turning, keeping in repair, and improving the said Roads, and of executing the other Purposes of the said last-recited Act and this Act, and to no other Use or Purpose whatsoever.

Tolls to be
paid but
once a Day.

XXV. Provided always, and be it further enacted, That no Person or Persons shall be liable to the Payment of more than one full Toll for passing or repassing through the same Turnpike or Toll Gate on the same Day, (such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night), with the same Horses, Cattle, Beasts, or Carriages, through any of the Turnpikes or Toll Gates continued or erected, or to be erected and set up and provided by virtue of the said last recited Act and this Act, across or on the Sides of such Part of the said Roads, or across any Lane or Way leading out of or near the same ; but that all and every Person or Persons, after having paid a full Toll once, as aforesaid, for passing through any Turnpike or Toll Gate across or on the Sides of such respective Parts of the said Roads as aforesaid, or across any Lane or Way leading out of or near such respective Parts of the said Roads, shall, during the Remainder of such Day, to be computed as aforesaid, pass Toll-free at the said Gate or Side Gates as aforesaid, with the same Horses, Cattle, Beasts, or Carriages through the same Turnpike or Toll Gate where such Toll was paid, upon producing a Note or Ticket denoting that the Toll hath been paid on that Day, which Note or Ticket the Collectors of the Tolls are hereby required to deliver *gratis* on Receipt of the Toll in manner aforesaid.

XXVI. Pro-

XXVI. Provided also, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to empower the said Trustees, or any of them, to cause more than Three full Tolls to be demanded or taken for the Passage of any Horses, Beasts, or Carriages, through all the Toll Gates to be continued, erected, provided, or set up by virtue of the said last recited Act or this Act in the whole Length or Branch of Road leading from *Wisbeach* aforesaid, through the Parish of *Wiggenhall Saint Mary Magdalen* aforesaid; nor more than Two full Tolls to be demanded or taken for the Passage of any Horses, Beasts, or Carriages, through all the Toll Gates to be erected, provided, or set up by virtue of this Act in the whole Length or Branch of Road leading from *The Rose and Crown Tunnel* in *Terrington Saint John's* and *Tilney Saint Lawrence* aforesaid, to the West End of *Long Bridge*, in *South Lynn* aforesaid; nor more than One full Toll to be demanded or taken for the Passage of any Horses, Beasts, or Carriages, through all the Toll Gates to be erected, provided, or set up by virtue of this Act in the whole Length or Branch of Road leading from *Lord's Bridge* aforesaid, to *German's Bridge* aforesaid; nor more than Two full Tolls to be demanded or taken for the Passage of any Horses, Beasts, or Carriages, through all the Toll Gates to be erected, provided, or set up by virtue of the said last recited Act or this Act in the whole Length or Branch of Road leading from the West End of *Marshland Free Bridge* aforesaid, to the common Sea Bank in *Walpole Saint Andrew's* aforesaid; nor more than Two full Tolls to be demanded or taken for any Horses, Beasts or Carriages, through all the Toll Gates to be erected, provided, or set up by virtue of this Act in the whole Length or Branch of Road leading from the said common Sea Bank to the Ferry House in *West Lynn Saint Peter's* aforesaid; nor more than Two full Tolls to be demanded or taken for the Passage of any Horses, Beasts, or Carriages, through all the Toll Gates to be erected, provided, or set up by virtue of the said last recited Act or this Act in the whole Length or Branch of Road leading from *Cross Keys Wash* to *Islington* aforesaid.

Limiting the Number of Tolls to be taken on each Branch of Road.

XXVII. Provided also, and be it further enacted, That for or in respect of all Horses or other Beasts drawing any Stage Coach or any Stage Waggon, Van, Caravan, or other Stage Carriage, carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike or Toll Gate, the Tolls hereby made payable shall be paid for repassing through such Toll Gate, in like manner as if no Toll had been before paid; and that Toll shall be payable for and in respect of all Horses or other Beasts drawing Post Chaises and other Carriages travelling for Hire, for every Time of passing or repassing along the said Road on the same Day with a Ticket denoting a fresh Hiring, such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night

Stage Coaches, Caravans, and Post Chaises to pay every Time of passing.

XXVIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Three or more of them present at any Meeting or Meetings to be held by them under the Provisions of the said last recited Act and this Act, to borrow of and from the Commissioners for carrying into Execution an Act made and passed in the

Enabling Trustees to borrow Money from the Commissioners for

the Issue of
Exchequer
Bills.

Third Year of the Reign of His present Majesty, intituled *An Act to amend Two Acts of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on public Works and Fisheries, and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, such Sum or Sums of Money as the Majority of the said Trustees present at such Meeting or Meetings may deem expedient for the Purposes of the said last recited Act and this Act, or either of them, upon Mortgage or Assignment of all Tolls arising and to arise on the several Roads herein mentioned or referred to, and the Toll Gates and Toll Houses erected or to be erected for collecting the same, with their Appurtenances, subject nevertheless to such of the Provisoes and Conditions particularly mentioned and expressed in the said last-mentioned Act, and the Acts therein recited and referred to, and in such Form as the said Commissioners for the Issue of Exchequer Bills shall direct and appoint.

Mortgages granted to the Commissioners for the Issue of Exchequer Bills to have Preference over other Mortgages.

XXIX. And be it further enacted, That any Mortgage or Assignment which shall be given by the said Trustees to the said Commissioners for the Issue of Exchequer Bills, shall have Priority over and shall precede all other Mortgages or Securities granted by the Trustees for the Execution of the said Three first recited Acts hereby repealed, or which shall hereafter be granted under the Authority of this Act, or any Act herein recited or referred to; any thing contained in the said last recited Act or this Act, or in any Mortgage or Security already granted, or which shall hereafter be granted as aforesaid, to the contrary in anywise notwithstanding.

Trustees may contract for the making or repairing the Roads.

XXX. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, shall and may, and they and he are and is hereby empowered to contract with any Person or Persons for making, altering, diverting, widening, repairing, or otherwise improving the said Roads, or any Part thereof, or for doing any other Work to be performed in the Execution of the said last recited Act and this Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper; and that all Contracts or Agreements in Writing, entered into pursuant to any Order of the said Trustees, or by their Clerk or Treasurer, Surveyor, or other Officer, with any Workman, or other Person or Persons, relating to any Matter or Thing to be done by virtue of the said last recited Act and this Act, or either of them, shall be binding upon all such Parties and Persons as shall sign the same, his, her, or their Executors or Administrators.

No Toll Gate to be erected within Three Furlongs of Wisbeach Great Bridge.

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

Exemptions from Toll.

XXXII. And be it further enacted, That from and after the passing of this Act no Toll shall be demanded or taken by virtue of this Act for any Hemp or Flax, passing from the Grounds where it grew to the Place where it is proper and convenient for it to be rotted or watered,

and from thence to the Place where it is proper and convenient for it to be spread upon the Ground, and from thence to be laid up in the Out-houses or on the Lands of the Owners thereof; or from the Owners or Occupiers of any Lands, or their Servants, going to or from their respective Lands, on the Business only of looking after such Lands, or the Stock upon the same, or for any Sheep going to or returning from any Wash, Dike, River, or other Place used for the washing of Sheep, in or near any Part of the said Roads, or for any Sheep going to or returning from any Place used for the clipping of Sheep near the said Roads; 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 Person so offending shall forfeit and pay 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 the last recited Act and this Act.

XXXIII. And whereas by the said first recited Act of the Fifth Year of His said late Majesty's Reign, hereby repealed, it is enacted, that from and after the Road leading from *Wisbeach* aforesaid to *Long Bridge* aforesaid should be repaired and widened as therein mentioned, and the Sum of One thousand Pounds should be subscribed for the repairing and widening the Road leading from the *Cross Keys Wash* to *Islington* aforesaid, and the Sum of Five hundred Pounds, Part thereof, should actually be laid out in repairing and widening the said Road, that then and from thenceforth it should and might be lawful to and for the said Trustees, or any Seven or more of them, to erect and provide such Turnpikes and Toll Houses upon the said Road as should be necessary, and cause to be taken such Tolls, and in such Manner, as was therein-before directed to be taken at the Turnpikes or Toll Houses to be erected upon the Road leading from *Wisbeach* to *Long Bridge* aforesaid; and the said Trustees were thereby vested with the same Powers and Authorities, to all Intents and Purposes, for repairing, widening, and keeping in Repair the Road leading from *Cross Keys Wash* to *Islington* aforesaid, and to do or cause to be done and executed every Act relative thereto, as well as for repairing and widening the Road leading from *Wisbeach* to *Long Bridge* aforesaid, any thing therein contained to the contrary notwithstanding; be it therefore further enacted, That whenever the said Sum of One thousand Pounds shall be subscribed for the repairing and widening the said Road leading from *Cross Keys Wash* to *Islington* aforesaid, and the said Trustees shall at any Meeting, to be held under and by virtue of this Act, think proper to order and direct the said Road to be made, widened, altered, improved, and kept in Repair, and the Sum of Five hundred Pounds, Part of the said Sum of One thousand Pounds, shall actually be laid out in repairing and widening the same, that then and from thenceforth it shall and may be lawful to and for the said Trustees, or any Three or more of them, to erect and provide, or cause to be erected and provided, Two Turnpikes or Toll Gates upon the said Road leading from *Cross Keys Wash* to *Islington* aforesaid, and may also set up and erect a Toll House to each such Turnpike, with suitable Conveniences thereto, and may also inclose from the said Roads, or any Part or Parts thereof, or any Ground adjoining such Toll Houses, convenient Garden Spots to the said Toll Houses respectively, as they the said Trustees may judge proper,

Trustees may cause the Road from Islington to Cross Keys Wash to be made.

proper, not exceeding in the whole One-eighth Part of a Statute Acre to or for each Toll House; and the said Trustees may cause all or any such Turnpikes, Toll Gates, Toll Houses, and other Buildings, from Time to Time, to be taken down, removed, and set up again, or altered, in such Place or Places, across or on the said Road, or on the Side or Sides thereof, in such Manner as the said Trustees shall judge proper; and that all such Tolls as are by this Act authorized to be collected and paid at the several and respective Gates or Turnpikes which have been or shall hereafter be erected in, upon, or across, or on the Side or Sides of the said Roads, by virtue of this Act, and also the Tolls granted by the said recited Act of the Third Year of the Reign of His said present Majesty, shall and may be demanded and taken thereat.

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

XXXIV. And be it further enacted, That nothing in the said last recited Act or this Act contained shall extend or be construed to extend to empower any Surveyor or Surveyors, or any other Person or Persons employed by him or them, or by the said Trustees, or any of them, to cut, dig, take, or carry away any Flag, Soil, or Earth from any Salt Marsh, or in the Front next the River of any Sea Bank, or defensive Bank against the Tidal Waters, or within Fifty Feet of the Foot or Seat at the Back of any such Banks, or within Fifty Feet of the Foot or Seat of any Ward Bank; any thing in the said last recited Act or this Act, or either of them, contained to the contrary notwithstanding.

Materials for repairing Roads may be conveyed on Drains.

XXXV. And be it further enacted, That it shall and may be lawful for such Person or Persons as the said Trustees, or any Three or more of them shall appoint, to make use of any Public or Parish Drains leading to or near the said Roads, or of any Ditch lying contiguous to the said Roads, for the Conveyance in Boats of any Materials to be used in widening and repairing the Roads directed to be amended, improved, and repaired under and by virtue of the said recited Acts and this Act, and to hale with Men and Horses on the Bank or Banks of such Drains and Ditches; and also to have free Passage over the aforesaid Bridges called *Maudlin Bridge* and *German's Bridge*, for all Horses, Carts, and Carriages bringing or going for any such Materials, without paying any Toll for the same.

Power of Court of Sewers reserved.

XXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall be deemed or taken to prejudice, lessen, or in any way defeat the Powers of the Court of Sewers over such Drains and Works as have been heretofore subject to the Laws of the said Court, other than and except the Powers herein-before given to the said Trustees for conveying of Materials for repairing the said Roads, and for enlarging any Bridges, Drains, or Arches in or across any Part of the Roads hereby directed to be repaired.

Regulations as to Performance of Statute Work.

XXXVII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereunto, in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the County, Division, Liberty, or Place in which such Roads are situate (as the Case may be), and they are hereby empowered and required (upon Application

tion made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor 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, Townships, or Places liable thereto, or 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, Township, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereto, it shall and may be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons; (within Ten Days after the Service of such Summons, either personally or by leaving the same at his or their Dwelling House or Dwelling Houses) of the Names of the several Persons who, within such Parish, Township, 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 of 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 paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as is or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways; and out of such Lists such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do 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 Hay-time or Harvest), and on such Parts of the said Road, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Surveyor and Surveyors of such respective Parishes, Townships, or Places, to pay over to the said Trustees, or their Treasurer or Treasurers, such Proportion of the Composition for Statute Work as aforesaid, as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, for that Purpose, signed by the Surveyor or Surveyors to 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 who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had refused or neglected to come, or 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

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Treasurers

Treasurers to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the said County, on Complaint made to such Justices by the Surveyor to the said Trustees.

Power to vacate Leases.

XXXVIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered, from and after the Twenty-fourth Day of *June* One thousand eight hundred and twenty-three, if they shall think proper, to vacate, make null and void all Leases or Contracts entered into by any of the said Trustees, with all or any Lessee or Lessees, Farmer or Farmers, Contractor or Contractors, for the Hire of all or any of the several Tolls payable to the said Trustees, at the several and respective Toll Gates now erected on the said Roads; any thing in such Leases and Agreements contained to the contrary notwithstanding: Provided nevertheless, that it shall be lawful for such Trustees, if they shall think fit, forthwith to cause the said Tolls to be relet, from the said Twenty-fourth Day of *June* One thousand eight hundred and twenty-three, on a Day and at a Place to be by them appointed for that Purpose, according to the Directions of the said last recited Act; and thereupon to proceed to relet the same, and to relet the same for the best Price they may then be enabled to obtain for the same.

No Person to exercise Three Horses at once, having One on each Side of him.

XXXIX. And be it further enacted, That any Person who shall exercise Three Horses at the same Time upon any Part of the said Turnpike Roads, by riding One of them and leading the others, One on each Side of him, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

In case of Non-payment of Compensation for Materials, Damages, or Injury done by the said Trustees, &c. the same to be levied by Distress of the Goods vested in such Trustees, or their Treasurer.

XL. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of the said recited Act of the Third Year of the Reign of His present Majesty or this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same within Fourteen Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods
and

and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose, by the Party or Parties entitled to receive such Sum or Sums of Money, as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain, after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expenses of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees, or to their Treasurer for the Time being, as the Case may be: Provided always, that the said Treasurer shall and may retain, out of any Monies which may come into his Hands in pursuance of this Act, all such Costs, Charges, and Expences as he shall be put unto by virtue of such Order or Orders as aforesaid.

XLI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend, to invalidate, lessen, or diminish, alter, or take away any of the Rights, Powers, Authorities, and Liabilities vested in the Commissioners for Drainage under the several *Eau Brink* Acts of Parliament, one of which said Acts was made and passed in the Thirty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act for improving the Drainage of the Middle and South Levels, Part of the Great Level of the Fens called Bedford Level, and the Low Lands adjoining or near to the said Levels, as also the Lands adjoining or near to the River Ouze in the County of Norfolk, draining through the same to Sea by the Harbour of King's Lynn in the said County; and for altering and improving the Navigation of the said River Ouze, from or near a Place called Eau Brink, in the Parish of Wiggenhall Saint Mary, in the said County, to the said Harbour of King's Lynn; and for improving and preserving the Navigation of the several Rivers communicating with the said River Ouze;* another of which said Acts was passed in the Thirty-sixth Year of the Reign of His late Majesty, intituled *An Act for extending the Term of the Tax on Lands, and Tolls on Goods, Wares, and Merchandizes, granted by an Act passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled 'An Act for improving the Drainage of the Middle and South Levels, Part of the Great Level of the Fens called Bedford Level, and the Low Lands adjoining or near to the said Levels, as also the Lands adjoining or near to the River Ouze in the County of Norfolk, draining through the same to Sea by the Harbour of King's Lynn in the said County; and for altering and improving the Navigation of the said River Ouze, from or near a Place called Eau Brink, in the Parish of Wiggenhall Saint Mary, in the said County, to the said Harbour of King's Lynn; and for improving and preserving the Navigation of the several Rivers communicating with the said River Ouze;'* another of which said Acts was passed in the Forty-fifth Year of the Reign of His said late Majesty, intituled *An Act for explaining and amending an Act passed in the Thirty-fifth Year of His present Majesty, for improving the Drainage of the Middle and South Levels, Part of the Great Level of the Fens called Bedford Level, and certain Low Lands adjoining or near thereto, and to the River Ouze, in the County of Norfolk; and for improving the Navigation of the said River, from or near a Place called Eau Brink, to the Harbour of King's Lynn; and for improving the Navigation*

Saving the Rights of the Eau Brink Commissioners for Drainage.

35 G. 3. c. 77.

36 G. 3. c. 33.

45 G. 3. c. 72.

- Navigation of the several Rivers communicating with the said River Ouze; another of which said Acts was passed in the Fifty-sixth Year of the Reign
- 56 G. 3. c.38. of His said late Majesty, intituled *An Act for amending several Acts of His present Majesty, for improving the Drainage of the Middle and South Levels, Part of the Great Level of the Fens called Bedford Level, and other Lands therein mentioned, and for improving the Navigation of the River Ouze in the County of Norfolk, and of the several Rivers communicating therewith;*
- 58 G. 3. c.48. another of which said Acts was passed in the Fifty-eighth Year of the Reign of His said late Majesty, intituled *An Act for increasing the Fund for carrying into Execution several Acts of His present Majesty, for improving the Drainage of the Middle and South Levels, Part of the Great Level of the Fens called Bedford Level, and other Lands therein mentioned, and for improving the Navigation of the River Ouze in the County of Norfolk, and of the several Rivers communicating therewith;* another of which said
- 59 G. 3. c.79. Acts was passed in the Fifty-ninth Year of the Reign of His said late Majesty, intituled *An Act for altering and enlarging the Powers of several Acts of His present Majesty, for improving the Drainage of the Middle and South Levels, Part of the Great Level of the Fens called Bedford Level, and other Lands therein mentioned, and for improving the Navigation of the River Ouze in the County of Norfolk, and of the several Rivers communicating therewith;* and the last of the said Acts was passed in the Second Year of the Reign of His present Majesty King George the Fourth, intituled
- 2 G. 4. c. 64. *An Act for altering and enlarging the Powers of several Acts of His late Majesty King George the Third, for improving the Drainage of the Middle and South Levels, Part of the Great Level of the Fens called Bedford Level, and other Lands therein mentioned, and for improving the Navigation of the River Ouze in the County of Norfolk, and of the several Rivers communicating therewith;* but that all Rights, Powers, Authorities, and Liabilities, which are now vested in the said Commissioners, or every or any of them, shall for ever hereafter remain and continue, and be in the said *Eau Brink* Commissioners for Drainage, and every of them, as fully and amply, to all Intents and Purposes, as if this Act had not been made.

For paying
the Expences
of passing
this Act.

XLII. And be it further enacted, That all the Charges and Expences incident to and attending the obtaining and passing of this Act, shall be paid out of any Money already raised under or by virtue of the said Three first recited Acts, or out of the first Money to arise by virtue of this Act, in preference to all other Payments whatsoever.

Public Act.

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

Commence-
ment and
Continuance
of Act.

XLIV. And be it further enacted, That this Act shall commence and take effect upon the passing thereof, and shall continue and be in force and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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