Anno primo

Georgii III. Regis.

An Act for repairing and widening the Road leading from the Eaſtern End of the Borough of *Grampound*, in the County of *Cornwall*, through the Towns of *Saint Auſtell* and *Loſtwithiel*, and from thence to the Eaſt End of the *Weſtern Taphouſe Lane*, in the ſaid County.



WHEREAS the Highway or Road leading from the Eaſtern End of the Borough of Grampound, in the County of Cornwall, through the Towns of Saint Auſtell and Loſtwithiel, and from thence to the Eaſt End of the Weſtern Taphouſe Lane, in the ſaid County, is in a ruinous Condition, and, in many Places, narrow and incommodious, and the ſame cannot be ſufficiently and effectually amended, widened, and kept in good Repair, without the Aid and Aſſiſtance of Parliament; May it pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That Sir John Saint Aubin Baronet, Swete Nicholas Archer, Abel Angove, Eſquires; Harry Anſtis LL. D. Preamble.

Truſtees Names.

LL. D. George Anſtis Clerk, the Right Honourable Edward Boſcawen, the Honourable George Boſcawen, the Honourable John Boſcawen, the Honourable and Reverend Nicholas Boſcawen D. D. James Buller, John Buller, Francis Buller, James Buller the younger, Eſquires; William Buller Clerk, Walter Borlaſe LL. D. Francis Beauchamp, Francis Baſſet, John Derbyſhire Birkhead, Eſquires; Samuel Ball, John Bennet, George Browne, Gentlemen; Jonathan Baron, Thomas Bedford, Henry Bennet, John Borlaſe, Clerks; Thomas Cotes, Philip Carlyon, John Coryton, Edmund Cheyne, Darrell Crabb, Eſquires; John Colwell M. D. Thomas Carlyon, John Carlyon, John Cole, John Cory, James Carthew, Clerks; Edmund Carthew, William Carthew, William Carlyon, Peter Crapp, Nathaniel Couch, Nicholas Crews, Thomas Curteys, Gentlemen; Richard Deeble Gentleman, Richard Dalby Clerk, the Honourable George Edgcumbe, Edward Eliot Eſquire, Saint John Eliot Clerk, William Eliot, John Edyvean, Gentlemen; John Forteſcue, George Furſdon, Eſquires; the Mayor, Recorder, Port Reeve, Capital Burgeſſes, Senior Free Burgeſſes, and Town Clerk, of the Borough of Fowey, for the time being; George Crocker Fox Merchant, Francis Gregor, Francis Gregor the younger, William Glynn, John Grant, Mathew Grylls, William Graves, Eſquires; John Harris, George Hunt, Richard Huſſey, Chriſtopher Hawkins, Thomas Hext, Thomas Hawkins, John Harris of Radford, Eſquires; Thomas Hearle, Joſhua Howell, Henry Hext, Richard Haydon, Walter Hart, Richard Henna, Henchman, Francis Hearle, John Hony, Clerks; Samuel Hext Gentleman, Stephen Johns, Thomas Jones, Nicholas Kemp, Nicholas Kendall, Charles Kemp, Fraunceis Kirkham, Eſquires; John Kimber Gentleman, the Mayor, Recorder, Capital Burgeſſes, and Town Clerk, of the Borough of Loſtwithiel for the time being, the Mayor, Recorder, Capital Burgeſſes, and Town Clerk of the Borough of Liſkeard, for the time being; John Luke, Charles Lambe, William Luke, John Lyne, Eſquires; Philip Leach Clerk, William Lambe, John Lawry, Gentlemen; Sir John Moleſworth Baronet, John Moleſworth, William Moleſworth, William Morſhead, Eſquires; Edward Morſhead, Anthony Moore, Clerks; Robert Nugent, John Nance, Eſquires; Thomas Pitt, John Pitt, Humphry Prideaux, Reginold Pole, John Pomery of Leſtow, William Pennington, Eſquires; John Pomery of Lantoom, John Pomery of Bodmyn, Francis Polkinghorne, Gentlemen; Charles Pye Clerk, Jonathan Raſhleigh, Philip Raſhleigh, Eſquires; Stephen

Rice Gentleman, the Reverend William Stackhouſe D. D. John Sawle, Abram Stephens, Charles Slade, Eſquires; William Sutton, Joſeph Smart, Clerks; William Samwell Gentleman, William Trevanion, Chriſtopher Treiſe, Thomas Treffry, Lewis Tremayne, Charles Trelawney, John Trehawke, Eſquires; Samuel Trewbody, Tomkins, Samuel Thomas, Clerks; Henry Hawkins Tremayne Eſquire, John Teage Gentleman, William Williams, James Walker, Clerks; William Warrick Gentleman, Joſeph Yonge Gentleman, ſhall be, and they and their Succeſſors are hereby appointed, Truſtees for putting this Act in Execution: And that when and as often as any of the Truſtees, named and appointed in or by virtue of this Act, ſhall die or refuſe to act, it ſhall and may be lawful to and for the ſurviving or remaining Truſtees, or any Five or more of them, by Writing or Writings under their Hands and Seals, from time to time, to elect, nominate, and appoint, One or more fit Perſon or Perſons, living or reſiding in the ſaid County of Cornwall, to be a Truſtee or Truſtees, in the room of ſuch Truſtee or Truſtees ſo dying or refuſing to act: And ſuch Perſon or Perſons ſo elected and appointed, ſhall be joined with the ſurviving or remaining Truſtees, in the Execution of this Act; Notice in Writing of the Time and Place of Meeting for ſuch Election of new Truſtees, being fixed at or on the Guild-hall at Loſtwithiel, and at or on the Market Houſe in Saint Auſtell, and on all and every the Turnpike Gates erected by virtue of this Act, at leaſt Ten Days before the Meeting for ſuch Election: And all and every the Perſon and Perſons, ſo choſen and appointed, ſhall and may, and is and are hereby authorized and impowered to act, to all Intents and Purpoſes, in as full, large, and ample Manner, as the Truſtees herein before named and appointed are by this Act impowered to do: And that if any of the Truſtees, appointed or to be appointed to put this Act in Execution, is, are, or ſhall be, in the Commiſſion of the Peace for the ſaid Borough of Loſtwithiel, and Liberty thereof, or for the ſaid County of Cornwall, ſuch Truſtee or Truſtees ſhall and may act as a Juſtice or Juſtices of the Peace within his or their reſpective Diviſions or Juriſdictions, for the more effectual putting in Execution the ſeveral Authorities and Powers in this Act granted, notwithſtanding ſuch Juſtice or Juſtices is, are, or ſhall be, a Truſtee or Truſtees as aforeſaid; except in ſuch Matters, Things, and Reſpects, in which he or they ſhall be perſonally intereſted; in any or either of which ſaid Matters, Things, or Reſpects,

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

Notice of Election to be given.

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

Truſtees not to act where intereſted.

such Person or Persons shall not be intitled or impowered to act, either as a Trustee or as a Justice of the Peace.

Qualification of Trustees.

Provided always, and be it further enacted, That no Person shall be qualified or capable of acting as a Trustee, in any Case, in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, or shall be Heir Apparent of some Person having an Estate in Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds, or be possessed of Personal Estate alone, or Real and Personal Estate together, to the Amount and Value of One thousand Pounds; and unless the Person claiming to have Fifty Pounds a Year, or One thousand Pounds Personal Estate alone, or Real and Personal Estate together, shall (not being such Heir Apparent) take and subscribe the Oath following, before any Three or more of the said Trustees (who are hereby authorized and required to administer the same) before he takes upon himself to act in the Trusts and Authorities given and granted by this Act; which said Oath shall be in the Words, or to the Effect, following; that is to say,

Trustees to take the following Oath before they act.

The Oath.

I *A. B.* do swear, That I truly and *bona fide* am, in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds; or possessed of Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Pounds.

So help me God.

And that no Person shall be qualified or capable of acting as a Trustee in the Execution of this Act, who shall have or accept of any Place of Profit, arising out of, or by reason of any Tolls or Duties by this Act laid or granted, but such Person or Persons shall be incapable of acting as a Trustee or Trustees during his Enjoyment of such Place of Profit as aforesaid; and if any Person, so made incapable to act for the Causes aforesaid, shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum

Penalty on acting if not qualified.

of Fifty Pounds to any Person or Persons who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, Bill, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

Time and Place of Trustees Meeting.

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House of Peter Crapp, in Saint Austell, being the Sign of The Golden Fleece, on Tuesday Six Weeks after the Day of the passing of this Act, and proceed to the Execution of this Act; and shall then, and from time to time, adjourn themselves to, and meet at, the Place aforesaid, or at any other Place or Places through which the said Road doth lead, as the Trustees, or the major Part of them, so assembled, such major Part not being less than Five, shall think fit and convenient, and as often as they shall think necessary for putting this Act in Execution; and if it shall happen that there shall not appear, at any such Meeting, a sufficient Number of Trustees to act, such Number to consist of Five or more, and to adjourn to any other Day, then, and in such Case, the said intended Meeting shall stand adjourned to that Day Seven-night, and so on from Week to Week, on the same Day of the Week, till there shall be a sufficient Number of Trustees present to act and to adjourn; and in case any Difference or Dispute shall arise among the said Trustees, relating to the Trust reposed in them by virtue of this Act, such Difference or Dispute shall be determined by the major Part of the Trustees then present, such major Part consisting of Five or more; but if it shall at any Time so happen, that there shall not be a sufficient Number of Trustees present at any of the said Meetings, so as to determine the said Difference or Dispute by the major Part, to consist of Five at the least, such Difference or Dispute shall be adjourned over to, and determined at, the next Meeting, when a sufficient Number of Trustees shall be present to determine the same.

In Default of a sufficient Number of Trustees to act, Meeting to be adjourned.

Trustees not to act except at a Meeting held in pursuance of this Act.

Provided always, and be it further enacted, That no Trustee named or appointed in or by virtue of this Act, shall act in the Execution of any of the Powers hereby given to the said Trustees, unless it be at a Meeting to be held in pursuance of this Act; and that the said Trustees, at all their Meetings, shall defray their own Charges and Expences.

Trustees to defray their own Expences.

Trustees may appoint Officers;

And be it further enacted, That the said Trustees, or any Five or more of them, may, and are hereby authoriz-

ed

by and impowered, from time to time, to elect, and (by any Writing or Writings under their Hands and Seals) appoint fit and proper Persons to be Collectors and Receivers of the Tolls hereby made payable, and also One or more fit and proper Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, of the said Roads, and such other Officer or Officers, as they the said Trustees, or any Five or more of them, shall think necessary; and such Collectors, Receivers, Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and other Officer or Officers, or any or either of them, from time to time to remove or displace as they shall think fit; and to chuse and appoint others in the Room and Place of such of them as shall be so removed, or shall die; Notice of such Removal or Death, and of the Time and Place of Meeting, for the Purpose of filling up the Vacancy thereby occasioned, being first given and fixed at or on the Guildhall, in the said Borough of Lostwithiel, and at or on the Market House in Saint Austell, and on all and every the Turnpike-gates to be erected by virtue of this Act, at least Ten Days before such Election: And may and are hereby authorized and impowered, by and out of the Money which shall arise by and from the several Tolls aforesaid, to contract for, allow, and pay, to the several Collectors, Receivers, Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and other Officer or Officers, appointed as aforesaid, and to such other Person or Persons as shall be assisting to them, or either of them, in or about the Repair of the said Roads, or any Part thereof, such Salaries, Rewards, and Allowances, for their Attendance, Care, and Services, in those Respects, as to the said Trustees, or any Five or more of them, shall seem reasonable; and that all and every the Collectors and Receivers of the said Tolls, and all and every the Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and other Officers, who shall be appointed as aforesaid, and all and every Person and Persons who shall have or receive any of the Money which shall be collected, borrowed, raised, or received, by virtue of this Act, shall, from time to time, when and as often as he or they shall be thereunto required by the said Trustees, or any Five or more of them, produce, render, and give up to them the said Trustees, or any Five or more of them, or to whom they, or any Five or more of them, shall appoint, full, true, fair, and perfect Accounts in Writing, under their respective Hands, of all the Money which shall have been by them respectively had, collected,

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

collected, or received; and how, to whom, and for what such Money, and every Part thereof, hath or shall have been paid, disposed of or applied, together with proper Receipts and Vouchers for such Payments; and shall, and are hereby respectively required to pay all such Money as, upon the Balance of such Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or to whom they, or any Five or more of them, shall direct or appoint; and that all and every the said Officers and Persons, so accounting or to account as aforesaid, shall, if required, upon their several Oaths (which Oaths the said Trustees, or any Two or more of them, are hereby authorized and impowered to administer) verify their Accounts, and the particular Items and Articles thereof, and the several Receipts and Payments which shall be therein contained; and if any or either of the Officers or Persons so accounting or to account as aforesaid, being required so to do, shall refuse or neglect to render or give up such Account or Accounts as aforesaid, or to produce or deliver to the said Trustees, or to any Five or more of them, the Receipts or Vouchers relating to the same, or to verify the Items and Articles thereof upon his or their Oath or Oaths, or shall refuse or neglect to pay such Money as, upon the Balance of any Account or Accounts, shall appear to be in his, her, or their respective Hands, to the said Trustees, or as they, or any Five or more of them, shall direct or appoint; then and in either of the Cases aforesaid, upon Complaint made of any such Refusal or Neglect as aforesaid, to any Justice or Justices of the Peace for the County or Place where the Officer or Officers, Person or Persons, neglecting or refusing, shall be or reside, such Justice or Justices may, and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause to be brought before him or them such Officer or Officers, Person or Persons, so refusing or neglecting; and upon his and their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees, or any Five or more of them, by virtue of this Act might have done; and if upon Confession of the Officer or Officers, Person or Persons, against whom such Complaint or Complaints shall be made, or by the Testimony of One or more Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer gratis) it shall appear to such Justice or Justices

Officers not making Account and Payment,

Justices to enquire into the Default,

that any of the Money, which shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice and Justices may, and is and are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied and raised by Distress and Sale of the Goods of such Officer or Officers, Person or Persons respectively: And if no Goods of such Officer or Officers, Person or Persons, can be found, sufficient to answer and satisfy the said Money, and the Charges of levying and raising the same; or if such Officer or Officers, Person or Persons, shall not appear before the said Justice or Justices, at the Time and Place by him or them appointed for that Purpose, upon Notice thereof in Writing, being delivered to such Officer or Officers, Person or Persons, or left at their last Place or Places of Abode, respectively; or, if appearing, shall refuse or neglect to give or deliver to the said Justice or Justices, such Account or Accounts of the Receipts and Payments, as aforesaid, or to verify the Truth of such Accounts, and the Items and Articles thereof, upon Oath as aforesaid, or to produce or deliver up to the said Justice or Justices the several Receipts and Vouchers relating to such Accounts respectively; then, and in either of the Cases aforesaid, the said Justice or Justices may, and is and are hereby authorized and required, by a Warrant or Warrants, under his or their Hand and Seal, or Hands and Seals, to cause such Officer or Officers, Person or Persons, to be committed to the common Gaol of the said County of Cornwall, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his or their respective Accounts, and verified the same, and the Items thereof, upon Oath, and have produced and delivered up the Receipts and Vouchers relating to such Accounts respectively, and shall have paid all the Money which shall appear to be in their respective Hands, and the reasonable Charges of such Distresses and Sales, as shall, in those Respects, have been made, or shall have compounded with the said Trustees, or any Five or more of them, for the same, and paid the Money which shall be thereby stipulated to be paid them; which said Composition and Money the said Trustees, or any Five or more of them, are hereby authorized and impowered to make and receive; and that all and every the Treasurer and Treasurers, who shall be appointed as aforesaid, shall give such Security for the due Execution of his or their said Office or Offices,

and commit the Offender to Gaol,

until he shall conform.

Treasurer to give Security.

as

as to the said Trustees, or any Five or more of them, shall seem meet; which Security the said Trustees, or any Five or more of them, are authorized and required to take.

Victualler, &c. not to have a Place of Profit.

Provided always, and be it further enacted, That no Person or Persons keeping an Inn, or other House of publick Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors, by Retail, shall be capable of taking, holding, or enjoying, any Place or Places of Trust or Profit under this Act, during such Time as he or they shall keep such Inn, Ale-house, or other publick House of Entertainment, or shall sell Ale, Wine, Brandy, or other Spirituous Liquors, by Retail.

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, shall or may build and erect, or cause to be built and erected, a Gate or Gates, Turnpike or Turnpikes, and also a Toll-house or Toll-houses, in and upon, or across, any Part or Parts of the Road by this Act appointed or directed to be amended; and shall demand, receive, and take, the Tolls or Duties following, before any Cattle or Carriage shall be permitted to pass through the same; that is to say,

and take the following Tolls thereat.

The Tolls.

For every Horse, Mare, Gelding, Mule, or other Cattle, drawing any Carriage, the Sum of Four Pence.

For every Yoke of Oxen drawing any Waggon, Cart, or other Carriage, the Sum of Six Pence.

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

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, Hogs, Sheep, or Lambs, the Sum of Ten Pence per Score, and so in Proportion for any greater or less Number; (except Waggons, Wains, Carts, Drays, or other Carriages, using Wheels with Fellies Nine Inches broad, for which no more than One Half of the Tolls, before laid on the Horses or other Cattle drawing the same, shall be demanded and taken.)

Which said respective Sum or Sums of Money shall be demanded and taken, in the Name of, or as a Toll or Duty; and the Money thereby raised and collected shall be and is hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, disposed

Tolls vested in the Trustees.

disposed of, and assigned, to and for the several Uses, Intents, and Purposes, and in such Manner as is herein after-mentioned and directed: And it shall and may be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall, under their Hands and Seals, from time to time, authorize and appoint, to demand and take the Tolls hereby granted and made payable, and to levy such Tolls upon any Person or Persons, who (after Demand made thereof) shall refuse or neglect to pay the same, by Distress of any Horse or Horses, or other Cattle or Carriage, upon which such Tolls are by this Act imposed; or by Distress of any Goods or Chattles of or belonging to the Person or Persons who ought to pay the same; and to detain and keep such Goods and Chattles so distrained, until such Tolls or Duties, with the reasonable Charges of distraining and keeping the same, shall be paid; and such Person or Persons so distraining, after the Space of Four Days next after the Day on which such Distress shall be made and taken, shall, and may sell the Cattle, Carriage, or Goods, so distrained and taken, returning the Overplus (if any there be) upon Demand to the Owner thereof, after such Tolls, and the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they shall appoint, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, on the Side or Sides of the Highway or Road by this Act directed or appointed to be amended, or upon, in, or across, any Lane or Way leading into or out of the same, and there to cause to be taken or levied such Tolls as are by this Act appointed to be taken or levied at any Gate or Turnpike to be erected by virtue hereof; so as the same do not extend to a double Charge on any Person or Persons passing through any other of the Gates or Turnpikes to be erected by virtue of this Act: And that if any Person or Persons shall pay the respective Tolls or Duties by this Act granted for the Passing of any Cattle or Carriage through either of the Gates or Turnpikes that shall, by virtue of this Act, be erected, such Person or Persons, upon producing a Note or Ticket of the Day, denoting such Payment, shall be permitted to pass, return, and repass, at any Time or Times during that Day, to be computed and reckoned from Twelve of the Clock in one Night to Twelve of the Clock in the

Trustees may erect Side-gates,

and take Tolls thereat;

so as they extend not to a double Charge.

Tolls to be paid but Once a Day.

the next Night, through any of the said Gates or Turnpikes, with the same Cattle or Carriage; which said Notes or Tickets the Collectors or Receivers of the Tolls or Duties, at the several Gates or Turnpikes to be erected or set up by virtue of this Act, are hereby directed to give gratis.

No Gate to be set up within 2 Miles of *Saint Austell*, or 1 Mile of *Lostwithiel*.

Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to impower the said Trustees to erect or set up any Turnpike or Turnpikes nearer to the said Town of Saint Austell than Two Miles; nor within the Distance of One Mile West of the Guildhall of the said Borough of Lostwithiel.

Tolls may be apportioned at the several Gates.

Provided also, and be it further enacted and declared, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to separate, divide, and apportion, the Tolls and Duties hereby granted and made payable, into such and so many Shares and Proportions, to be taken, collected, and received, at such and so many of the said Turnpikes or Toll-gates, as to the said Trustees, or any Seven or more of them, shall seem requisite and expedient.

Trustees may lease, &c. the Tolls.

And be it enacted, That it shall and may be lawful to and for the Trustees, or any Seven or more of them, to grant and lett to farm, during any Term not exceeding Three Years, the Tolls of all or any of the Gates or Turnpikes erected by virtue of this Act, to any Person or Persons, subject to such Conditions as the Trustees, or any Seven or more of them, shall think fit, and for the most and greatest Sum of Money that can be got for the same; Notice in Writing of the Time and Place of such Meeting, for such granting and letting to farm the said Tolls, being fixed at or on the Guildhall of Lostwithiel, and at or on the Market House in Saint Austell, and at or on all the Turnpike-gates erected in pursuance of this Act, at least Twenty Days before the Meeting for such granting and letting to farm the said Tolls.

Charges of this Act to be first paid.

And be it further enacted, That out of the First Money arising by the Tolls or Duties collected by virtue of this Act, or the Money which shall be borrowed upon the Credit thereof, the said Trustees, or any Five or more of them, shall, in the First Place, pay and discharge all the Expences and Charges of procuring and passing this Act; and the Remainder of the Money so raised shall be laid out and applied in defraying the Expences of erecting Gates, Turnpikes, and Toll-houses, and repairing

and widening the said Road, and defraying the necessary Costs, Charges, and Expences, attending the same, and the Execution of this Act, in such Manner as the said Trustees, or any Five or more of them, shall direct, and to no other Use or Purpose whatsoever.

Trustees not to repair paved Streets, &c.

Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to impower the said Trustees to lay out or apply any of the Money raised by the Tolls or Duties hereby granted, or borrowed on the Credit thereof, in repairing or paving of any Bridge or Bridges, or the Pavements of the Streets of the said Towns of Saint Austell and Lostwithiel, or either of them; but that such Bridge or Bridges, and Pavements of the said Streets, shall continue to be repaired, and kept in Repair, by the Ways and Means whereby the same heretofore have, or ought to have been repaired.

Property of the Turnpikes and Toll-houses, &c. vested in the Trustees.

And be it further enacted, That the Right, Interest, and Property, of all and every the Gates, Turnpikes, and Toll-houses, erected by virtue of this Act, shall be, and they are hereby, vested in the said Trustees; and they, or any Five or more of them, at their Meetings assembled, are hereby authorized and impowered to bring, or cause any Action or Actions to be brought, in their Names, or in the Name or Names of the Clerk or Clerks for the time being, or to prefer, and order and direct the preferring of, Bills of Indictment, or other Prosecutions, against any Person or Persons who shall break down or spoil such Gates, Turnpikes, or Toll-houses, or any or either of them, or any Part or Parts thereof, so erected and built as aforesaid; or shall steal, take, or carry away, any of the Materials thereof.

Penalty on Persons going thro' or permitting private Passage,

And be it enacted, That if any Person or Persons whomsoever, owning, renting, or occupying, any Land near unto the said Highway or Road, or unto any Turnpike erected in pursuance of this Act, shall knowingly or designedly permit or suffer any Person or Persons whomsoever to pass through any Ground, Field, Gateway, or Passage, belonging to such Owner, Renter, or Occupier; or if any Person or Persons shall go or pass through any such Ground, Field, Gateway, or Passage, the same not being a common Road, with any Carriage, or Cattle, whereby the Payment of any of the Tolls or Duties by this Act granted shall be avoided; or if any Person or Persons shall give to, or receive from, any other Person, except the Toll-gatherer or Collector of the said Tolls, any Note or Ticket of the Day by this Act directed to be given by the Collectors or Receivers of the Tolls,

or giving or receiving Tickets,

Tolls, or shall make use of any forged Note or Ticket; or if any Person or Persons, driving or owning any Carriage, shall at any Time or Times take off, or cause or suffer to be taken off, from such Carriage, any Horse, Ass, Mule, Ox, or other Cattle, at or before the same shall come to any of the Gates or Turnpikes erected by virtue of this Act; or if any Person or Persons shall leave in any House or Place, upon or near the said Road, any Cattle or Carriage, chargeable with or liable to pay any or either of the Tolls by this Act granted, whereby, or by means whereof, or of either of the Offences aforesaid, the Payment of any of the said Tolls shall be evaded or lessened; that then, and in either of the Cases aforesaid, every Person so offending, and being thereof convicted upon Oath of One or more Witness or Witnesses before the said Trustees, or any Five or more of them, or before any One or more Justice or Justices of the Peace for the Borough of Lostwithiel, or for the County of Cornwall (which Oath the said Trustees, or any Two or more of them, or the said Justice or Justices, is and are hereby impowered to administer) shall, for every such Offence, forfeit and pay to the said Trustees, or to their Treasurer for the time being, the Sum of Forty Shillings, to be recovered and applied in manner herein after-mentioned.

or taking off Horses, &c.

to avoid paying the Tolls.

And be it further enacted, That no Person or Persons shall be charged with, or compellable to pay, any of the said Tolls or Duties, for any Waggon, Wain, Cart, Dray, or other Carriage, or for any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast, drawing, or not drawing the same, which shall be used or employed in the Carriage of any Stones, Gravel, or other Materials, for the repairing of any Road or Highway, or in the Carriage of any Lime, Sea Sand, Culm for burning Lime, Dung, Mould, Soil, or Compost of any Kind, for the manuring of any Garden, or other Land or Ground, or that shall be used and employed in the ploughing, sowing, tilling, or cultivating any Land or Ground, or in the Carriage of any Hay, Straw, Corn in the Straw, or Wood, not sold or disposed of, but to be laid up in the Houses, Outhouses, Yards, or Backsides, of the Owner or Owners thereof, or for any Plough, Harrow, Dray, or other Implement of Husbandry, or any thing whatsoever, that shall be used and employed in Husbandry, or manuring of Land; or for any Horse, Mare, Gelding, Ox, Ass, Mule, or other Beast or Cattle, going to or returning from Water or Pasture, or in order to be shod; or for any Post-horse carrying any Mail or Packet; or for the Horses of Soldiers

Exemptions from Tolls.

diers upon their March, or for any Waggon or other Carriage, or Horse or other Beast, drawing or not drawing the same, which shall be loaden with, or employed in carrying, the Arms or Baggage of such Soldiers; or for any Carriage, Horse, or other Beast, employed in passing Vagrants travelling with lawful Passes; nor shall any of the Tolls or Duties hereby laid, be demanded or taken from any Inhabitant of either of the said Parishes, who shall pass through any of the said Gates or Turnpikes, to or from his or her respective Parish Church or Parochial Chapel, or other Place of Religious Worship on Sundays, or who shall attend the Funeral of any Person to be buried in any of the said Parishes: And that, if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person and Persons shall, for every such Offence, forfeit and pay to the said Trustees, or to their Treasurer or Treasurers for the time being, the Sum of Twenty Shillings; One Moiety whereof shall go and be applied to the Use of the Informer, upon whose Oath such Offender shall be convicted, and the other Moiety towards amending the said Road.

Penalty on making illegal Claims.

And, for the more speedy repairing and widening the said Road, be it further enacted, That the said Trustees, or any Seven or more of them, shall and may, from time to time, upon the Credit of the Tolls or Duties hereby made payable, borrow and take up at Interest any Sum or Sums of Money, as they, or any Seven or more of them, shall think needful; and may, and they are hereby authorized, by Writing or Writings under their Hands and Seals, or the Hands and Seals of any Seven or more of them, to assign over the said Tolls or Duties, or any Part or Parts thereof, for any Term or Number of Years, not exceeding the Term for which this Act is to continue, unto any Person or Persons, as a Security or Securities for the Repayment of such Sum or Sums of Money as shall be so borrowed, and the Interest thereof as aforesaid; all and every of which Assignments so to be made, shall be copied and entered at Length in a Book or Books to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, to be seen and perused at all seasonable Times, by any Person or Persons, without Fee or Reward; which said Money so to be borrowed (the Charges of procuring and passing this Act as aforesaid being thereout first paid) shall be laid out and applied in such Manner as

Trustees may borrow Money on the Credit of the Tolls.

Tolls may be assigned for Money borrowed.

Assignments to be entered in a Book.

as the said Tolls or Duties are hereby directed to be laid out and applied, and to no other Use or Purpose whatsoever; and that all and every Person and Persons to whom any such Assignment or Assignments of the Tolls shall be made in Manner aforesaid, as a Security or Securities for any Sum or Sums of Money lent by him, her, or them, on the Credit of the said Tolls, and his, her, or their Executors or Administrators, Assignee or Assignees, may, and are hereby impowered, from time to time, by proper Words of Assignment to be indorsed on his, her, or their Security or Securities, or by any Deed or Deeds, Writing or Writings, under his, her, or their Hands and Seals, to be duly executed in the Presence of Two credible Witnesses, to assign and transfer such Security and Securities, and all the Money that shall be due thereon, to any other Person or Persons whomsoever; and that all and every such Transfer or Assignment of any Security of the said Tolls or Duties, shall, from time to time, be produced or notified to the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees for the time being, within the Space of Three Months after the respective Dates thereof, who shall make or cause to be made, a proper Memorial or Entry of all and every such Assignments or Transfers, containing the Date thereof, and the Names, Additions, and Places of Abode, of the several Parties thereto, and the Sum or Sums of Money, and Term or Terms of Years therein mentioned and contained, and other the material Contents of the same, and the Names, Additions, and Places of Abode, of the Witnesses to the Execution thereof, in the Book or Books, to be kept for entering the said original Assignments made by the said Trustees as aforesaid; for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Two Shillings and Six Pence, and no more, by the respective Persons to whom such Assignments shall be transferred, for each and every such Entry; and after such Entry made, but not otherwise, such Assignment shall intitle such Assignee or Assignees, his, her, or their Executors or Administrators, to the Benefit thereof, and Payment thereon, and it shall not be in the Power of the Person or Persons making such Assignment, to make void, release, or discharge the same, or the Money due thereon, or any Part thereof.

Entries to be made of all Assignments.

Clerk's Fee.

Provided always, and it is hereby declared, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls or Duties hereby granted, unless Notice for that Purpose in Writing, under the Hand

Notice to be given of borrowing Money.

or Hands of the Clerk or Clerks, or Treasurer or Treasurers, to the said Trustees, be, by Order of such Trustees, or any Seven or more of them, affixed at or upon the Guildhall of the said Borough of Lostwithiel, and at or on the Market House of Saint Austell, and likewise at or upon all the Gates or Turnpikes erected by virtue of this Act, of the Time or Times, and Place or Places appointed for borrowing such Money, at least Ten Days previous to any Meeting or Meetings held for borrowing the same.

No more than 4000 *l.* to be borrowed on the Credit of this Act.

Provided also, and be it enacted, That no more than the Sum of Four thousand Pounds shall be borrowed on the Credit of the said Tolls or Duties, unless the Person or Persons intitled to Four Fifths of the Money which shall at that Time be due and owing on the Credit thereof, shall consent thereto, and shall signify such Consent under his, her, or their Hand or Hands, to the said Trustees, or any Seven or more of them; and that no Preference shall be given to any Person or Persons whomsoever, advancing any Part or Parts of the gross Sum so to be borrowed, in respect to the Priority of advancing his, her, or their Part or Parts thereof; but that all such Lenders and Persons to whom such Assignments shall be made as aforesaid, shall, so far as the said gross Sum shall extend, be, and are hereby declared to be, Creditors on the said Tolls or Duties, in equal Degree one with another.

All Creditors to be deemed equal in Degree.

Trustees not subject to the Payment of Debts contracted upon this Act.

Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to subject or charge the Trustees who shall execute the said Assignments, or any or either of them, their, or any, or either of their Lands or Tenements, Goods or Chattles, to or with the Payment of the Money thereby secured, or any Part thereof, by reason of their, or any or either of their signing or sealing such Assignments, or any or either of them, or any other Writing or Writings, in Consequence of the Borrowing of the said gross Sum of Four thousand Pounds, or any Part thereof, or any further Sum that shall be borrowed in pursuance of this Act.

Clause for paying off the Creditors, if the major Part in Number and Value shall signify their Desire for that Purpose.

And be it further enacted, That in case any Person or Persons who shall lend or advance Money on the Credit of the said Tolls or Duties, shall at any Time be desirous to be repaid the Money due to them, and shall deliver a Notice in Writing, signed by them, signifying such their Desire to the Clerk or Clerks to the said Trustees, at any Meeting of the said Trustees held in pursuance of this Act, then, and in such Case, unless the Principal and

Interest due, and to accrue due to them, on the Security of the said Tolls or Duties, shall be fully paid unto or tendered to such Creditors, so signing such Notice, within Three Months after the Delivery thereof as aforesaid, it shall and may be lawful to and for the said Creditors to receive or collect, or cause to be received or collected, the Tolls or Duties by this Act granted, and to apply the same rateably and proportionably to the Payment of such Sum and Sums of Money so advanced by and due to them respectively, together with the Interest thereof.

Trustees may vary the Tolls.

Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, from time to time, to vary or alter all, or any, or either, of the several Tolls aforesaid, as they shall think proper and see Occasion, provided they do not, at any Time, exceed the Tolls granted by this Act, nor lessen nor reduce them, until the Money so borrowed on the Credit thereof, with Interest for the same, be repaid, unless the Person or Persons, to whom the same shall, at the Time of such Reduction, be due, consent thereto.

Surveyors may dig Gravel, &c. from Waste Grounds,

And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors, appointed by the said Trustees, or such Person or Persons as he or they shall appoint and employ for that Purpose, to dig, cut, gather, take, and carry away, or cause to be cut, dug, gathered, taken, and carried away, any Gravel, Chalk, Furze, Heath, Sand, Stones, and other Materials, out of any River or Brook, Waste or Common, in any Parish, Town, Village, or Hamlet, lying near to the said Road, to be used, disposed of, and applied, in repairing the said Road, without paying any thing for the same; they the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits, or levelling or fencing round the Ground, from which such Materials shall be taken as aforesaid, or causing the same to be done; and for want of sufficient Gravel, Chalk, Furze, Heath, Sand, Stones, or other Materials, in such Wastes or Commons, River or Brook as aforesaid, it shall and may be lawful for the said Surveyor or Surveyors, or other Person or Persons, as aforesaid, to dig and gather the same out of the several Grounds of any Person or Persons (not being a Garden, Orchard, Yard, planted Walk or Walks, Park, or Avenue to a House, or any Piece or Parcel of inclosed Ground, planted, set apart, and used, as a Plantation or Nursery for Forest or Apple Trees) where any

without paying for the same;

levelling the Pits.

If sufficient Materials cannot be had there, they may be taken from private Grounds;

any such Materials can or may be found, and, from time to time, to carry away so much thereof, as the said Surveyor or Surveyors shall adjudge necessary for repairing and amending the Road aforesaid, paying such Rates, and making such Satisfaction for the Damage done such Grounds only, to the Owner or Owners of the Ground where and from whence the same shall be dug, cut, gathered, taken, or carried away, or over which the same shall be carried, as the said Trustees, or any Five or more of them, shall adjudge reasonable, which Satisfaction the said Trustees, or any Five or more of them, are hereby impowered to pay, out of the Money which shall be borrowed, collected, or raised, by virtue of this Act: And in case of any Difference concerning the same, between such Owner or Occupier and the said Trustees, concerning such Damage as aforesaid, the Justices of the Peace, at the next General Quarter Sessions to be holden in and for the said County of Cornwall, or the major Part of them then present at such Sessions, shall and may adjudge, assess, and finally determine the same; the Person or Persons who shall think himself or themselves aggrieved or injured by such Determination of the said Trustees, giving Ten Days Notice of such Application to the Sessions, to the Clerk or Clerks of the said Trustees, or the Surveyor of the said Road where such Lands lie, or to the Owner or Occupier of such Grounds or Lands, or to any One of his or their Family, to be left at his or their respective Places of Abode: And that it shall and may be lawful to and for the Surveyor and Surveyors, and such other Person and Persons as they shall direct and appoint, from time to time, to enter into any Lime Quarry, Marble Quarry, or other Quarry, and to take and carry away the Chipping and Rubbish thereof, and to take away the Attle and Rubbish from any Mine or Mines, without paying or making any Satisfaction for the same, the Owner or Occupier, or some Person appointed by him, or the Agent for such Mine or Mines, being present, or Notice to be given to such Owner or Occupier, or his known Servant or Agent, for such Mine or Mines, or left at the usual Place of Abode of such Owner, Occupier, or his known Servant or Agent, for such Mine or Mines, at least Forty eight Hours before such taking and carrying away as aforesaid.

making Satisfaction to the Owners of the Ground.

Justices to determine Differences.

Surveyors may get Materials from Quarries,

without paying for the same.

And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, or such Person or Persons as he or they shall appoint (by the Direction of the said Trustees, or any Five or more of them, under their Hands and Seals) from time

Surveyors may remove Annoyances in the Road, &c.

time to time, to remove and prevent, or cause to be removed and prevented, all Filth, Dung, Ashes, Rubbish, and all other Annoyances, Nuisances, or other Obstructions whatsoever, which are or shall be in or upon any Part or Parts of the said Road, or lying in or near the said Road, or by Watercourses, Sinks, or Drains, laid or running into and from the same, to the Prejudice thereof; and shall and may open, scour, or cleanse, any Ditch or Ditches, Watercourse or Watercourses, adjoining to, or running from, or leading into, through, or from the said Road, or any Part thereof, and make the same as deep and large as they shall think proper and necessary; and shall and may cut down, top, or lop, any Tree or Trees, Boughs of Trees, or Bushes, growing in the said Road, or in the Hedges or Banks near or adjoining thereto, and take and carry away any such Tree or Trees, Boughs or Bushes, in case the Owners or Occupiers of the Premisses, where such Annoyances, as aforesaid, shall happen to be, or such Trees or Bushes shall grow, or such Person or Persons, who shall have occasioned the same, shall neglect to remove the same, or to cut down, or carry away, such Tree or Trees, Boughs or Bushes as aforesaid, or to open, scour, or cleanse, their Watercourse or Watercourses, Ditch or Ditches, as aforesaid, within the Space of Six Days next after Notice given in Writing for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors, or of such Trustees, or any Five or more of them, the Charges whereof, to be settled by such Trustees, or any Five or more of them, by Writing under their Hands, shall be reimbursed and paid to the said Surveyor or Surveyors, by such Owners or Occupiers respectively, neglecting or refusing to remove such Annoyances as aforesaid, or to scour, open, or cleanse, such Ditches or Watercourses as aforesaid: And in case such Owners or Occupiers respectively, or the Person or Persons occasioning the same as aforesaid, or who ought to remove the same, or to cut, top, or lop, and carry away such Trees, Boughs of Trees, or Bushes, or to open, scour, or cleanse, such Ditch, Drain, or Watercourse, shall, after such Notice as aforesaid, refuse or neglect so to do; or if such Person or Persons shall not, upon Demand, pay and reimburse the said Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful to and for such Surveyor or Surveyors, or the Constable of the Parish or Place where such Offence shall be committed, by a Warrant or Warrants, under the Hands and Seals of the said Trustees, or any

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

Charges to be reimbursed the Surveyor,

to be levied by Distress and Sale.

Five or more of them, or One or more Justice or Justices of the Peace, in and for the said County of Cornwall (which Warrant or Warrants the said Trustees, and Justice or Justices, are hereby impowered and required to grant) from time to time, to levy the said Charges upon the Person or Persons so offending as aforesaid, by Distress and Sale of his and their respective Goods and Chattles; returning the Overplus thereof (if any be, and demanded) after deducting the reasonable Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattles shall be so distrained as aforesaid; and if, after the Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every Person so offending, and being thereof convicted, upon Oath, before the said Trustees, or any Five or more of them, or before any One or more Justice or Justices of the Peace, for the said County of Cornwall, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, over and beyond the making such reasonable Satisfaction and Recompence as aforesaid, as a Penalty or Forfeiture for such Second Offence as aforesaid; to be recovered and applied in Manner herein after-mentioned.

Penalty of a Second Offence.

Surveyors may make Causeways,

And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors of the said Road, or any other Person or Persons, whom the said Surveyors, or the said Trustees, or any Five or more of them, shall nominate and appoint for that Purpose, to make, or cause to be made, any Causeway or Causeways, Ditches, Drains, or Trenches, in or along the Side or Sides of any Part or Parts of the said Road, or through and across the same; and to make, erect, or build, or cause to be made, erected, or built, any Bridge or Bridges, Arch or Arches, of Stone, Brick, or Timber, upon, in, or across, the said Road, or any Part thereof; or to dig, cut, or make, or cause to be dug, cut, or made, any Ditches, Drains, or Watercourses, in, through, or across, any Lands or Grounds, to prevent the said Road, or any Part thereof, from being overflowed; and to erect Bridges over such Drains, Ditches, and Watercourses, if necessary; and also to make, or cause to be made, a Road or Way, by, through, or over, the Grounds adjoining to any narrow or ruinous Part or Parts of the said Road, to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a publick Highway, whilst the old, narrow, or ruinous Road is repairing, and until such Time as it shall be safe and convenient

and erect Bridges, &c.

and make a temporary Road;

venient for Passengers and Carriages to travel the same; making such Satisfaction to the Owners and Occupiers of such Lands and Grounds, through which any such Ditches, Drains, or Watercourses, shall be cut, or on which any such Bridge or Bridges shall be erected, or through which such Road or Roads shall be made, for the Damages they may thereby respectively sustain, as by the said Trustees, or any Five or more of them, shall be adjudged reasonable, which Satisfaction the said Trustees, or any Five or more of them, are hereby impowered to pay out of the Money which shall be borrowed, collected, or raised, by virtue of this Act: And in case of any Difference between the said Trustees, Surveyor or Surveyors, or Person or Persons by them appointed and employed, as aforesaid, and the said Owners and Occupiers, or any or either of them, concerning such Damages, or the Satisfaction to be made for the same, the Justices of the Peace, at their next General Quarter Sessions to be holden in and for the County of Cornwall, on Ten Days Notice thereof to be given in Writing, by the said Surveyor or Surveyors, Clerk or Clerks, to the said Trustees, or either of them, to the said Owner or Occupier, Owners or Occupiers, or by them the said Owner or Occupier, Owners or Occupiers, to the said Surveyor or Surveyors, Clerk or Clerks, respectively, or either of them, or to be left at their or either of their respective Place or Places of Abode, with some or One of their respective Families, shall hear, settle, adjudge, and finally determine the same.

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

Provided always, That in making such temporary Road or Way, nothing shall be done, which shall or may in any wise injure or damage any House, Yard, walled Garden, Park, Paddock, Plantation, or Nursery of Forest Trees, or Avenue to any House, unless the Owner thereof shall consent thereto.

Buildings, &c. not to be injured.

And be it further enacted, That in case the said Trustees, or any Seven or more of them, shall, at any Time or Times, during the Continuance of this Act, think proper to widen, turn, or alter, any Part or Parts of the said Road, for the better Accommodation of Passengers, that then the said Trustees, or any Seven or more of them, shall have full Power and Authority to treat, contract, and agree, with the several Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, for the Purchase of any such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or

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

any of them, shall or may any ways sustain, by such widening, turning, or altering, any Part of such Road; and out of the Tolls by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, and Persons interested, as aforesaid, and the said Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreement and Purchase.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or may be seised or possessed of Lands, Grounds, or Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in and added to the said Road, or through which the said Road may be turned, and such Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, or others, may be willing to treat and agree for the Sale of such Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying the same, by reason of Infancy, or other Disability; be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract and agree, with the said Trustees, or any Seven or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or for their Interest therein, for the Purposes aforesaid; and to sell and convey the same, as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

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

And

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or other Person or Persons, interested in any such Lands, Grounds, or Hereditaments, upon Notice to them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in and added to the said Roads, or into or through which such Road is to be turned or altered as aforesaid, shall, by the Space of Twenty one Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence shall be prevented from treating, then, and in every or any such Case, the said Trustees, or any Five or more of them, shall cause it to be enquired into, and ascertained, by and upon the Oath of a Jury of Twelve indifferent Men of the County of Cornwall, (which Oath any Two or more of the Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or other Person or Persons interested, for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said Road, or of turning such Road into or through any such Lands, Grounds, or Hereditaments: And in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses, concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer) and they shall also order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have enquired of, ascertained, and settled, such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Proprie-

Where Persons shall refuse or neglect to treat,

Jury to settle the Recompence.

Witnesses may be summoned, and examined upon Oath.

tors, or Occupiers of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, be thereby from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of, the same: And, for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County of Cornwall, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed: And the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and, in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured, to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn: And the said Trustees, or any Five or more of them, acting in the Premisses, shall have full Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such

Verdict of the Jury to be conclusive to all Parties.

Trustees to issue their Warrants to the Sheriff, to impanel and summon a Jury.

Jurors may be challenged.

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

Jury, and shall not appear, or that shall refuse to be sworn on the said Jury, or, being so sworn, refusing to give, or not giving, their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury, touching the Premisses, shall refuse or neglect to appear, or, appearing, shall refuse to be sworn and give Evidence; and, from time to time, to levy such Fine or Fines in the same Manner as any other Forfeiture or Penalty herein before-mentioned is hereby directed to be levied, so as that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence; and all such Fines shall be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to be applied.

Fine not to exceed 10*l.*

And be it further enacted, That all and every Sum and Sums of Money, so assessed as aforesaid, is and are hereby charged upon the Monies which shall be raised by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or any Five or more of them, or their Treasurer, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to such Persons or their Agents, and in case of Refusal to accept the same, then, upon leaving the same in the Hands of the Treasurer to the said Trustees, for the Use of such Persons, such Lands, Grounds, or Hereditaments, shall be laid into, and shall make Part of, the said Road, and shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Road for ever after, and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects in such Manner, as the old Road so widened, altered, or turned, was and ought to have been kept in Repair; and after such new Road shall be completed, the Lands and Grounds comprised in or constituting the old or former Road, shall be vested in, and shall and may be sold by, the said Trustees, or any Five or more of them, to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof, for the best Price that can be gotten for the same, but so as not to exclude the Owners of any Houses, Lands, or Grounds, adjoining to or leading near to such Road, from a free Passage to and from such Houses, Lands, or Grounds; and the Money arising by such Sale shall be applied and disposed of for the repairing the said Road; and the Sale or Conveyance and Conveyances

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

Lands when purchased to be made Part of the Roads, and kept in Repair as such.

Old Road to be sold.

to

to be made of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County of Cornwall, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Buildings, &c. not to be injured.

Provided always, and be it enacted, That in widening, turning, or diverting, any Part or Parts of the said Road, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Park, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

Persons, &c. chargeable to the Highways to continue so.

And be it further enacted, That all and every Person and Persons, Towns, Parishes, Villages, Hamlets, Tythings, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who, before the making this Act, hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the said Road, or any Bridge or Bridges, Drain or Drains lying in or upon the same, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with, the repairing and keeping in Repair the same Part or Parts of the said Roads, Bridges, or Drains, in the same Manner as they, every or any of them, have or hath heretofore usually done, or ought to do; and that the Inhabitants of the several Parishes, Hamlets, and Places, through which the said Road doth lead, who, by the Laws and Statutes of this Realm, are or shall be obliged or liable to work on the Highways, for the repairing thereof, commonly called Statute-work, shall still be subject and liable thereto, and shall and are hereby required to do and perform such and so many Days Work on such Parts of the said Road by this Act directed to be repaired, lying within the said Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live, and at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, by them for that Purpose authorized and appointed, shall direct and appoint; and that every such Inhabitant of the said Parishes, Hamlets, and Places, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work, in and towards the repair-

Inhabitants to do Statute-work.

Persons renting 50 *l. per Annum*, to be deemed Team-holders.

ing

ing the Highways of the several Parishes, Hamlets, and Places, in which they shall respectively live, as Persons keeping Teams are by Law obliged or ought to do.

Surveyors of the Highways to give in Lists of Persons who are chargeable to do Statute-work.

And, to the End that the said Trustees may know the Inhabitants of all the Parishes, Hamlets, and Places, who are liable to do Statute-work on the said Road hereby directed to be repaired, and what Sort of Duty they ought respectively to do; be it further enacted, That the Surveyors of the Highways, of and for every of the said Parishes, Hamlets, and Places, where, or in or for which, any such Surveyors usually have been or ought to be chosen, shall, and they are hereby required, within Fourteen Days after Notice in Writing, signed by the Clerk to the said Trustees, shall be given to him, her, or them, or left at his, her, or their House or Houses, or last Place of Habitation, for that Purpose, to return and deliver in to the said Trustees, at any Meeting to be by them held, true and perfect Lists in Writing (upon Oath) under their respective Hands, and signed by them, of the Names of all the Inhabitants of such Parishes, Hamlets, and Places respectively, that are liable to do their Statute-work or Duty in and upon the said Highways (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) and shall, in such Lists, and every of them, distinguish and set forth which of such Inhabitants shall, and by this Act shall be deemed to keep a Team or Teams, and which of them keep Pack-horses, or other Beasts of Burden, and how many in Number, and which of them are Labourers, or liable to do their Statute-duties as Labourers only; and also Lists of all the Roads liable to be repaired within the said Parishes, by the Statute-work or Labour, and the Extent thereof.

Trustees to proportion the Statute work to be done on the Roads.

And, in order to ascertain what Part of the Statute Labour or Duty shall or ought to be done by any Parish, Hamlet, or Place, on the said Road directed to be repaired by this Act, be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to adjudge and determine what Part or Proportion of the Statute Labour shall be done on the said Road by such Parishes, Hamlets, or Places; and the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed, shall give, or cause to be given, Notice in Writing to such Parish Surveyor or Surveyors, at what Time or Place, and on what Road, within the said Parishes, Hamlets, or Places, such Proportion of the said Statute Labour or Duty, so appointed as aforesaid, shall be done and performed; and how many Persons shall be

ſent out on each Day; and ſuch Pariſh Surveyor and Surveyors is and are hereby required and directed to give publick Notice thereof, and ſummons, on the Sunday before, either in the Church immediately after Divine Service, or by affixing ſuch Notice on the Church Door, ſuch Perſon or Perſons who ought to do and perform the Statute Labour aforeſaid, according to the ſaid Directions of the ſaid Truſtees, or their Surveyor or Surveyors; and every ſuch Perſon or Perſons, ſo ſummoned and warned out as aforeſaid, is and are hereby required to do and perform ſuch Work by himſelf, his Waggon, Cart, or Horſes, in ſuch Parts of the ſaid Road, as the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors, ſhall direct or appoint.

Penalty on Surveyors not delivering in ſuch Liſts,

And be it further enacted, That if the Surveyor or Surveyors of the ſeveral Pariſhes, Hamlets, or Places, through which the ſaid Road doth lead, ſhall not deliver in ſuch Liſts as aforeſaid reſpectively, at or before ſuch Times, and in ſuch Manner, as by this Act are required and directed to be delivered; or if, in ſuch Liſts delivered in, the Name or Names of any Perſon or Perſons, who ought to be therein inſerted, are, by Deſign, omitted; or if ſuch Surveyor or Surveyors ſhall refuſe or decline to give ſuch publick Summons or Notices to, or to make Oath, or give proper Evidence, before One or more of His Majeſty's Juſtices of the Peace for the County of Cornwall, or any Five or more of the ſaid Truſtees (which Oath the ſaid Juſtice or Juſtices, or any Five or more of the ſaid Truſtees, are hereby impowered to adminiſter) of his having properly and legally ſummoned and warned ſuch Perſon or Perſons, as ought by Law to do and perform ſuch Statute Labour or Duty as aforeſaid, according to the aforeſaid Directions of the ſaid Truſtees, or the Surveyor or Surveyors by them appointed, ſuch Surveyor or Surveyors, and every of them, ſhall forfeit and pay, for every ſuch Default, the Sum of Five Pounds: And if any or either of the Inhabitants of the ſaid ſeveral Pariſhes, Hamlets, or Places, being obliged or liable by Law to do Statute Duty in and upon the Highways, ſhall not do ſo much Statute Work in and upon the ſaid Road, at ſuch Times and Places, and in ſuch Manner, as they ſhall, by the ſaid Truſtees, or any Five or more of them, or by the Surveyor or Surveyors by them appointed, be directed or appointed to do, ſuch Inhabitants, and every of them, ſhall, for every ſuch Neglect or Default, forfeit and pay the ſeveral Sums herein after mentioned; that is to ſay, Every ſuch Inhabitant or Perſon who ſhall keep, or by virtue of this Act ſhall be deemed to

and on Perſons not performing Statute-work.

keep, a Team, for every Day's Default the Sum of Ten Shillings; and every Inhabitant or Person keeping a Pack-horse or Pack-horses, or other Beast of Burden (and no Team, nor by this Act deemed to keep a Team) for every Day's Default for every such Horse or Beast, and Driver, the Sum of Three Shillings: And every other Inhabitant, or Person liable to work on the said Road as a Labourer only, for every Day's Default the Sum of One Shilling; and if any Person or Persons who shall come as a Labourer or Labourers, or be sent with any Team or Draught, Pack-horse, or Beast of Burden, to work on the said Road, shall not attend at the Time and Place appointed, or shall be found idle or negligent by the said Turnpike Surveyor or Surveyors, such Surveyor or Surveyors is and are hereby impowered to remove and turn off such Person and Persons; and, in that Case, the respective Forfeitures and Payments before-mentioned shall be incurred and made payable, as if such Person or Persons had refused or neglected to come, or such Team or Draught, Horse or Beast, had not been sent out.

Labourers found idle to be turned off.

And be it further enacted, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed, being authorized and impowered so to do by the said Trustees, or any Five or more of them, may, and are hereby authorized and impowered to compound with the several Inhabitants of the several Parishes, Hamlets, or Places, through which the Road hereby intended to be repaired, or any Part or Parts thereof, do or doth lie, for the several Days Statute-work to be by them respectively done upon the said Road, at and for such Rates and Sums of Money, by the Day or otherwise, as they the said Trustees, or any Five or more of them, or the said Surveyors and the Inhabitants respectively shall agree upon, or with the Surveyor or Surveyors of the said several Parishes, Hamlets, or Places, for any gross Sum, to be paid by the said Parishes, for or in lieu of the Statute-work or Duty to be done and performed by the whole Parish; which said Money shall be instantly paid to the said Trustees, or any Five or more of them, or to their Appointment: And such Surveyor or Surveyors of the several Parishes aforesaid, so compounding and paying any gross Sum as aforesaid, for the whole Statute Labour of the Parish, Hamlet, or Place, shall be repaid and reimbursed the same, in such Manner as, by the Laws now in being, Surveyors of the Highways of this Kingdom are to be repaid or reimbursed the Monies by them

Trustees may compound with Parishes, &c.

expended

expended in buying Materials for amending the Highways.

Surveyors may appeal to the Quarter Sessions to proportion the Statute-work.

And be it further enacted, That if the Surveyor or Surveyors of the Highways, for the time being, of any of the Parishes, Hamlets, or Places, through which the said Road doth lead, shall think the said Trustees, or the Surveyor or Surveyors by them authorized, have directed or appointed too large a Proportion of the Statute-work in any Parish, Hamlet, or Place, to be done on any Part or Parts of the said Road, it shall and may be lawful for such other Surveyor or Surveyors of the Highways for any other of the Parishes, Hamlets, or Places, through which the said Road doth lead, to appeal to the next General Quarter Sessions of the Peace after such Direction or Appointment, to be held for the County of Cornwall; and the Justices, in their said General or Quarter Sessions, are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work in any Parish, Hamlet, or Place, shall be done on the Road by this Act directed to be repaired; such Surveyor or Surveyors of the Highways aforesaid having first given Ten Days Notice in Writing, of such Appeal, to the Clerk to the said Trustees, or to the Surveyor or Surveyors appointed by the said Trustees; and such Surveyor or Surveyors of the said Town, Parish, Hamlet, or Place, so appealing as aforesaid, shall not cause such Proportion of the Statute-work or Duty to be done on any other of the Roads in the said Town, Parish, Hamlet, or Place, until such Appeal shall be finally heard and determined.

Roads to be measured, and Mile-stones erected.

And be it further enacted, That the said Trustees, or any Five or more of them, shall and may order and direct, and they are hereby required to cause the said Road to be measured, and Stones or Posts to be set up in or near the Sides of the said Road, at the Distance of One Mile from each other, beginning to measure such Miles from the West End of the Road hereby directed to be repaired, or from such other Place as the said Trustees, or any Five or more of them, shall at any Meeting to be held pursuant to this Act, order, direct, or appoint, denoting the Number of Miles, and Distances of Places, as to the said Trustees, or any Five or more of them, shall seem meet; and if any Person or Persons shall wilfully or maliciously destroy, pull down, dig up, injure, erase, obliterate, or deface, any or either of the said Stones or Posts, or any Part thereof, which shall be so erected or set up, or any of the Inscriptions which

Penalty on defacing Mile-stones, &c.

shall

shall be made thereon, or on any Part thereof, or cause or procure the same to be done, and shall be convicted thereof by his own Confession, or by the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace of the County of Cornwall, which Oath the said Justice or Justices is and are hereby impowered and authorized to administer) every such Person and Persons so offending, shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully, maliciously, and designedly, destroyed, pulled down, dug up, broken, injured, obliterated, or defaced, to be levied of the Goods and Chattles of the Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the Justice or Justices before whom such Offender shall be convicted, and shall be laid out and applied in repairing the Stones or Posts so obliterated, broken down, or defaced, as aforesaid, or in supplying new ones in their stead, and the Residue, if any, in repairing the said Road; and in case the Person or Persons, so offending, shall have no Goods or Chattles on which the said Penalties or Forfeitures may or can be levied, then it shall and may be lawful to and for the said Justice or Justices, by Warrant under his and their Hand and Seal, or Hands and Seals, to commit such Person or Persons to the House of Correction for the said County of Cornwall, there to remain for One Calendar Month, to be reckoned and computed from the Day of Commitment; and such Person or Persons shall not be discharged, until he, she, or they, shall have paid the said Sum of Forty Shillings, or until the Expiration of the said Calendar Month.

to be levied by Distress and Sale.

For want of Distress, the Offender to be committed.

And be it further enacted, That all and every the Penalties and Forfeitures imposed or made payable by this Act (other than and except such for the Recovery whereof any other Method or Methods is or are herein before prescribed) upon Proof thereof, upon Oath, and of the several Matters, Causes, or Things, for which the same Penalties and Forfeitures shall be incurred respectively, before any Justice or Justices of the Peace of the County of Cornwall, either by the Confession of such Party or Parties, or by the Oath of One or more credible Witness or Witnesses (which Oath the said Justice or Justices is and are hereby impowered to administer) shall be levied by Distress and Sale of the Goods, Chattles, and Effects, of the Party or Parties so incurring the same, by a Warrant or Warrants under the Hand and Seal, or Hands and Seals, of such Justice or Justices; which Warrant or Warrants

Penalties and Forfeitures how to be recovered and applied.

such Justice or Justices is and are hereby authorized and required to grant for those Purposes, and to direct the same to the Constable or Constables of the Parish or Parishes, Place or Places, where such Goods, Chattles, and Effects, of the Person or Persons incurring such Penalties and Forfeitures, shall be and be kept, or where he, she, or they, shall respectively live and reside, or to such other Person or Persons as the said Justice or Justices shall think proper; and the same Penalties and Forfeitures being so levied as aforesaid, or otherwise paid, and every Part thereof (other than and except such Parts thereof as are herein before applied) shall, from time to time, be paid to the said Trustees, or any Five or more of them, or to their Treasurer or Treasurers, and shall be laid out and applied in and towards the repairing and widening the Road by this Act intended to be repaired and widened, or in making a new Road or Roads through private Grounds, as aforesaid, and keeping the said Road in Repair; and such Constable or Constables of the several and respective Parishes or Places, and such other Person or Persons, as aforesaid, to whom such Warrant or Warrants shall be directed as aforesaid, is and are hereby directed and required to execute the same truly and faithfully, according to the best of their Skill and Abilities; or, in Default or Refusal thereof, he or they shall forfeit and pay, for every such Default or Refusal, any Sum not exceeding Ten Pounds, as the Justice or Justices granting such Warrant or Warrants shall direct, to be levied and raised as is above directed with respect to any other Penalty or Forfeiture.

Overplus of the Money to be returned to the Owner.

And be it further enacted, That the Overplus of the Money which shall be raised and levied by such Distresses and Sales as aforesaid, after Payment or Deduction of the respective Penalties and Forfeitures for which the same shall be taken and made, and of the reasonable Charges of taking and making the same, shall (if demanded) be paid to the respective Owners of the Goods, Chattles, and Effects, which shall be so distrained and sold; and if no Goods, Chattles, and Effects, of the Person or Persons who shall incur the said Penalties and Forfeitures can be found, sufficient to answer the same, and the Charges of such Distresses and Sales as aforesaid (if such shall be taken or made) then, and in such Cases, the said Justice or Justices may, and is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, directed as aforesaid, to cause such Person or Persons to be committed

ted to the common Gaol of the said County or Place where such Offender or Offenders shall reside or can be found, for any Time not exceeding Three Months for the First Offence, or until such Penalties or Forfeitures, and Charges of such Distresses and Sales (if any such shall be taken or made) shall be paid; and for the Second, and every other Offence of the same Kind or Nature, for any Time not exceeding Six Months, nor less than One Month, or until such Penalties or Forfeitures by him, her, or them, incurred, and the reasonable Charges of the said Distresses and Sales (if any such shall be taken or made) shall be fully satisfied and paid.

Persons aggrieved may appeal to the Quarter Sessions, &c.

And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Act, Order, or Judgement of the said Trustees, or of any Justice or Justices of the Peace, which shall by him or them be done, made, or awarded, by virtue of this Act, or in the Execution of any of the Powers hereby to him or them given, such Person or Persons may appeal to the Justices at the next General Quarter Sessions of the Peace to be holden for the County of Cornwall; he, she, or they causing Ten Days Notice, in Writing, of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons on whose Oath or Oaths or Evidence such Act, Order, or Judgement, shall be so done, made, or awarded, and to the Clerk or Clerks to the said Trustees; which said Justices at their said Sessions, upon due Proof of such Notice being given as aforesaid, shall proceed in, and hear and determine the Causes and Matters of the said Appeals, and every of them, and give such Costs to the Appellant or Respondent as they shall think fit; And the Orders and Judgements of the said Justices shall be final and conclusive to all Parties concerned and interested therein.

Notice of Appeal to be given.

Proceedings not to be quash'd for want of Form;

And be it further enacted, That no Conviction, Judgement, or Order, of the Justices of the Peace, at their General Quarter Sessions, or of any Justice or Justices of the Peace, which shall be by them respectively awarded or made in pursuance of this Act, or in the Execution of the Powers hereby to them respectively given, shall be quashed, vacated, or discharged, for or on account of Form only; nor shall be removed by Certiorari into any of his Majesty's Courts of Record.

nor removeable by *Certiorari*.

Expences occasioned by this Act, to be defrayed out of the Toll's.

And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, at any Meeting of the said Trustees to be held in pursuance of this Act, to order and direct their Treasurer

surer or Treasurers to pay and defray, out of the Money in his Hands arising from the Tolls and Duties collected by virtue hereof, all such Costs, Charges, and reasonable Sums, as they the said Trustees, or any of them, or the Surveyor or Surveyors by them appointed, or any Justice or Justices of the Peace, shall have been at and put unto, or shall have expended, in the due Execution of this Act, and of the Powers and Authorities given and granted thereby, or in defending or prosecuting any Suit or Suits, Indictment or Indictments, Information, or other Prosecution whatsoever, for or on account thereof, or for or concerning any Matter or Thing whatsoever, which he or they shall have done, or ordered to be done, in the due Execution of this Act.

Commencement and Continuance of this Act.

And be it further enacted, That this Act, and the Tolls, Duties, and Powers, hereby given and granted, shall commence and have Continuance from and after the passing of this Act, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

If the Roads shall be adjudged to be sufficiently repaired before the Expiration of the said Term, and the Money due be repaid, the Tolls, &c. to cease.

Provided nevertheless, That if, at any Time before the Expiration of the said Term of Twenty one Years, the said Roads shall be sufficiently amended and repaired, and shall be so adjudged by the Justices of the Peace for the County of Cornwall, at the General Quarter Sessions of the Peace to be holden for the said County, that then, from and after such Adjudication made, and Repayment of the Money borrowed, with Interest for the same, and the Costs and Charges thereof, and what shall be due to any Person upon account of repairing the said Road, the said Tolls and Duties shall cease and determine; any thing herein contained to the contrary notwithstanding.

Proceedings, &c. to be entered in a Book.

And be it further enacted, That full, true, and fair Accounts and Entries of all the Money that shall be borrowed, collected, and received, laid out, expended, and paid, by virtue of this Act, and of all Orders, Compositions, Acts, Matters, Proceedings, and Things, which shall be made or done by the said Trustees in pursuance hereof, or in Execution of the Powers hereby to them given, shall, from time to time, be duly and regularly entered and made in a Book or Books to be kept for those Purposes, by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees; and such Orders, so entered, shall be signed by the said Trustees, or any Five or more of them:

And

And such Book or Books, and also the Book or Books herein before directed to be kept for entering and registering the said Assignments and Transfers, shall and may be produced and read in Evidence in all Cases of Appeals, Suits, or Actions, concerning any thing done in pursuance and by the Authority of this Act; which said Book or Books any of the said Trustees shall and may have Resorte to, and peruse the same, without Fee or Reward, and take Copies thereof by their Clerk or Clerks for the time being; paying such Clerk or Clerks for every Copy, not exceeding Two hundred Words, Six Pence; and so proportionably for any greater or less Number of Words. Books may be read in Evidence. Clerk's Fee.

Provided always, and be it further enacted, That no Nomination, Appointment, Information, Order, Judgments, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security, for the borrowing Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, concerning, or in Execution of, any of the Powers or Authorities hereby given, shall be charged or chargeable with any Stamp or Duty whatsoever. Writings to be without Stamps.

And be it further enacted, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons, for any Thing done, or to be done, by virtue or in pursuance of this Act, or in relation to the Matters herein contained, such Actions and Suits, and every of them, shall be commenced within the Space of Six Calendar Months next after the doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, and not afterwards; and shall be brought, laid, and tried, in the said County of Cornwall, and not elsewhere: And that the Defendant or Defendants in such Actions or Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which shall be had thereupon; and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance, and by the Authority of this Act: And if the said Matter or Thing shall appear to have been so done; or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place; then, and in either of such Cases, the Jury or Juries shall find for the Defendant Limitation of Actions. General Issue.

fendant or Defendants therein: And if a Verdict or Verdicts shall be found for such Defendant or Defendants; or if the Plaintiff or Plaintiffs in any such Action or Actions, Suit or Suits, shall become Nonsuited, or suffer a Discontinuance, after the Defendant or Defendants shall have appeared; or if, upon any Demurrer or Demurrers, in any such Action or Actions, Judgement shall be given for the Defendant or Defendants therein; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, upon Affidavit made, or the Certificate of the Judge or Judges before whom such Causes shall be tried, whereby it may appear, that such Action or Suit was prosecuted against the Defendant or Defendants, for some Matters contained in, or done in pursuance of, this present Act; and shall have such Remedy for recovering the same, as any Defendant or Defendants hath or have for his, her, and their Costs in other Cases by Law.

Treble Costs.

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

FINIS.