Anno primo

Georgii III. Regis.

An Act for amending and widening the Road leading from the Town of *Falmouth*, in the County of *Cornwall*, through the Towns of *Penryn*, *Helſton*, and *Marazion*, and from thence to and over *Marazion* River and Bridge, and Two hundred Feet to the Weſtward of the ſaid River and Bridge.



Whereas the Highway or Road leading from the Town of Falmouth, in the County of Cornwall, through the Towns of Penryn, Helſton, and Marazion, and from thence to Marazion River and Bridge, and Two hundred Feet to the Weſtward of the ſaid River and Bridge, in the ſaid County, is a publick and common Highway or Road, and is in a very ruinous Condition, and in ſeveral Places very narrow, deep, and inconvenient, ſo as the ſame cannot, by the ordinary Courſe and Method appointed by the Laws and Statutes of this Realm, be effectually amended and kept in good Repair, unleſs ſome Proviſion be made for raiſing Money for that Purpoſe: For Remedy whereof, and to the Intent Preamble.

tent that the ſaid Highway and Road may with all convenient Speed be effectually amended and kept in good and ſufficient Repair; 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 Aubyn Baronet, Swete Nicholas Archer, Arthur Arſcott, John Arſcott, Abel Angove, William Arundell, Thomas Saunders Allen, the Honourable George Boſcawen, the Honourable John Boſcawen, the Honourable and Reverend Nicholas Boſcawen D. D. the Honourable Charles Berkley, James Buller, John Buller, Francis Buller, Francis Baſſet, Walter Borlaſe LL. D. William Bennett of Hexworthy, Francis Beauchamp, John Beauchamp, Samuel Borlaſe, William Buller Clerk, James Buller junior, George Bell, George Blewett, William Borlaſe Clerk, Peter Burrell, Philip Carlyon, Thomas Coates, John Collins Clerk, William Churchill, Edward Coad, William Carlyon, John Carter, Humphrey Cole, Humphrey Cole junior, Thomas Clutterbuck, John Carlyon Clerk, Thomas Carlyon Clerk, John Chenhall, John Colwell M. D. John Crowgey, William Crowgey, Alexander Cumming, Cox Clerk, Carthew Clerk, Nathaniel Carkeet Clerk, Robert Corker LL. D. Sir William Dalrymple Baronet, Joſeph Donnithorne, Martin Davis, James Dunn, James Dewen, William Davies, Robert Davy, the Honourable George Edgcumbe, John Enys, Samuel Enys, Philip Enouf, John Edwards, John Forteſcue, Thomas Fonnereau, the Mayor and Aldermen of Falmouth for the time being, Francis Godolphin, Francis Gregor, Francis Gregor junior, Samuel Groub, Thomas Glynn, Richard Jervis Grylls, John Grenfell, William Glover Clerk, Paſcoe Grenfell, George Hunt, Chriſtopher Hawkins, Thomas Hawkins, Richard Huſſey, William Hill, John Hill, John Harris, Thomas Hearle Clerk, Edward Hoblyn, Samuel Hoblyn, Joſeph Hawkey, Joſhua Howell Clerk, Samuel Harris, Benjamin Heame, Abraham Hall, Hoſkin of Saint Keverne, the Mayor and Aldermen of the Borough of Helſtone for the time being, George Hawkins Clerk, John Hawkins, Henry Hichens, Edward Hobbs Clerk, William Harris, William Harry, Tobias Harry, Thomas Jones, Richard Jewell, William Johns, Jordan, Charles Jeffreyſon, George Johns, Richard Johns, Richard Johns junior, Tremenheere Johns, Fraunceis Kirkham, Nicholas Kemp, George Keigwin, Robert Lovell, John Lawrence, Andrew Ley Clerk, Sir John Moleſworth Baronet, John Moleſworth, William Moleſworth,

Truſtees Names.

Moleſworth, Samuel Mitchell, Hendes Mounſteven, James Mac Carmick, William Morſhead, the Mayor and Aldermen of the Borough of Marazion for the time being, Edward Marſhall Clerk, Oke Millett, John Nance, William Newton Clerk, Thomas Nankivell, Philip Nowell, William Nicholls, Humphry Prideaux, Charles Prideaux, William Peter, Charles Philips, Humphry Mackworth Praed, Joſeph Peters M. B. Charles Peters Clerk, William Phillips Clerk, Richard Pearce Clerk, Richard Peters, Francis Paynter, Francis Paynter junior, Thomas Polwhele, Thomas Pitt, William Pye, James Paſcoe Clerk, William Peter Clerk, Benjamin Pender, John Paſmore, the Mayor and Aldermen of the Borough of Penryn for the time being, the Mayor and Juſtice of the Town of Penzance for the time being, James Penroſe Clerk, John Penneck Clerk, Henry Penneck Clerk, Buckley Mackworth Praed, Thomas Pitt junior, John Quicke, John Rogers, Hugh Rogers, Hugh Rogers junior, Francis Rodd, Michael Ruſſell M. B. Jonathan Raſhleigh, Philip Raſhleigh, Hannibal Randle, John Ruſſell, William Rawlings, John Richards, William Robinſon Clerk, Thomas Scawen, John Stephens, Samuel Stephens, John Sawle, William Stackhouſe D. D. Richard Spry, William Stackhouſe, John Stackhouſe, Snel, Samuel Skinner, Edward Snoxell, Sampſon Sandys Clerk, Sampſon Sandys, Richard Sandys, Sandys of Saint Keverne, Thomas Smith, William Symons Clerk, William Sandys, William Trevanion, Charles Trelawney, John Tremayne, Chriſtopher Treiſe, John Turner M. D. William Turner Clerk, Charles Treweek, Trevanion Clerk, George Treweeke, William Tremenheere, John Trevennen Clerk, Sir Richard Vyvyan Baronet, Richard Vyvyan, Thomas Vyvyan, Thomas Vyvyan junior, Charles Vyvyan, William Veale, William Uſticke, Henry Uſticke Clerk, George Veale, Johnſon Vivian, Digory Vivian, John Willyams, John Oliver Willyams, John Williams, James Walker Clerk, Chriſtopher Warrick, Courtney Williams, William Webb, Ezekiell Williams Clerk, Philip Webber, Walmſley Clerk, Wilks Clerk, Lieutenant Colonel George Onſlow, ſhall be, and they are hereby appointed Truſtees, for ſurveying, ordering, widening, amending, and keeping in Repair, the ſaid Road, and alſo for putting in Execution all other the Powers in and by the Act given.

Qualification of Truſtees.

Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon ſhall be qualified or capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment, or

Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes, to his own Use, or possessed of, or intitled unto, Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Pounds: And if any Person or Persons so unqualified, or 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 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, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Penalty on acting if not qualified.

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall appoint, shall and may build and erect, or cause to be built and erected, a Gate or Gates, Turnpike or Turnpikes, upon, in, or across, any Part or Parts of the said Road; and also a Toll-house or Toll-houses in and upon the same (provided that no such Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, be placed across any of the Street or Streets in the Towns of Falmouth, Penryn, or Helston, or any where farther West on the said Road than at or within Four hundred Yards of a certain Place called Tolvadden Barn, between the said Barn and where the Two Roads leading from Goldsithney and Helston to Marazion meet, near the Eastern Limits of the said Town of Marazion) and shall and may demand, receive, and take, at all the Turnpike or Turnpikes to be built and erected upon that Part of the said Road lying between the Town of Falmouth and the Town of Helston; and also at all the Turnpike or Turnpikes to be erected upon that Part of the said Road, lying between the Town of Helston and the Town of Marazion; the following Tolls or Duties on each of the said Divisions of the said Road, 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 in any Carriage, the Sum of Two Pence.

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

For

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence per Score; and so in Proportion for any greater or less Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence per Score, and so in Proportion for any greater or less Number.

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 so thereby to be raised and collected shall be and is hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned, 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 levey such Tolls upon any Person or Persons who shall (after Demand made thereof) refuse or neglect to pay the same, by Distress of any Horse or Horses, or other Cattle or Carriages, upon which such Tolls are by this Act imposed, or by Distress of any of the Goods or Chattles carried or drawn by or on such Cattle or Carriage, or of any other 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, shall be paid; and such Person or Persons so distraining 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 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 vested in the Trustees.

Tolls may be levied by Distress and Sale,

Distress may be sold after 4 Days,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Road, and upon, in, or across, any Lane or Bye-way, that does or shall lead into, or out of the same; and at such Gate or Gates, Turnpike or Turnpikes, to receive and take such Tolls, as are by this Act granted and made payable at any

Trustees may erect Side-gates,

and take Tolls thereat;

Turnpike

Turnpike or Turnpikes to be erected by virtue thereof, so as the same do not extend to a double Charge, upon any Person or Persons passing through any other of the Gates or Turnpikes to be erected by virtue of this Act, upon the same Division of the said Road on which such Side Gate or Gates shall be erected.

so as they extend not to a double Charge.

Trustees, with Consent of the Creditors, may lessen the Tolls,

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any Five or more of them, are hereby authorized and impowered, from time to time, in case it shall appear to be requisite and expedient to lessen the several Tolls and Duties hereby granted and made payable, to order and direct such Tolls and Duties, or any of them, to be lessened and reduced, and to raise the same again, so as the same do not exceed the Tolls and Duties by this Act granted and made payable, so as such Reduction be with the Consent of the several Persons who shall have advanced any Money on the Credit of the said Tolls, or who, at the Time of such Reduction, shall have any Money secured thereon; but such Reduction shall not be made, unless Notice in Writing be given for that Purpose, by affixing the same upon all and every the Turnpike-gate or Gates to be erected by virtue of this Act, at least Twenty Days before making such Reduction.

and raise them again.

Trustees may apportion the Tolls.

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, as to the said Trustees, or any Seven or more of them, shall seem requisite and expedient.

Charges of this Act to be first paid.

And be it further enacted by the Authority aforesaid, That out of the First Money arising by the Toll which shall be collected at the several Turnpikes to be erected by virtue of this Act, upon, across, or on the Sides of the said Road as aforesaid, 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 Expence 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.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Eleven or more of them, at their First or any other subsequent General Meeting, shall and may, from time to time, at their Discretion, subdivide themselves for the separate Care and Service of the Road hereby intended to be repaired, so as that Five Trustees at least shall be nominated and appointed for each such separate Care and Service. Trustees may subdivide themselves.

Provided always, and be it enacted, That this Act, or any thing herein contained, shall not extend, or be construed to extend, to charge any of the Coaches, Chariots, or other Carriages of His Majesty, or Her Royal Highness the Princess Dowager of Wales, or any of the Royal Family; or any of the Horses of His Majesty's Guards, Coaches, Chariots, or other Carriages attending His Majesty, or the Princess Dowager of Wales, or any of the Royal Family. Coaches, &c. of the Royal Family exempted from Tolls.

Provided always, and be it enacted by the Authority aforesaid, 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 to be raised by the Tolls hereby granted, or to be borrowed on the Credit thereof, in the Pavements of the Streets of the Towns of Falmouth, Penryn, Helston, or Marazion, or any other Town in the said Road; but that such 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. Trustees not to repair paved Streets, &c.

And be it further enacted by the Authority aforesaid, That all and every the Gates and Turnpikes, and Toll-houses, to be erected by virtue of this Act, and the Property, Interest, and Right, of, in, and to, the same, and the Materials of which the same shall consist, shall be, and are hereby, vested in the said Trustees appointed, or to be appointed, to put this Act in Execution; and they, or any Five or more of them, are hereby authorized and impowered to bring, or cause to be brought, any Action or Actions in their own Names, or in the Name or Names of any One or more of them, or of their Treasurer or Treasurers, Clerk or Clerks, for the time being, and to prefer and prosecute, or order and direct the preferring and prosecuting of, any Bill or Bills of Indictment, or other Prosecutions, against any Person or Persons who shall dig up, break, pull down, steal, take, carry away, destroy, spoil, or injure, any Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, which shall, by virtue of this Act, be erected upon, in, across, Property of the Turnpikes and Toll-houses, &c. vested in the Trustees.

or on the Side of, the said Road, or any of the Materials of which the same shall be made, built, or consist.

Penalty on Persons going thro' or permitting private Passage,

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Coach, Chariot, Chaise, Waggon, Cart, Dray, Horse, Ox, Ass, or other Carriage or Cattle, on which a Toll is hereby laid, go or pass through any Ground, Field, Gate, private Passage, or other Place adjoining or lying near to any or either of the Gates or Turnpikes to be by virtue of this Act erected (the same not being a common Road) or if any Owner or Occupier of any Tenement, Land, or Ground, which shall adjoin or lie near to any or either of the said Gates or Turnpikes, shall knowingly or willingly permit or suffer any Person or Persons with any such Coach, Chariot, Chaise, Waggon, Cart, Dray, Horse, Ox, Ass, or other Carriage, or Cattle, to go or pass through the same Tenement, Land, or Ground, or any Field, Gate, or private Passage, or other Place, belonging to such Owner or Occupier; or if any Person or Persons shall give to, or receive of, any other Person or Persons (except the Person or Persons appointed to collect or receive the Tolls hereby made payable) any Note or Ticket of the Day by this Act directed to be given by the Collectors or Receivers of the Tolls; or shall make use of any forged Note or Ticket; or if any Person or Persons, driving or owning any Coach, Chariot, Chaise, Waggon, Cart, Dray, or other 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 to be erected by virtue of this Act; or if any Person or Persons shall leave in any House or Place, upon or near the Road, any Carriage or Cattle, chargeable with or liable to pay any or either of the Tolls by this Act imposed, whereby, or by means whereof, or of either of the Offences aforesaid, the Payment of any or either 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 the 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 of and for the said 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 and required to administer gratis) shall, for every such Offence, forfeit the Sum of Twenty Shillings, and pay the same to the said Trustees, or to their Treasurer

or giving or receiving Tickets,

or taking off Horses, &c.

to avoid paying the Tolls.

surer or Treasurers for the time being; which Sum, in case the same be not forthwith paid, shall be levied and recovered in the Manner herein after directed; and when recovered shall go and be applied, One Moiety thereof to the Use of the Informer, upon whose Oath such Offender or Offenders shall be convicted, and the other Moiety towards amending the said Road.

And, to prevent the evading of the Payment of the Tolls, under Pretence of Horses or Cattle going to or returning from Water or Pasture, be it further enacted by the Authority aforesaid, That no Horse, Mare, Gelding, or Cattle, shall be exempted from paying the respective Tolls by this Act granted or made payable, which shall be going to or from Water or Pasture beyond the Distance of Three Miles from the First Turnpike-gate through which such Horse, Mare, Gelding, or Cattle shall pass; and that in case of any Horse, Mare, Gelding, or Cattle, going to, or coming from, such Water or Pasture, the Person or Persons going through any of the said Gates or Turnpikes with or for the same, shall pay the usual Tolls at the said Gates or Turnpikes, and receive from the Collector there a particular Ticket (which shall be called a Water or Pasture Ticket) and shall specify the particular Hour of the Day when such Person or Persons went through the said Gate with or for such Horse, Mare, Gelding, or other Cattle; which Ticket the respective Collectors are hereby required to give gratis on the Receipt of the Toll; and on such Person or Persons returning to the said Gate with the said Horse, Mare, Gelding, or other Cattle, if from Water within Two Hours, or if from Pasture on the same Day, and within a reasonable Time after he or they shall have so first gone through the same, such Person or Persons shall receive back again the Money so paid as Toll; and that no Horse, Mare, Gelding, or other Cattle, shall be exempted from paying the respective Toll or Tolls of going to Water or Pasture, unless under these Circumstances: And in case any Fraud shall be committed, or Disputes arise concerning the same, such Dispute shall be determined by the Trustees, or any Five of them, at their respective Meetings, whose Determinations thereupon respectively shall be final; any thing in this Act to the contrary notwithstanding: And that all and every Person and Persons who shall, at any Time, evade the Payment of any of the Tolls granted by this Act, under Pretence of going to Water or Pasture, and shall be convicted thereof before the said Trustees, or any Five or more of them, or before any One Justice of the Peace for the said County, by Confession of the Party, or

Horses, &c. going beyond 3 Miles to Water or Pasture, to pay Toll.

by

by the Oath of One or more credible Witness or Witnesses (which Oath the said Trustees, or any Five or more of them, or such Justice, are and is respectively impowered to administer) such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings, to be recovered, levied, and applied, in Manner herein after directed.

Toll to be paid but once a Day on each Division of the Road.

And be it enacted by the Authority aforesaid, That if any Person shall pay the respective Tolls by this Act granted for the passing of any Carriage or Cattle at any Gate or Turnpike that shall be erected by virtue of this Act, upon, in, across, or on the Side of, that Part or Division of the said Road lying between the Town of Falmouth and the Town of Helston, such Person, upon producing a Note Ticket of the Day, denoting such Payment, and at what Gate the same was made, shall be permitted to pass, return, and repass, with the same Carriage or Cattle, Toll-free through the same, or any other Gate or Turnpike upon that Division of the said Road, at any Time or Times during the same Day, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next Night; and so in like Manner, if any Person shall pay the respective Tolls by this Act granted for the passing of any Carriage or Cattle at any Gate or Turnpike which shall be erected by virtue of this Act, upon, in, across, or on the Side of, that Part or Division of the said Road lying between the Town of Helston and the Town of Marazion; such Person, upon producing such Note or Ticket as aforesaid, shall be permitted to pass and repass with the same Carriage or Cattle Toll-free through the same, and every or any other Gate or Turnpike on that Division of the said Road, at any Time or Times during the same Day, to be computed as aforesaid; which said Notes or Tickets the Collectors or Receivers of the said Tolls, at the several Gates or Turnpikes to be erected by virtue of this Act, are hereby required to give gratis, if demanded.

Exemptions from Tolls.

And be it further enacted by the Authority aforesaid, That no Person or Persons shall be charged with, or compellable to pay, any of the Tolls, made payable by this Act, 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, Culm for burning Lime, Dung, Mould, Soil, Sand, or Compost of any Kind, for the manuring of any Garden,

den, or other Land or Ground, or that shall be used or 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 for any Horse, Mare, Gelding, Ox, or other Beast, drawing or carrying the same, in order for the repairing thereof, or using the same in Husbandry, or any Thing whatsoever that shall be used or 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, except as herein before excepted; or for any Post-horse carrying any Mail or Packet; or for the Horses of Soldiers 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 hereby laid, be demanded or taken from any Inhabitant of either of the said Parishes, who shall pass through any of the said Turnpikes, to or from his or their respective Parish Church, 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.

No Toll on Election Days.

And be it further enacted by the Authority aforesaid, That no Person or Persons shall be chargeable with, or compellable to pay, any of the Tolls by this Act made payable, for any Horse or other Beast of Burthen, or for any Coach or other Carriage, that shall be going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of Cornwall, or of a Burgess or Burgesses to serve in Parliament for the Boroughs of Penryn or Helston, on the Days of such Election or Elections, or on the Day before or Day after such Elections shall begin and be concluded.

Penalty on claiming Exemptions, not being intitled thereto.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, or shall make use of any Fraud whatsoever, whereby the Payment of the said Tolls may be eluded, such Person shall, for every such Offence, forfeit and pay to the said Trustees, or to their Treasurer or Treasurers for the time being,

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.

Times and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Eleven or more of them, shall meet together at Helston on the Tenth Day of April, on the Tenth Day of August, and on the Tenth Day of December, annually, unless such Day shall happen on a Sunday, and then on the next Day, during the Continuance of this Act; which Meetings are hereby declared to be General Meetings of the said Trustees for the Purposes directed to be carried into Execution at General Meetings: And the said Trustees, or the major Part of them then present, shall and may adjourn such General Meetings, from time to time, as they shall think proper, for the Purposes aforesaid: And the said Trustees, or any Five or more of them, may also meet at any other Time for putting this Act in Execution, as often as it shall be thought necessary and required by any Five or more of the said Trustees, by Writing under their Hands, to be affixed at some publick Place at Falmouth, Penryn, Helston, and Marazion, and on all the Turnpike-gates to be erected by virtue of this Act, at least Seven Days before such Meeting.

Trustees may borrow Money on the Credit of the Tolls.

And, for the more speedy repairing and widening the said Road, be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, from time to time, upon the Credit of the several and respective Tolls hereby made payable, or either of them, borrow and take up, at such Rate of Interest as shall be agreed on, not exceeding the Rate of Five Pounds for One hundred Pounds by the Year, any such 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 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

Assignments to be entered in a Book.

Treasurers

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 the said Tolls are hereby directed to be laid out and applied, and to no other Use or Purpose whatsoever.

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

Provided always, and be it further enacted by the Authority aforesaid, 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.

No more than 5000 *l.* to be borrowed on the Credit of this Act.

Provided also, and be it enacted by the Authority aforesaid, That no more than the Sum of Five thousand Pounds shall be borrowed on the Credit of the said Tolls, 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 Five or more of them.

All Creditors to be deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons whatsoever, 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, in an equal Degree one with another.

Notice to be given of borrowing Money.

Provided always, and it is hereby declared, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls hereby granted, unless Notice for that Purpose in Writing, under the Hand 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 some publick Place at Falmouth, Penryn, Helston, and Marazion, and likewise upon all the Turnpike-gates that shall be erected by virtue of this Act, of the Time or Times of borrowing such Money, at least Ten Days before borrowing the same.

And

Entries to be made of all Assignments.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons to whom any such Assignment or Assignments of the Tolls shall be made by the said Trustees, or any Seven or more of them, 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 Person or Persons whomsoever; and that all and every such Transfer or Assignment of any Security of the said Tolls shall, from time to time, be produced or notified to the said 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.

Clerk's Fee.

Separate Meeting of Trustees on their Sub-divisions.

And be it further enacted by the Authority aforesaid, That from and after such Subdivisions, the several Trustees so nominated and appointed for the separate Care and Service as aforesaid, shall hold their first separate Meetings respectively at such convenient Places, in or near such

Part of the Road for which they shall be so nominated and appointed, and at such Times, as by the said Trustees at their General Meetings shall be for that Purpose appointed, and from thence shall from time to time adjourn themselves respectively to such Times and Places as they, or the major Part of them then assembled, shall judge proper; at which separate Meetings they are hereby impowered respectively to order the erecting Toll-houses, Toll-gates, and Turnpikes upon, and to appoint Treasurers, Surveyors, and Collectors for such Part of the Road for which they shall respectively be appointed to act; and shall and they are hereby authorized to execute all and every the Powers, and to do all and every the Matters and Things hereby directed to be executed and done by the said Trustees (except in Cases hereby otherwise provided for) for the amending the said Road, and for putting this Act in Execution: And if it shall happen upon any Adjournment of any separate Meetings, that Five at least of such Trustees shall not appear on such Adjournment, such Meeting shall be deemed to be adjourned over to that Day Fortnight, and shall and may be holden at the same Place without further Notice, and so toties quoties, as often as the like Case shall happen.

Orders may be made thereat for erecting Toll-gates, &c. and Officers chosen.

In Default of a sufficient Number of Trustees to act,

Meeting to be adjourned.

Provided always, and it is hereby enacted by the Authority aforesaid, That the said Trustees, or the major Part of them (such major Part not being less than Seven) at their First or other General Meeting or Meetings, shall and may, if they shall think fit, pursue the Method herein after prescribed for borrowing and securing Monies on the Credit of the said Tolls; that is to say, That the said Trustees, or the major Part of them (such major Part not being less than Seven) at such First or other General Meeting or Meetings, shall and may resolve on and declare what gross Sum of Money they think requisite to be borrowed on the Security of the said Tolls, and what Part of such Sum shall be forthwith raised and paid in, and into whose Hands, and what Rate of Interest shall be allowed for the same, not exceeding Five Pounds per Centum per Annum; and also in what Manner the Money to be forthwith raised, or any Part thereof, shall be applied: Which Resolution and Declaration shall at the same Meeting be entered by the Clerk of the said Trustees in a Book to be provided for that Purpose, and shall at the same Meeting be signed by the said Trustees, or any Seven or more of them, so concurring in such Resolution and Declaration: And the Person or Persons to whom such Part of the said gross Sum shall be appointed to be paid as aforesaid, may,

Method prescribed for borrowing and securing Money.

and is, and are hereby authorized to receive the same Money from such Person or Persons as shall be willing to advance the same, and upon Receipt thereof to execute the respective Deeds Poll unto the Person or Persons so advancing such Money, in the respective Sums of Twenty five Pounds each, according to the Amount of the Sums by them respectively advanced; each of which said Deeds Poll shall purport, that the Principal Sum of Twenty five Pounds therein mentioned, is Part of the Sum directed to be raised at such General Meeting of the said Trustees, or the major Part of them (such major Part not being less than Seven) on the Credit of the Tolls appointed to be collected for the Purposes of this Act; and that the said Sum of Twenty five Pounds, with Interest for the same, not exceeding the Rate of Five Pounds per Centum per Annum, is payable out of the said Tolls to the Persons named in such respective Deeds Poll, or the Bearer thereof; and the said Person or Persons so appointed to receive such Part of the said gross Sum shall, at the Time of issuing the said Deeds Poll, or any of them, cause the same respectively to be sealed with such Seal as the said Trustees, or the major Part of them (such major Part not being less than Seven) at such General Meeting shall direct; and the said Trustees, or any Seven or more of them as aforesaid, shall sign their Names to each of the said Deeds Poll; which signing and sealing shall be attested by the Clerk of the said Trustees, or in any other Manner as the said Trustees, or the major Part of them (such major Part not being less than Seven) at such Meeting shall think necessary and direct; and that at the next General Meeting of the said Trustees, the said Persons appointed to receive such Money as aforesaid shall produce or account for the same to the said Trustees then assembled, and such Part thereof as shall not be accounted for, shall be disposed of as they, or the major Part of them (such major Part not being less than Seven) shall direct; at which Meeting the Persons possessing the Deeds Poll shall produce the same before the Trustees then assembled, and thereupon the Clerk of the said Trustees shall make Entries in the said Books wherein such Resolution and Declaration shall be entered as aforesaid, of the respective Dates of the said Deeds Poll, and the Names of the Persons to whom they purport to be issued, and by whom they are signed and attested, and shall mark the said Deeds Poll in this Manner; Entered, No. I. (and so on as they stand in Course in such Book) A. B. Clerk of the said Trustees: And after such Entries shall be made in the

said Book in a Series one after another, the said Trustees at such Meeting, or any Seven or more of them, shall subscribe their Names thereto in the said Book in Manner as before directed, and may, at the same or any other subsequent General Meeting or Meetings, direct the Residue of the said gross Sum, or such Part or Parts thereof, as from time to time they shall think necessary to raise, to be borrowed and received by such Persons as, at such Meeting or Meetings, shall, by the said Trustees, or the major Part of them (such major Part not being less than Seven) then assembled, be appointed for that Purpose, who may and are hereby authorized accordingly to receive the same, and to execute the respective Deeds Poll for the same, to the Purport and in Manner before directed; which Money so from time to time received, shall be produced or accounted for at the next General Meeting of the said Trustees after the Receipt thereof, and such Part thereof as shall not be accounted for, shall be disposed of as the said Trustees shall direct in Manner before mentioned; and the said last-mentioned Deeds Poll shall be also then produced, and Entries shall be made in the said Book of such further Resolution and Declaration, or Resolutions and Declarations, of the said Trustees, and of the said Deeds Poll, in Manner before-mentioned, and the Numbers to be marked as aforesaid on the said last-mentioned Deeds Poll, shall go progressively from the last Number in the last preceding Entry.

All Creditors to be deemed equal in Degree.

And it is hereby declared and enacted, That there shall be no Preference given to the Persons advancing any Part or Parts of the said gross Sum in Repect of the Priority of advancing his, her, or their Part or Parts thereof, but that all such Lenders and Proprietors of the said Deeds Poll, so far as the said gross Sum shall extend, shall be, and are hereby declared to be, Creditors on the said Tolls in an equal Degree one with another; and in case the said Trustees, or the major Part of them (such major Part not being less than Seven) shall pursue this Method of borrowing Money on the said Tolls, then, and in such Case, for the Security of the Lenders or Persons intitled to the said Deeds Poll, it shall not be lawful to borrow any further Sum of Money on the Credit of the said Tolls beyond the gross Sum so first resolved to be raised, without the Consent of the Proprietors of the said Deeds Poll, to be signified by their Subscription ont he Face of the said Deeds Poll, to be witnessed by the Clerk to the Commissioners, and of a proper Entry for that Purpose in such Book wherein such Entries shall be made as aforesaid, or unless the

Money

Money due to the Proprietors of the said Deeds Poll, or such of them as will not give their Consent, shall be first paid off and discharged; and that then and in such Case, it shall be lawful for the said Trustees, or the major Part of them (such major Part not being less than Seven) at a General Meeting or Meetings, to borrow such Sums of Money on the Security of the said Tolls, and to pursue the same Method therein, or any other Method they shall think more expedient.

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

Provided, That nothing herein contained shall extend, or be construed to extend, to charge or subject the said Trustees or Persons appointed to receive the said Money, or any Part thereof, to any Payment of the same, by reason of their or any of their signing the said Entries, or signing or sealing the said Deeds Poll, or any or either of them.

Writings to be without Stamps.

Provided also, That the said Deeds Poll, or any of them, shall not be liable to be stampt, nor be subject to any Duty or Duties on that Account.

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

And it is hereby further enacted by the Authority aforesaid, That in case any Person or Persons who shall lend and advance Monies on the Credit of the said Tolls, or the Possessors of any of them, or of the said Deeds Poll, at any Time shall 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 General Meeting of the said Trustees; then, and in such Case, unless the Principal and Interest due, and to accrue due to them on the Security of the said Toll, shall be fully paid unto, or tendered unto, and refused to be accepted by, 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 and collect, or cause to be received and collected, the Tolls and Duties granted by this Act in respect of the said Roads, and to apply the same rateably and proportionably to the Payment of the Principal and Interest of their Debts.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby authorized 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 Road;

and

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 chooſe 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 on the Market-houſe or other publick Place within the reſpective Towns of Falmouth, Penryn, Helſton, and Merazion, 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 Road, 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 remove them, and appoint others.

Truſtees to allow Officers Salaries.

And be it further enacted by the Authority aforeſaid, 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, 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

Officers to account upon Oath.

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, such Trustees, or any Five or more of them, may, and are hereby authorized and impowered to bring, or cause to be brought, any Action or Actions in the Names of such Trustees, or in the Name or Names of any Two or more of them, against the Officer or Officers, Person or Persons, so refusing or neglecting as aforesaid, in order for the Recovery of the Money that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be 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 or 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

Officers not making Account and Payment,

may be sued;

or, if Complaint be made,

Justices to enquire into the Default,

Justices is and are hereby impowered and required to administer gratis) it shall appear to such Justice or Justices 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 or 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 of 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, 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 shall 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 Distress and Sale, 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 levy the Balance by Distress and Sale;

and for want of Distress, the Party to be committed,

until he shall conform, or compound for the same.

And

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

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed, or any other Person or Persons who shall be employed or appointed for that Purpose by the said Trustees, or any Five or more of them, or by the said Surveyor or Surveyors, or either of them, may and is and are hereby authorized and impowered from time to time, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Furze, Heath, Stones, Gravel, Sand, or other Materials, proper for the Repair of Roads, in, upon, out of, or from any Waste or Common, River or Brook, in any Parish, Town, Village, Hamlet, or Place, adjoining to, or lying near the said Road, or in any neighbouring Parish, Town, Village, Hamlet, or Place, to be used, disposed of, and applied, in repairing the said Road, without paying any thing for the same; and where there are not sufficient Quantities of Furze, Heath, Stones, Gravel, Sand, or other Materials for that Purpose, to be had or found, in, upon, out of, or from such Waste or Common, River or Brook, it shall and may be lawful to and for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, or other Person or Persons by them employed (having an Order from the said Trustees, or any Five or more of them) to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Furze, Heath, Stones, Gravel, Sand, or other Materials proper and sufficient for that Purpose, in, upon, out of, or from the Lands, Fields, or Grounds, of any Person or Persons where the same may be had or found, to be used, disposed of, and applied in or towards repairing the said Road (such Lands, Fields, or Grounds, or either of them, not being the Scite of any House or Houses, or a Yard, Garden, Orchard, Park, Paddock, Meadow, or planted with Trees, as an Avenue to, or for the Ornament of any House, or inclosed, set apart, and used as a Plantation or Nursery for Trees) they the said Trustees, Surveyor or Surveyors, or other Person or Persons, or some or One of them, paying or offering to pay, to the respective Owners or Occupiers of such Lands, Fields, or Grounds, in, from, or over, which such Materials shall be cut, digged, gathered, taken, and carried away, such Sum and Sums of Money for the same, and for the Damage they shall respectively sustain thereby, as the said Trustees, or any Five or more of them, shall judge reasonable: And in case of any Difference

without paying for the same;

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

making Satisfaction to the Owners of the Ground.

ence between the said Trustees, Surveyor or Surveyors, or other Person or Persons appointed and employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning such Damages as aforesaid, the Justices of the Peace, at their next General Quarter Sessions to be holden in and for the said County of Cornwall, or the major Part of them then present (on Ten Days Notice thereof to be given in Writing by the said Surveyor or Surveyors, to the said Owner or Occupier, Owners or Occupiers, or by the said Owner or Occupier, Owners or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode, with some or One of their respective Families) shall hear, settle, and determine the Matter of such Damages; and the Judgement or Order of the said Justices therein shall be final and conclusive to all Parties.

Justices to determine Differences.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors, and such Person and Persons as he and they shall direct and appoint, from time to time, to enter into any Lime or Stone Quarry, and to take and carry away the Chipping and Rubbish thereof, and also to take and carry away any Attle, Henaways, and Rubbish from the Burrows of any Tin or Copper Mine, without paying or making any Satisfaction for the same, the Owner or Occupier of such Lime or Stone Quarry, or some Person appointed by him, and the Adventurers in such Tin or Copper Mine, or the Captain or Captains thereof, or some Person or Persons appointed by him or them, being present; or Notice being given to such Owner or Occupier of such Lime or Stone Quarry, or his known Servant, and to such Adventurers in such Tin or Copper Mine, or the Captain or Captains thereof, or left at his or their usual Place of Abode, at least Twenty four Hours before such taking and carrying away respectively.

Surveyors may get Materials from Quarries, without paying for the same.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, to be appointed as aforesaid, or any other Person or Persons by him or them appointed or employed (having a Warrant or Order from and under the Hands of the said Trustees, or any Five or more of them, for those Purposes respectively) from time to time, to remove, or cause to be removed, all Annoyances, Filth, Dung, Ashes, or Rubbish, and all other Nuisances, or Obstructions whatsoever, which are or shall be in or upon any Part or Parts of the said Road hereby intended to be repaired; and to cut down, top, or lop, and

Surveyors may remove Annoyances in the Road, &c. and cut down Bushes, &c.

carry away, any Trees, Boughs of Trees, or Bushes, growing in the said Road, or in the Hedges or Banks adjoining thereto; and to open, scour, or cleanse, any Ditch, Drain, or Watercourse, lying or which shall be in, or leading or which shall lead into, or out of, the said Road, or any Part thereof, in case the Owners or Occupiers, or Person or Persons occasioning such Annoyances, 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 Watercourses, shall refuse or neglect so to do, for the Space of Ten Days after Notice in Writing, to him, her, or them respectively given for that Purpose, or left at his, her, or their respective Place of Abode, under the Hand or Hands of the said Surveyor or Surveyors, or of the said Trustees, or any Five or more of them, or of their Clerk or Clerks for the time being (the Charges whereof to be settled by the said 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 the respective Person or Persons so refusing or neglecting as aforesaid: And in case such Person or Persons so refusing or neglecting shall not, upon Demand, pay and reimburse to the said Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by a Warrant or Warrants, under the Hand and Seal, or Hands and Seals, of the said Trustees, or any Five or more of them, or of One or more Justice or Justices of the Peace for the said County (which Warrant or Warrants the said Trustees, 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 (if any be) after all Charges paid to the Owner or Owners thereof, upon Demand; and if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted, upon Oath, before the said Trustees, or any Five or more of them, or before any Justice or Justices of the Peace for the said County, shall, for every such Offence, forfeit and pay to the said Trustees, or to any Five or more of them, or to their Treasurer or Treasurers for the time being, the Sum of Twenty Shillings, to be levied and recovered in Manner aforesaid.

the Owners neglecting to remove the same after Notice;

Charges to be reimbursed the Surveyor,

to be levied by Distress and Sale.

Penalty of a Second Offence.

Surveyors may make Causeways,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said

Truſtees, or any Five or more of them, or the Surveyor or Surveyors to be appointed as aforeſaid, or any other Perſon or Perſons by the ſaid Surveyor or Surveyors, or by the ſaid Truſtees, or any Five or more of them, appointed and employed (having a Warrant or Order from and under the Hands of the ſaid Truſtees, or any Five or more of them, for thoſe Purpoſes reſpectively) 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 hereby intended to be repaired; and to make, erect, or build, or cauſe to be made, erected, or built, any Bridge or Bridges, or Arch or Arches, of Stone, Brick, or Timber, upon, in, or acroſs, the ſame Road, or any Part or Parts thereof; and to dig, cut, or make, or cauſe to be digged, 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 with Water; and to erect Bridges over ſuch 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 Road hereby intended to be repaired, 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 for Paſſengers and Carriages to travel through the ſame; making ſuch Satisfaction to the Owners or Occupiers of ſuch Lands and Grounds as ſhall be ſo made uſe of, or 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 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 or Occupiers, or any or either of them, concerning ſuch Damages, or the Satisfaction to be made therefore, the Juſtices of the Peace, at their next General Quarter Seſſions to be holden in and for the ſaid County, or the major Part of them preſent at ſuch Seſſions (on Ten Days Notice thereof to be given in Writing, by the ſaid Surveyor

and erect Bridges, &c.

and make a temporary Road;

making Satisfaction to the Owners of the Grounds.

Juſtices to determine Differences.

veyor or Surveyors, to the said Owner or Occupier, Owners or Occupiers, or by the said Owner or Occupier, Owners or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Place or Places of Abode, with some or One of their respective Families) shall hear, settle, adjudge, and finally determine the same.

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

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Five or more of them, shall at any Time or Times during the Continuance of this Act think proper to widen or alter any Part or Parts of the said Road, by taking into the same any Lands or Grounds lying contiguous thereto, or shall think proper to turn or divert any Part or Parts of the said Road through any Lands or Grounds for the better Accommodation or Convenience of Travellers, it shall and may be lawful to and for the said Trustees, or any Five or more of them, and they are hereby authorized and impowered to widen, alter, turn, or divert the same, or any Part thereof, or to cause the same to be widened, altered, turned, or diverted, as they shall think fit (provided that such Part or Parts of the said Road as shall be so widened or diverted, be not thereby made wider than, or extend beyond, the Breadth of Forty Feet) and for that Purpose to treat, contract, and agree with the Owner or Owners, Occupier or Occupiers of any such Lands or Grounds, for the absolute Purchase of so much or such Part or Parts thereof, as they the said Trustees, or any Five or more of them, shall think necessary, or for the Loss or Damage which the said Owners or Occupiers shall or may receive by the widening, altering, turning, or diverting any Part or Parts of the said Road.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, or others, seised or possessed of Lands or Grounds, which, according to the Powers by this Act given, may be necessary to be taken in, added to, or made Part of, the said Road, may be willing to sell and convey the same for the Purposes aforesaid, but are incapable of so doing by reason of Infancy, or other Disability; be it therefore enacted by the Authority aforesaid, 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, Committees of Ideots or Lunaticks, Husbands, or other Trustees whatsoever, for or on Behalf of any Infants, Ideots, Lunaticks, Femes Covert, or Cestuique Trusts, and for all and every other Person and Persons whatsoever, who are or shall be seised or possessed of, or interested in,

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

in, any such Lands or Grounds, to treat, contract, and agree, with the said Trustees, or any Five or more of them, for Sale of such Lands or Grounds, or any Part or Parts thereof, for the Purposes aforesaid, or for Satisfaction to be made them respectively therefore, or for their Interest therein, and to sell and convey the same, as Occasion shall require; and that all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, or Usage, to the contrary notwithstanding; and the Person or Persons making the same is and are and shall be hereby indemnified for what he or they shall respectively do by virtue or in pursuance of this Act.

Where Persons shall refuse or neglect to treat.

And be it further enacted by the Authority aforesaid, That if any such Owner, Occupier, Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Husband, Guardian, Trustee, Committee, or other Person or Persons, interested in such Lands or Grounds, upon Notice in Writing, describing the Land or Ground intended to be purchased, and the Place or Places where the same shall lie, to him or them respectively given, or left at his or their Dwelling-house or Houses, or Place or Places of Abode, or at the Dwelling-house or Place of Abode of the Tenant in Possession of such Land or Ground, or affixed, in case such Land or Ground shall be untenanted, on the Door of the Dwelling-house, if any, or some other most publick Place on the Tenement to which such Land or Ground so intended to be purchased shall belong, shall, for the Space of Thirty Days after such Notice given, left, or affixed as aforesaid, refuse or neglect to treat for such Land or Ground, or shall not agree as to the Price or Value thereof, or shall, by reason of Absence, be prevented from treating; then, and in every 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 Oaths of a Jury of Twelve indifferent Men residing near the said Road (which Oaths the said Trustees, or any Two or more of them, are hereby authorized and impowered to administer) what Damages shall be sustained by, and what Satisfaction or Recompence shall be made to, such Owner or other Person or Persons interested, on account of the taking such Land or Ground into the said Road, according to their respective Interest therein: 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 and require, to summon and call before them all and every Person and Persons whomsoever, who shall be thought

Jury to settle the Recompence.

Witnesses may be summoned, and examined upon Oath.

thought neceſſary or proper to be examined as a Witneſs or Witneſſes, concerning the Premiſſes; and ſhall examine all ſuch Witneſſes before the ſaid Jury, upon Oath (which Oath the ſaid Truſtees, or any Two or more of them, are hereby impowered and required to adminiſter) and they ſhall alſo order and cauſe the ſaid Jury to view the Place in Queſtion, and to uſe all other lawful Means, as well for their own as the ſaid Jury's Information in the Premiſſes, as the ſaid Truſtees, or any Five or more of them, ſhall think fit; and after the ſaid Jury ſhall have ſo 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 Sum or Sums of Money, ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners or Occupiers of the ſaid Lands or Grounds, or other Perſon or Perſons intereſted therein, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and Judgement, Order, and Determination, ſo had and made, ſhall be final, binding, and concluſive, to all and every Perſon and Perſons whomſoever, to all Intents and Purpoſes whatſoever: And, for 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 ſaid County of Cornwall, thereby commanding and requiring him to impanel, ſummon, and return, an indifferent Jury of Twenty four Perſons, qualified by Law to ſerve on Juries, to appear before the ſaid Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; which Sheriff, or his Deputy or Deputies, is and are hereby required thereupon to impanel, ſummon, and return, ſuch Twenty four Perſons accordingly; and out of the Perſons ſo impanelled and returned, or out of ſuch of them as ſhall appear according to and upon ſuch Summons, the ſaid Truſtees, or any Five or more of them, ſhall ſwear, or cauſe to be ſworn, Twelve Perſons, who ſhall be the Jury for the Purpoſe aforeſaid; and, in Default of a ſufficient Number of the Jurymen ſo returned, 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 or ſummoned, qualified as aforeſaid, to attend the Service, to the Number of Twelve; to all or any of which Jurymen to be ſummoned in purſuance of this Act, all Perſons concerned ſhall, from time to time, and at all Times, have their lawful Challenges, in ſuch and the like Manner, as any Party in any Action

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.

tion

tion brought or to be brought, depending or to be depending, in any of his Majesty's Courts of Record at Westminster, is or shall be by Law intitled to: And the said Trustees, or any Five or more of them, are hereby impowered, from time to time, to impose any reasonable Fine or Fines (not exceeding the Sum of Ten Pounds upon any One Person for One single Offence) on such Sheriff, his Deputy or Bailiff respectively, who shall make Default in the Premisses, and also on any of the Persons who shall be summoned and returned to serve on such Jury, and shall not appear, or, after having appeared, shall refuse to be sworn on the said Jury, or, after having been sworn, shall refuse to give, or not giving, his or their Verdict of and upon the Matter in Question, or the Damages he or they shall be sworn to try or to inquire of, or in any other Manner wilfully neglecting his or their Duty therein, contrary to the true Intent and Meaning of this Act, and on every or any of the Persons who, being required to give Evidence or Testimony before the said Jury, touching the Premisses, shall refuse or neglect to attend, or be sworn, or examined, or give Evidence or Testimony touching the same.

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

Fine not to exceed 10*l.*

And be it further enacted by the Authority aforesaid, That from and after such Verdict and Judgement, and after Payment or Tender of the Damages and Recompence therein and thereby found and directed to be given for the said Lands to the respective Owner or Owners thereof, or other Person or Persons interested therein; or after the Execution of any Conveyance of the said Lands to the said Trustees, or any Five or more of them, by the respective Owner or Owners thereof, or by any other Person or Persons by this Act impowered to sell and convey the same, and Payment or Tender of the Money thereby stipulated to be paid as the Consideration thereof (which Money, Damages, and Recompence, the said Trustees, or any Five or more of them, are hereby impowered to pay, or cause to be paid, out of the Money which shall be borrowed, raised, and collected, by virtue of this Act, the said Lands, and every Part thereof, and the Fee-simple and Inheritance thereof, and of every Part thereof, shall be and is hereby vested in the said Trustees, and their Heirs, without any Fine or Recovery, notwithstanding the same shall or may be limited and settled to, for, or upon, any Use, Trust, Limitation in Tail, Remainder, or otherwise, and notwithstanding any Politick, Corporate, or other Interest therein; and that then and from thenceforth the said Trustees, or any Five or more of them, or any Person or Persons by

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

by them, or any Five or more of them, for that Purpose impowered or employed, may, and is and are hereby authorized to take and lay the said Land, and every Part thereof, into the said Road, and then and from thencefoorth for ever afterwards, such Lands, and every Part thereof, shall be deemed, taken, and used as, and the same are hereby declared to be, a Part or Parts of the said Road, and a publick and common Highway, and shall for ever be repaired, and kept in Repair as such; any Right, Title, Interest, Law, Custom, or Usage to the contrary thereof in any wise notwithstanding: And in case any Land or Ground shall be purchased for the turning or diverting any Part or Parts of the said Road, and the new Road shall be made and completed, the Lands and Grounds comprised in and constituting the old Road, or that Part thereof in lieu of which such new Road shall be purchased and made, shall or may be sold or disposed of for the best Price that can or may be gotten for the same; and the Money arising by such Sale shall be applied to the repairing of the Road hereby directed to be repaired; and the Conveyance or Conveyances 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 of the County of Cornwall, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

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

Old Road to be sold.

Provided always, and be it further enacted by the Authority aforesaid, That nothing shall be done in pursuance of this Act, either in widening, altering, turning, or diverting, the said Road, or otherwise howsoever, which shall or may in any wise injure or damage any House, Yard, Park, Paddock, planted Walk, or Avenue to any House.

Buildings, &c. not to be injured.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, Towns, Parishes, Tills, 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 been 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 Road hereby intended to be repaired, or any Bridge or Drain 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 Parts of the said Road, 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

Persons, &c. chargeable to the Highways to continue to Inhabitants to do Statute-work.

through which the said Roads 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 in 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, their Surveyor or Surveyors, 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 repairing 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.

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

And, to the End that the said Trustees may the more certainly know the Inhabitants of all the Parishes, Hamlets, and Places, wherein the Road hereby directed to be repaired doth lie, who are liable to the Statute-work on their Highways, and what Sort of Duty they ought respectively to do; be it further enacted by the Authority aforesaid, That the Surveyors of the Highways, of and for the said Parishes, Hamlets, and Places, where, or in or for which, such Surveyor or Surveyors usually have been or ought to be chosen, shall, and they are hereby required, before the Twenty fifth Day of March in every Year, during the Continuance of this Act, to return and deliver in to the said Trustees, at their Meetings to be by them held, true and perfect Lists in Writing, under their respective Hands, of the Names of all the Inhabitants of such Parishes, Hamlets, and Places respectively, that are liable to do their Statute-duties in or upon the said Highways; and shall, in such Lists, and every of them, distinguish and set forth which of such Inhabitants shall keep a Team or Teams, or by this Act shall be deemed so to do, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams.

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

And be it further enacted by the Authority aforesaid, 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 of the Inhabitants of their several Parishes, Hamlets, or Places, or by such Time, and in

Penalty on Surveyors neglecting to deliver in such Lists, &c.

such Manner, as by this Act are directed and required to be delivered, 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, liable by Law to do Statute-work upon the Highways, shall not do such Statute-work in and upon the said Road, at such Times and Places, and in such Manner, as they shall be respectively directed or appointed to do by the said Trustees, or any Five or more of them, or by the Surveyor or Surveyors by them authorized, 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 keeping, or who, by virtue of this Act, shall be deemed to keep, a Team, for every Day's Work, the Sum of Ten Shillings; and every Inhabitant keeping a Pack-horse or Pack-horses, or other Beasts of Burden (and no Team, nor by this Act deemed to keep a Team) for every Day's Work 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 Work the Sum of One Shilling and Six Pence: 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 be found idle or negligent by the Turnpike Surveyor or Surveyors, such Surveyor or Surveyors is and are hereby impowered to remove and turn off such Person or Persons; and in that Case, the respective Forfeitures and Payments before mentioned shall be incurred and 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.

Persons found idle to be turned off.

And be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways, for the time being, of any of the Parishes, Hamlets, or Places, wherein the Road hereby intended to be repaired doth lie, shall think the said Trustees, or the Surveyor or Surveyors by them authorized, have at any Time directed or appointed too large a Proportion of the Statute-work in any Parish, Hamlet, or Place, to be done on the said Road, it shall and may be lawful for such Surveyor or Surveyors of the Highways aforesaid, to appeal to the General Quarter Sessions of the Peace next after such Direction or Appointment, to be holden in and for the said County; and the Justices, in such their Sessions, are hereby authorized and impowered to adjust and determine

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

what Proportion of the Statute-work in any Parish, Hamlet, or Place, shall be done on the Road hereby intended to be repaired; such Surveyor or Surveyors of the Highways aforesaid having first given Ten Days Notice in Writing, of such Appeal, to the Surveyor or Surveyors authorized by the said Trustees as aforesaid, or to their Clerk or Clerks.

Trustees may compound for Statute-work, &c.

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby authorized and impowered, from time to time, during the Continuance of this Act, to compound and agree with the Surveyor or Surveyors of all, any, or either of the Parishes, Hamlets, or Places through which the said Road doth lead, or with the several Inhabitants of such Parishes, Hamlets, and Places respectively, for a certain Sum or Sums of Money by the Day, Year, or otherwise, as the said Trustees, or any Five or more of them, shall think reasonable, in lieu of the Statute-work or other Work to be done by such Parishes, Hamlets, or Places respectively, or the several and respective Inhabitants thereof; and in case any such Composition-money shall not be paid within Ten Days after the same shall become payable, according to such Composition or Agreement, that then it shall and may be lawful to and for the said Trustees, or any Five or more of them, or any One or more Justice or Justices of the Peace for the said County, by Warrant under his or their Hand and Seal, or Hands and Seals, to impower the Person or Persons authorized by the said Trustees, or any Five or more of them, to receive such Composition-money, Oath being first made that the same has been demanded, and remains unpaid (which Oath the said Trustees, or any Two or more of them, or the said Justice or Justices, is and are hereby impowered and required to administer) to levy the same by Distress and Sale of the Goods of the Person or Persons so having compounded for or in lieu of any Statute-work or other Work, or of the Surveyor or Surveyors of the Highways for the time being of the Parish, Hamlet, or Place, in respect of which such Composition shall be made, returning the Overplus, if any be, after deducting the Charges of such Distress and Sale, to the Owner or Owners thereof upon Demand: And in case the Surveyor or Surveyors of the Highways of any Parish, Hamlet, or Place, for or in respect of which such Composition shall be made as aforesaid, shall pay the Composition-money; or if such Composition-money shall be recovered and levied by Distress and Sale of his Goods

Composition-money how to be recovered and applied.

and

and Chattles in Manner herein before directed; then, and in either of the said Cases, such Surveyor or Surveyors shall be repaid and reimbursed the Composition-money which shall be so paid by or recovered of him or them as aforesaid, in such Manner as, by the Law now in being, Surveyors of the Highways of this Kingdom are to be repaid and reimbursed the Money by them expended in buying Materials for mending the Highways.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby impowered and required, to cause the said Road to be measured, and Mile-stones or Posts to be fixed or set up on the Sides thereof, with Inscriptions to be made thereon, denoting the Number of Miles, and Distance of Places, as they, or any Five or more of them, shall think fit: And that if any Person or Persons shall wilfully or designedly destroy, pull down, dig up, break, or injure, any or either of the Stones or Posts that shall be so fixed or set up, or erase, obliterate, or deface, any of the Inscriptions which shall be made thereon, or on any Part thereof, or cause or procure the same to be done, every such Person so offending, and being thereof convicted by his own Confession, or by the Oath of One or more credible Witness or Witnesses, before the said Trustees, or any Two or more of them, or before any One or more Justice or Justices of the Peace for the said County (which Oath the said Trustees, or any Two or more of them, and the said Justice or Justices, is and are hereby impowered and required to administer) shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly destroyed, pulled down, dug up, broken, injured, obliterated, or defaced, to be levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the said Trustees, or any Five or more of them, or of the Justice or Justices before whom such Conviction shall be made, such Forfeitures, or a sufficient Part thereof, to be laid out and applied in repairing the Stones or Posts so pulled down, broken, obliterated, or defaced, or in supplying new ones in their stead, and the Residue thereof (if any) in repairing the said Road; and in case the Person or Persons, so offending and convicted shall have no Goods or Chattles, then it shall and may be lawful for any One or more Justice or Justices of the Peace for the said County, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Person or Persons to the House of Correction for the said County, there to remain for the Space of

Penalty on defacing Mile-stones, &c.

to be levied by Distress and Sale;

and for want of Distress, the Offender to be committed.

of One Calendar Month, to be reckoned from the Day of such Commitment; and such Person or Persons shall not be discharged, until he, she, or they, shall have paid the said Forfeiture or Forfeitures, or until the Expiration of the said Calendar Month.

Penalty on haling Timber, otherwise than with Wheel Carriages.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, during the Continuance of this Act, shall hale or draw, or cause to be haled or drawn, upon, in, or along, any Part of the said Road hereby intended to be repaired, any Tree or Trees, or Piece or Pieces of Timber (otherwise than and except upon Wheel Carriages) every such Person or Persons, for every such Offence, shall forfeit and pay the Sum of Twenty Shillings.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties, Fines, and Forfeitures, imposed or made payable by this Act, or which shall be incurred thereby, or by reason of any thing herein contained, and every Part thereof, shall from time to time be paid (except the Payment whereof is otherwise herein before directed) to the said Trustees, or to any Five or more of them, or to their Treasurer or Treasurers for the time being; and shall be laid out and applied (except such Parts thereof the Application of which is herein before particularly directed) in and towards the repairing, widening, and amending, the said Road, and other the general Purposes of this Act: And for the Recovery of the said Penalties, Fines, and Forfeitures (or of such of them for the Recovery whereof no other Method or Methods is or are herein before prescribed) the said Trustees, or any Five or more of them, or any Justice or Justices of the Peace of the County or Place where the Party or Parties incurring the same shall be and reside, may, and is and are hereby authorized and required, from time to time, upon Proof thereof, and of the several Matters, Causes, or Things, for which such Penalties or Forfeitures shall be incurred, either by the Confession of the Party or Parties, or by the Oath of One or more Witness or Witnesses (which Oath the said Trustees, or any Two or more of them, or the said Justice or Justices, is and are hereby impowered and required to administer gratis) by a Warrant or Warrants under his and their Hand and Seal, or Hands and Seals, to cause the same to be levied and raised by Distress and Sale of the Goods, Chattels, and Effects, of the Party or Parties so incurring; and if any more Money shall, at any Time or Times, be raised and levied by such Distresses and Sales than shall be sufficient to pay the respective Penalties, Fines, or Forfeitures,

for which the same shall be taken and made, and the reasonable Charges of making and taking the same, such Overplus shall, if demanded, be paid to the respective Owner or Owners of the Goods, Chattles, and Effects, which shall be so distrained and sold; and if no Goods, Chattles, or Effects, of the Person or Persons who shall incur any of such Penalties, Fines, or Forfeitures, can be found, sufficient to answer the same, and the Charges of such Distresses and Sales as aforesaid (if any such shall be taken or made) then, and in such Cases, any One or more Justice or Justices of the Peace for the said County of Cornwall, may, and is and are hereby authorized and required, by a Warrant or Warrants under his and their Hand and Seal, or Hands and Seals, to cause such Person or Persons to be committed to the common Gaol of the said County, for any Time not exceeding Two Months for the First Offence, or until such Penalties, Fines, or Forfeitures, and the Charges of such Distresses and Sales (if any such there be) shall be paid; and for the Second, and every other Offence of the same Kind or Nature, for any Time not exceeding Four Months, or less than One Month, or until such Penalties, Fines, or Forfeitures, by him, her, or them, incurred, and the Charges of the said Distresses and Sales (if any such there be) shall be fully satisfied and paid.

Overplus of the Money to be returned to the Owner.

For want of Distress Offender to be committed.

Provided always, and be it further enacted by the Authority aforesaid, That where any Person shall, for any Offence committed against this Act, be liable to pay any pecuniary Penalty or Sum of Money, it shall and may be lawful for the said Trustees, or any Five or more of them, to proceed to recover such Penalty or Sum of Money by the Ways and Means herein before for that Purpose prescribed, or to sue for the same in their own Names, or in the Name or Names of any One or more of them, or of their Clerk or Clerks, Treasurer or Treasurers for the time being, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed, and wherein the Plaintiff or Plaintiffs, if he or they recover, shall likewise have his or their Double Costs; provided that no such Offender shall be doubly prosecuted for the same Offence.

Penalties may be recovered by Action of Debt.

Provided also, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall think him, her, or themselves aggrieved by any thing done or to be done in pursuance of this Act, such Person or Persons may appeal to the Justices at the next General Quarter

Persons aggrieved may appeal to the Quarter Sessions.

Quarter Sessions of the Peace to be holden in and for the said County; he, she, or they giving, or causing to be given, Ten Days Notice in Writing of such Appeal, and of the Cause and Matter thereof, to the said Trustees, or to their Clerk or Clerks, Treasurer or Treasurers for the time being, and entering into a Recognizance, within Five Days after such Notice given, before some Justice of the Peace for the said County, with Two sufficient Securities, to try such Appeal at such Sessions; and in case the same shall be disallowed, to pay such Costs and Charges as the Justices there shall direct in that Behalf; which said Justices at their said Sessions, upon due Proof of such Notice being given, and such Recognizance being entered into as aforesaid, shall, and are hereby authorized and required to proceed in, hear, and determine, the Matter of such Appeal, and may, if they see Cause, mitigate or annul at their Discretion the Penalty or Penalties laid on or incurred by the Party or Parties appealing, or alter or vacate the same, and set the Party or Parties at Liberty, or otherwise may ratify and confirm the same, and give such Costs to the Appellant or Respondent as they shall think fit; and the Order, Judgement, and Determination, of the said Justices at such next General Quarter Sessions, shall be final and conclusive to all Parties concerned or interested therein.

Notice of Appeal to be given.

Provided also, and be it further enacted by the Authority aforesaid, That no Conviction, Judgement, or Order, which shall be made in pursuance of this Act, or in Execution of the Powers hereby given, shall be quashed, vacated, or discharged, for or on account of Form only; nor shall the same be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster.

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

nor removeable by *Certiorari*.

And be it further enacted by the Authority aforesaid, That this Act, and the several Authorities and Powers hereby given, and the several Tolls hereby made payable (subject to the Power herein before given to the said Trustees to vary or alter the same) shall commence, and have Continuance, from the Twenty fifth Day of March, One thousand seven hundred and sixty one, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Commencement and Continuance of this Act.

Provided nevertheless, That if, at any Time before the Expiration of the said Term, the said Road shall be sufficiently amended and repaired, and shall be so adjudged by the Justices of the Peace for the said County of Cornwall, at their General Quarter Sessions to be holden in and for the said County, that then, and from

If the Road 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.

and

and after such Adjudication 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 or Persons of account of the said Road, the Tolls hereby granted 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 by the Authority aforesaid, 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 for the time being; and such Orders, so entered, shall be signed by the Clerk or Clerks, Treasurer or Treasurers to the said Trustees for the time being, at any Meeting of the said Trustees, or of any Five or more of them, assembled as the Case shall require, and being so signed, shall be deemed and taken to be original Orders, as if the same were under the Hands and Seals of the said Trustees; which said 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, touching any thing done in pursuance and by the Authority of this Act.

Books may be read in Evidence.

On Death or Removal of Trustees, others to be chosen.

And be it further enacted by the Authority aforesaid, That when and as often as any of the Trustees named or to be named and appointed by virtue of this Act shall die or refuse to act, it shall and may be lawful to and for the surviving or remaining Trustees, or any Five or more of them, by Writing or Writings under their Hands and Seals, from time to time, during the Continuance of the Term hereby granted, 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 all and every the Powers in them reposed by virtue of this Act; Notice in Writing of the Time and Place of Meeting for such Election of new Trustees being affixed on some publick Place in Falmouth, Penryn, Helston, and Marazion, and

10 Days Notice to be given of such Election.

at

at or on all and every the Turnpike Gates erected in pursuance 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 to be joined with the surviving or remaining Trustees in putting this Act in Execution, 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 said Trustees herein before named and appointed are by this Act impowered to do.

No Act valid, except done at a Meeting of the Trustees.

Provided always, and be it further enacted by the Authority aforesaid, That no Trustee named or appointed, or which shall be named or appointed in or by virtue of this Act, shall act as such, or be impowered to do any Act in the Execution of the Powers hereby given to the said Trustees (except only in appointing Meetings) unless it be at a Meeting to be by them held in pursuance of this Act; and that all and every the said Trustees shall, out of his and their own Money, pay and defray all his and their own Charges and Expences, at all or any, and every of such Meetings.

Trustees to defray their own Expences.

Provided also, and be it enacted by the Authority aforesaid, That if there shall not appear at any Meeting which shall be appointed to be held by the said Trustees, a sufficient Number of them to act, then, and in every such Case, the Trustees then present, or their Clerk or Clerks, Treasurer or Treasurers, for the time being, shall and may adjourn the said Meeting, and by Notice in Writing (signed by their said Clerk or Clerks, Treasurer or Treasurers) to be fixed on some publick Place in Falmouth, Penryn, Helston, and Marazion, and on all the Turnpike Gates to be erected by virtue of this Act, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the House or Place where the Meeting so adjourned was to have been held, on that Day Fortnight on which such last Meeting of the Trustees was appointed to have been held.

And be it further enacted by the Authority aforesaid, That such of the Trustees appointed, or to be appointed by virtue of this Act, as is, or are, or shall be, a Justice or Justices of the Peace, may and is, and are hereby authorized and impowered to act as a Justice or Justices of the Peace in the Execution of the Powers hereby given to any Justice or Justices of the Peace, notwithstanding his or their being a Trustee or Trustees, except in such Matters or Things in which he or they shall be personally interested; and in such Cases, no Person or Persons whatsoever

Trustees in Commission of the Peace may act as Justices.

whatsoever, being so interested, shall be capable of acting either as a Trustee or Justice.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons appointed or to be appointed a Trustee or Trustees in or by virtue of this Act, shall have or accept of any Place of Profit arising out of the Tolls and Money by this Act made payable, such Person or Persons after his or their Acceptance of such Place or Places of Profit, during his or their respective Enjoyment of the same, shall be incapable of acting as a Trustee or Trustees in or under or in Execution of the Authorities and Powers to them hereby given.

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

And be it further enacted by the Authority aforesaid, 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.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, 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, touching or concerning, or in Execution of, any of the Powers or Authorities hereby given, shall be charged or chargeable with any Stamp or Duty whatsoever.

Treasurer to give Security.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby authorized and required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his or their said Office or Offices, as to the said Trustees, or any Five or more of them, shall seem meet.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, 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 Mat-

ter 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; then, and in either of such Cases, the Jury or Juries shall find for the Defendant 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 Double 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 and their Costs in other Cases of Law.

General Issue.

Double Costs.

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

Publick Act.

FINIS.