Anno ſecundo

Georgii III. Regis.

An Act for repairing and widening ſeveral Roads in the Counties of *Cornwall* and *Devon*, leading to the Borough of *Saltaſh* in the County of *Cornwall*.



WHEREAS the Highways or Roads leading from Trerule Foot, by Pole Markin, over Heskin Bridge, through the Villages of Tiddeford, in the Pariſh of Saint Germans, and Landrake, in the Pariſh of Landrake, over Notter Bridge, to Boraton Lane End, in the Pariſh of Saint Stephen's next Aſh, to Culver Park Gate, in a Lane commonly called the Back Lane, within the Borough of Saltaſh; and from a certain Place called Saltaſh Paſſage, within the ſaid Pariſh of Saint Stephen's next Aſh, in the County of Cornwall, to Weſton Mills, within the Pariſh of Saint Budeaux, by Swilly, in the Pariſh of Stoke Damerell, to the Corner of the Meadow at the Eaſt End of the Preamble.

Bridge by the Lower Griſt Mills, within the Borough of Plymouth, in the County of Devon; and from the North Stile of the Churchyard of the ſaid Pariſh of Saint Stephen's next Aſh, by Cowders, to the Alms-houſe of the ſaid Borough of Saltaſh; and from Boraton Lane End aforeſaid, through the Village of Carkeil, within the ſaid Pariſh of Saint Stephen's next Aſh, unto a certain Place commonly called and known by the Name of the Fighting Cocks, within the Pariſh of Botus Flemming, in the ſaid County of Cornwall; are in a ruinous Condition, and in many Places narrow, incommodious, and dangerous; and the ſame cannot be ſufficiently and effectually amended, widened, and kept in good Repair, by the Laws now in being, without the Aid and Authority of Parliament: May it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That

Truſtees Names.

George Adams, Thomas Alcock Clerk, Addis Archer, Sweet Nicholas Archer, John Avary, Joſeph Avary, John Anſtis, Jacob Auſtin, Sir John Saint Aubyn Baronet, James Buller, John Buller, Francis Buller, William Buller Clerk, James Buller the younger, Thomas Bewes, John Burell, Thomas Bucknell, Richard Blake, William Batt, Thomas Blight, John Bedford Clerk, John Blatchford, Joſeph Burt, John Boger, Thomas Brent, John Clevland, John Clevland junior, Archibald Clevland, George Clevland, John Coriton, John Culm, Peter Culm, Thomas Carew, Darell Crabb, Frank Caunter, John Clarke, James Carthew Clerk, Edmund Carthew, Peter Maddock Docton, Charles Davie, James Dyer Clerk, John Downe, Harry Downe, Edward Eliot, John Eliot, James Furneaux, George Forſter, Joſeph Freeman, Auſtin Forreſt, Joſias Foot Clerk, John Fletcher, Sir John Glanvil Knight, William Graves, Thomas Graves, John Gennys, James Gaborian, Thomas Gaborian, John Hill, Robert Hickes, John Hickes, Richard Haydon Clerk, Samuel Hunn, John Huxham, John Hollis, John Harriſon, Thomas Harriſon, James Modyford Haywood, John Hony Clerk, Richard Herring, Edmond Herring Clerk, John Herring, William Herring Clerk, John Harris, John Hoskins, Chriſtopher Harris, Joſeph Harris, Thomas Horndon Clerk, Chriſtopher Hill, Nicholas Hore, John Jenner, Alexander Innis, Philip Juſtice, William Jope Clerk, Peter Jope, Edward Jope, Henry Johns, John James, John Kerly, Arthur Kelly, John Lyne Clerk, John Lewis, George

Leach, John Lloyd, James Luce, John Morſhead, William Morſhead, Sir John Moleſworth Baronet, John Moleſworth, William Moleſworth, Edward Morſhead Clerk, Joſeph Moyle, Henry Mervyn, Thomas Mayow, Jeremy Mayow, Henry Mynard, Jonas Morgan, John Mudge, Orlando Manley, William Martin, George Marſhall, Pendock Nele, Michael Nicols, John Nicols, John Neilder Clerk, Paul Henry Ourry, Reginald Pole, John Pritchard, Abraham Pike, Jonatham Palmer, Daniel Phillips, John Parker, John Parker junior, Mountague Parker, Daniel Phillips junior, Robert Phillips, Thomas Pitt, Anthony Porter, John Porter, Richard Porter, Samuel Porter, Philip Raſhleigh, Sir John Rogers Baronet, Frederick Rogers, Frederick Rogers junior, Walter Radcliffe, Edmond Robinſon, Jonathan Ridout, Joſeph Smart, Edward Stephens, John Searle, William Spicer, Joſeph Swetnam, William Symonds, James Tillie, Sir Harry Trelawny Baronet, Charles Trelawny, William Trelawny, Samuel Trelawny, John Trehawke, Charles Thomas, Nicholas Trevanion, John Trehearne, Sir Chriſtopher Treſe Knight, John Triſt Clerk, George Hele Treby, Digory Tonkyn, Moſes Thomas, Jacob Thomas, Thomas Thomas, Henry Tolcher, Joſeph Tolcher, William Tucker, Nicholas Vincent, Thomas Veale, John Vincent, Mydhope Wallis, William Webb, George Woolcombe, William Saltern Willet, John Were, Philip Wynell, James Young, Benjamin Young, ſhall be, and they and their Succeſſors are hereby appointed Truſtees for putting this Act in Execution: And that when and as often as any of the Truſtees named and appointed in or by virtue of this Act ſhall die or refuſe to act, it ſhall and may be lawful to and for the ſurviving or remaining Truſtees, or any Five or more of them, under their Hands and Seals, from time to time, to elect, nominate, and appoint One or more fit Perſon or Perſons, living or reſiding in the ſaid Counties of Cornwall or Devon, to be a Truſtee or Truſtees, in the Room of ſuch Truſtee or Truſtees ſo dying or refuſing to act; and ſuch Perſon or Perſons, ſo elected and appointed, ſhall be joined with the ſurviving or remaining Truſtees in the Execution of this Act; Notice in Writing of the Time and Place of Meeting for ſuch Election of new Truſtees being fixed at or on the Guild-hall Door, or other public Place within the Borough of Saltaſh, and at or on all the Turnpike-gates to be erected by virtue of this Act, at leaſt Ten Days before the Meeting for ſuch Election: And all and every the Perſon

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

Ten Days Notice to be given of ſuch Election.

ſon and Perſons, ſo choſen and appointed, ſhall and may, and is and are hereby authorized and impowered to act, to all Intents and Purpoſes, in as full, large, and ample Manner, as the Truſtees herein before named and appointed are by this Act impowered to do: And that if any of the Truſtees appointed or to be appointed to put this Act in Execution, is, are, or ſhall be Juſtices of the Peace for the ſaid Borough of Saltaſh, and Liberty thereof, or for the ſaid Counties of Cornwall and Devon, or elſewhere, ſuch Truſtee or Truſtees ſhall and may act as a Juſtice or Juſtices of the Peace, within his or their reſpective Diviſions or Juriſdictions, for the more effectual putting in Execution the ſeveral Authorities and Powers in this Act granted, notwithſtanding ſuch Juſtice or Juſtices is, are, or ſhall be a Truſtee or Truſtees as aforeſaid, except in ſuch Matters, Things, and Reſpects, in which he or they ſhall be perſonally intereſted; in any or either of which ſaid Matters, Things, or Reſpects, ſuch Perſon or Perſons ſhall not be intitled or impowered to act either as a Truſtee or as a Juſtice of the Peace.

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

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 or Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds, or ſhall be Heir Apparent of ſome Perſon having an Eſtate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds; or be poſſeſſed of Perſonal Eſtate alone, or Real and Perſonal Eſtate together, to the Amount and Value of Eight hundred Pounds: And that no Perſon ſhall be qualified or capable of acting as a Truſtee in the Execution of this Act, who ſhall have or accept of any Place of Profit ariſing out of, or by reaſon of, any Tolls or Duties by this Act laid or granted; but ſuch Perſon or Perſons ſhall be incapable of acting as a Truſtee or Truſtees during his Enjoyment of ſuch Place of Profit as aforeſaid: And if any Perſon ſo made incapable to act for the Cauſes aforeſaid, ſhall nevertheleſs preſume to act, contrary to the true Intent and Meaning of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum 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 Re-

Penalty on acting, not being qualified.

coꝛd at Weſtminſter, by Action of Debt, oꝛ on the Caſe, Bill, Suit, oꝛ Infoꝛmation, wheꝛein no Eſſoin, Pꝛotection, Pꝛiviledge, oꝛ Wager of Law, oꝛ moꝛe than One Impaꝛlance, ſhall be allowed; and the Peꝛſon ſo pꝛoſecuted ſhall pꝛove that he is qualified as afoꝛeſaid, oꝛ otheꝛwiſe ſhall pay the Penalty, upon Pꝛoof given of his having acted as a Truſtee in the Execution of this Act.

Times and Places of Truſtees Meeting.

And be it further enacted by the Authoꝛity afoꝛeſaid, That the ſaid Truſtees, oꝛ any Five oꝛ moꝛe of them, ſhall meet together at the Guildhall of the ſaid Boꝛough of Saltaſh, on Monday Thꝛee Weeks, after the Day of the paſſing of this Act, and pꝛoceed to the Execution of this Act; and ſhall then, and fꝛom time to time, adjouꝛn themſelves to, and meet at, the Place afoꝛeſaid, oꝛ at any otheꝛ Place oꝛ Places within the Boꝛough of Saltaſh, as the Truſtees, oꝛ the majoꝛ Paꝛt of them ſo aſſembled, ſuch majoꝛ Paꝛt not being leſs than Five, ſhall think fit and convenient, and as often as they ſhall think neceſſary, foꝛ putting this Act in Execution; and if it ſhall happen that there ſhall not appeaꝛ at any ſuch Meeting a ſufficient Numbeꝛ of Truſtees to act, ſuch Numbeꝛ to conſiſt of Five oꝛ moꝛe, and to adjouꝛn to any otheꝛ Day, then and in ſuch Caſe the Clerk oꝛ Treaſuꝛeꝛ to the ſaid Truſtees ſhall adjouꝛn the ſaid intended Meeting to that Day Sevennight, and ſo on fꝛom Week to Week on the ſame Day of the Week, till theꝛe ſhall be a ſufficient Numbeꝛ of Truſtees pꝛeſent to act: And in caſe any Diffeꝛence oꝛ Diſpute ſhall aꝛiſe among the ſaid Truſtees, ꝛelating to the Truſt ꝛepoſed in them by viꝛtue of this Act, ſuch Diffeꝛence oꝛ Diſpute ſhall be determined by the majoꝛ Paꝛt of the Truſtees then pꝛeſent, ſuch majoꝛ Paꝛt conſiſting of Seven oꝛ moꝛe; but if it ſhall at any Time ſo happen that theꝛe ſhall not be a ſufficient Numbeꝛ of Truſtees pꝛeſent any of the ſaid Meetings, ſo as to deteꝛmine the ſaid Diffeꝛence oꝛ Diſpute, by the majoꝛ Paꝛt, to conſiſt of Seven at the leaſt, ſuch Diffeꝛence oꝛ Diſpute ſhall be adjouꝛned oveꝛ to, and deteꝛmined at, the neꝛt Meeting, when a ſufficient Numbeꝛ of Truſtees ſhall be pꝛeſent to deteꝛmine the ſame, accoꝛding to the Powers and Diꝛections heꝛein given.

In Default of a ſufficient Number to act,

Notice to be given of another Meeting.

Truſtees to determine Differences.

Pꝛovided always, and be it further enacted by the Authoꝛity afoꝛeſaid, That no Truſtee named oꝛ appointed in oꝛ by viꝛtue of this Act, ſhall act in any of the Powꝛs heꝛeby given to the ſaid Truſtees, unleſs it be at a Meeting to be held in puꝛſuance of this Act; and that the

Truſtees not to act but at publick Meeting.

Truſtees to pay their own Expences.

the ſaid Truſtees, at all their Meetings, ſhall defray their own Charges and Expences.

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 fit and proper Perſon or Perſons to be Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, of the ſaid Roads, and ſuch other Officer or Officers as they the ſaid Truſtees, or any Five or more of them, ſhall think neceſſary; and

and remove them, and appoint others.

ſuch Collectors, Receivers, Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, and other Officer or Officers, or any or either of them, from time to time to remove or diſplace as they ſhall think fit, and to chuſe and appoint others in the Room and Place of ſuch of them as ſhall be ſo removed, or ſhall die; Notice of ſuch Removal or Death, and of the Time and Place of Meeting for the Purpoſe of filling up the Vacancy thereby occaſioned, being firſt given, and fixed on the Guildhall Door, or other public Place, within the Town of Saltaſh, and on all and every the Turnpike-gates to be erected by virtue of this Act, at leaſt Ten

Truſtees to allow Officers Salaries.

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 by this Act granted, to 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, or ſuch other Perſon or Perſons as ſhall be aſſiſting to them, or either of them, in or about the Repair of the ſaid Roads, or any Part thereof, ſuch Salaries, Rewards, and Allowances, for their Attendance, Care, and Services, in thoſe Reſpects, as to the ſaid Truſtees, or any Five or more of them, ſhall

Officers to account upon Oath.

ſeem reaſonable: And that all and every the Collectors and Receivers of the ſaid Tolls, and all and every the Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, and other Officers, who ſhall be appointed as aforeſaid, and all and every Perſon and Perſons who ſhall 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

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, on the Balance of ſuch Accounts, ſhall appear to be in their reſpective Hands, to the ſaid Truſtees, or any Five or more of them, or to whom they, or any Five or more of them, ſhall direct or appoint; and that all and every the ſaid Officers and Perſons, ſo accounting or to account as aforeſaid, ſhall, if required, upon their ſeveral Oaths (which Oath the ſaid Truſtees, or any Two or more of them, are hereby authorized and impowered to adminiſter) verify their Accounts, and the particular 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 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 or their reſpective Hands, to the ſaid Truſtees, or as they, or any Five or more of them, ſhall direct or appoint; then, and in either of the Caſes aforeſaid, upon Complaint made of any ſuch Refuſal or Neglect as aforeſaid, to any Juſtice or Juſtices of the Peace for the County or Place where the Officer or Officers, Perſon or Perſons, neglecting or refuſing ſhall be or reſide, ſuch Juſtice or Juſtices may, and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cauſe to be brought before him or them ſuch Officer or Officers, Perſon or Perſons, ſo refuſing or neglecting; and upon his and their appearing, or not being to be found, to hear and determine the Matter of

Officers refuſing to account,

Juſtices may enquire into the Default;

ſuch Complaint in a ſummary Way, and to ſettle the ſaid Account or Accounts, if produced, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, by virtue of this Act might have done; and if upon Confeſſion of the Officer or Officers, Perſon or Perſons, againſt whom ſuch Complaint or Complaints ſhall be made, or by the Teſtimony of One or more Witneſs or Witneſſes, upon Oath (which Oath ſuch Juſtice or Juſtices is and are hereby impowered and required to adminiſter gratis) it ſhall appear to ſuch Juſtice or Juſtices, that any of the Money, which ſhall have been collected or raiſed by virtue of this Act, ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice and Juſtices may, and is and are hereby authoriſed and required, upon Non-payment 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 and Chattles 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 and 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 of Abode reſpectively; or if appearing, ſhall refuſe or neglect to give or deliver to the ſaid Juſtice or Juſtices, ſuch Account or Accounts of the Receipts and Payments as aforeſaid, or to verify the Truth of ſuch Accounts, and the 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, and pay the Money that ſhall appear to be due on the ſaid Accounts; then, and in either of the Caſes aforeſaid, the ſaid Juſtice or Juſtices may, and is and are hereby authoriſed 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 Counties of Cornwall or Devon, 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 upon Oath, and have produced and delivered up the Receipts and

and levy the Balance by Diſtreſs and Sale:

For want of Diſtreſs, Offender to be committed,

until he ſhall conform.

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.

Treaſurer to give Security.

And be it further enacted by the Authority aforeſaid, That all and every Treaſurer and Treaſurers, who ſhall be appointed as aforeſaid, ſhall give ſuch Security for the due Execution of his or their ſaid Office or Offices, as to the ſaid Truſtees, or any Five of more of them, ſhall ſeem meet; which Security the ſaid Truſtees, or any Five or more of them, are authorized and required to take.

Victuallers, &c. not to hold any Place of Profit.

Provided always, 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 take, hold, or enjoy, any Place or Places of Truſt or Profit under this Act, during ſuch Time as he or they ſhall keep ſuch Inn, Alehouſe, or other publick Houſe of Entertainment, or ſhall ſell Ale, Wine, Brandy, or other Spirituous Liquors, by Retail.

Truſtees may erect Turnpikes and Toll-houſes,

and take the following Tolls thereat.

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 authorize and appoint, ſhall or may build and erect, or cauſe to be built and erected, a Gate or Gates, Turnpike or Turnpikes, and alſo a Toll-houſe or Toll-houſes, in, upon, or acroſs, any Part or Parts of the Road or Roads by this Act appointed or directed to be amended, except as hereafter is excepted; and ſhall and may demand, receive, and take, the following Tolls or Duties, before any Horſe, Mare, Gelding, Ox, Mule, Aſs, or other Cattle, Coach, Landau, Berlin, Phaeton, Chaiſe, Chaiſe Marine, Car, Calaſh, Chair, Caravan, Hearſe, Waggon, Wain, Cart, Dray, Slide, or other Carriage whatſoever, ſhall paſs, or be permitted to paſs, through the ſame Gates or Turnpikes; that is to ſay,

For

The Tolls.

For every Coach, Chariot, Landau, Berlin, Phaeton, Chaiſe, Chaiſe Marine, Car, Calaſh, Caravan, or Hearſe, drawn by Six or more Horſes, or other Beaſts of Draught, the Sum of One Shilling and Six Pence; and drawn by Four Horſes, or other Beaſts of Draught, the Sum of One Shilling; and drawn by Two Horſes, or other Beaſts of Draught, the Sum of Six Pence.

For every Chaiſe, Car, or Chair, drawn by One Horſe, or other Beaſt of Draught, the Sum of Three Pence.

For every Waggon, Wain, Cart, Dray, or other Carriage, drawn by Five or more Horſes, Oxen, or other Beaſts of Draught, the Sum of Two Shillings; and drawn by Four Horſes, or other Beaſts of Draught, the Sum of One Shilling and Six Pence; and drawn by Three Horſes, or other Beaſts of Draught, the Sum of One Shilling; and drawn by Two Horſes, or other Beaſts of Draught, the Sum of Six Pence; and drawn by One Horſe, or other Beaſt of Draught, the Sum of Three Pence; except Waggons, Wains, Carts, Drays, or other Carriages, uſing Wheels with Felloes Nine Inches broad, for which no more than One half of the Tolls, before laid thereon, ſhall be demanded or taken.

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

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

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of 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

Tolls veſted in Truſtees.

Tolls to be levied by Diſtreſs and Sale.

thoꝛize and appoint, to demand and take the Tolls hereby granted and made payable, and to levy ſuch Tolls upon any Perſon oꝛ Perſons who ſhall (after Demand made thereof) refuſe oꝛ neglect to pay the ſame, by Diſtreſs of any Hoꝛſe oꝛ Hoꝛſes, oꝛ other Cattle oꝛ Carriage, upon which ſuch Tolls are by this Act impoſed, together with their Furniture; oꝛ by Diſtreſs of any of the Goods oꝛ Chattles carried oꝛ dꝛawn by oꝛ on ſuch Cattle oꝛ Carriage, oꝛ of any other Goods oꝛ Chattles of oꝛ belonging to the Perſon oꝛ Perſons who ought to pay the ſame, and to detain and keep ſuch Goods and Chattles ſo diſtrained until ſuch Tolls oꝛ Duties, with the reaſonable Charges of detaining and keeping the ſame, ſhall be paid; pꝛovided that in caſe the ſame ſhall not be tendered and paid befoꝛe the Expiration of Four Days, excluſive of the Day of Diſtreſs, ſuch Perſon oꝛ Perſons ſo diſtraining, after the Space of Four Days next after the Day on which ſuch Diſtreſs ſhall be made and taken, ſhall and may ſell the Cattle, Carriage, oꝛ Goods ſo diſtrained and taken, returning the Oꝛerplus, 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.

Diſtreſs may be ſold after 4 Days.

Pꝛovided always, and be it further enacted by the Authoꝛity afoꝛeſaid, That Two Turnpikes ſhall be erected on the Road between Trerule Foot and the Town of Plymouth, the One at the Almshouſe of the Town of Saltaſh, and the other at Weſton Mills, in the Pariſh of Stoke Damerell, in the County of Devon; at each of which Gates the ſeveral Tolls and Duties impoſed by this Act ſhall be ſeverally demanded and taken, befoꝛe any Carriage oꝛ Cattle ſhall be permitted to paſs thꝛough the ſame.

Two Turnpikes to be erected.

And be it further enacted by the Authoꝛity afoꝛeſaid, That it ſhall and may be lawful to and foꝛ the ſaid Truſtees, oꝛ any Five oꝛ moꝛe of them, oꝛ ſuch Perſon oꝛ Perſons as they ſhall appoint, to erect, oꝛ cauſe to be erected, One oꝛ moꝛe Gate oꝛ Gates, Turnpike oꝛ Turnpikes, Toll-houſe oꝛ Toll-houſes, on the Side oꝛ Sides of any Highways oꝛ Roads by this Act directed oꝛ appointed to be amended, oꝛ upon, in, oꝛ acꝛoſs any Lane oꝛ Way leading into oꝛ out of the ſame (except as herein after excepted) and there to cauſe to be taken oꝛ levied ſuch Tolls as are by this Act appointed to be taken oꝛ levied at any Gate oꝛ Turnpike to be erect-

Truſtees may erect Turnpikes on the Sides of the Roads,

and take Tolls thereat,

ſo as the ſame extend not to a double Charge.

ed by virtue hereof, ſo as the ſame do not extend to a double Charge on any Perſon or Perſons paſſing through any other of the Gates or Turnpikes to be erected by virtue of this Act: And that if any Perſon or Perſons ſhall pay the reſpective Tolls or Duties by this Act granted, for any Carriage or Cattle through any of the Gates or Turnpikes that ſhall by virtue of this Act be erected, ſuch Perſon or Perſons, upon producing a Note or Ticket of the Day, denoting ſuch Payment, ſhall be permitted to paſs, return, and repaſs at any Time or Times during that Day, to be computed and reckoned from Twelve of the Clock in one Night to Twelve of the Clock in the next Night, through the ſame Gate or Gates, Turnpike or Turnpikes, with the ſame Carriage or Cattle; which ſaid Notes or Tickets the Collectors or Receivers of the Tolls or Duties at the ſeveral Gates or Turnpikes to be erected or ſet up by virtue of this Act, are hereby directed to give gratis.

Tolls to be paid but Once a Day.

Truſtees may leaſe, &c. the Tolls.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Truſtees, or any Seven or more of them, to grant and to let to Farm, from time to time, during any Term not exceeding Three Years, the Tolls of all or any of the Gates or Turnpikes erected by virtue of this Act, to any Perſon or Perſons, ſubject to ſuch Conditions as the Truſtees, or any Seven or more of them, ſhall think fit, and for the moſt or greateſt Sum of Money that can be got for the ſame; Notice in Writing of the Time and Place of ſuch Meeting for ſuch granting and letting to farm the ſaid Tolls, being fixed at or on the Guildhall Door or other publick Place within the ſaid Town of Saltaſh, and at or on all the Turnpike Gates erected in purſuance of this Act, at leaſt Twenty Days before the Meeting for ſuch granting and letting to Farm the ſaid Tolls.

Charges of this Act to be firſt paid.

And be it further enacted by the Authority aforeſaid, That out of the Firſt Money ariſing by the Tolls or Duties collected by virtue of this Act, or the Money which ſhall be borrowed upon the Credit thereof, as hereafter is mentioned, 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 Roads, and defraying

fraying the neceſſary Coſt, 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, ſubject to the Proviſions herein after-mentioned, and to no other Uſe or Purpoſe whatſoever.

Truſtees not to repair paved Streets, &c.

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 raiſed by the Tolls or Duties hereby granted, or borrowed on the Credit thereof, in paving or repairing the Pavement of the Streets of the Town of Saltaſh; but that ſuch Streets ſhall continue to be paved and kept in Repair by the Ways and Means whereby the ſame heretofore have or ought to have been repaired.

No Turnpike to be erected on the South Side of *Swilly*.

Provided always, and be it hereby declared and enacted by the Authority aforeſaid, That nothing in this Act ſhall extend, or be conſtrued to extend, to impower the Truſtees, appointed or to be appointed to put this Act in Execution, to erect, or cauſe to be erected, any Gate or Turnpike, or Stop-gate, the South or Plymouth Side of Swilly, in the Pariſh of Stoke Damerell, in the County of Devon; any thing in this Act contained to the contrary notwithſtanding.

Truſtees may erect Weighing Engines.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall and may, if they think proper, erect, or cauſe to be erected, at any of the Gates or Turnpikes erected by virtue of this Act, or at ſuch other convenient Place or Places upon the ſaid Roads as the ſaid Truſtees, or any Five or more of them, ſhall think fit, any Crane, Machine, or Engine for weighing of Carts, Waggons, or other Carriages which ſhall paſs or repaſs on any Parts of the ſaid Roads (the Charges and Expences of erecting ſuch Crane, Machine, or Engine, to be paid and defrayed out of the Tolls or Duties collected in purſuance of this Act; and ſhall and may, by Writing under the Hands of the ſaid Truſtees, or any Five or more of them, order and direct all and every, or any, of ſuch Carts, Waggons, or other Carriages, which ſhall paſs or repaſs on the Roads, together with the Loading thereof, to be weighed: And if any Perſon or Perſons ſhall unload, or cauſe to be unloaded, any Goods or Merchandizes, before he, ſhe, or they ſhall come to any Gate, Turnpike, Machine, or Engine, erected by

virtue

virtue of this Act, or with Force or otherwiſe attempt to prevent, hinder, or obſtruct the Weighing of any ſuch Cart, Waggon, or Carriage, with Intent to avoid the Payment of the Sum or Sums of Money directed to be paid, received, and taken, by any Statute of this Realm, which now is, or which hereafter ſhall be, made and in Force for the Preſervation of the publick Roads of this Kingdom, for every Cart, Waggon, or other Carriage, which ſhall weigh more than by Law they ought to weigh, every ſuch Perſon, ſo offending, ſhall, for every ſuch Offence, forfeit and pay to the ſaid Truſtees, or their Treaſurer or Treaſurers for the time being, the Sum of Twenty Shillings, to be recovered and applied in Manner herein after-mentioned; and that the Right, Intereſt, and Property of all and every the Gates, Turnpikes, Toll-houſes, and Engines, erected by virtue of this Act, ſhall be, and they are hereby veſted in the ſaid Truſtees; and they, or any Five or more of them, at their Meetings aſſembled, are hereby authorized and impowered to bring or cauſe any Action or Actions to be brought in their Names, or in the Name or Names of the Clerk or Clerks for the time being, or to prefer, and order and direct the preferring of Bills of Indictment, or other Proſecutions, againſt any Perſon who ſhall ſteal, take away, break down, or ſpoil ſuch Gates, Turnpikes, Toll-houſes, or Engines, or any or either of them, or any Part or Parts thereof, ſo erected and built as aforeſaid.

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

Penalty on Perſons permitting or going thro' private Paſſage, &c.

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

or giving or receiving Tickets;

owning any Carriage, ſhall, at any Time or Times, take off, or cauſe or ſuffer to be taken off, from ſuch Carriage, any Horſe, Aſs, Mule, Ox, or other Cattle, at or before the ſame ſhall come to any of the Gates or Turnpikes erected by virtue of this Act; or if any Perſon or Perſons ſhall leave in any Houſe or Place upon or near the ſaid Roads, any Carriage or Cattle chargeable with or liable to pay any or either of the Tolls by this Act granted, whereby, or by Means whereof, or of either of the Offences aforeſaid, the Payment of any of the ſaid Tolls ſhall be evaded or leſſened; that then, and in either of the Caſes aforeſaid, every Perſon ſo offending, and being thereof convicted upon the Oath of One or more 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 of the Borough of Saltaſh, or for the County where the Offence ſhall be committed (which Oath the ſaid Truſtees, or any Two or more of them, or the ſaid Juſtice or Juſtices, is and are hereby impowered to adminiſter) ſhall, for every ſuch Offence, forfeit and pay to the ſaid Truſtees, or to their Treaſurer for the time being, the Sum of Twenty Shillings, to be recovered and applied in Manner hereafter mentioned.

or taking off Horſes, &c. to avoid paying the 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 ſaid Tolls or Duties for any Waggon, Wain, Cart, Dray, or other Carriage, or for any Horſe, Mare, Gelding, Ox, Mule, Aſs, or other Beaſt, drawing or not drawing the ſame, which ſhall be uſed or employed in the Carriage of any Stones, Gravel, or other Materials, for the repairing of any Road or Highway, or in the Carriage of any Lime, Sea Sand, Culm for burning Lime, Dung, Mould, Soil, or Compoſt of any Kind, for the manuring of any Garden or other Land or Ground, or that ſhall be uſed 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, Out-houſes, Yards, or Backſides of the Owner or Owners thereof; or for the Plough, Harrow, or other Implements of Husbandry, or any Thing whatſoever, that ſhall be uſed and employed in Husbandry or manuring of Ground; or for any Horſe, Mare, Gelding, Ox, Aſs, Mule, or other Beaſt or Cattle, going to or returning from Water or Paſture, or in order to be ſhod;

Exemptions from Toll.

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 loaded with, or employed in carrying, the Arms or Baggage of such Soldiers; or for any Carriage, Horse, or other Beast, employed in passing Vagrants travelling with lawful Passes; nor shall any of the Tolls or Duties hereby laid, be demanded or taken from any Inhabitant of any of the said Parishes, who shall pass through any of the said Gates or Turnpikes, to or from his or her respective Parish Church or Parochial Chapel, or other Place of religious Worship on Sundays, or who shall attend the Funeral of any Person to be buried in any of the said Parishes; nor shall any of the Tolls or Duties hereby laid, be demanded or taken of any Person going to, or returning from, an Election of any Knight or Knights of the Shire, or of any Burgess or Burgesses in which such Person hath a Right to vote: And that if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person and Persons shall, for every such Offence, forfeit and pay to the said Trustees, or to their Treasurer or Treasurers for the time being, the Sum of Forty 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 Roads.

Penalty on making illegal Claims.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, during the Continuance of this Act, shall nogg, or shall hale or draw, or cause to be nogged, or to be haled or drawn, upon or along the Roads by this Act intended to be made and repaired, any Tree or Trees, or Piece of Timber, or any other heavy Thing, otherwise than upon Wheels, Drays, or other Carriages, on which the same shall be so fixed, as that no Part thereof may drag upon the Ground of the said Road, so as to hurt and injure the same, every such Person and Persons, for every such Offence, shall forfeit and pay the Sum of Forty Shillings; which Sum or Sums shall and may be levied by Distress and Sale of the Goods and Chattles and Effects of the Party or Parties so offending, in such Manner as is herein after directed.

Penalty on haling Timber, otherwise than on Wheel Carriages.

And, for the more speedy repairing and widening the said Roads, be it further enacted by the Authority aforesaid,

ſaid, That the ſaid Truſtees, or any Seven or more of them, ſhall and may, from time to time, upon the Credit of the Tolls or Duties hereby made payable, borrow and take up at Intereſt, any 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 Duties, or any Part or Parts thereof, for any Term or Number of Years, not exceeding the Term for which this Act is to continue, unto any Perſon or Perſons, as a Security or Securities for the Repayment of ſuch Sum or Sums of Money as ſhall be ſo borrowed, and the Intereſt thereof, as aforeſaid; all and every of which Aſſignments, ſo to be made, ſhall be copied and entered at Length in a Book or Books to be kept for that Purpoſe, by the Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Truſtees, to be ſeen and peruſed at all ſeaſonable Times, by any Perſon or Perſons, without Fee or Reward; which ſaid Money, ſo to be borrowed (the Charges of procuring and paſſing this Act as aforeſaid being thereout firſt paid) ſhall be laid out and applied, in ſuch Manner as the ſaid Tolls or Duties are hereby directed to be laid out and applied, and to no other Uſe and Purpoſe whatſoever: And 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 other Perſon or Perſons whomſoever; and that all and every ſuch Transfer or Aſſignment of any Security of the ſaid Tolls or Duties ſhall, from time to time, be produced or notified to the Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Truſtees for the time being, within the Space of Three Months after the reſpective Dates thereof, who ſhall make, or cauſe to be made, a proper Memorial or Entry of all and every ſuch

Tolls may be aſſigned for Money borrowed.

Aſſignments may be transferred.

Entries to be made of all Aſſignments.

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 a 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.

10 Days 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 or Duties 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 Five or more of them, affixed upon the Guildhall Door, or other publick Place, within the ſaid Town of Saltaſh, and likewiſe at or upon all the Gates or Turnpikes erected by virtue of this Act, of the Time or Times of borrowing ſuch Money, at leaſt Ten Days before borrowing the ſame.

Limitation of the Sum to be borrowed.

Provided alſo, and be it enacted by the Authority aforeſaid, That no more than the Sum of Three thouſand three hundred Pounds ſhall be borrowed upon Credit of the ſaid Tolls or Duties granted by this Act, unleſs the Perſon or Perſons intitled to Four Fifths of the Money, which ſhall at that Time be due and owing on the Credit thereof, ſhall conſent thereto, and ſhall ſignify ſuch Conſent, under his, her, or their Hand or Hands, to the ſaid Truſtees, or any Seven or more of them; and that no Preference ſhall be given to any Perſon or Perſons whomſoever, advancing any Part or Parts of the groſs Sum ſo to be borrowed, in reſpect to the Priority of advancing his, her, or their Part or Parts thereof; but that all ſuch Lenders, and Perſons,

All Creditors to be deemed equal in Degree.

ſons, to whom ſuch Aſſignments ſhall be made as aforeſaid, ſhall, ſo far as the ſaid groſs Sum ſhall extend, be, and are hereby declared to be, Creditors on the ſaid Tolls or Duties in equal Degree One with another.

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, any or either of their Lands or Tenements, Goods or Chattles, to or with the Payment of the Money thereby ſecured, or any Part thereof, by reaſon of their or any or either of their ſigning or ſealing ſuch Aſſignments, or any or either of them, or any other Writing or Writings, in conſequence of the borrowing of the ſaid groſs Sum or Three thouſand three hundred Pounds, or any Part thereof, or for any further Sum of Money which ſhall be borrowed for carrying this Act into Execution.

Clauſe for paying off the Creditors.

And be it further enacted by the Authority aforeſaid, That in caſe any Perſon or Perſons, who ſhall lend and advance Money on the Credit of the ſaid Tolls or Duties, ſhall, at any Time, be deſirous to be repaid the Money due to them, and ſhall deliver a Notice in Writing, ſigned by them, ſignifying ſuch their Deſire to the Clerk or Clerks to the ſaid Truſtees, at any Meeting of the ſaid Truſtees held in purſuance of this Act; then, and in ſuch Caſe, unleſs the Principal and Intereſt due, and to grow due, to them, on the Security of the ſaid Tolls or Duties, ſhall be fully paid unto, or tendered to, ſuch Creditors ſo ſigning ſuch Notice, within Three Months after the Delivery thereof as aforeſaid, it ſhall and may be lawful to and for the ſaid Creditors to receive or collect, or cauſe to be received or collected, the Tolls or Duties by this Act granted, and to apply the ſame rateably and proportionably to the Payment of the Principal and Intereſt of their Debts.

Truſtees may vary the Tolls.

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

leſs the Perſon or Perſons, to whom the ſame ſhall, at the Time of ſuch Reduction, be due, conſent thereto.

Surveyors may dig Gravel, &c.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Surveyor or Surveyors appointed by the ſaid Truſtees, or ſuch Perſon or Perſons as he or they ſhall appoint and employ for that Purpoſe, to dig, cut, gather, take, and carry away, or cauſe to be dug, cut, gathered, taken, and carried away, any Gravel, Chalk, Furze, Heath, Sand, Stones, and other Materials, out of any River, Brook, Waſte, or Common, in any Pariſh, Town, Village, or Hamlet, lying near the ſaid Roads, to be uſed, diſpoſed of, and applied, in repairing the ſaid Roads, without paying any thing for the ſame; and for want of ſufficient Gravel, Chalk, Furze, Heath, Sand, Stones, or other Materials, in ſuch Waſtes or Commons, Rivers or Brooks as aforeſaid, it ſhall and may be lawful for the ſaid Surveyor or Surveyors, or other Perſon or Perſons as aforeſaid, to dig and gather the ſame out of the ſeveral Grounds of any Perſon or Perſons (not being an Houſe, Garden, Orchard, Yard, planted Walk or Walks, Park, or Avenue to an Houſe, or any Piece or Parcel of incloſed Ground, planted, ſet apart, and uſed, as a Plantation or Nurſery for Trees) where any ſuch Materials can or may be found, and, from time to time, to carry away ſo much thereof, as the ſaid Surveyor or Surveyors ſhall adjudge neceſſary for repairing and amending the Roads aforeſaid, paying ſuch Rates, and making ſuch Satisfaction for the Damage done to ſuch Grounds only, to the Owner or the Occupier of the Ground where and from whence the ſame ſhall be digged, cut, gathered, taken, or carried away, or over which the ſame ſhall be carried, as the ſaid Truſtees, or any Seven or more of them, ſhall adjudge reaſonable; which Satisfaction the ſaid Truſtees, or any Seven or more of them, are hereby impowered to pay out of the Money which ſhall be borrowed, collected, or raiſed by virtue of this Act: And in caſe of any Difference concerning the ſame between ſuch Owner or Occupier, and the ſaid Truſtees, touching ſuch Damages as aforeſaid, the Juſtices of the Peace, at the next General Quarter Seſſions, or an Adjournment thereof, or at the Quarter Seſſions to be holden in and for the ſaid Borough of Saltaſh, or any Adjournment thereof, or at the next General Quarter Seſſion to be holden in and for the ſaid Counties of Cornwall or Devon, or Borough of Saltaſh, in which the ſaid Lands ſhall reſpectively

without paying for the ſame.

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

making Satisfaction to the Owners of the Grounds.

Juſtices to determine Differences.

ſpectively lie and be ſituate, or the major Part of them then preſent at ſuch Seſſion or Adjournment, ſhall and may adjudge, aſſeſs, and finally determine the ſame; the Perſon or Perſons who ſhall think himſelf or themſelves aggrieved or injured by ſuch Determination of the ſaid Truſtees, giving Ten Days Notice of ſuch Application to the Seſſion, to the Clerk or Clerks to the ſaid Truſtees, or the Surveyor of the ſaid Road where ſuch Lands lie: And that it ſhall and may be lawful to and for the Surveyor and Surveyors, and ſuch other Perſon and Perſons as they ſhall direct and appoint, from time to time to enter into any Lime Quarry, Marble Quarry, or other Quarry, and to take and carry away the Chipping and Rubbiſh thereof, without paying or making any Satisfaction for the ſame; the Owner or Occupier, or ſome Perſon appointed by him, being preſent, or Notice being given to ſuch Owner or Occupier, or his known Servant, or left at the uſual Place of Abode of ſuch Owner or Occupier, at leaſt Forty eight Hours before ſuch taking and carrying away as aforeſaid.

Surveyors may get Materials from Quarries.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, or ſuch Perſon or Perſons as he or they ſhall appoint (by the Direction of the ſaid Truſtees, or any Five or more of them, under their Hands and Seals) from time to time to prevent and remove, or cauſe to be prevented and removed, all Filth, Dung, Aſhes, Rubbiſh, and all other Annoyances, Nuiſances, or other Obſtructions whatſoever, which are or ſhall be in or upon any Part or Parts of the ſaid Roads, or lying in or near the ſaid Roads, or by the Watercourſes, Sinks, or Drains, laid or running into and from the ſame, to the Prejudice thereof; and ſhall and may open, ſcour, or cleanſe, any Ditch or Ditches, Watercourſe or Watercourſes, adjoining to or running from or leading into or through the ſaid Roads, or any Part thereof, and make the ſame as deep and large as they ſhall think proper and neceſſary; and ſhall and may cut down, top or lop, any Tree or Trees, Boughs of Trees, or Buſhes, growing in the ſaid Roads, or in the Hedges or Banks near to or adjoining thereto, and take and carry away any ſuch Tree or Trees, Boughs or Buſhes, in caſe the Owners or Occupiers of the Premiſſes where ſuch Annoyances as aforeſaid ſhall happen to be, or ſuch Trees or Buſhes ſhall grow, or ſuch Perſon or Perſons

Surveyors may remove Annoyances in the Road, &c.

and cut down Trees, &c.

Owners neglecting to remove the ſame after Notice;

ſons who ſhall have occaſioned the ſame, ſhall neglect to remove the ſame, or to cut down or carry away ſuch Tree or Trees, Boughs or Bushes as aforeſaid, or to open, ſcour, or cleanſe, their Watercourſe or Watercourſes, Ditch or Ditches, as aforeſaid, within the Space of Ten Days next after Notice given in Writing for that Purpoſe, under the Hand or Hands of the ſaid Surveyor or Surveyors, or of ſuch Truſtees, or any Five or more of them, the Charges whereof, to be ſettled by ſuch Truſtees, or any Five or more of them, by Writing under their Hands, ſhall be reimburſed and paid to the ſaid Surveyor or Surveyors by ſuch Owners or Occupiers reſpectively neglecting or refuſing to remove ſuch Annoyances as aforeſaid, or to ſcour, open, or cleanſe, ſuch Ditches or Watercourſes as aforeſaid; and in caſe ſuch Owners or Occupiers reſpectively, or the Perſon or Perſons occaſioning the ſame as aforeſaid, or who ought to remove the ſame, or to cut, top, or lop, and carry away, ſuch Trees, Boughs or Trees, or Bushes, or to open, ſcour, or cleanſe, ſuch Ditch, Drain, or Watercourſe, ſhall, after ſuch Notice as aforeſaid, refuſe or neglect ſo to do, or if ſuch Perſon or Perſons ſhall not upon Demand pay and reimburſe the ſaid Surveyor or Surveyors ſuch Charges as aforeſaid, it ſhall and may be lawful to and for ſuch Surveyor or Surveyors, or the Conſtable of the Parish or Place where ſuch Offence ſhall be committed, by a Warrant or Warrants, under the Hands and Seals of the ſaid Truſtees, or any Five or more of them, or One or more Juſtice or Juſtices of the Peace in and for the ſaid Borough of Saltash and Liberty thereof, or in and for the ſaid Counties of Cornwall or Devon, wherein the Matter of Complaint ſhall ariſe (which Warrant or Warrants the ſaid Truſtees, and Juſtice or Juſtices, are hereby impowered and required to grant) from time to time to levy the ſaid Charges upon the Perſon or Perſons ſo offending as aforeſaid, by Diſtreſs and Sale of his and their reſpective Goods and Chattles, returning the Overplus thereof (if any be) after deducting the reaſonable Charges of making ſuch Diſtreſs and Sale, to the Perſon or Perſons whoſe Goods and Chattles ſhall be ſo diſtrained as aforeſaid; and if after the Removal of any of the ſaid Annoyances, any Perſon or Perſons ſhall again offend in the like Manner, every Perſon ſo offending, and being thereof convicted upon Oath before the ſaid Truſtees, or any Five or more of them, or before any One or more Juſtice or Juſtices

Charges to be reimburſed the Surveyor.

Owners neglecting to ſcour their Watercourſes, &c. after Notice given for that Purpoſe,

Charges to be levied by Diſtreſs and Sale.

Penalty on a Second Offence.

of the Peace in and for the ſaid Borough of Saltaſh and Liberty thereof, or before any One or more Juſtice or Juſtices of the Peace for the ſaid Counties of Cornwall or Devon, ſhall for every ſuch Offence forfeit and pay the Sum of Forty Shillings, over and beyond making ſuch reaſonable Satisfaction and Recompence as aforeſaid, as a Penalty or Forfeiture for ſuch Second Offence as aforeſaid, to be recovered and applied in Manner herein after mentioned.

Penalty on a Second Offence.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Surveyor or Surveyors of the ſaid Roads, or any other Perſon or Perſons whom the ſaid Surveyors, or the ſaid Truſtees, or any Five or more of them, ſhall nominate and appoint for that Purpoſe, to make, or cauſe to be made, any Cauſeway or Cauſeways, Ditches, Drains, or Trenches, in or along the Side or Sides of any Part or Parts of the ſaid Roads, or through and acroſs the ſame, and to make, erect, or build, or cauſe to be made, erected, or built, any Bridge or Bridges, Arch or Arches, of Stone, Brick, or Timber, upon, in, or acroſs, the ſaid Roads, or any Part 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 Roads, or any Part thereof, from being overflowed, and to erect Bridges over ſuch Drains, Ditches, and Watercourſes, if neceſſary, and alſo to make, or cauſe to be made, a Road or Way, by, through, or over, the Grounds adjoining to any narrow or ruinous Part or Parts of the ſaid Roads, to be made uſe of by all Paſſengers, with Horſes, Coaches, Carriages, or otherwiſe, as a public 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 the ſame, making ſuch Satisfaction to the Owners and Occupiers of ſuch Lands and Grounds, through which any ſuch Ditches, Drains, or Watercourſes, ſhall be cut, or on which any ſuch Bridge or Bridges ſhall be erected, or through which ſuch Road or Roads ſhall be made, for the Damages they may thereby reſpectively ſuſtain, as by the ſaid Truſtees, or any Five or more of them, ſhall be adjudged reaſonable, which Satisfaction the ſaid Truſtees, or any Five or more of them, are hereby impowered to pay out of the Money which ſhall be borrowed, collected,

Surveyors may make Cauſeways,

and erect Bridges, &c.

and make a temporary Road;

making Satisfaction to the Owners.

Juſtices to determine Differences relating thereto.

lected, or raiſed by virtue of this Act: And in caſe of any Difference between the ſaid Truſtees, Surveyor or Surveyors, or Perſon or Perſons by them appointed and employed as aforeſaid, and the ſaid Owners and Occupiers, or any or either of them, concerning ſuch Damages, or the Satisfaction to be made for the ſame, the Juſtices of the Peace, at their next General Seſſion, or an Adjournment thereof, to be holden in and for the ſaid Borough of Saltaſh, or at the next General Quarter Seſſion to be holden in and for the Counties of Cornwall or Devon, within whoſe Juriſdiction the Cauſe of Complaint ſhall reſpectively ariſe, on Ten Days Notice thereof, to be given in Writing by the ſaid Surveyor or Surveyors, Clerk or Clerks to the ſaid Truſtees, or either of them, to the ſaid Owner or Occupier, Owners or Occupiers, or by them the ſaid Owner or Occupier, Owners or Occupiers, to the ſaid Surveyor or Surveyors, Clerk or Clerks reſpectively, or either of them, or to be left at their or either of their reſpective Place or Places of Abode, with ſome or One of their reſpective Families, ſhall hear, ſettle, adjudge, and finally determine the ſame.

Buildings, &c. not to be injured.

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

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

And be it further enacted by the Authority aforeſaid, That in caſe the ſaid Truſtees, or any Seven or more of them, ſhall, at any Time or Times during the Continuance of this Act, think proper to widen, turn, or alter any Part or Parts of the ſaid Roads, for the better Accommodation of Paſſengers, that then the ſaid Truſtees, or any Seven or more of them, ſhall have full Power and Authority to treat, contract, and agree, with the ſeveral Owners, Proprietors, Occupiers of, and Perſons intereſted in, any Lands, Grounds, or Hereditaments, for the Purchaſe of any ſuch Lands, Grounds, or Hereditaments, or for the Loſs or Damage ſuch Owners, Proprietors, Occupiers, and Perſons intereſted, or any of them, ſhall or may any ways ſuſtain by ſuch widening, turning, or altering any Part of ſuch Roads; and out of the Tolls by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for ſuch Lands, Grounds, or Hereditaments, and for

ſuch

ſuch Loſs or Damage, ſuch Sum or Sums of Money as ſhall be agreed upon between ſuch Owners, Proprietors, Occupiers, and Perſons intereſted as aforeſaid, and the ſaid Truſtees, or any Seven or more of them; and alſo the Coſts and Charges attending ſuch Agreement and Purchaſe.

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

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

Where Perſons refuſe to treat, &c. for Sale of ſuch Lands, &c.

And be it further enacted, That if any ſuch Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Truſtees, or other Perſon or Perſons intereſted in any ſuch Lands, Grounds,

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

Damages to be ſettled by Jury.

Witneſſes to be ſummoned and examined upon Oath.

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

Verdict of the Jury to be binding and concluſive.

Jurors may be challenged.

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

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

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

And be it further enacted, That all and every Sum and Sums of Money so assessed by such Verdict as aforesaid, is and are hereby charged upon the Monies which shall be raised by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or any Seven or more of them, or their Treasurer, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to such Persons or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Treasurer to the said Trustees for the Use of such Persons, such Lands, Grounds, or Hereditaments, shall be laid into, and made Part of, the said Roads, and shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Roads for ever after; and shall be repaired, and kept in Repair, by such Ways and Methods, and in all Respects in such Manner, as the old Road so widened, altered, or turned, was and ought to have been kept in Repair: And after such new Road shall be completed, the Lands and Grounds comprized in, or constituting, the old or former Road, shall be vested in, and shall and may be sold by, the said Trustees, or any Seven or more of them, to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; but so as

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

Old Road may be sold.

not to exclude the Owners of any Houſes, Lands, or Grounds, adjoining to or lying near to ſuch Road, from a free Paſſage to and from ſuch Houſes, Lands, or Grounds; and the Money ariſing by ſuch Sale ſhall be applied and diſpoſed of for the repairing the ſaid Roads, and the Sale or Conveyance and Conveyances to be made of ſuch Lands or Grounds, being executed by the ſaid Truſtees, or any Seven or more of them, and inrolled with the Clerk of the Peace for the County wherein ſuch Lands and Grounds ſhall lie, ſhall be good and effectual, in the Law to all Intents and Purpoſes whatſoever. Application of the Money.

Provided always, and be it enacted, That in widening, turning, or diverting, any Part or Parts of the ſaid Roads, nothing ſhall be done which ſhall or may in any wiſe injure or damage any Houſe or Building, or any Yard, Garden, Orchard, Park, Plantation, or Nurſery of Trees, or any Walk of Trees, or Avenue to any Houſe, unleſs the Owner or Proprietor thereof ſhall conſent thereto. Buildings, &c. not to be damaged.

And be it further enacted by the Authority aforeſaid, That the Inhabitants of the ſeveral Pariſhes, Hamlets, and Places 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 ſaid Highways, for the repairing thereof, commonly called Statute-work, ſhall ſtill be ſubject and liable thereto, and ſhall and are hereby required to do and perform ſuch and ſo many Days Work on ſuch Parts of the ſaid Roads by this Act directed to be repaired lying within the ſaid Pariſhes, Hamlets, or Places, in which ſuch Inhabitants reſpectively ſhall live, and at ſuch Times and in ſuch Manner as the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors by them for that Purpoſe authorized and appointed, ſhall direct and appoint; and that every ſuch Inhabitant of the ſaid Pariſhes, Hamlets, and Places, who ſhall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, ſhall be deemed and taken to keep a Team, and ſhall do and perform ſuch Work in and towards the repairing the Highways of the ſeveral Pariſhes, Hamlets, and Places, in which they ſhall reſpectively lie, as Perſons keeping Teams are by Law obliged or ought to do. Perſons chargeable to the Repairs of the Roads to continue ſo. Perſons renting 50*l. per Ann.* deemed Team-holders.

And, to the end that the ſaid Truſtees may more certainly know the Inhabitants of all the Pariſhes, Hamlets, and Places, who are liable to do the Statute-work on

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

Parish Surveyors, &c. to deliver in Lists of Persons liable to do Statute-work.

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

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

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

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

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 Roads lead, ſhall not deliver in ſuch Liſts as aforeſaid reſpectively, at or before ſuch Times and in ſuch Manner as by this Act are required and directed to be delivered; or if in ſuch Liſts delivered in, the Name or Names of any Perſon or Perſons, who ought to have been therein inſerted, are by Deſign omitted; or if ſuch Surveyor or Surveyors ſhall refuſe or decline to give ſuch publick Summons or Notices, or to make Oath or give proper Evidence before One or more of His Majeſty's Juſtices of the Peace, or any Two or more of the ſaid Truſtees (which Oath the ſaid Juſtice or Juſtices, or any Two or more of the ſaid Truſtees, are hereby impowered to adminiſter) of his having properly and legally ſummoned and warned ſuch Perſon or Perſons as ought by Law to do and perform ſuch Statute-labour or Duty as aforeſaid, according to the aforeſaid Directions of the ſaid Truſtees, or the Surveyor or Surveyors by them appointed, ſuch Surveyor or Surveyors, and every of them, ſhall forfeit and pay, for every ſuch Default, the Sum of Five Pounds: And if any of the Inhabitants of the ſaid ſeveral Pariſhes, Hamlets, or Places, being obliged or liable by Law to do Statute-duty in and upon the Highways, ſhall not do ſo much Statute-work in and upon the ſaid Roads, at ſuch Times and Places, and in ſuch Manner, as they ſhall, by the ſaid Truſtees, or any Five or more of them, or by the Surveyor or Surveyors by them appointed, be directed or appointed to do, ſuch Inhabitants and every of them ſhall, for every ſuch Neglect or Default, forfeit and pay the ſeveral Sums hereafter mentioned; that is to

and on Perſons not performing Statute-work.

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

Perſons found idle to be turned off.

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, being authorized or impowered ſo to do by the ſaid Truſtees, or any Five or more of them, may, and are hereby authorized and impowered to compound with the ſeveral Inhabitants of the ſeveral Pariſhes, Hamlets, or Places, through which the Roads hereby intended to be repaired, or any Part or Parts thereof, do or doth lie, for the ſeveral Days Statute-work to be by them reſpectively done upon the ſaid Roads, at and for ſuch Rates or Sums of Money, by the Day or otherwiſe, as they the ſaid Truſtees, or any Five or more of them, or the ſaid Surveyors, and the Inhabitants reſpectively, ſhall agree upon, or with the Surveyor or Surveyors of the ſaid ſeveral Pariſhes, Hamlets, or Places, for any groſs Sum to be paid by the ſaid Pariſhes, for or in lieu of the Statute-work or Duty to be done and performed by the whole Pariſh; which ſaid Money ſhall be forthwith paid to the ſaid Truſtees, or any Five or more of them, or to their Appointment: And ſuch Surveyor or Surveyors of the ſaid ſeveral Pariſhes aforeſaid, ſo compounding and paying any groſs Sum as aforeſaid for the whole Statute-labour of the Pariſh, Hamlet, or Place,

Truſtees may compound with Pariſhes for Statute-work.

Surveyors paying the Compoſition-money, how to be reimburſed.

Place, ſhall be repaid or reimburſed the ſame, in ſuch Manner as, by the Laws now in being, Surveyors of the Highways of this Kingdom are to be repaid or reimburſed the Money by them expended in buying Materials for mending the Highways.

Juſtices to determine Differences relating to Statute-work.

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

Roads to be meaſured, and Mile-ſtones erected.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall and may order and direct, and they are hereby required to cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be ſet up in or near the Sides of the ſaid Roads, at the Diſtance of One Mile from each other, denoting the Number of Miles, and Diſtances of Places, as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem meet: And if any Perſon or

Perſons

Penalty on defacing Milestones, &c.

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

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforeſaid, That all and every the Penalties and Forfeitures impoſed or made payable by this Act, other than and except ſuch for the Recovery whereof any other Method or Methods is or are herein before preſcribed, upon Proof thereof upon Oath, and of the ſeveral Matters, Cauſes, or Things, for which the ſame Penalties and

Forfeitures ſhall be incurred reſpectively, before any Juſtice or Juſtices of the Peace of the ſaid Borough of Saltaſh, and Liberty thereof, or of the County or Place where the reſpective Party or Parties who ſhall incur ſuch Penalties and Forfeitures ſhall live or reſide, either by the Confeſſion of ſuch Party or Parties, or by the Oath of One or more credible Witneſs or Witneſſes (which Oath the ſaid Juſtice or Juſtices is and are hereby impowered to adminiſter) ſhall be levied by Diſtreſs and Sale of the Goods, Chattles, and Effects, of the Party or Parties ſo incurring the ſame, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of ſuch Juſtice and Juſtices; which Warrant or Warrants ſuch Juſtice or Juſtices is and are hereby authorized and required to grant for thoſe Purpoſes, and to direct the ſame to the Conſtable or Conſtables of the Pariſh or Pariſhes, Place or Places, where ſuch Goods, Chattles, and Effects, of the Perſon or Perſons incurring ſuch Penalties and Forfeitures ſhall be and be kept, or where he, ſhe, or they, ſhall reſpectively live and reſide, or to ſuch Perſon or Perſons as the ſaid Juſtice or Juſtices ſhall think proper; and the ſame Penalties and Forfeitures being ſo levied as aforeſaid, or otherwiſe paid, and every Part thereof, other than and except ſuch Parts thereof as are herein before applied, ſhall, from time to time, be paid to the ſaid Truſtees, or any Five or more of them, or to their Treaſurer or Treaſurers, and ſhall be laid out and applied to the Purpoſes of this Act; and ſuch Conſtable or Conſtables of the ſeveral and reſpective Pariſhes or Places, and ſuch other Perſon or Perſons, as aforeſaid, to whom ſuch Warrant or Warrants ſhall be directed as aforeſaid, is and are hereby directed and required to execute the ſame truly and faithfully, according to the beſt of their Skill and Abilities, or in Default or Refuſal thereof, he or they ſhall forfeit and pay, for every ſuch Default or Refuſal, any Sum not exceeding Five Pounds, as the Juſtice or Juſtices granting ſuch Warrant or Warrants ſhall direct; to be levied and raiſed as is above directed with reſpect to any other Penalty or Forfeiture.

Overplus of the Money to be returned to the Owner.

And be it further enacted, That the Overplus of the Money which ſhall be raiſed and levied by ſuch Diſtreſs and Sale as aforeſaid, after Payment or Deduction of the reſpective Penalties and Forfeitures for which the ſame ſhall be taken and made, and of the reaſonable Charges

of taking and making the ſame, ſhall, if demanded, be paid to the reſpective Owners of the Goods, Chattles, and Effects, which ſhall be ſo diſtrained and ſold; and if no Goods, Chattles, and Effects, of the Perſon or Perſons who ſhall incur the ſaid Penalties and Forfeitures can be found, ſufficient to anſwer the ſame, and the Charges of ſuch Diſtreſs and Sale as aforeſaid, if ſuch ſhall be taken or made, then, and in ſuch Caſes, the ſaid Juſtice or Juſtices may, and is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, directed as aforeſaid, to cauſe ſuch Perſon or Perſons to be committed to the Common Gaol of the County or Place where ſuch Offender or Offenders ſhall reſide or can be found, for any Time not exceeding One Calendar Month, for the firſt Offence, or until ſuch Penalties or Forfeitures, and Charges of ſuch Diſtreſs and Sale, if any ſuch ſhall be taken or made, ſhall be paid; and for the Second and every other Offence of the ſame Kind or Nature, for any Time not exceeding Three Calendar Months, nor leſs than One Calendar Month, or until ſuch Penalties or Forfeitures by him, her, or them, incurred, and the reaſonable Charges of the ſaid Diſtreſs and Sale, if any ſuch ſhall be taken or made, ſhall be fully ſatisfied and paid,

For want of Diſtreſs, the Offender to be committed.

And be it farther enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall think him, her, or themſelves aggrieved by any Act, Order, or Judgement, of the ſaid Truſtees, or any Five or more of them, or of any Juſtice or Juſtices of the Peace, which ſhall by him or them be done, or made, or awarded, by virtue of this Act, or in the Execution of any of the Powers hereby to him or them given, ſuch Perſon or Perſons may appeal to the Juſtices at the next General Seſſions, or Adjournment thereof, to be holden for the ſaid Borough of Saltaſh, or at any other Quarter Seſſion of the Peace to be holden for the County where the Matter or Thing for or by reaſon of which ſuch Act, Order, or Judgement, ſhall be ſo done, made, or awarded, was or were committed or done, or where the reſpective Party or Parties, who ſhall incur ſuch Penalties or Forfeitures, ſhall live or reſide, he, ſhe, or they, cauſing Ten Days Notice in Writing of ſuch Appeal, and of the Cauſes or Matter thereof, to be given to the Perſon or Perſons on whoſe Oath or Evidence ſuch Act, Order, or Judgement, ſhall be ſo done, made, or awarded,

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

Notice of Appeal to be given.

ed, and to the Clerk or Clerks to the said Trustees; which said Justices at their said Session, upon due Proof of such Notice being given, as aforesaid, shall proceed in and hear and determine the Causes and Matters of the said Appeals, and every of them, and give Treble Costs to the Appellant or Respondent; and the Orders and Judgements of the said Justices shall be final and conclusive to all Parties concerned or interested therein.

Proceedings not to be quash'd for want of Form

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

nor be removeable by *Certiorari*.

Expences of executing this Act to be defrayed out of the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, at any Meeting of the said Trustees to be held in pursuance of this Act, to order and direct their Treasurer or Treasurers to pay and defray, out of the Money in his Hands arising from the Tolls and Duties collected, or Money borrowed by virtue hereof, all such Costs, Charges, and reasonable Sums, as they the said Trustees, or any of them, or the Surveyor or Surveyors by them appointed, or any Justice or Justices of the Peace, shall have been at and put unto, or shall have expended, in the due Execution of this Act, and of the Powers and Authorities given and granted thereby, or in defending or prosecuting any Suit or Suits, Indictment or Indictments, Information, or other Prosecution whatsoever, for or on account thereof, or for or concerning any Matter or Thing whatsoever, which he or they shall have done, or ordered to be done, in the due Execution of this Act.

Commencement and Continuance of this Act.

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

Pro-

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

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

Proceedings 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 the 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 that Purpoſe, by the Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Truſtees; and ſuch Orders ſo entered, ſhall be ſigned by the ſaid Truſtees, or any Five or more of them; and ſuch Book or Books, and alſo the Book or Books herein before directed to be kept for entering and regiſtering the ſaid Aſſignments and Tranſfers, ſhall and may be produced and read in Evidence in all Caſes of Appeals, Suits, or Actions, touching any Thing done in purſuance and by the Authority of this Act; which ſaid Book or Books any of the ſaid Truſtees ſhall and may have Recourſe to and peruſe the ſame without Fee or Reward, and take Copies thereof, by their Clerk or Clerks for the time being, paying ſuch Clerk or Clerks for every Copy not exceeding Two hundred Words, Six Pence, and ſo proportionably for any greater or leſs Number of Words.

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

rowing 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.

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 Action, Suits, and every of them, ſhall be commenced within the Space of Six Calendar Months next after the doing the Matter or Thing for which ſuch Action or Actions, Suit or Suits ſhall be brought, and not afterwards; and ſhall be brought, laid, and tried, in the ſaid Counties of Cornwall or Devon, or Borough of Saltaſh, 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 be ſo done, or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County or Place; then, and in either of ſuch Caſes, the Jury or Juries ſhall find for the Defendant 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 in ſuch Caſes ſuch Defendant or Defendants ſhall have Treble Coſts, upon Affidavit made, or the Certificate of the Judge or Judges, Juſtice or Juſtices of the Peace 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

Limitation of Actions.

General Iſſue.

Treble Coſts.

ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants hath or have for his and their Coſts in other Caſes by Law.

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

FINIS.