Anno tertio

Georgii III. Regis.

An Act for amending and widening the Roads leading from *New Street* and *Pig Street* in *Penryn*, in the County of *Cornwall*, to *Redruth* in the ſame County.



WHEREAS the Highways or Roads leading from New Street and Pig Street, in Penryn reſpectively, in the County of Cornwall, to Higher Water Gate, and from thence to Redruth, in the ſaid County, through Ponſnooth and Gwennap Moors, and through the ſeveral Pariſhes of Gluvias, Perran Arwothall, Stithians, Gwennap, and Redruth aforeſaid, are, from their Situation and Nature of the Soil, rendered very narrow, rough, and incommodious, and, in moſt Parts thereof, utterly impaſſable for Wheel Carriages, and, in general, ſo very dangerous to Travellers who have Occaſion to paſs through the ſame, that the ſame cannot by the ordinary Courſe and Method appointed by the Laws and Statutes of this Realm, be effectually amended and kept in good and ſufficient Repair, unleſs ſome Proviſion be made for raiſing Money for that Purpoſe: For Remedy whereof, and to the Intent that the ſaid Highways and Roads may, with all convenient Speed, be effectually amended Preamble.

and kept in good and sufficient Repair; May it please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Sir John St. Aubyn Baronet, Sweet Nicholas Archer, Arthur Arscott, John Arscott, William Arundell, Esquires; Abel Angove Gentleman, the Honourable Charles Berkley, the Honourable George Boscawen, the Honourable John Boscawen, Esquires; the Honourable and Reverend Nicholas Boscawen D. D. James Buller, John Buller, Francis Buller, James Buller junior, John Buller junior, Francis Buller junior, Edward Buller, Francis Basset, Francis Beauchamp, John Beauchamp, Joseph Beauchamp, Richard Bennet of Hexworthy, Peter Burrel, George Bell, Richard Baker, Peter Brown, John Dodd Bonnell, Esquires; Reverend Walter Borlase LL. D. Reverend William Buller Clerk, Stephen Bell, Henry Bawden of Falmouth, John Brown of Illogan, Gentlemen; Philip Carlyon, Thomas Coates, Esquires; Reverend John Collins Clerk, William Churchill, Edward Coode, Edward Coode junior, John Cudwgey, William Crowgey, Gentlemen; Isaac Cocart Merchant, Daniel Carter Surgeon, Sir William Dalrymple Baronet, Henry James Daubuz Merchant, James Dunn, Martin Davis, Legh Dickinson, Robert Dillon, Gentlemen; John Enys, Samuel Enys, Philip Enouf, Esquires; Reverend James Evans Clerk, John Edgecombe, William Emmett Gentleman, John Fortescue, Thomas Fonnereau, Esquires; the Mayor and Aldermen of Falmouth for the time being; Arthur Fox of Illogan Gentleman, Francis Godolphin, Francis Gregor, Thomas Glynn, Esquires; Samuel Groube Merchant, Richard Gerves Gwills, Richard Glanville of Camborn, Gentlemen; James Grey of Penryn Mercer, John Harris of Hayne, Richard Hussey, George Hunt, Christopher Hawkins, Thomas Hawkins, David Haweis, William Hill, Esquires; Reverend Thomas Hearle, Reverend Joshua Howell, Clerks; Richard Hill, Abraham Hall, Samuel Harris of Penryn, Charles Harris of Camborn, Henry Harris of Saint Dye, Thomas Hill, Benjamin Hockin of Illogan, Edward Hodge, Thomas Hodge, Gentlemen; Benjamin Heame Merchant, William Harris of Penryn Grocer, William Jackson Surgeon, George John of Camborn, Gentlemen; Nicholas Kempe, Francis Kirkham, Esquires; Robert Lovell, John Lawrence, Esquires; Sir John Molesworth Baronet, John Molesworth, William Morshead, Esquires; John Mead of Penryn, William Munday

Trustees Names.

Munday of Redruth Gentleman, Robert Nugent, John Nance, Eſquires; Robert Newcombe Clerk, Philip Nowel Gentleman, Reverend William Oſborne Clerk, Thomas Pitt, Humphry Macworth Praed, Buckley Mackworth Praed, Humphry Prideaux, Charles Phillips, Benjamin Pender, William Pye, Eſquires; the Reverend John Penroſe Clerk, Thomas Peard, Daniel Pender, John Penwarne, Rowland Platt junior, Thomas Polkinhorne, William Phillips of Redruth, Richard Phillips of Redruth, Gentlemen; the Mayor and Aldermen of Penryn for the time being; William Pryce of Redruth Surgeon, John Quick Eſquire, George Brydges Rodney, Jonathan Raſhleigh, Philip Raſhleigh, Francis Rodd, John Rogers, Eſquires; Hannibal Randall, Walter Read, John Richards of Crowan, William Richards of Crowan, Philip Richards of Crowan, Peter Rock, William Robins, Simon Rawling of Penryn, Gentlemen; Thomas Scawen, John Sawle, Richard Spry, Joſeph Sherburn, Eſquires; Reverend William Stackhouſe D. D. Samuel Skinner, Edward Snoxell, Gentlemen; Sir William Trelawny, Sir Edward Turner, Baronets; Sir Chriſtopher Treiſe Knight, Robert Cotton Trefuſis, William Trevannion, Charles Trelawny, John Tremayne, Phillip Tingecombe, Eſquires; John Turner D. D. Reverend John Trevennen Clerk, Matthew Towgood, Stephen Thomas Towgood, Stephen Thomas junior, Nowell Tonkin, Nicholas Treſidder, Gentlemen; Sir Richard Vyvyan Baronet, Thomas Vyvyan, Thomas Vyvyan junior, Eſquires; William Veale, George Veale, William Uſticke, Digory Vivian, John Vivian of Camborn, James Vivian of Camborn, Gentlemen; John Willyams of Carhantan, John Oliver Willyams, John Williams of Truthen, Courtney Williams, William Webb, William Woodward, Eſquires; the Reverend Ezekiel Williams, Reverend Edward Walmſley, Clerks; Philip Webber, Samuel Warren, Michael Williams, James Willyams, and Humphry Williams, Gentlemen; Thomas Yonge Gentleman, and their Succeſſors, to be appointed in manner herein after mentioned, ſhall be, and they are hereby nominated and appointed Truſtees, for ſurveying, ordering, widening, amending, and keeping in Repair, the ſaid Roads, and likewiſe for putting in Execution all other the Powers in and by this Act given and provided; and that they, 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 and may build or erect, or cauſe to be built or erected, a Gate or Gates, Turnpike or Turnpikes, and alſo a Toll-houſe or Toll-houſes, in and upon any Part or Parts of the ſaid Highways or

Truſtees may erect Turnpikes and Toll-houſes,

and take the following Tolls thereat.

Roads, except as herein after is mentioned; and shall demand, receive, and take, the Tolls or Duties following, before any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Chariot, Landau, Berlin, Chaise, Chaise-marine, Calash, Chair, Caravan, Hearse, Litter, Waggon, Wain, Cart, Butt, Dray, or other Carriage whatsoever, shall be permitted to pass through any of the Gates or Turnpikes so to be erected as aforesaid; that is to say,

The Tolls.

For every Horse, Mare, Gelding, Mule, or other Cattle, drawing in any Carriage, the Sum of Three Halfpence.

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

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

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

Which said respective Sum and Sums of Money shall be demanded and taken in the Name of, or as a Toll or Duty; and the Money so to be collected and raised, shall be, and is hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, and 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 the said Trustees, or any Five or more of them, are hereby impowered, by themselves, or any Person or Persons by them, or any Five or more of them, under their Hands and Seals thereunto authorized, to levy the Toll or Duty hereby required to be paid, upon any Person or Persons, who shall, after Demand thereof made, refuse to pay the same, by Distress of any Coach or Coaches, Carriage or Carriages, Horse or Horses, or other Cattle, upon which such Toll or Duty is by this Act imposed, or upon any other the Goods and Chattles of such Person or Persons who ought to pay the same, and may detain and keep the same, until such Toll or Duty, with the reasonable Charges of such detaining and keeping, shall be paid: And it shall and may be lawful to and for such Person or Persons so distraining, after the Space of Four Days after such Distress made and taken, to sell the Goods so distrained, returning the Overplus (if any there be) upon Demand, to

Tolls vested in Trustees.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

the Owner thereof, after such Toll, Duty, and reasonable Charges, for distraining, keeping, and selling the same, shall be deducted and paid.

Trustees may lessen the Tolls,

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any Five or more of them, are hereby authorized and impowered, from time to time, in case it shall appear to be requisite and expedient to lessen the several Tolls and Duties hereby granted and made payable, to order and direct such Tolls and Duties, or any of them, to be lessened and reduced, and to raise the same again, upon all or any of the said respective Roads, so as the same do not exceed the Tolls and Duties by this Act granted and made payable, and so as such Reduction be with the Consent of the several Persons who shall have advanced any Money on the Credit of the said Tolls, or who, at the Time of such Reduction, shall have any Money secured thereon:

and raise them again.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That the Tolls, Duties, and Powers, hereby granted, shall take Place, and have Continuance from and after the Nineteenth Day of May, One thousand seven hundred and sixty three, subject nevertheless to such Power of Reduction as aforesaid, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

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

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

And whereas the Trustees named and appointed to put in Execution an Act of Parliament made in the Twenty seventh Year of the Reign of His late Majesty King George the Second, intituled, An Act for amending and widening several Roads leading from the Borough of *Truro*, in the County of *Cornwall*, have applied Part of the Tolls and Duties, granted by the said Act, in repairing the Road from the East End of New Street aforesaid, to the Rope House at the East End of Truro Lane, in the said Borough: And whereas for the obviating and preventing

any

any Differences, Doubts, or Disputes, that may arise concerning the Limits and Extent of the several Roads directed to be repaired by the said former Act, and this present Act, and the Jurisdiction of the several Trustees acting under the Authority of the same respectively, the said Trustees, appointed by the said Act of the Twenty seventh of his late Majesty, have entered into and signed an Agreement, that the said Road between New Street and the Rope House may, for the future, be repaired and kept in Repair, out of the Tolls granted by this Act, upon their being reimbursed such Sums of Money as they have already expended in the Repair of the said Road; it is therefore hereby further enacted by the Authority aforesaid,

The Road from *New Street* to the *Rope House*, to be repaired by this Act.

That such Part of the said Road as lies between the East End of New Street, and the Rope House, in Penryn aforesaid, shall, from and after the passing of this Act, be deemed and taken to be Part of the Road from Penryn to Redruth, and shall be repaired, and amended and kept in Repair, by, with, and out of, the Tolls and Duties granted and made payable by this Act: And that the Charge and Expence of making and repairing the said Road by the Trustees of the said former Act, shall be estimated by the Surveyors appointed by the said former Act, and this present Act, shall be paid out of the Tolls and Duties granted and made payable by this Act, unto the Trustees of the said former Act, and applied by them for the Purposes therein mentioned; and that no Turnpike or Toll-gate shall be erected or set up in any Part of the said Road between the End of New Street and the Rope Walk aforesaid; and that no Turnpike or Toll-gate shall be erected or set up on any Part of the said Road from Truro to Penryn, any nearer to the Borough of Penryn, than the Place where the present Turnpike or Toll-gate is now standing and being; and that no Turnpike or Toll-gate shall be erected or set up any nearer to the said Borough of Penryn, than the Place called the Higher Water Gate; and that no Turnpike or Toll-gate shall be erected or set up upon Pellean Downs, where the Road from Truro to Helston intersects or crosses the Road hereby directed to be repaired; and that no Turnpike or Toll-gate shall be erected or set up any nearer to the said Town of Redruth, than at the Distance of half a Mile from the Dwelling-house of William Churchill Esquire.

No Turnpike any nearer *Penryn*, on the *Truro* Road, than the present Gate; nor nearer *Penryn* than *Higher Water Gate*; nor on *Pellean Downs*, or within Half a Mile of *Redruth*.

Charges of passing 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 which shall be collected at the several Turnpikes so to be erected on the Roads aforesaid, or out of such Money which shall be borrowed on the Credit thereof, the Trustees

fees for repairing the said Roads, 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 of Parliament, and of putting up and erecting such Turnpikes and Toll-houses as they shall think proper on the said Roads; and that, from and after paying the said Expences and Charges, then, and from thenceforth, the Money arising by the Tolls and Duties which shall be collected at any Turnpike or Turnpikes which shall be then or hereafter erected or set up on the said Roads, shall be laid out and applied for and towards the repairing of the said Roads, or other necessary Charges attending such Repairs, and to no other Use or Purpose whatsoever.

No Toll on Election Days.

Provided always, and it is hereby declared, That during the Continuance of this Act, no Tolls shall be taken by virtue of this Act on the Days of Election of a Knight or Knights of the Shire to serve in Parliament for the said County of Cornwall, or of a Burgess or Burgesses to serve in Parliament for the said Borough of Penryn, on the Day of such Election.

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 any Case in the Execution of this Act, unless he shall be, in his own Right, or in Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds; or shall be Heir Apparent of some Person having an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds; or be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Pounds: And if any Person so made incapable to act, 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 and sue for the same, to be recovered in any of his Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor or Plaintiff, than that such Person had acted as a Trustee in the Execution of this Act.

Penalty on acting, not being qualified.

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 whatsoever, having, owning, renting, or occupying, any Land near unto any of the said Highways, or unto any Turnpike or Turnpikes to be erected in pursuance of this Act, shall knowingly or willingly permit or suffer any Person or Persons whatsoever, to pass through any Ground, Field, Gateway, or Passage, belonging to such Owner, Renter, or Occupier, with any Coach, Chariot, Landau, Berlin, Chaise, Chaise-marine, Car, Calash, Chair, Caravan, Hearse, Litter, Waggon, Wain, Cart, Dray, or other Carriage, Horse, Ass, Mule, or any Sort of Cattle, whereby the Payment of the Toll or Duty, by this Act laid, shall be avoided, every such Person so offending, and also the Person or Persons thereby avoiding the Payment of the said Toll, being thereof convicted upon the Oath of One or more Witness or Witnesses, before any One or more Justice or Justices of the Peace for the said County of Cornwall (which Oath 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 their Treasurer for the time being, the Sum of Twenty Shillings respectively, to be recovered and disposed of in such Manner, and to such Uses, as are herein after mentioned.

Trustees may erect Side-gates, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to erect One or more Gate or Gates, Turnpike or Turnpikes, on the Side of any Highways or Roads, cross any Lane or Way leading out of the same, except as herein before is mentioned; and there to receive and take such Tolls as are by this Act imposed and appointed to be taken at the Turnpikes to be erected by virtue hereof, so as the same do not extend to a double Charge, in case of passing through any other of the Turnpikes to be erected by virtue of this Act.

and take Tolls thereat,

so as the same do not extend to a double Charge.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby authorized and impowered, from time to time, to elect, and, by any Writing or Writings under their Hands and Seals, appoint fit and proper Persons to be Collectors and Receivers of the Tolls hereby made payable; and also One or more fit and proper Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, of the said Road, and such other Officer or Officers as they the said Trustees, or any Five or more of them, shall think necessary;

and such Collectors, Receivers, Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and other Officer or Officers, or any or either of them, from time to time, to remove or displace as they shall think fit, and to chuse and appoint others in the Room and Place of such of them as shall be so removed, or shall die; Notice of such Removal or Death, and of the Time and Place of Meeting for the Purpose of filling up the Vacancy thereby occasioned, being first given, and fixed on the Market House, or other publick Place, within the respective Towns of Penryn and Redruth, and on all and every the Turnpike-gates to be erected by virtue of this Act, at least Ten Days before such Election; and that the Money raised by virtue of this Act shall be duly applied and expended in amending, and keeping in good and sufficient Repair, the said Highways and Roads, according to the Directions hereby given of and concerning the same; and such Person and Persons so appointed to receive the said Toll or Duty, and also such Surveyor or Surveyors, and other Officers as aforesaid, shall, upon Oath, before the said Trustees, or any Two or more of them (which Oath such Trustees, or any Two or more of them, are hereby impowered and required to administer) from time to time, when and as often as he or they shall be required thereunto by the said Trustees, or any Five or more of them, during the Continuance of this Act, give in a true and perfect Account, in Writing, under their respective Hands, of all the Monies which he or they, every or any of them, shall, to such Time, have received, paid, or disbursed, by virtue of this Act, and by reason of their respective Offices, for which Oath no Fee or Reward shall be taken; and the same shall be taken in Writing, without any Stamp thereupon; and in case any Monies so received shall remain in their or either of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, by any Writing or Writings, under their Hands and Seals, shall authorize and appoint to receive the same, and shall be disbursed and laid out in amending the Roads aforesaid, according to the true Intent and Meaning of this Act, and not otherwise: And the said Trustees, or any Five or more of them, to whom such Account shall be given, shall and may, out of the Money arising by the said Tolls or Duties, make such Allowance unto the said Receiver or Receivers, Collector or Collectors, Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, for and in Consideration of his and their Care and Pains respectively taken in the

and remove them, and appoint others.

Officers to account upon Oath.

Trustees to allow Officers Salaries.

Execution of his and their respective Office and Offices, and to such other Person or Persons who have been, or shall be, assisting in and about procuring the said Roads to be amended and repaired as aforesaid, or by advancing or laying out any Money, or otherwise relating thereunto, as to them shall seem good; And in case the said Receiver or Receivers, Collector or Collectors, of the said Toll or Duties so to be paid as aforesaid, or any of them, shall not make up such Account and Payment, as is before directed, unto such Person or Persons, according to the Order and Direction of the said Trustees, or any Five or more of them, as aforesaid, that then the Justices of the Peace, at any special Sessions, or monthly Meeting of them, to be holden for any Division in which the Roads aforesaid do lie, shall make Enquiry of and concerning such Default, as well by the Confession of the Party or Parties, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justices are hereby impowered and required to administer, without Fee or Reward); and if any Person or Persons shall be thereof convicted by such Justices, the said Justices shall, upon such Conviction, commit the Party or Parties to the Common Gaol of the said County of Cornwall, there to remain without Bail or Mainprize, until he, she, or they, shall have made a true Account and Payment, as aforesaid, or until he, she, or they, shall have compounded and agreed with the said Trustees, or any Five or more of them, and shall have paid such Composition to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

Officers refusing to account,

Justices to enquire into the Default,

and commit the Offender,

until Payment or Composition made.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors, and such Person or Persons as he and they shall appoint, to dig, cut, gather, take, and carry away, any Ballast, Gravel, Chalk, Furze, Heath, Sand, Stones, and other Materials, out of any River or Brook, Waste or Common, in any Parish, Town, Village, or Hamlet, lying near the said Roads, proper and convenient for repairing and amending the Roads aforesaid; and for want of sufficient Ballast, Gravel, Chalk, Furze, Heath, Sand, Stones, or other Materials, then it shall and may be lawful for them, by Order of the Trustees, or any Five or more of them, to dig and gather the same out of the several Grounds of any Person or Persons (not being an House, walled Garden, Orchard,

Surveyors may dig Gravel, &c. in waste Grounds.

For want of sufficient Materials, the same may be taken from private Grounds;

chard, Yard, planted Walk or Walks, Park, watered Meadow, 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, or Lime Quarry) where any such Materials are or may be found; and, from time to time, to carry away such and so much thereof as the said Surveyor or Surveyors, in their respective Place or Places, shall adjudge necessary for repairing and amending the Roads aforesaid; paying such Rates for such Materials, and making such Satisfaction for the Damage done such Ground only, to the Owner or Owners of the Ground where and from whence the same shall be digged, gathered, taken, or carried away, or over which the same shall be carried, as the said Trustees, or any Five or more of them, shall adjudge reasonable: And in case of any Difference concerning the same, between such Owner and Occupier and the said Trustees, touching such Damage as aforesaid, the Justices of the Peace, at their next General Quarter Sessions to be holden for the said County of Cornwall, or the major Part of them then present, shall and may adjudge, assess, and finally determine the same; and order the same to be paid by the Treasurer or Treasurers for the time being, out of the Money arising by the said Toll.

making Satisfaction to the Owners.

Justices to determine Differences.

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

Surveyors may gather Materials from Quarries.

Provided also, and be it further enacted by the Authority aforesaid, That in case any Owner of the Soil, or Occupier of the Ground where such Materials shall be dug or gathered, or any other Person or Persons, shall at

Penalty on Persons taking away Gravel, &c.

any Time, during the Continuance of this Act, load, take, or carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials, which any Surveyor or Surveyors, acting in Pursuance and under the Authority of this Act, or any Person or Persons by him appointed, shall have got, gathered, or digged out of any Waste or Common, River or Brook, or private Grounds, for the Purpose of repairing of the said Roads, or any Part thereof, or shall dig, gather, get, take, lead, or carry away any Gravel, Sand, Stones, or other Materials, out of any Pit, Hole, or Quarry, which such Surveyor, or any Person by him appointed, shall have made or opened for the Purpose of getting Materials for such Repairs as aforesaid, before such Time as the said Surveyor, or his Workmen, shall have discontinued getting any such Materials thereout, or working thereon for the Space of Forty Days (other than and except the Owner or Occupier of such private Ground) and Persons by him lawfully authorised to get thereout or therefrom Materials for the proper Use of such Owner or Occupier only, and not for Sale, every Person or Persons so offending, and being thereof convicted by Confession of the Party, or Oath of One credible Witness, before One or more Justices of the Peace of the said County of Cornwall, shall for every such Offence, forfeit and pay unto the said Trustees the Sum of Forty Shillings, to be recovered and levied in Manner herein after mentioned.

Surveyors may remove Annoyances,

and cut down Bushes, &c.

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to remove all Annoyances on the said Roads, and to cut down Trees and Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto, the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances, for the Space of Twenty Days next after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances as aforesaid; and in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County or Place where the Offence shall be committed, from time to time, to levy the Charges thereof

the Owners neglecting to remove the same after Notice;

Charges to be reimbursed the Surveyor;

to be levied by Distress and Sale.

of upon such Owners or Occupiers, by Distress and Sale of his and their Goods and Chattles, rendering the Overplus (if any be) to the Owners or Occupiers thereof upon Demand, after all Charges paid: And if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in like Manner, every such Person so offending, and being thereof convicted upon Oath, before One or more Justice or Justices of the Peace for the said County or Place, shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, the Sum of Twenty Shillings. 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 said Surveyor or Surveyors, to make, or cause to be made, Causeways, and to cut and make Ditches and Drains through any Grounds lying contiguous to any Part of the said Roads, and to make and erect Bridges or Arches of Brick, Timber, or Stone, upon the said Roads, and also to widen any of the narrow Parts of the said Roads, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto (not being the Site of, or Ground whereon any House or Houses stand, or planted Walk, Yard, or Avenue to any House) so that the Grounds to be taken into the said Roads do not exceed Thirty Feet in Breadth; and also to cause Ditches or Fences to be made, in such Manner as such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, shall adjudge necessary, for the better amending and keeping the Roads aforesaid in good Repair; and also to make, or cause to be made, a Road or Way, by, through, or over the adjoining Grounds of any narrow or ruinous Parts of the said Roads hereby intended to be repaired (not being the Site of, or Ground whereon, any House or Houses stand, or planted Walk, Yard or Avenue to any House) 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 till such Time as it shall be convenient and safe for Passengers and Carriages to pass; making such reasonable Satisfaction to the Owners or Occupiers of such Grounds respectively, as shall be so made use of, or through which any such Drains shall be cut, or on which any such Arch or Arches, Bridge or Bridges shall be made, or by, through, and over, which such Road or Roads shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged by the said Trustees, or any Five or more of them; and in case any Difference shall happen between such Owners Surveyors may make Causeways, &c. and erect Bridges, &c. and also widen the narrow Parts of the Roads; and make a temporary Road, making Satisfaction to the Owners.

Justices to determine Differences.

Owners or Occupiers, and the said Trustees, touching such Damages, that then, it shall and may be lawful to and for the said Justices of the Peace, at their next General Quarter Sessions of the Peace to be holden for the said County of Cornwall, or the major Part of them present at such Quarter Sessions, to hear, settle, adjudge, and finally determine the same.

And whereas Doubts have been made of the Validity of Contracts entered into by Trustees appointed by Acts of Parliament for surveying and amending Turnpike Roads, their Clerks, Treasurers, or other Officers, with Workmen and other Persons, touching the Repair of such Roads, and whether (as such Trustees, and the Persons acting under them, do not actually sustain any special Damage) any Damages can be recovered against the Parties making Default in fulfilling such Contracts; Now, for obviating such Doubts, it is hereby enacted and declared, That all Contracts in Writing, entered into pursuant to an Order at any Meeting made by the said Trustees hereby appointed, for repairing the said Roads, or any Five or more of them, by their Clerk, Treasurer, Surveyor, or other Officer, with any Workmen or other Person or Persons, shall be binding upon such Parties as shall sign the same, his and their Executors and Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof; and that the Sum of Money requisite for putting the said Road or Roads into such Condition and Repair as by the said Contracts the said Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action against such Contractor as aforesaid, and making Default in fulfilling the said Contract; any Law or Usage to the contrary in any wise notwithstanding.

All Contracts entered into by the Trustees deemed valid, &c.

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

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Five or more of them, shall, at any Time or Times, during the Continuance of this Act, think proper to turn, widen, or alter, any Part or Parts of the Roads hereby directed to be repaired, for the better Accommodation of Coaches, Carriages, and Passengers, that then it shall and may be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and impowered to treat for, purchase, contract, and agree, with any Person or Persons, Bodies Politick, Corporate, or Collegiate, that are or shall be Owners, Proprietors, or Occupiers of, or interested in, any Lands or Grounds, Tenements or Hereditaments, lying contiguous to or near the said

Roads, for such Grounds, Lands, Tenements, or Hereditaments, or for the Loss or Damage which they, or any of them, shall or may receive, by such widening, turning, or altering, the said Roads.

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

Bodies Politick, &c. impowered to treat for the Sale of such Lands.

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Trustees, or other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode of such Person or Persons,

Persons neglecting to treat, &c.

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 Thirty Days next 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 inquired 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 Oath any Two or more of the Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or other Person or Persons interested, for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said 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 inquired 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 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

Jury to settle the Recompence.

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be binding.

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 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 Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen, when they come to be sworn: And the said Trustees, or any Five or more of them, acting in the Premisses, shall have full Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses; and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, or who shall refuse to be sworn on the said Jury, or, being so sworn, refuse 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

Trustees may issue a Warrant to the Sheriff, to impanel a Jury.

Jurors may be challenged.

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

pence before the said Jury touching the Premisses, shall refuse or neglect to appear, or, appearing, shall refuse to be sworn and give Evidence; and, from time to time, to levy such Fine or Fines in the same Manner as any other Forfeiture or Penalty herein before mentioned is hereby directed to be levied; so that no such Fine shall exceed the Sum of Ten Pounds upon any One Person, for One Offence; and all such Fines shall be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to be applied.

Fine not to exceed 10 *l.*

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

And be it further enacted by the Authority aforesaid, That all and every such Sum or Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for as aforesaid, shall be, and is and are hereby charged and chargeable upon the respective Monies which shall be raised, received, or borrowed, by virtue of this Act, and shall be paid thereout accordingly to the Persons respectively intitled thereto; and, upon Payment of such Recompence or Satisfaction, it shall and may be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to take into and add to the said Roads such Grounds, Lands, or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Grounds, Lands, and Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; And, after the Purchase of the said Lands, Grounds, or Hereditaments, such Lands, Grounds, or Hereditaments, shall be laid into and made Part of the Roads, in such Manner as the Trustees, or any Five or more of them, shall order and direct; and shall by them, or by such Person or Persons as they, or any Five or more of them, shall appoint, be sufficiently drained, ditched, fenced, and set out, for that Purpose; and after such draining, ditching, fencing, and setting out, the said Lands, Grounds, or Hereditaments, shall, to all Intents and Purposes whatsoever, become and be, and shall 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 Way or Ways so widened, altered, or turned, was and were, and ought to have been, kept in Repair; and after such new Road shall be completed, the Lands and Grounds comprised in or constituting the old or former Roads, in lieu whereof the Lands, Grounds, or Hereditaments, for such new Roads shall be purchased as aforesaid, shall be vested in, and shall and may be sold by, the said Trustees, or any

Lands when purchased to be made Part of the Roads,

and deemed a publick Highway,

and kept in Repair as such:

Old Road to be sold.

Five or more of them, to such Person or Persons as shall be willing to become Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale, shall be applied and disposed of for the repairing and amending the said Road; and the Sale, or Conveyance or Conveyances, to be made of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the said County of Cornwall, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Buildings, &c. not to be injured.

Provided always, and be it further 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, walled Garden, Park, Plantation, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

Tolls to be paid but Once a Day.

Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That if any Person or Persons shall pay the respective Tolls or Duties by this Act granted and made payable, for the passing of any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Chariot, Landau, Berlin, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse, Litter, Waggon, Wain, Cart, Dray, or other Carriage, at any of the Gates or Turnpikes that shall, by virtue of this Act, be erected or set up, the same, 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 any of the said Gates or Turnpikes; which said Notes or Tickets the said 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.

Exemptions from Tolls.

Provided always, and it is hereby enacted by the Authority aforesaid, That no Person or Persons shall be charged with, or compellable to pay any of the Tolls or Duties made payable by this Act, for any Waggon, Wain, Cart, Dray, or other Carriage, or for any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast, drawing or not drawing the same, which shall be used or employed in the Carriage of any Stone, Gravel, or other Materials, for the repairing of any Road or Highway, or in the Carriage of any Lime, Culm for burning of Lime, Dung, Mould, Sand, Soil, or Compost of any

Kind, for the manuring of any Garden, or other Lands or Grounds, or that shall be used or employed in the plowing, sowing, tilling, or cultivating, of 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 any Plough, Harrow, Dray, or other Implements of Husbandry; or for any Horse, Mare, Gelding, Ox, or other Beast, drawing the same, in order for the repairing thereof, or using the same in Husbandry; or any Thing whatsoever that shall be used or employed in Husbandry, or manuring of Land; or for any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast or Cattle, going to, or returning from, Water or Pasture for the Purpose of watering or grazing only, and not going for, or coming from, Sale, or in order to be shoed; or for any Post-horse carrying the Mail or Packet; or for the Horses of Soldiers upon their March; or for Carriages loaden with the Arms or Baggage of Soldiers; or for Horses or Carriages passing with Vagrants sent by lawful Passes; or from any Person or Persons residing in any of the said Parishes in which the said Roads, hereby directed to be repaired, do lie, who shall pass through, to and from Church, or other Place of Worship to which they usually resort on Sundays; or who shall attend the Funeral of any Person to be buried in any of the said Parishes.

Watering and Pasturage Tickets to be conditionally granted;

And, to prevent the evading of the Tolls, under Pretence of Horses or Cattle going to or returning from Water or Pasture; be it further enacted, That no Horse, Mare, Gelding, or Cattle, shall be exempted from paying the respective Tolls by this Act granted and made payable, which shall be going to or returning from Water beyond the Distance of Two Miles, or to or from Pasture beyond the Distance of Three Miles, from the first Turnpike-gate through which such Horse, Mare, Gelding, or Cattle, shall pass; and that in case of any Horse, Mare, Gelding, or Cattle, going to or returning from such Water or Pasture, the Person or Persons going through any of the said Gates or Turnpikes with or for the same, shall pay the usual Tolls at the said Gates or Turnpikes, and receive from the Collector there a particular Ticket, which shall be called a Water or Pasture Ticket, with the particular Hour of the Day when such Person or Persons went through the said Gate with or for such Horse, Mare, Gelding, or other Cattle; which Ticket the respective Collectors are hereby required to give gratis on Receipt of the Toll; and on such Person or Persons returning to the

said

said Gate with the said Horse, Mare, Gelding, or other Cattle, if from Water within One Hour and a Half, or if from Pasture on the same Day, and within a reasonable Time after he or they shall have so first gone through the same, such Person or Persons shall receive the Money so paid as Toll back again; and that no Horse, Mare, Gelding, or other Cattle, shall be exempt from paying the respective Toll or Tolls on account of going to Water or Pasture, unless under these Circumstances. Toll to be returned on re-delivering the said Tickets.

Provided nevertheless, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in repairing the said Roads. Penalty on making illegal Claims,

And, for preventing Frauds or Abuses in the said Toll or Duty, be it enacted by the Authority aforesaid, That if any Person or Persons shall make use of any forged Ticket, or other Ticket or Tickets not delivered to him, her, or them, by the Keeper or Keepers of the Turnpike-gate or Gates; or having paid any Toll or Duty by this Act imposed, and having such Note or Ticket, Notes or Tickets, as is or are hereby directed to be given, shall give, offer, or dispose of, the same to any other Person or Persons, in order to avoid the Payment of the said Toll or Duty; every such Person or Persons so making use of any forged Ticket or Tickets, or other Ticket or Tickets, or giving, offering, or disposing of, such Note or Ticket, Notes or Tickets, and the Person or Persons receiving the same, being thereof convicted upon Oath, or Confession of the Party, before any One or more Justice or Justices of the Peace for the said County of Cornwall, shall respectively forfeit and pay the Sum of Twenty Shillings, to be levied and disposed of as any other Penalty or Forfeiture is directed to be levied, recovered, and disposed of by this Act. and on using forged Tickets, and on giving or receiving Tickets.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, at any Time during the Continuance of this present Act, unload, or cause to be unloaded, any Sort of Corn, Grain, or any other Goods or Merchandize, from any Waggon or other Carriage, or take off, or cause to be taken off, any Horse or Horses, from any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, Hearse, Litter, or any Horse or Horses, Ox or Oxen, or other Cattle, from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the Gates or Turnpikes erected by virtue of this Act, with an Intent to avoid the Payment of Penalty on unloading Goods, or taking off Horses, &c.

of any of the Tolls or Duties hereby impoſed; or ſhall put or leave, in any Houſe or Place, any Coach, Chariot, Berlin, Landau, Chaiſe, Calaſh, Chair, Hearſe, Litter, Waggon, Wain, Cart, or other Carriage; Horſe, Gelding, Mare, or any other Cattle; chargeable with, or liable to pay the ſaid Tolls or Duties with ſuch Intent as aforeſaid, every ſuch Perſon ſo offending in any of the Caſes aforeſaid, and being thereof convicted upon Oath before any One or more Juſtice or Juſtices of the Peace of the ſaid County of Cornwall (which Oath the ſaid Juſtice and Juſtices is and are hereby empowered and required to adminiſter) ſhall forfeit the Sum of Twenty Shillings for any ſuch Offence, and ſhall pay the ſame to the Truſtees appointed or to be appointed to put this preſent Act in Execution, or to their Treaſurer for the time being; which ſaid Sum, in caſe the ſame be not forthwith paid, ſhall be levied in ſuch Manner as herein after is mentioned.

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 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 Diſtance of every ſuch Stone or Poſt, as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem meet: And if any Perſon or Perſons ſhall wilfully or maliciouſly break or pull up any of the Stones or Poſts, or any Part thereof, which ſhall be ſo erected or ſet up, or ſhall obliterate or deface any of the Words, Letters, or Marks, which ſhall be engraved or inſcribed thereon, and ſhall be convicted thereof by the Confeſſion of the Party, or by the Oath of One or more credible Witneſs or Witneſſes, before One or more Juſtice or Juſtices of the Peace for the ſaid County of Cornwall (which Oath the ſaid Juſtice or Juſtices is and are hereby impowered and required to adminiſter) every ſuch Perſon or Perſons ſo offending, ſhall reſpectively forfeit and pay the Sum of Forty Shillings for each Stone or Poſt ſo wilfully or maliciouſly broke or obliterated, defaced or pulled up, to be levied by Diſtreſs and Sale of the Goods and Chattles of every ſuch Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the Juſtice or Juſtices before whom ſuch Conviction ſhall be made; ſuch Forfeitures to be laid out and applied in repairing the Stones and Poſts ſo broken, pulled up, obliterated, or defaced, or in ſupplying of new ones in their Stead; and the Overplus, if any, ſhall be applied and laid out towards

Penalty on defacing Mile-ſtones, &c.

to be levied by Diſtreſs and Sale.

towards amending the Roads hereby directed to be repaired; and in case any Person or Persons so offending and convicted shall have no Goods or Chattles, then it shall and may be lawful to and for any One or more Justice or Justices of the Peace as aforesaid, by Warrant under his or their Hand and Seal, or Hands and Seals respectively, to commit such Person or Persons to the House of Correction for the said County, there to remain for the Space of One Calendar Month, to be reckoned from the Day of Commitment; and such Person or Persons shall not be discharged, till he, she, or they, shall have paid the Sum of Forty Shillings, or until the Expiration of the said Calendar Month.

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

Provided always, and be it further enacted by the Authority aforesaid, That where any particular Part or Parts of the said Roads, or any Streets, Bridges, or Drains, being in and upon the said Roads respectively, hereby intended to be repaired and maintained, and which have been accustomed and ought to be repaired and maintained by any particular Person or Persons, Body Politick or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by the said County of Cornwall, or any Township or Townships, Hill or Hills, Tything or Tythings, Hamlet or Hamlets, therein or otherwise howsoever, all and every such Part or Parts of the said Roads, Bridges, or Drains, so lying in and upon the said Roads respectively, shall from time to time be maintained and kept in good Repair by such Person or Persons, Body Politick or Corporate, County or Township, Hill, Tything, or Hamlet, and in such Manner as the same were respectively maintained and kept in Repair before the passing of this Act.

Justices, upon Application, to determine all Differences.

And, for preventing Differences which may arise between the said Trustees and the Person or Persons, Bodies Politick or Corporate, County, Township, or Place therein, touching where, how, and in what Manner, such particular Part or Parts of the said Roads, or the Bridges and Drains lying in and upon the same, are or ought to be repaired and maintained, as aforesaid; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Justices of the Peace for the said County of Cornwall, and they are hereby required and impowered, at their petty or special Sessions, upon Application to them made by the said Trustees, or any Three or more of them, or their Clerk or Clerks for the time being, to adjudge and determine where, how, and in what Manner, such particular Part or Parts of the said Roads, Bridges, and Drains aforesaid, shall from time to time

be repaired and maintained by such Person or Persons, Bodies Politick or Corporate, County or Township therein, who are or shall be chargeable or liable to repair the same by reason of the Tenure of any Lands, Tenements, or Hereditaments, or otherwise howsoever.

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

Provided always, and be it further enacted by the Authority aforesaid, That all and every Person and Persone, who by Law is or are chargeable towards the repairing and amending the said Roads hereby intended to be repaired, shall still remain chargeable, and do their respective Work in the Parishes, Townships, or Places, in which the said Roads do respectively lie, in such Manner as he, she, or they ought to have done before the Passing of this Act: And that every such Inhabitant of the said Parishes, Townships, and Places respectively, 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, Townships, and Places, in which they respectively live, as Persons keeping Teams are obliged by Law or ought to do.

Persons renting 50*l. per Ann.* deemed Team-holders.

And, for preventing Differences which may arise between the said Trustees and the Surveyors of the Highways for the several Parishes, Divisions, and Places, through which the Roads hereby intended to be repaired do lie, touching what Part of the Statute-work ought to be done by any Parish, Place, or Division on the Roads aforesaid; be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Justices of the Peace for the said County of Cornwall, at their General Quarter Sessions of the Peace to be held for the said County, upon Application made to them by the said Trustees, or any Five or more of them, or their Clerk or Clerks for the time being, to adjudge and determine what Part or Proportion of the Statute-work shall be done in the said Roads by such Parishes and Divisions, in which the Roads hereby intended to be repaired do lie.

Justices to determine Differences relating to Statute-work.

And be it further enacted, That the said Trustees, or any Five or more of them, may, and are hereby authorized and impowered to compound with any Person or Persons, Bodies Politick or Corporate, for the Repairs to be by them done upon the said Roads; and also with the several Inhabitants of the several Towns, Parishes, Hamlets, and 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

Trustees may compound for Statute-work, &c.

such Sum and Sums of Money by the Year or otherwise, as they the said Trustees, or any Five or more of them, and such Person or Persons, Bodies Politick or Corporate, or Inhabitants, respectively shall agree; upon which the said Money shall be instantly paid to the said Trustees, or any Five or more of them, or to their Appointment.

And, to the end that the said Trustees may know the Inhabitants of all the Towns, Parishes, Hamlets, and Places, wherein the Roads by this Act directed to be repaired do lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted, That the Surveyors of the Highways of and for every of the said Towns, Parishes, Hamlets, and Places, shall, and they are hereby required, at the First Meeting of the said Trustees after the Twenty fifth Day of March in every Year, or oftner, if thereunto required by the said Trustees, or any Five or more of them, during the Continuance of this Act, Ten Days Notice of such Meeting being fixed on all the Turnpike Gates erected by virtue of this Act, to deliver in to the said Trustees true and perfect Lists in Writing, under their respective Hands, of the Names of all the Inhabitants of such Towns, Parishes, Hamlets, and Places respectively, who are liable to do their Statute Duties in and upon the said Highways, 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 Burthen, and how many in Number, and which of them are Labourers only, 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.

Surveyors to deliver in Lists of Persons liable to do Statute-work.

And be it further enacted, That if the Surveyor or Surveyors of the Highways of the several Towns, Parishes, Hamlets, or Places, through which the said Roads lead, shall not deliver in to the said Trustees, Lists of the Inhabitants of their said several Towns, Parishes, Hamlets, or Places, at such Times, and in such Manner, as by this Act is directed and required to be delivered, such Surveyor or Surveyors, and every of them, shall forfeit and pay, for every such Default, the Sum of Five Pounds: And if any of the Inhabitants of the said several Towns, Parishes, Hamlets, or Places, being obliged or liable by Law to do Statute-work in and upon the Highways, shall not do such Statute-work in and upon the said Roads, at such Times and Places, and in such

Penalty on Surveyors neglecting to deliver in such Lists.

Penalty on Persons not performing Statute-work.

such Manner, as they shall by the Surveyor or Surveyors appointed by the Trustees of this Act be directed or appointed to do, after Notice in Writing shall, for that Purpose, have been affixed upon the Church Door of the Town, Parish, Hamlet, or Place, where such Inhabitants respectively shall live, on the Sunday Morning preceding the Time for the Performance of such Statute-work, which Notice the Surveyor or Surveyors, appointed by the said Trustees, are hereby required to give, or cause to be given; and such Notice shall be deemed to all Intents and Purposes sufficient, and as if such Inhabitants had been personally served therewith; such Inhabitants, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums herein after mentioned (that is to say) Every such Inhabitant and Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Work, for each Team, the Sum of Ten Shillings; and every such Inhabitant or Person who shall keep a Pack-horse or Pack-horses, or other Beast of Burthen, 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 chargeable or liable to be charged towards the Repairs of the Highways, and not keeping, or deemed by this Act to keep, a Team, and not keeping a Pack-horse, or other Beast of Burthen, for every Day's Work, the Sum of One Shilling and Six Pence: And if any Person or Persons who shall come to work as a Labourer or Labourers, or be sent with any Team, Draught, Pack-horse, or other Beast of Burthen, to work on the said Roads for the Repairs thereof, commonly called Statute-work, are found idle and negligent, or shall not properly perform such Statute-work, the Turnpike Surveyor or Surveyors may, and is and are hereby impowered and required to remove and discharge such Person or Persons, and it shall be deemed and taken as if such Person or Persons had not come or sent any Team, Draught, Cart, Pack-horse, or other Beast of Burthen, to work on the said Roads; and he, she, or they, shall be subject and liable to the respective Forfeitures, as if he, she, or they, had neglected or refused to do or perform the said respective Days Work.

Persons found idle to be turned off.

And be it further enacted by the Authority aforesaid, That the Right, Interest, and Property, of all and every the Turnpikes and Toll-houses, erected or to be erected by virtue of this present Act, shall be vested in the Trustees appointed and to be appointed to put this Act in Execution;

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

cution; and they, or any Five or more of them, at their Meetings assembled, are hereby authorized and impowered to bring Actions in their Names, or in the Names of the Clerks of such Meetings for the time being, and to prefer Bills of Indictment, or other Prosecutions, against any Person or Persons, who shall steal, take away, break down, or spoil, such Turnpikes or Toll-houses, or any or either of them, so erected and built as aforesaid.

And, for continuing a sufficient Number of Trustees for putting this Act in Execution, and all and every the Powers herein contained; be it enacted by the Authority aforesaid, That when and as often as any Trustee or Trustees shall die, remove, or refuse to act, it shall and may be lawful for such of the said Trustees as shall survive, or any Five or more of them, from time to time, during the Continuance of this Act, to elect, nominate, and appoint, One or more fit Person or Persons, living in the said County of Cornwall, to be a Trustee or Trustees in the Room or Place of such of them as shall so die, remove, or refuse to act; and such Person and Persons so elected, nominated, and appointed, shall be joined with the surviving and remaining Trustees in the Execution of all and every the Powers in them reposed by virtue of this Act; but Notice in Writing of the Time and Place of Meeting for the Election of all such new Trustees, shall be fixed on all and every the Turnpike and Turnpikes erected or to be erected in pursuance of this Act, at least Fourteen Days before the Meeting for such Election; and all and every Person and Persons so chosen to join in putting this Act in Execution, shall and may, and they are hereby impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees, herein before nominated and appointed, are by this Act impowered to act and do.

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

Notice to be given of such Election.

Provided always, That if any Person or Persons, appointed or to be appointed a Trustee or Trustees to put this Act in Execution, shall have or accept of any Place of Profit arising out of, or by reason of, any Toll or Duty by this Act laid or granted, such Person or Persons, after his or their Acceptance of such Place or Places of Profit, shall be incapable of acting as a Trustee or Trustees, during his or their Employment of such Place or Places of Profit as aforesaid.

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

And be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at the Town Hall in the Borough of Penryn, in the said County of Cornwall, on the Twentieth Day of

Time and Place of Trustees Meeting.

May, One thouſand ſeven hundred and ſixty three, and ſhall then chuſe a Treaſurer or Treaſurers, and alſo a Clerk or Clerks to write their Orders, and for other Purpoſes, and ſhall then and there adjourn themſelves, and ſhall afterwards meet at the Place aforeſaid, or at any other Place in or near the ſaid Roads ſo to be repaired, as the ſaid Truſtees, or any Five or more of them, ſhall think convenient and proper, as often as it ſhall be neceſſary for putting this Act in Execution; and in caſe any Difference or Diſpute ſhall ariſe amongſt the ſaid Truſtees, relating to the Truſt repoſed in them by virtue of this Act, at any of the ſaid Meetings of the ſaid Truſtees appointed or to be appointed by and in purſuance, and for the Purpoſes of this Act, ſuch Difference or Diſpute ſhall be determined by a Majority of the Truſtees then preſent at ſuch Meeting, ſuch Majority conſiſting of Five or more; but if it ſhall at any Time ſo happen, that there ſhall not be a ſufficient Number of Truſtees preſent at any of the aforeſaid Meetings, ſo as to determine the ſaid Difference or Diſpute by a Majority, to conſiſt of Five at the leaſt, ſuch Difference or Diſpute ſhall be adjourned over to, and determined at, the next Meeting, when a ſufficient Number of Truſtees ſhall happen to be preſent to determine the ſame as aforeſaid; and if it ſhall happen, upon any Adjournment of ſuch Meeting, that Five at leaſt of ſuch Truſtees ſhall not appear on ſuch Adjournment, ſuch Meeting ſhall be deemed to be adjourned over to that Day Sevennight, and ſhall and may be holden at the ſame Place without further Notice, and ſo toties quoties, as often as the like Caſe ſhall happen; and that the ſaid Truſtees, at their Firſt, and all their ſubſequent Meetings, ſhall pay their own Charges and Expences.

Truſtees to defray their own Expences.

And foraſmuch as the Money to be collected by Receipt of the Tolls and Duties by this Act made payable, will not probably be ſufficient for the ſpeedy repairing of the ſaid Roads; be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall and may be, and are hereby empowered, from time to time, by any Writing or Writings under their Hands and Seals, without any Stamp thereupon, to aſſign over and mortgage the ſaid Tolls and Duties ariſing by virtue of this Act, or any Part thereof (the Coſts and Charges of aſſigning the ſame to be borne and paid out of ſuch Tolls and Duties) for any Time or Term for which the ſame are hereby made payable, or for any Part of ſuch Time or Term, as a Security for the Repayment of ſuch Sum or Sums of Money ſo to be borrowed, to ſuch Perſon or Perſons as ſhall advance or lend ſuch

Tolls may be aſſigned for Money borrowed.

such Money, or his, her, or their Trustee or Trustees, together with such Interest for the same, as the said Trustees appointed by this Act, or their Successors, or any Five or more of them, shall think expedient, not exceeding Five Pounds per Centum per Annum; which said Money so to be borrowed, shall, after paying the Expences of obtaining this present Act, be applied and disposed of as the said Tolls or Duties are by this Act directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Limitation of the Sum to be borrowed.

Provided always, That no more than the Sum of Two thousand Pounds shall be borrowed on the Credit of this Act, unless the Person or Persons intitled to Four Fifths of the Money which shall at that Time be owing upon the Credit thereof, shall consent thereto, and shall signify the same under his or their Hand or Hands to the said Trustees, or any Five or more of them.

Notice to be given for borrowing Money.

Provided always, and it is hereby declared, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls hereby granted, unless Notice for that Purpose in Writing, under the Hand or Hands of the Clerk or Clerks to the said Trustees, shall be fixed up at some publick Place in Penryn and Redruth, and likewise upon all the Turnpikes which shall be then erected by virtue of this Act, at least Fourteen Days before the borrowing such Money.

Assignments may be transferred.

And it is also further enacted by the Authority aforesaid, That all and every Person and Persons to whom any Mortgage or Mortgages, Assignment or Assignments, shall be made by the said Trustees, or any Five or more of them, as a Security for any Sum or Sums by him, her, or them, lent and advanced on the Credit and for the Purposes of this Act, or who shall be intitled to the Money thereby secured, shall and may, 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 or their Hands and Seals, to be duly executed in the Presence of Two credible Witnesses, assign and transfer the same Security or Securities, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, and Interest, to the Principal and Interest Money thereby secured, or any Part thereof, to any other Person or Persons whomsoever; which said Transfer or Assignment shall be produced or notified to the said Clerk or Clerks, Treasurer or Treasurers, appointed or to be appointed by the said Trustees as aforesaid, within Three Calendar Months after the Date thereof, who shall cause an Entry or Memorial to be

Entries to be made of all Assignments.

be made of such Assignment or Transfer, containing the Date, Parties Names, and Sum of Money therein mentioned to be transferred in the said Book to be kept for the entering of the said original Assignments, for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Two Shillings and Six Pence, and no more; and after such Entry made, such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, or Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign the same again, and so toties quoties; and it shall not be in the Power of such Person or Persons who shall make such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

Clerk's Fee.

Method prescribed for borrowing and securing Money.

Provided always, and it is hereby enacted by the Authority aforesaid, That the said Trustees, or the major Part of them, such major Part not being less than Five, at their First or other Meeting or Meetings, shall and may, if they shall think fit, pursue the Method herein after prescribed for borrowing and securing Monies on the Credit of the said Tolls; that is to say, the said Trustees, or such major Part of them as aforesaid, at such First or other Meeting or Meetings, shall and may resolve and declare, what gross Sum of Money they shall think proper and requisite to be borrowed and taken up upon the Credit of this present Act, and how much and what Part thereof, to consist of several Sums of Fifty Pounds each, will be required and necessary to be immediately raised and advanced, and what Rate of Interest shall be allowed for the same, and into whose Hands the said several Sums shall be paid, and for what Purpose the same shall be issued and applied respectively; and the said Resolution and Declaration shall at the same Meeting be entered, by the Clerk of the said Trustees, in a Book to be provided for that Purpose, and shall be then and there signed by the said Trustees, or any Five or more of them, so concurring in such Resolution and Declaration, and the Person or Persons to whom such Money so forthwith to be raised, consisting of several Sums of Fifty Pounds each, shall be paid as aforesaid, is and are hereby authorized to receive the same Money from such Person or Persons as shall be willing to advance the same; and, upon Receipt thereof, to sign and seal, and deliver unto the Person and Persons so advancing such Money respectively, an Instrument or Writing for every Sum of Fifty Pounds to be advanced, acknowledging the Receipt of the Sum of Fifty Pounds, as Part of the Sum directed to be raised

at the First or other Meeting of the Trustees upon the Credit of the Tolls and Duties granted by this Act, (mentioning the Title thereof) and declaring that the same is payable to the Person advancing the Money, or the Bearer of the said Instrument, out of the said Tolls and Duties, with Interest for the same; and the said Trustees, or any Five of them as aforesaid, shall sign their Names to each of the said Instruments or Writings, which Signing and Sealing shall be attested by the Clerk of the said Trustees, or in any other Manner as the said Trustees, or the major Part of them, such major Part not being less than Five, at such Meeting shall think necessary and direct; and that at the next Meeting of the said Trustees, the Persons possessing the said Instruments or Writings shall produce the same before the Trustees then assembled; and thereupon the Clerk of the said Trustees shall make Entries in the said Books, wherein such Resolution and Declaration shall be entered as aforesaid, of the respective Dates of the said Instruments or Writings, and the Names of the Persons to whom they purport to be issued, and by whom they are signed and attested, and shall mark the said Instruments or Writings in this Manner ("Entered N° I.") so on as they stand in Course in such Book ("A. B. Clerk of the Trustees:") And after such Entries shall be made in the said Book, in a Series one after another, the said Trustees at such Meeting, or any Five or more of them, shall subscribe their Names thereto in the said Book in Manner as before directed; and may at the same Time, or at any other subsequent Meeting or Meetings, direct the Residue of the said gross Sum, or such Part or Parts thereof, as from time to time they shall think necessary to raise, to be borrowed and received by such Persons as at such Meeting or Meetings shall by the said Trustees, or the major Part of them, such major Part not being less than Five or more of them then assembled, to be appointed for that Purpose, who may and are hereby authorized accordingly to receive the same, and to execute such Instruments or Writings for the same, to the Purport and in Manner before directed; which Money so from time to time received, shall be produced or accounted for at the next Meeting of the said Trustees after the Receipt thereof, and such Part thereof as shall not be accounted for, shall be disposed of as the said Trustees shall direct in Manner before mentioned; and the said last mentioned Instruments or Writings shall be also then produced, and Entries shall be made in the said Book of such further Resolution and Declaration, or Resolutions and Declarations,

of the said Trustees, and of the said Instruments in Manner before mentioned; and the Numbers to be marked as aforesaid on the said last mentioned Instruments, shall go progressively from the last Number in the last preceding Entry.

All Creditors to be deemed equal in Degree.

And it is hereby declared and enacted, That there shall be no Preference given to the Persons advancing any Part or Parts of the said gross Sum, in respect to the Priority of advancing his, her, or their Part or Parts thereof; but that all such Lenders and Proprietors of the said Instruments, so far as the said gross Sum shall extend, shall be, and are hereby declared to be, Creditors on the said Tolls in an equal Degree one with another: And in case the said Trustees, or the major Part of them, such major Part being not less than Five, shall pursue this Method of borrowing Money on the said Tolls; then, and in such Case, for the Security of the Lenders or Persons entitled to the said Instruments, it shall not be lawful to borrow any further Sum of Money on the Credit of the said Tolls beyond the gross Sum so first resolved to be raised, without the Consent of the Proprietors of the said Instruments to be signified by their Subscription on the Face of the said Instruments, to be witnessed by the Clerk to the Commissioners, and of a proper Entry for that Purpose in such Books wherein such Entries shall be made as aforesaid, or unless the Money due to the Proprietors of the said Instruments, or such of them as will not give their Consent, shall be first paid off and discharged; and that then, and in such Case, it shall be lawful for the said Trustees, or the major Part of them, such major Part not being less than Five, at a Meeting or Meetings, to borrow such Sum or Sums of Money on the Security of the said Tolls, and to pursue the same Method therein, or any other Method they shall think more expedient.

If the Trustees pursue the Method here prescribed, no more Money than the gross Sum before resolved on to be borrowed, without Consent of the Proprietors of the Deeds-poll.

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

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

Creditors, on Non-receipt of the Monies due to them, may collect the Tolls.

And it is hereby further enacted by the Authority aforesaid, That in case any Person or Persons who shall lend and advance Monies on the Credit of the said Tolls, or the Possessors of any of the said Instruments, at any Time shall be desirous to be repaid the Money due to them, and shall deliver a Notice in Writing, signed by them,

them, signifying such their Desire, to the Clerk or Clerks of the said Trustees, at any Meeting of the said Trustees, then, and in such Case, unless the Principal and Interest due and to accrue due to them on the Security of the said Toll, shall be fully paid unto, or tendered unto, such Creditors so signing such Notice, within Three Calendar Months after the Delivery thereof, as aforesaid, it shall and may be lawful to and for the said Creditors to receive and collect, or cause to be received and collected, the Tolls and Duties granted by this Act in respect of the said Roads, and to apply the same to the Payment of the Principal and Interest of their Debts.

Treasurer to give Security.

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

Trustees may lease, &c. the Tolls.

And be it further enacted, That the said Trustees and their Successors, or any Nine or more of them, shall and may, and they are hereby empowered, by Writing under their Hands and Seals, at any Time during the Continuance of this Act, to set, demise, lease, or to farm-let the Tolls and Duties granted and made payable by this Act, or any Part thereof, unto any Person or Persons who shall be willing to take or farm the same for any Time not exceeding Three Years, so as One Month's Notice in Writing of the Intention of such Letting or Setting, be fixed on all the Toll-gates or Turnpikes to be erected by virtue of this Act, and so as there be reserved, upon every such Lease or Demise, the best Rent or Rents that can be reasonably had or gotten for the said Tolls and Duties, to be payable to the said Trustees, or to such Person or Persons as they, or any Nine or more of them, shall in that Behalf direct or appoint; which said Rent or Rents, so to be paid by virtue of such Leases, shall be applied and disposed of in such Manner as the Tolls and Duties granted by this Act, are thereby directed to be applied and disposed of.

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, Acts, Matters, Proceedings, and Things, which shall be done by the said Trustees, in pursuance hereof, and in Execution of the Powers hereby to them given, shall, from time to time, be duly and regularly entered

entered and made in the Book or Books which shall be kept for those Purposes; which 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, or of any Part thereof, by their Clerk or Clerks for the time being, paying such Clerk or Clerks, for every Copy, not exceeding Three hundred Words, Six Pence, and so proportionably for any greater or less Number of Words.

Penalty on haling Timber, otherwise than on Wheel Carriages.

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

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed and incurred, or not herein particularly directed how to be recovered and levied, shall and may be recovered and levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of or for the County of Cornwall; which Warrant or Warrants such Justice or Justices is and are hereby impowered and required to grant, upon the Information or Informations of any Surveyor or Surveyors, Receiver or Receivers, Collector or Collectors, appointed or to be appointed, pursuant to this present Act, or One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby required and impowered to administer) and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be and demanded) to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be paid to the Trustees hereby appointed, or any Five or more of them, or to the Treasurer or Treasurers by them appointed, and shall go, be applied, and laid out, towards amending the respective Roads hereby directed to be repaired, where such Penalties and Forfeitures shall have been incurred: And in case sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be paid, it shall and may be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his or their

Hand

Hand and Seal, or Hands and Seals, to commit such Offender or Offenders to the Common Gaol of the said County of Cornwall, there to remain for One Calendar Month, to be reckoned and computed from the Day of Commitment, and such Person or Persons shall not be discharged until he, she, or they, shall have paid the Penalties and Forfeitures for which they shall have been respectively committed, or until the Expiration of the said Calendar Month.

Provided also, That in case any Person or Persons shall think himself, herself, or themselves aggrieved by any Penalty or Penalties, Conviction or Convictions, Commitment or Commitments, in pursuance of this Act, it shall and may be lawful to and for him, her, and them, to appeal to the Justices of the Peace, at the next General Quarter Sessions of the Peace to be holden for the said County of Cornwall, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of the Person or Persons so thinking him, her, or themselves aggrieved, and if they see Cause, shall and may, by Order of such Sessions, mitigate or annul at their Discretion, all or any of the Penalties laid on and incurred by the Party or Parties complaining, or alter or vacate the said Conviction or Convictions, Commitment or Commitments, and set the Party or Parties at Liberty, or otherwise may ratify and confirm the same, and give such Costs to the Appellants or Respondents as they shall think fit; but the Person or Persons so appealing as aforesaid, is and are hereby respectively directed to give Ten Days Notice in Writing, to the Treasurer or Treasurers for the time being, of such the respective Intentions of such Appellants bringing and prosecuting such Appeal as aforesaid, and of the Cause and Matter thereof; and shall, within Five Days after such Notice given, enter into a Recognizance before some Justices of the Peace for the said County of Cornwall, with Two sufficient Sureties, to try such Appeals at the General Quarter Sessions of the Peace, which shall be held in and for the said County of Cornwall, next and immediately after bringing such Appeal, and every such Appeal and Appeals shall, at the then next General Quarter Sessions, be there heard, and finally determined.

Persons aggrieved may appeal to the Quarter Sessions.

Notice of Appeal to be given.

Recognizance to be entered into.

Provided also, and be it further enacted by the Authority aforesaid, That no Order touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction of any Offender or Offenders against this present Act, shall be quashed or vacated

Proceedings not to be quashed for want of Form only;

nor be removeable by *Certiorari*.

fated for want of Form only, or be removed or removeable by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; and that no Writ of Certiorari, or other Proceſs, ſhall iſſue or be iſſuable to remove the Record of any Conviction or of any Judgement or Determination given upon any ſuch Appeal or Appeals as aforeſaid, by the General Quarter Seſſions of the ſaid County of Cornwall, or to remove any Order or other Proceedings had upon, touching, or concerning ſuch Conviction, Judgement or Determination, in any of His Majeſty's Courts of Record at Weſtminſter.

Truſtees in the Commiſſion of the Peace may act as Juſtices,

And be it further enacted by the Authority aforeſaid, That if any Truſtee or Truſtees, appointed or to be appointed to put this Act in Execution, is, are, or ſhall be in the Commiſſion of the Peace for the ſaid County of Cornwall, ſuch Truſtee or Truſtees ſhall and may act as a Juſtice or Juſtices of the Peace for the more effectual putting in Execution the ſeveral Authorities and Powers in this preſent 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 a Juſtice.

except where intereſted.

No Victualler, *&c.* to have a Place of Profit.

And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons keeping any Inn, Alehouſe, or other Houſe of publick Entertainment, or who ſhall ſell Ale, Wine, Brandy, or other Spirituous Liquors by Retail, ſhall be capable of taking, holding, or enjoying, any Place or Places of Truſt or Profit under this Act, or of farming the Tolls hereby granted and made payable, 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.

Writings to be without Stamps.

Provided alſo, and be it further enacted, That no Warrant, Appointment, Information, Judgement, Mortgage, Aſſignment, Inſtrument, or other Writing or Writings whatſoever, under the Hands and Seals of, or only ſigned by, any Truſtee or Truſtees for putting this Act in Execution, or any Juſtice or Juſtices of the Peace, or exhibited before them, or any of them, concerning or in Execution of any the Powers or Authorities hereby veſted in ſuch Truſtee or Truſtees, or Juſtice or Juſtices of the Peace, or any of them, ſhall be charged or chargeable with any Stamp duty whatſoever.

And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Act or Thing done in pursuance of this Act, until Fourteen Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, or after the End of Three Calendar Months next after the Time of doing or committing the Act or Thing therein to be complained of; and every such Action shall be laid in the County of Cornwall, and not elsewhere; and the Defendant and Defendants in every such Action or Suit, shall and may plead at his Election Specially, or the General Issue, Not Guilty, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Fourteen Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, Place or Places, than where the Fact was committed, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have in any other Cases by Law. Limitation of Actions. General Issue. Treble Costs.

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

FINIS.