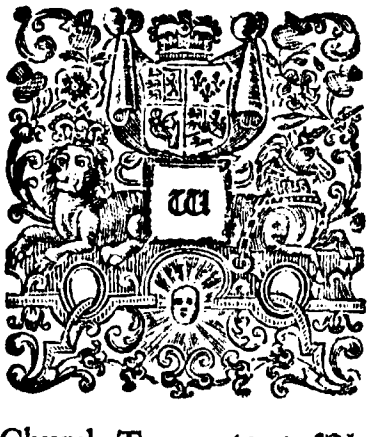
Anno quarto

Georgii III. Regis.

An Act for repairing and widening ſeveral Roads leading from *Callington*, in the County of *Cornwall*.



WHEREAS the Road leading from Callington, over Hingſton Down, to the Weſt End of Taviſtock Newbridge, in the Pariſh of Calſtock, and from the ſaid Road on Hingſton Down, near a certain Place called Seven Stones, to the Weſt End of Horſebridge, in the Pariſh of Stoke Climſland; and alſo the Road from Callington aforeſaid, through Saint Ive Church Town, to a Place called Combrow, in the Pariſh of Saint Ive aforeſaid; and alſo the Road from Callington aforeſaid to a Place called Watergate, in the Pariſh of Southill; and alſo the Road from Callington aforeſaid, over Hingſton Down, to a Place called Buſhford, in the Pariſh of Stoke Climſland; and from the ſaid laſt mentioned Road on Hingſton Down, to a certain Smith's Shop called Calmady's Shop, in the Pariſh of Preamble.

Stoke Climsland aforesaid; and also the Road from Callington aforesaid to a Place called Bearland Bridge, in the Parish of Callington aforesaid; and also the Road from Callington aforesaid, by Brendon's Tree, over Viverdon Down, through Saint Mellyan, to a Place called Penter's Cross, in the Parish of Pillaton; and also the Road from Callington aforesaid to a Place called Clapper Bridge, in the Parish of Pillaton aforesaid; all in the County of Cornwall; are very ruinous, and dangerous to Travellers, and in many Places so narrow, that Carriages cannot pass without the greatest Difficulty; and the same cannot be sufficiently widened, altered, and repaired, by the ordinary Methods prescribed by Law: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Sir John Saint Aubin, Robert Awse, John Ambrose, Swete Nicholas Archer, Addis Archer, John Ambrose, James Buller, John Buller, Edward Buller, Francis Buller, James Buller junior, John Buller junior, Francis Buller junior, Thomas Bewes, Richard Bennett, Robert Bennett, Francis Beauchamp, Richard Blake, Charles Boone, James Bennick, Nicholas Brent, Joseph Burt, John Carew, John Coryton, Nathaniel Carpenter, John Call, John Call junior, Francis Vincent Calmady, Warwick Calmady, Shilston Calmady, John Clarke, Maurice Doidge, Edward Elliott, Josias Foote Clerk, James Joseph Freeman, Cox Foote, John Fry, Sir John Glanville, James Gayer, James Gayer D. D. John Harrison, Arthur Holdsworth, John Harris, Humphrey Hall, Joshua Howell Clerk, John Honey, Lampen Harris, Thomas Horndon Clerk, David Horndon, Thomas Hender, Richard Hoskin, George Jeffery Clerk, George Jago Clerk, William Jope Clerk, Robert Jope, Thomas Isaac, Nicholas Kendall, John Knill, John Kerswell, John Knill junior, John Luke, Robert Lucas, Robert Tristram Lucas, James Lark, John Lyne Clerk, Stucley Lucas, William Moone, Jonas Morgan, William Morshead, Joseph Moyle, George Marshall, Edward Morshead Clerk, John Moone, John Nance, Richard Prideaux, John Prideaux, Daniel Phillips junior, William Davis Phillips, John Peters, John Read, Francis Rodd, Jonathan Rathleigh, Philip Rathleigh, Nicholas Richards Clerk, Robert Styles, William Sharpe, Richard Stevens, Henry Stevens, John Serjeant, Thomas Scawen, Scawen

Trustees Names.

Scawen junior, William Symons, John Sawle, William Strode, Melmoth Skinner Clerk, Oneliphorus Sheere, John Serjeant, Stokes Clerk, John Spurrell, Nicholas Symons, Nicholas Trevanion Clerk, Charles Trelawney, Sir William Trelawney, John Trist, James Tillie, John Trehawke, Richard Thomas, Arthur Tremain, Sir Christopher Treise, Richard Turner, Moses Thomas, Charles Thomas, Samuel Truebody, Sir Bouchier Wrey, William Webb, Richard Welsh, Thomas Welsh, Philip Welsh, James Walker, John Wells, William Wevill, John Yeo Clerk, shall be, and they and their Successors are hereby appointed Trustees for putting this Act in Execution: And that when and as often as any of the Trustees named and appointed in or by virtue of this Act shall die, or refuse to act, it shall and may be lawful to and for the surviving or remaining Trustees, or any Five or more of them, under their Hands and Seals, from time to time, to elect, nominate, and appoint, One or more fit Person or Persons, living or residing in the Counties of Cornwall or Devon, to be a Trustee or Trustees in the Room of such Trustee or Trustees so dying or refusing to act; and such Person or Persons so elected and appointed shall be joined with the surviving or remaining Trustees in the Execution of this Act; Notice in Writing of the Time and Place of Meeting for such Election of new Trustees being fixed at or on the Guildhall Door or other publick Place within the Borough of Callington, and at or on all the Turnpike-gates to be erected by virtue of this Act, at least Ten Days before the Meeting for such Election; and all and every the Person and Persons so chosen and appointed shall and may, and is and are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the Trustees herein before named and appointed are by this Act impowered to do; and that any of the Trustees, who are Justices of the Peace for the Counties of Cornwall or Devon, may act as Justices of the Peace, for more effectually putting this Act in Execution, notwithstanding their being Trustees; but in such Cases in which they are personally interested, they shall not be intitled or impowered to act as Justices of the Peace.

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

10 Days Notice thereof to be given.

Trustees who are in the Commission of the Peace to act as Justices, except where interested.

Provided always, That no Person shall act as a Trustee in any Case, relating to the contracting for or purchasing any Lands or Hereditaments, wherein he shall be particularly concerned or interested.

Proviso.

Qualification of Trustees.

Provided always, and be it enacted by the Authority aforesaid, That no Person shall be qualified or capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Sixty Pounds, or shall be Heir Apparent of some Person having an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds, or be possessed of Personal Estate to the Amount and Value of One thousand two hundred Pounds: And that no Person shall be qualified or capable of acting as a Trustee in the Execution of this Act, who shall have or accept of any Place of Profit under this Act, during his Enjoyment of such Place of Profit: And if any Person, so made incapable to act for the Causes aforesaid, shall nevertheless presume to act, contrary to the true Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, to be recovered in any of his Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoin, Protection, Privilege, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act.

Penalty on acting, not being qualified.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at the Guildhall in Callington aforesaid on the Tuesday Month next after the passing of this Act, and proceed to the Execution of this Act, and shall then and from time to time adjourn themselves to and meet at the Place aforesaid, or at any other Place or Places within the said Borough of Callington, as the Trustees, or the major Part of them so assembled, such major Part not being less than Five, shall think fit and convenient, and as often as they shall think necessary for putting this Act into Execution: And if it shall happen, that there shall not appear at any such Meeting a sufficient Number of Trustees to act, then, and in such Case, the Clerk or Treasurer to the said Trustees shall adjourn the said intended Meeting to that Day Seven-night, and so on from Week to Week on the same Day

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

Day of the Week, till there shall be a sufficient Number of Trustees present to act; and in case any Difference or Dispute shall arise among the said Trustees, relating to the Trust reposed in them by virtue of this Act, such Difference or Dispute shall be determined by the major Part of the Trustees then present, such major Part consisting of Five or more; but if it shall so happen at any Time, that there shall not be a sufficient Number of Trustees present at any of the said Meetings, so as to determine the said Difference or Dispute by the major Part, to consist of Five at the least, such Difference or Dispute shall be adjourned over to and be determined at the next Meeting, when a sufficient Number of Trustees shall be present to determine the same, according to the Powers and Directions herein given; and that the said Trustees, at all their Meetings, shall defray their own Expences; and that all Orders and Determinations of the said Trustees, in Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination so made shall be valid, unless the Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Nine Trustees shall be present.

Trustees to defray their own Expences.

No Order to be valid, unless made by the Majority of the Trustees present;

nor to be revoked unless 9 are present.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may and are hereby authorized and impowered from time to time to elect, and by any Writing or Writings under their Hands and Seals, appoint fit and proper Persons to be Collectors and Receivers of the Tolls hereby made payable, and also One fit and proper Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, of the said Roads, and such other Officer or Officers as they the said Trustees, or any Five or more of them, shall think necessary; and such Collectors, Receivers, Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and other Officer or Officers, or any or either of them, from time to time to remove or displace, as they shall think fit, and to choose and appoint others in the Room and Place of such of them as shall be so removed, or shall die (Notice of such Removal or Death, and of the Time and Place of Meeting, for the Purpose of filling up the Vacancy thereby occasioned, being first given and fixed on the

Trustees may appoint Officers;

and remove them, and appoint others.

Guildhall

Guildhall Door, or other publick Place, within the Town of Callington, and on all and every the Turnpike-gates to be erected by virtue of this Act, at least Ten Days before such Election), and may and are hereby authorized and impowered, by and out of the Money arising by virtue of this Act, to allow and pay to the several Collectors, Receivers, Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and other Officer or Officers appointed as aforesaid, or such other Person or Persons as shall be assisting to them, or any of them, in or about the Repair of the said Roads, or any Part thereof, such Salaries, Rewards, and Allowances, for their Attendance, Care, and Services, in those Respects, as to the said Trustees, or any Five or more of them, shall seem reasonable; and that all and every the Collectors and Receivers of the said Tolls, and all and every the Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and other Officers who shall be appointed as aforesaid, and all and every Person and Persons, who shall have or receive any of the Money which shall be collected, borrowed, raised, or received by virtue of this Act, shall from time to time, when and as often as he or they shall be thereunto required by the said Trustees, or any Five or more of them, produce, render, and give up, to them the said Trustees, or any Five or more of them, or to whom they, or any Five or more of them, shall appoint, full, true, fair, and perfect Accounts in Writing, under their respective Hands, of all the Money which shall have been by them respectively had, collected, or received, and how, to whom, and for what such Money, and every Part thereof, hath or shall have been paid, disposed of, or applied, together with proper Receipts and Vouchers for such Payments, and shall and are hereby respectively required to pay all such Money as on the Balance of such Accounts shall appear to be in their respective Hands to the said Trustees, or any Five or more of them, or to whom they, or any Five or more of them, shall direct or appoint; and that all and every the said Officers and Persons, so accounting or to account as aforesaid, shall, if required, upon their several Oaths (which Oath the said Trustees, or any Two or more of them, are hereby authorized and impowered to administer) verify their Accounts, and the particular Articles thereof, and the several Receipts and Payments which shall be therein contained; and if any of the Officers or Persons, so accounting or to account as aforesaid, being required so to do,

Trustees to allow Officers Salaries.

Officers to account upon Oath.

do, shall refuse or neglect to render or give up such Account or Accounts as aforesaid, or to produce or deliver to the said Trustees, or to any Five or more of them, or to whom they, or any Five or more of them, shall appoint, the Receipts or Vouchers relating to the same, or to verify the Articles thereof, upon his or their Oath or Oaths, or shall refuse or neglect to pay such Money as, upon the Balance of any Account or Accounts, shall appear to be in his or their respective hands, to the said Trustees, or as they, or any Five or more of them, shall direct or appoint; then, and in any of the Cases aforesaid, upon Complaint made of any such Refusal or Neglect as aforesaid, to any Justice or Justices of the Peace for the County or Place where the Officer or Officers, Person or Persons, neglecting or refusing, shall be or reside; such Justice or Justices may, and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause to be brought before him or them such Officer or Officers, Person or Persons, so refusing or neglecting; and upon his and their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees, or any Five or more of them, by virtue of this Act might have done; and if upon Confession of the Officer or Officers, Person or Persons, against whom such Complaint or Complaints shall be made, or by the Testimony of One or more Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer gratis) it shall appear to such Justice or Justices, that any of the Money which shall have been collected or raised by virtue of this Act, shall be in the hands of such Officer or Officers, Person or Persons, such Justice and Justices may, and is and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied and raised by Distress and Sale of the Goods and Chattles of such Officer or Officers, Person or Persons, respectively; and if no Goods of such Officer or Officers, Person or Persons, can be found, sufficient to answer and satisfy the said Money, and the Charges of levying and raising the same; or if such Officer or Officers, Person or Persons, shall not appear before the said Justice or Justices, at the Time and Place by him and them

Officers refusing to account,

Justices may inquire into the Defaults;

them appointed for that Purpose, upon Notice thereof in Writing being delivered to such Officer or Officers, Person or Persons, or left at their last Place of Abode respectively; or if appearing, shall refuse or neglect to give or deliver to the said Justice or Justices such Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Accounts and Articles thereof upon Oath as aforesaid, or to produce or deliver up to the said Justice or Justices, the several Receipts and Vouchers relating to such Accounts respectively, and pay the Money that shall appear to be due on the said Accounts; then, and in any of the Cases aforesaid, the said Justice or Justices may, and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Officer or Officers, Person or Persons, to be committed to the Common Gaol or Prison for the said County of Cornwall, there to remain, without Bail or Mainprize, until he or they shall have delivered in and settled his or their respective Accounts, and verified the same upon Oath, and have produced and delivered up the Receipts and Vouchers relating to such Accounts respectively, and shall have paid all the Money which shall appear to be in their respective Hands, and the reasonable Charges of such Distress and Sale as shall in those Respects have been made, or shall have compounded with the said Trustees, or any Five or more of them, for the same, and paid the Money which shall be thereby stipulated to be paid by them; which said Composition-money the said Trustees, or any Five or more of them, are hereby authorized and impowered to make and receive.

and commit the Offender,

till Payment or Composition made.

Treasurer to give Security

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

No Victualler, &c. to hold a Place of Profit.

Provided always, and be it enacted by the Authority aforesaid, That no Person or Persons keeping an Inn, or other House of publick Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors, by Retail, shall hold any Place of Trust or Profit under this Act.

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or

one such

such Persons or Persons as they, or any Five or more of them, shall authorize and appoint, shall or may build and erect, or cause to be built and erected, a Gate or Gates, Turnpike or Turnpikes, and also a Toll-house or Toll-houses, in, upon, or across the Road at or near the West End of Horsebridge aforesaid, and one upon or across any other Part or Parts of the Road or Roads by this Act appointed or directed to be amended, except as hereafter is excepted, and to pull down and remove the same, as they, or any Five or more of them, shall think proper; and shall and may demand, receive, and take the following Tolls or Duties before any Horse or other Beast drawing any Carriage whatsoever shall be permitted to pass through the same Gates or Turnpikes; that is to say,

and take the following Tolls thereat.

The Tolls.

For every Coach, Chariot, Landau, Berlin, Chaise, Chaise-marine, Car, Calash, Chair, Caravan, Hearse, or Litter, drawn by Six or more Horses, Mares, Geldings, Mules, or other Cattle, the Sum of One Shilling and Six Pence.

For every Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Chaise-marine, Car, Calash, Chair, Caravan, Hearse, or Litter, drawn by Four Horses, Mares, Geldings, Mules, or other Cattle, the Sum of One Shilling.

For every Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Chaise-marine, Car, Calash, Chair, Caravan, Hearse, or Litter, drawn by Two Horses, Mares, Geldings, Mules, or other Cattle, the Sum of Six Pence.

For every Chaise, Car, or Chair, drawn by One Horse, Mare, Gelding, Mule, or other Cattle, the Sum of Three Pence.

For every Waggon, Wain, Cart, or Dray, drawn by Four or more Horses, Oxen, or other Beasts, the Sum of Six Pence for each Horse, Gelding, Mare, Ox, or other Beast so drawing therein.

For every Waggon, Wain, Cart, or Dray, drawn by Three Horses, Oxen, or other Beasts, the Sum of Eight Pence; and by Two Horses, Oxen, or other Beasts, the Sum of Six Pence; and by One Horse or other Beast, the Sum of Three Pence.

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

And 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.

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

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of or as a Toll or Duty; and the Money so thereby to be raised and collected, shall be and is hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, and disposed of, for the Repair of the said Roads, and for the other Purposes of this Act, in such Manner as is by this Act directed; and it shall and may be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall, under their Hands and Seals, from time to time authorize and appoint, to demand and take the Tolls hereby granted and made payable; and to levy such Tolls upon any Person or Persons who shall (after Demand made thereof) refuse or neglect to pay the same, by Distress of any Horse or Horses, or other Cattle or Carriage, upon which such Tolls are by this Act imposed, together with their Furniture; or by Distress of any of the Goods or Chattles carried or drawn by or on such Cattle or Carriage, or of any other Goods or Chattles of or belonging to the Person or Persons who ought to pay the same, and to detain and keep such Goods and Chattles so distrained until such Tolls or Duties, with the reasonable Charges of detaining and keeping the same, shall be paid; provided that in case the same shall not be tendered and paid before the Expiration of Four Days, exclusive of the Day of Distress, such Person or Persons so distraining, after the Space of Four Days next after the Day on which such Distress shall be made and taken, shall and may sell the Cattle, Carriage, or Goods so distrained and taken, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid.

Tolls vested in Trustees.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they shall appoint, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, on the Side or Sides of any Highways or Roads by this Act directed or appointed to be amended, or upon, in, or across any

Trustees may erect Side-gates,

Lane

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

and take Tolls thereat,

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

Tolls to be paid but once a Day.

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

Trustees may lease, &c. the Tolls.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to impower the said Trustees to lay out or apply any of the Money, raised by the Tolls or Duties hereby granted, or borrowed on the Credit thereof, in paving or repairing the Pavements of the Streets of the Town of Callington; but that

Trustees not liable to repair Pavements.

such Streets shall continue to be paved and kept in Repair by the Ways and Means whereby the same heretofore have or ought to have been repaired.

Trustees not to erect Turnpikes, &c. within Two Miles of *Tavistock Newbridge*, except, &c.

Provided always, and be it hereby declared and enacted by the Authority aforesaid, That nothing in this Act shall extend, or be construed to extend, to impower the Trustees, appointed or to be appointed to put this Act in Execution, to erect, or cause to be erected, any Gate or Turnpike, or Stop-gate, within Two Miles of the aforesaid Bridge called Tavistock Newbridge, except at or near the West End of Horsebridge aforesaid; any thing in this Act contained to the contrary notwithstanding.

Trustees may erect Weighing Engines.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, if they think proper, erect, or cause to be erected, at any of the Gates or Turnpikes erected by virtue of this Act, or at such other convenient Place or Places upon the said Roads as the said Trustees, or any Five or more of them, shall think fit, any Crane, Machine, or Engine, for weighing of Carts, Waggons, or other Carriages, which shall pass or repass on any Parts of the said Roads (the Charges and Expences of erecting such Crane, Machine, or Engine, to be paid and defrayed out of the Tolls or Duties collected in pursuance of this Act) and shall and may, by Writing under the Hands of the said Trustees, or any Five or more of them, order and direct all and every or any of such Carts, Waggons, or other Carriages, which shall pass or repass on the Roads, together with the Loading thereof, to be weighed: And if any Person or Persons shall unload, or cause to be unloaded, any Goods or Merchandize, before he, she, or they, shall come to any Gate, Turnpike, Machine, or Engine, erected by virtue of this Act, or with Force or otherwise attempt to prevent, hinder, or obstruct, the Weighing of any such Cart, Waggon, or Carriage, with Intent to avoid the Payment of the Sum or Sums of Money directed to be paid, received, and taken, by any Statute of this Realm, which now is or which hereafter shall be made and in Force for the Preservation of the publick Roads of this Kingdom, for every Cart, Waggon, or other Carriage, which shall weigh more than by Law they ought to weigh; every such Person so offending shall, for every such Offence, forfeit and pay to the said Trustees, or their Treasurer or Treasurers for the time being, the Sum of Forty Shillings, to be recover-

Penalty on obstructing the weighing of Carriages.

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

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons whomsoever, owning, renting, or occupying, any Land near unto any of the said Highways or Roads, or unto any Turnpike erected in pursuance of this Act, shall knowingly or wittingly permit or suffer any Person or Persons whomsoever to pass through any Ground, Field, Gateway, or Passage, belonging to such Owner, Renter, or Occupier; or if any Person or Persons shall go or pass through any such Ground, Field, Gateway, or Passage, the same not being a common Road, with any Carriage or Cattle, whereby the Payment of any of the said Tolls or Duties by this Act granted, shall be avoided; or if any Person or Persons shall give to, or receive from, any other Person, except the Toll-gatherer or Collector of the said Tolls, any Note or Ticket of the Day, by this Act directed to be given by the Collectors or Receivers of the Tolls, or shall forge or make use of any forged Note or Ticket; or if any Person or Persons driving or owning any Carriage shall, at any Time or Times, take off, or cause or suffer to be taken off, from such Carriage, any Horse, Ass, Mule, Ox, or other Cattle, at or before the same shall come to any of the Gates or Turnpikes erected by virtue of this Act; or if any Person or Persons shall leave in any House or Place upon or near the said Roads, any Carriage or Cattle chargeable with, or liable to pay, any of the Tolls by this Act granted, whereby the Payment of any of the said Tolls shall be evaded or lessened; that then every Person so offending, and being thereof convicted, upon the Oath of One or more Witness or Witnesses, before any One or more Justice or Justices of the Peace of the Borough of Dallington,

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

or giving or receiving Tickets,

or taking off Horses, &c.

to avoid Payment of the Tolls.

or

or for the County where the Offence shall be committed (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 to their Treasurer for the time being, the Sum of Forty Shillings, to be recovered and applied in Manner hereafter mentioned.

Exemptions from Tolls.

And be it further enacted by the Authority aforesaid, That no Person or Persons shall be charged with or compellable to pay any of the said Tolls or Duties, for any Waggon, Wain, Cart, Dray, or other Carriage, or for any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast, drawing or not drawing the same, which shall be used or employed in the Carriage of any Stones, Gravel, or other Materials, for the repairing of any Road or Highway, or in the Carriage of any Lime, Sea Sand, Culm for burning Lime, Dung, Mould, Soil, or Compost of any Kind, for the manuring of any Garden or other Land or Ground, or that shall be used in the ploughing, sowing, tilling, or cultivating any Land or Ground, or in the Carriage of any Hay, Straw, Corn in the Straw, or Wood, not sold or disposed of, but to be laid up in the Houses, Outhouses, Yards, or Backsides, of the Owner or Owners thereof; or for the Plough, Harrow, or other Implements of Husbandry, or any Thing whatsoever that shall be used and employed in Husbandry, or manuring of Ground; or for any Horse, Mare, Gelding, Ox, Ass, Mule, or other Beast or Cattle, going to or returning from Water or Pasture, or in order to be shod; or for any Post-horse carrying the Mail or Packet; or for the Horses of Soldiers upon their March, or for any Waggon or other Carriage, or Horse or other Beast, drawing or not drawing the same, which shall be loaded with or employed in carrying the Arms or Baggage of such Soldiers; or for any Carriage, Horse, or other Beast, employed in passing Vagrants travelling with lawful Passes; nor shall any of the Tolls or Duties hereby laid, be demanded or taken from any Inhabitant of any of the said Parishes, who shall pass through any of the said Gates or Turnpikes to or from his or her respective Parish Church or Parochial Chapel, or other Place of Religious Worship, to attend Divine Service, or who shall attend the Funeral of any Person who shall die and be buried in any of the said Parishes; nor shall any of the Tolls or Duties hereby laid be demanded or taken of any Person going to or returning from an Election of any Knight or Knights of

the Shire for the County of Cornwall: And that if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person and Persons shall, for every such Offence, forfeit and pay to the said Trustees, or to their Treasurer or Treasurers for the time being, the Sum of Forty Shillings; One Moiety whereof shall go and be applied to the Use of the Informer, and the other Moiety towards amending the said Roads. Penalty on making illegal Claims.

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

And, for the more speedy repairing and widening the said Roads, be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, from time to time, upon the Credit of the Tolls or Duties hereby made payable, borrow and take up at Interest any such Sum or Sums of Money as they, or any Seven or more of them, shall think needful; and they are hereby authorized, by Writing or Writings under their Hands and Seals, or the Hands and Seals of any Seven or more of them, to assign over the said Tolls or Duties, or any Part or Parts thereof, unto any Person or Persons, as a Security or Securities for the Repayment of such Sum or Sums of Money as shall be so borrowed, and the Interest thereof as aforesaid; all and every of which Assignments so to be made, shall be copied and entered at Length in a Book or Books to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, to be seen and perused at all seasonable Times, by any Person or Persons, without Fee or Reward; which said Money so to be borrowed, shall be laid out and applied in such Manner as the said Tolls or Duties are hereby directed to be laid out and applied, and to Trustees may borrow Money upon the Credit of the Tolls. Tolls may be assigned for Money borrowed. Assignments to be entered in a Book.

Assignments may be transferred.

no other Use and Purpose whatsoever; and that all and every Person and Persons, to whom any such Assignment or Assignments of the Tolls shall be made by the said Trustees, or any Seven or more of them, as a Security or Securities for any Sum or Sums of Money lent by him, her, or them, on the Credit of the said Tolls, and his, her, or their Executors or Administrators, Assignee or Assignees, may, and are hereby impowered, from time to time, by proper Words of Assignment, to be indorsed on his, her, or their Security or Securities, or by any Deed or Deeds, Writing or Writings, under his, her, or their Hands and Seals, to be duly executed in the Presence of Two credible Witnesses, to assign and transfer such Security and Securities, and all the Money that shall be due thereon, to any other Person or Persons whomsoever; and

Entries to be made of all Assignments.

that all and every such Transfer or Assignment of any Security of the said Tolls or Duties, shall, from time to time, be produced or notified to the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees for the time being, within the Space of Three Calendar Months after the respective Dates thereof, who shall make, or cause to be made, a proper Memorial or Entry of all and every such Assignments or Transfers, containing the Date thereof, and the Names, Additions, and Places of Abode, of the several Parties thereto; and the Sum or Sums of Money, and Term or Terms of Years therein mentioned and contained, and other the material Contents of the same, and the Names, Additions, and Places of Abode, of the Witnesses to the Execution thereof, in a Book or Books to be kept for entering the said original Assignments made by the said Trustees as aforesaid, for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum

Clerk's Fee.

of Two Shillings and Six Pence, and no more, by the respective Persons to whom such Assignment shall be transferred, for each and every such Entry; and after Entry made, but not otherwise, such Assignment shall intitle such Assignee or Assignees, his, her, or their Executors or Administrators, to the Benefit thereof, and Payment thereon; and it shall not be in the Power of the Person or Persons making such Assignment, to make void, release, or discharge the same, or the Money due thereon, or any Part thereof.

20 Days Notice to be given of borrowing Money.

Provided always, and be it hereby declared, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls or Duties hereby granted, except

at

at the First Meeting, unless Notice for that Purpose in Writing, under the Hand or Hands of the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, be, by Order of such Trustees, or any Five or more of them, affixed upon the Guildhall Door or other publick Place within the said Town of Callington, and likewise at or upon all the Gates or Turnpikes erected by virtue of this Act, of the Time or Times of borrowing such Money, at least Twenty Days before borrowing the same.

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

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

All Creditors to be deemed equal in Degree.

Trustees not subject to Payment of Debts contracted under this Act.

Provided always, and be it enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to subject or charge the Trustees who shall execute the said Assignments, or any of them, or their Lands or Tenements, Goods or Chattles, to or with the Payment of the Money thereby secured, or any Part thereof, by reason of their signing or sealing such Assignments, or any other Writing or Writings, in consequence of the borrowing of the said Sum, or any Part thereof, or for any further Sum of Money which shall be borrowed for carrying this Act into Execution.

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

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

and

and in such Case (unless the Principal and Interest due and to grow due to them on the Security of the said Tolls or Duties shall be fully paid unto, or tendered to, such Creditors so signing such Notice, within Three Calendar Months after the Delivery thereof as aforesaid) it shall and may be lawful to and for the said Creditors to receive or collect, or cause to be received or collected, the Tolls or Duties by this Act granted, and to apply the same rateably and proportionably to the Payment of the Principal and Interest of their Debts.

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 collected by virtue of this Act, or the Money which shall be borrowed upon the Credit thereof, the said Trustees, or any Five or more of them, shall, in the First Place, pay and discharge all the Expences and Charges of procuring and passing this Act; and the Remainder of the Money so raised shall be laid out and applied in defraying the Expence of erecting Gates, Turnpikes, and Toll-houses, and repairing and widening the said Roads, and defraying the necessary Cost, Charges, and Expences attending the same, and the Execution of this Act, in such Manner as the said Trustees, or any Five or more of them, shall direct, and to no other Use or Purpose whatsoever.

Trustees may vary the Tolls.

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

Manner of repairing the Roads.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, and they are hereby required and directed, in the First Place, to repair, and cause to be completely repaired and amended, the said Roads leading from Callington, over Hingston Down, to the West End of Tavistock Newbridge, in the said Parish of Calstock, and from Callington aforesaid, through Saint Ive Church Town, to the said Place called Combrow, in the said Parish of Saint Ive, before any other Part or Parts of the said several Roads hereby directed to be repaired shall be begun to be repaired; save and

except the Space of One Mile of the said several other Roads from the South and North Ends of the Town of Callington aforesaid, which it shall and may be lawful for the said Trustees, or any Five or more of them, to cause to be repaired when and as they shall think proper.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors for the said Roads, or any Part of them, and such other Person and Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby impowered to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for repairing of the said Roads, out of and from any Waste Grounds or Commons, Rivers, or Brooks, in any Parish, Town, or Place, in which any Part of the said Roads lies, or in any neighbouring Parish, Town, or Place, without paying any Thing for the same, such Surveyors, or other Persons, filling up the Pits, and levelling the Ground from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Furze, Heath, Stones, or other Materials, proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds or Commons, Rivers or Brooks, contiguous to that Part of the said Roads intended therewith to be repaired, then, and in such Case, the said Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, dig, gather, take, and carry away any such Materials as aforesaid, in, upon, or out of them, and over the Lands of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, planted and set apart as a Nursery for Trees) paying or tendering Payment of such Rates for such Materials, and for the Damage done to such private Lands over which any Materials gotten in any Waste Ground, Common, River, or Brook, or private Grounds, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable.

Surveyors to dig Gravel, &c. in Commons for the repairing the Roads,

without paying for the same; levelling the Pits.

Provided always, and be it 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 or they shall direct or appoint, from time to

Power to take Chippings, &c. from Quarries.

time, to enter into any Lime Quarry, or Slate-stone Quarry, or other Quarry or Quarries, to take and carry away the Chipping, Refuse, and Rubbish thereof, and also to enter into any private Grounds or Lands, to take and carry away any leazed Stones which shall be then and there gathered into Heaps, and lying on the Surface of the said Grounds or Lands, without paying or making any Satisfaction for the same, the Owner or Owners, Occupier or Occupiers, or Person or Persons appointed by him or them, being present, or neglecting to attend, or Notice being given to such Owner or Occupier, Owners or Occupiers, or his, her, or their known Servant or Servants, or left at the usual Place or Places of Abode of such Owner or Owners, Occupier or Occupiers, at least Forty eight Hours before such taking or carrying away as aforesaid; the said Surveyor or Surveyors, or such other Person or Persons as aforesaid, paying to the Owners or Occupiers of the respective Lands so entered such Sum or Sums of Money, for the Damage which shall be done to the Fences or Lands respectively in passing through or over the same, for the Purposes aforesaid, as the said Trustees, or any Five or more of them, shall direct.

Surveyors may remove Annoyances,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, and such Person and Persons as he or they shall appoint from time to time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and convert the same to his or their own Use and Uses; and to turn any Watercourses, Sinks, or Drains, running along, into, or out of the said Roads, to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary, and to cut down, lop, or top any Trees, Shrubs, or Bushes, growing in the said Roads, or in the Hedges or Banks adjacent thereto, and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall neglect to lop or top, cut down and remove, such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors, shall require, for the

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors (the Charges whereof, to be settled by the said Trustees, or any Five or more of them, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied) and if after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

Charges to be reimbursed the Surveyor.

Penalty of a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors for the said Roads, or such Person or Persons as he or they shall appoint, such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them, to make Causeways, and also Ditches or Drains, in and upon the said Roads, and also through any Ground lying contiguous thereto; 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 exceeding the Width of Forty Feet; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads, such Grounds respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, planted and set apart as a Nursery for Trees) to be made use of as a publick Highway, whilst the old Road is repairing or widening; and also by Order of any Five or more of the said Trustees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, and cross any River, Stream, Brook, Water, Ditch, or Drain, therein or contiguous thereto; making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Five or more of them; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Wood or Waste Ground.

Surveyors may make Causeways, &c.

and make a temporary Road,

making Satisfaction to the Owners of the Ground.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall be and are hereby fully impowered to divert, turn, or

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

or alter, the Course or Path of any Part or Parts of the said Roads through any Moor or Waste Ground, without making any Satisfaction for the same, and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and for that Purpose it shall be lawful for the said Trustees, or any Five or more of them, to contract and agree with the Owners of, and Persons interested in, any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the diverting, turning, or altering, the Course or Path of any Part or Parts of such Roads through such Lands or Hereditaments: And it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunaticks, Ideots, or other Person or Persons whatsoever, and to and for all Femes Covert, who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of, or interested in, any such Lands or Hereditaments, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Five or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other Matter whatsoever, to the contrary notwithstanding: And all such Bodies Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act: And if any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing

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

Persons neglecting to treat, &c.

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ing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments, through which any Part of such Roads are intended to be diverted, turned, or altered, shall, for the Space of Twenty one Days next after such Notice given or left, 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 such Case, the said Trustees, or any Five or more of them, shall cause such Damage and Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County wherein such Lands and Hereditaments do lie; 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 require, to summon and call before such Jury, and examine upon Oath, all and every such Person and Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer); and such Trustees, or any Five or more of them, shall, by ordering a View or otherwise, use all Ways and Means, as well for their own as for the said Jury's Information of the Premisses: And after the said Jury shall have enquired of and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunaticks, Ideots, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever: And, for summoning and returning such Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue their

Jury to settle the Damage and Recompence.

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be final.

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

their Warrant or Warrants to the Sheriff of the County wherein such Lands or Hereditaments do lie, commanding him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, qualified to serve upon Juries, to appear before such Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number of Persons accordingly; and out of the Persons so summoned, impanelled, 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, and they are hereby impowered and required to 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 Power from time to time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, and who shall not appear, or refuse to be sworn on the said Jury, or being so sworn, shall refuse to give, or not giving their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear, or appearing shall refuse to be examined, or to give Evidence; and which Fine or Fines shall be levied and recovered in such Manner as the Penalties and Forfeitures are herein after directed to be levied and recovered, so that no such Fine be more than Ten Pounds, nor less than Forty Shillings, on any One Person for One Offence.

Jurors may be challenged.

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

Fine not to exceed 10 *l.*

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence, to be agreed for or assessed by such Verdict as aforesaid, shall be charged upon the Monies which shall be raised, received, or borrowed by virtue of this Act, and shall be paid thereout accordingly, by the said Trustees, or any Five or more

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

of

of them, or their Treasurer, unto the Parties or Persons respectively intitled to such Monies, or to their Agents; and upon Payment, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk or Clerks to the said Trustees, for the Use of such Parties or Persons, it shall be lawful for any Person or Persons, authorized by Writing under the Hands of the said Trustees, or any Five or more of them, to divert or turn such Road through such Lands or Hereditaments, and to do all and every Act, Matter, and Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and shall cause such Parts of the said Roads as shall be diverted or turned through any private Grounds to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments, which shall be made a Part or Parts of the Roads by virtue of this Act, shall be for ever thereafter, to all Intents and Purposes, a common Highway; and shall be repaired and kept in Repair in such Manner as the Roads hereby appointed to be repaired are, by this or any other Law, to be amended; and from thenceforth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments: And after any such new Roads shall be completed, the Lands constituting or making Part of the former Road, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place to which such new Road doth not lead, shall be vested in and shall and may be sold and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the Repair of the aforesaid Roads.

Lands, &c. when purchased, to be made Part of the Roads,

and esteemed as publick Highways,

and kept in Repair as such.

Old Road may be sold.

Provided always, and it is hereby enacted and declared, That nothing in this Act contained shall extend to impower the said Trustees, in widening, turning, or altering any Part of the said Roads, to the pulling down of any House or other Building, or taking in the Site of any House, or to take in any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto, except as is herein after excepted.

Buildings, &c. not to be injured.

Provided always nevertheless, and be it enacted, That it shall and may be lawful to and for any Five or more of the said Trustees to pull down Part of an Outhouse or Stall, with Part of the Garden, near Callington

Trustees may, if necessary, pull down Part of the Stall, &c. of *John Parsons*; making Satisfaction, &c.

lington Newbridge, in the Road to Combrow aforesaid, now in the Occupation of John Parsons, Butcher, not exceeding Four Feet, in order to widen the said Road, if they see Occasion and think proper; and to treat and agree for the Purchase thereof, and to pay for the same out of the Monies to be raised by virtue of this Act; and if they cannot agree for the same, then the said Trustees, or any Five or more of them, may cause the same to be settled by a Jury, under the same Regulations and Restrictions as are herein before directed for purchasing Lands as aforesaid: And as soon as such Part of the Outhouse or Stall and Garden shall be purchased, or the Money to be assessed by a Jury as aforesaid shall have been tendered, by Order of the said Trustees, or any Five or more of them, such Part of the said Outhouse and Garden shall be and are hereby vested in the said Trustees, for the Purposes aforesaid.

Persons liable to repair any Part of the Roads, to continue so.

And be it further enacted by the Authority aforesaid, That all the Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, Rents and Annuities, or any Sum or Sums of Money, which have been given, or are liable to the amending or maintaining any Part or Parts of the said Roads, or any Bridge or Bridges therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the making of this Act; and that all the Inhabitants of the Townships, Parishes, and Places, in which any Part of the said Roads lies, and all other Persons liable to perform the Work commonly called Statute-work, upon the said Roads, shall remain subject to the Performance of such Work; and every Person who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds or upwards, shall be deemed to keep a Team for every Fifty Pounds per Annum so held and occupied, and shall be liable to perform such Statute-work as Persons keeping Teams are obliged by Law to do; and that the respective Surveyor or Surveyors of the Highways for the respective Townships, Parishes, and Places, in which any Part of the said Roads doth lie, or, in case no such Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships, Parishes, and Places, shall yearly and every Year, within Ten Days after Demand made to him or them respectively in Writing, by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors an exact Account in Writing, under

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

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

his or their Hand or Hands, of the Christian and Surname of every Person who, within such respective Townships, Parishes, and Places, are liable to do Statute-work, and shall distinguish in such Lists which of such Persons do, or by this Act shall be deemed to keep a Team or Teams, which of them keep Pack-horses, and which of them are Labourers only; and the Statute-work shall be done by all such Persons on such Parts of the said Roads hereby intended to be repaired, as lie within the said respective Townships, Parishes, or Places, in such Manner and at such Times as the said Trustees, or any Five or more of them, or the said Turnpike Surveyor or Surveyors, shall from time to time direct and appoint, and that Three Days Work shall be done by every such Person and Team on the said Roads in every Year: And the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor for such Townships, Parishes, or Places respectively, within Ten Days after Notice shall be given him or them, by such Turnpike Surveyor or Surveyors, of the Time or Times when, where, and how many such Persons are to do such Work upon any Part or Parts of the said Roads, shall give publick Notice thereof to such Persons; and if any Surveyor, Churchwarden, or Overseer of the Poor for any such Township, Parish, or Place aforesaid, shall neglect or refuse to do as he is hereby directed and required, every such Surveyor, Churchwarden, or Overseer shall, for every such Neglect or Refusal, forfeit and pay the Sum of Forty Shillings; and every Person who shall neglect or refuse to do such Work, at such Times and Places, and in such Manner, as shall be appointed by the said Trustees, or any Five or more of them, or by such Turnpike Surveyor or Surveyors, every such Person shall forfeit and pay the respective Sums herein after mentioned; that is to say, Every Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Default for each Team the Sum of Ten Shillings; and every Person keeping a Packhorse or Packhorses, 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 liable to work on the said Roads as a Labourer only, for every Day's Default the Sum of One Shilling and Six Pence: And every Person who shall, according to such publick No-

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

Penalty on Persons not performing Statute-work.

Persons found idle to be returned off.

tice as aforesaid, come as a Labourer, or with a Team, Packhorse, or Beast of Burthen, to work on the said Roads, and be found idle or negligent by the said Turnpike Surveyor or Surveyors where the Work is to be done, such Surveyor or Surveyors may and are hereby required to discharge such Person, and it shall be deemed as if such Person or such Team had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the said respective Penalties before mentioned; and all Persons doing such Days Work on the said Roads, shall not be liable to do any other Statute-work thereon.

Trustees may compound for Statute-work.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, to compound or agree, by the Year or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to, or chargeable with, the Repair of any Part of the said Roads, or with any Person or Persons for the Performance of his, her, or their Statute-work therein; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, or Places, or Overseers of the Poor respectively, as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Townships, Parishes, or Places, first had at a Vestry, or other publick Meeting of such Inhabitants, to compound and agree, by the Year or otherwise, with the said Trustees, or any Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said Roads; all which Composition Monies shall be from time to time paid in Advance, and shall be applied in the Repair of the said Roads, in Respect whereof such Composition-monies are paid; and all such Surveyors or Overseers of the Poor shall be reimbursed the Monies so by them paid, in such Manner as Surveyors of the Highways are by the Laws now in being to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

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

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby impowered and required to cause the said Roads to be measured, and Stones or Posts to be set up in, upon, or near the Sides thereof, at the Distance of One Mile from each other, with Inscriptions

Inſcriptions thereon, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place, as they ſhall think fit; and alſo to erect Guide or Direction Poſts, with ſuch Inſcriptions thereon, as the ſaid Truſtees, or any Five or more of them, ſhall think proper: And if any Perſon or Perſons ſhall wilfully pull down, break, or damage, any ſuch Stone or Poſt, or obliterate any Inſcription that ſhall have been made thereon, or ſhall cauſe or procure the ſame to be done, and be thereof convicted upon Oath by One or more credible Witneſs or Witneſſes, or by his or her own Confeſſion, before any Juſtice of the Peace for the County or Place wherein ſuch Offences ſhall be committed (which Oath ſuch Juſtice is hereby impowered and required to adminiſter without Fee or Reward) every ſuch Perſon ſo offending ſhall forfeit the Sum of Forty Shillings for every ſuch Stone or Poſt ſo pulled down, broke, or damaged, or Inſcription ſo obliterated, whereof One Moiety ſhall be paid to the Informer, and the other Moiety ſhall be applied in ſuch Manner as the Penalties are herein after directed to be applied; And in caſe ſuch Penalties ſhall not be forthwith paid, ſuch Juſtices of the Peace ſhall commit ſuch Perſon or Perſons to the Common Gaol for the ſaid County of Cornwall, there to remain, without Bail or Mainprize, for any Space not exceeding Two Calendar Months, nor leſs than One Calendar Month, unleſs ſuch Forfeiture and all reaſonable Charges ſhall be ſooner paid; and every ſuch Offender, in either of the ſaid Caſes, ſhall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Perſon or Perſons who ſhall ſee any ſuch Offence committed, and ſhall be immediately delivered to a Conſtable or other Peace Officer, who ſhall convey ſuch Offender to be dealt with according to the Directions of this Act.

Penalty on defacing Mile-ſtones.

And be it further enacted by the Authority aforeſaid, That all the Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be impoſed, if the Manner of levying and Recovery thereof is not herein otherwiſe directed, ſhall, upon Proof of the Offences reſpectively, before any One Juſtice of the Peace for the County or Place wherein the Offence ſhall be committed, or any One Juſtice of the Peace for the County or Place wherein the Offender ſhall be and reſide, either by the Confeſſion of the Party or Parties offending, or by the Oath of One or more Witneſs or Witneſſes, (which Oath any ſuch Juſtice is hereby impowered and required

Penalties and Forfeitures how to be recovered and applied.

to

to administer without Fee or Reward, be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by a Warrant or Warrants under the Hand and Seal of any such Justice, which Warrant or Warrants such Justice is hereby impowered and required to grant for those Purposes; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattles; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be (if not otherwise directed to be applied by this Act) from time to time paid to any Five or more of the said Trustees, or to their Treasurer or Treasurers, and applied to and for the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any One Justice of the Peace, as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the County Gaol or House of Correction, there to remain without Bail or Mainprize, for any Time not exceeding Two Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise, and within Six Calendar Months after the Cause of such Complaint shall have arisen, such Appellant first giving, or causing to be given, Ten entire Days Notice at the least in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of that Part of the said Roads where such Cause of Complaint shall arise, and within four Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by, the Justices at such Quarter Sessions; and the said Justices at such Session, upon due

due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal, in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes.

Distress not unlawful for want of Form;

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Default or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity, may recover full Satisfaction for the Special Damage in an Action on the Case.

nor the Parties distraining be deemed Trespassers *ab initio*.

Plaintiff not to recover if Tender of Amends be made.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action, for any such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made, by or on the Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or wrongful Proceedings, before such Action brought: And in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants, in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit; whereupon such Proceedings, or Orders and Judgements, shall be had, made, and given, in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Writings to be without Stamps.

Provided always, and be it enacted by the Authority aforesaid, That no Mortgage, Assignment, Transfer, or other Security, for borrowing Money, or any Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees, or Justice or Justices of the Peace, or exhibited before them, or under the Hands and Seals, or Hand and Seal of, or only signed by, any other Person

or Persons whatsoever, relating to the Execution of this Act, shall be chargeable with any Stamp Duty whatsoever.

Proceedings to be entered in a Book.

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

Books may be read in Evidence.

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

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

And be it further enacted by the Authority aforesaid, That no Conviction, Judgement, or Order of the Justices of the Peace, at their General Quarter Session, or of any Justice or Justices of the Peace, which shall be by them respectively awarded or made in pursuance of this Act, or in the Execution of the Powers hereby to them respectively given, shall be quashed, vacated, or

nor removeable by *Certiorari*.

discharged for or on account of Form only; nor shall be removed by Certiorari into any of his Majesty's Courts of Record at Westminster.

Commencement and Continuance of this Act.

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

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons, for any Thing

done or to be done by virtue or in pursuance of this Act, or in relation to the Matters herein contained, such Action, Suits, and every of them, shall be commenced within the Space of Six Calendar Months next after the doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be brought, and not afterwards; and shall be brought, laid, and tried in the said Counties of Cornwall or Devon, or Borough of Callington, and not elsewhere; and that the Defendant or Defendants in such Actions or Suits, and every of them, may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act: And if it shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in any such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance after the Defendant or Defendants shall have appeared; or if, upon any Demurrer or Demurrers in any such Action or Actions, Judgement shall be given for the Defendant or Defendants therein; then, in such Cases, such Defendant or Defendants shall have Treble Costs; and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for his and their Costs in other Cases by Law. General Issue. Treble Costs.

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

FINIS.