Anno nono

# Georgii III. Regis.

## An Act for repairing and widening several Roads leading to and through the Borough of *Bodmin*, in the County of *Cornwall*.

WHEREAS the Roads leading from Kennard's Houſe, in the Pariſh of South Petherwin, over Hickes's Mill Bridge, through the Pariſhes of Lawannick, Alternon, Saint Neot, Cardinham, Temple Bliſland, the Borough and Town of Bodmin, and the Pariſh of Bodmin, by Way of Lavedon Lane; and from thence through the Pariſhes of Lenevet, Luxilian, Roach, Saint Colomb Major, and as far as Higher Fraddon, at the Weſtern End of Fair Mile Commons, in the Pariſh of Saint Enoder; and alſo the Roads leading through Bodmin, and the Pariſhes of Lanhydrock and Landlivery, in the ſaid County, as far as Noman's Land, in the ſaid Pariſh of Landlivery; and alſo the Roads leading from the ſaid Town of Bodmin, through the Borough of Bodmin and Pariſh of Lanhydrock, over Reſprin Bridge, and through the Pariſhes of Saint Winnow and Broadoak, as far as where the Bodmin Road, near the Four Burrows, Preamble.

Burrows, joins the Road leading from Loſtwithiell to the Town of Liſkeard; and alſo the Roads leading from the ſaid Town of Bodmin, through the Borough of Bodmin, over Dunmeer Bridge, and through the Pariſhes of Bodmin and Egloſhayle, to Trenant Lane End, in the ſaid Pariſh of Egloſhayle, being the Place where this Road joins the Road from Camelford to Wadbridge; and alſo the Roads leading from the ſaid Town of Bodmin, through the Borough and Pariſh of Bodmin and Pariſh of Helland to Helland Bridge; and alſo the Roads leading from the ſaid Town of Bodmin, through the Borough and Pariſh of Bodmin and the Pariſhes of Helland and Bliſland to Key Bridge; and alſo the Road leading through the Borough and Pariſh of Bodmin, and the Pariſhes of Lenevet, Wethiel, Saint Wenn, and Colomb Major, to the Eaſt End of Saint Colomb Town, in the County of Cornwall, are in a ruinous Condition, in many Places narrow and incommodious, and cannot be ſufficiently amended, widened, and kept in Repair, by the ordinary Courſe of 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 the Mayor, Town Clerk, Aldermen, and Common Council, of the Borough of Bodmin; Hender Mounſteven Eſquire, John Mounſteven, Thomas Mounſteven, Edmond Hearle Powne, George Browne, William Hamley, Gentlemen; Edmund Powell, John Fiſher, Hender Mounſteven, John Hoſken, Clerks; Sir John Moleſworth, Frauncies Kirkham Eſquire, Henry Peers, Thomas Dawz, Edward Fox, William King, James Tucker, James Nankevill, Hanibal Randle Eſquire, Joſeph Bennett Clerk, Conſtantine Moyle, John Treffry the younger, Francis Philp, Samuel Warne, William Sandys Clerk, Jonathan Phillipps, Trehane Symons, William Peter, Richard Moncombe, Samuel Michell Eſquire, Reginald Billing, William Hockin, John Rawe, Charles Peters, James Cory, Clerks; John Hamley, Chriſtopher Bawden, John Harry, Nicholas Pearſe, Sir Chriſtopher Treiſe, Stephen Hickes, Francis Cole, Clerks; William Marten, John Marten, Midhope Wallis Clerk, Abraham Brown, Williams Arthur, Degory Gray, Mark Guy, William Gray; Sir John Saint Aubyn, George Hunt, John Glynn, James Laroche junior, Edward Hewiſh, John Nance, Francis Rodd, Swete Nicholas Archer,

Truſtees Names.

Archer, John Eliot, Humphry Mackworth Praed, John Buller, John Buller junior, Philip Rashleigh, Thomas Pitt, John Rashleigh, Humphrey Prideaux, Charles Prideaux, Francis Bassett, Samuel Peters, Samuel Hext, John Hext, Humphrey Morice, John Coryton, Richard Coffin, Christopher Harris, Philip Vyvyan, Andrew Quicke, Thomas Jones, Philip Welsh, Thomas Welsh, James Vivian, William Peter, John Arscot, John Beauchamp, Richard Hussey, John Forteſcue, John Enys, Richard Gully, Arscott Bickford, Esquires; Nicholas Kendall, Thomas Neyil, Henry Vyvyan, Robert Dennis, James Walker, Henry Bennett, Ezekiel Williams, William Williams, Charles Kempe, William Airson, Charles Bedford, John Bedford, John Lethbridge, William Carpenter, John Vivian, Peter Coryton, Jonathan Rashleigh, Ralph Barnes, John Cole, Clerks; Coryndon Carpenter, Joseph Carpenter, Thomas Parson, Joseph Hales, William Wymond, William Phillipps of Roache, Thomas Price of Saint Wenn, Andrew Quick, John Rogers of Mitchell, Gentlemen; and their Successors, to be appointed as herein after mentioned, shall be, and they are hereby appointed, Trustees for putting this Act in Execution.

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted by the Authority aforesaid, That the said Trustees, or such Person or Persons as they, or any Seven or more of them, shall appoint, shall and may erect, or cause to be erected, a Gate or Gates, Turnpike or Turnpikes, upon, in, or across, any Part or Parts of the said Roads; and also upon the Side or Sides thereof, cross any Lane or Way near to or leading into the same, or upon any Bridge; and also a Toll-house to each Gate or Turnpike, with suitable Out-buildings thereto, as the said Trustees, or any Seven or more of them, shall direct or appoint; and shall demand, receive, and take, at each and every of the said Toll-gates or Turnpikes the Tolls following, before any Horse, Cattle, or Carriage whatsoever, shall be permitted to pass through the same (that is to say),

and take Toll thereat.

The Tolls.

For every Horse, Mare, Gelding, Mule, Ass, or other Beast, drawing any Carriage, the Sum of Three Pence.

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

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

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

Tolls vested in Trustees.

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll; and the Money so 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, and may be assigned to and for the several Uses, Intents, and Purposes, and in such Manner, as is herein after mentioned: And if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof; it shall be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, to seize and distrain any Horse or Horses, or other Cattle, Beasts, or Goods, or any Carriage upon which such Tolls are by this Act imposed, or any other of the Goods and Chattles of any Person or Persons who ought to pay the same: And if such Tolls, and the reasonable Charges of such Distress, shall not be paid within the Space of Four Days after such Distress made; the Person or Persons so seizing and distraining, shall and may sell the Horse or Horses, Cattle, Carriage, or Goods, so seized and distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls and reasonable Charges for distraining, keeping, and selling, shall be deducted and paid.

Tolls to be levied by Distress and Sale.

Distress to 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 Seven or more of them, assembled at any Meeting or Meetings to be held for that Purpose; and they are hereby impowered, from time to time, with the Consent of such Person or Persons as shall be intitled to Five Sixths or more of the Money which shall have been advanced upon the Credit of the said Tolls, to lessen or reduce all or any of the Tolls herein before-mentioned, for such Time or Times, and in such Manner, as the said Trustees, or any Seven or more of them, shall think proper; and may afterwards, from time to time, advance all or any of the Tolls so lessened to any Sum or Sums of Money not exceeding the respective Rates herein before-mentioned; and the said Trustees, or any Seven or more of them, may from

time to time direct the Tolls hereby granted or reduced as aforesaid, to be collected in such Parts or Proportions as they shall think proper; and such reduced Tolls, and also such Parts and Proportions thereof as aforesaid, shall and may be collected, levied, and applied, in such and the same Manner as the Tolls hereby granted are directed to be collected, levied, and applied; but no Meeting shall be held for reducing or raising the said Tolls, unless Fourteen Days previous Notice thereof at the least shall be given in Writing, affixed upon all the Turnpikes which shall have been then erected upon the said Roads.

Tolls to be paid but Once a Day, between the Butter Market and the Extremity of the Roads.

Provided always, and it is hereby further enacted by the Authority aforesaid, That no Person shall be liable to pay Toll more than Once for passing or repassing at any Time or Times in any One Day, to be computed from Twelve of the Clock in the Night, to Twelve of the Clock in the next Night, with the same Cattle and Carriage, between the Butter Market in the Town of Bodmin, and the Extremity of any of the said respective Roads; but that all and every Person and Persons having paid Tolls upon any of the said respective Roads, shall, during the Remainder of such Day, pass Toll-free, with the same Cattle and Carriage, through such respective Road, from the Butter Market in the Town of Bodmin to the Extremity thereof, upon producing a Note or Ticket denoting the Payment of such Toll; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on Receipt of the Toll.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That out of the First Monies arising by virtue of this Act, the said Trustees, or any Five or more of them, shall in the first Place pay and discharge the Charges and Expences of procuring this Act; and shall apply the Remainder of the Money so raised in defraying the Expences of erecting Gates, Turnpikes, and Toll-houses, and repairing and widening the said Roads, and defraying the necessary Costs, Charges, and Expences attending the same, and the Execution of this Act, in such Manner as the said Trustees, or any Five or more of them, shall, from time to time, order, direct, and appoint.

Property of Turnpikes and Toll-houses vested in Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses to be erected by virtue of this Act, and of the Materials provided for building and repairing the same, and of all Materials which shall be actually got or collected for repairing the said Roads, and all

Mile-

Mile-stones to be set up on the said Roads, shall be and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby authorized and impowered to bring, or cause any Action or Actions to be brought in the Name or Names of any One or more of them, or their Treasurer or Treasurers, Clerk or Clerks, or to prefer and order and direct the preferring of any Bill or Bills of Indictment, against any Person or Persons who shall keep Possession of any Turnpike or Toll-house after Notice given by the said Trustees, or any Five or more of them, or by their Clerk or Treasurer for the time being, to such Person or Persons to quit the same; or who shall dig up, break, or pull down, steal, take, carry away, spoil, injure, or destroy, any Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, Mile-stone or Mile-stones, which shall by virtue of this Act be erected or provided, or any Part thereof, or any of the Materials of which the same shall be made, built, or consist, or any of the Materials which shall be provided for repairing the said Roads.

Trustees may lease, &c. the Tolls.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, upon Ten Days Notice to be given thereof upon all the said Turnpikes from time to time, by Writing under their Hands and Seals, to let or farm the Tolls by this Act granted, or any Part thereof, to any Person or Persons who shall be willing to take or farm the same from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years at any One Letting, upon publick Bidding to the highest Bidder, and for the best Price such Trustees can get for the same, payable at such Times, and in such Manner, and under such Covenants, and with such Sureties for the Payment thereof, as the said Trustees, or any Seven or more of them, shall think fit; which Money so to be paid shall be applied and disposed of as the Tolls granted by this Act are directed to be applied and disposed of.

Penalty on evading the Tolls.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall with any Horse, Cattle, Beast, or Carriage whatsoever, pass through any Land, Ground or Hereditament, adjoining to, or lying near, any Turnpike erected, or to be erected, upon the said Roads (the same not being a Publick Highway;) or if the Owner or Occupier of any such Land, Ground, or Hereditament, shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, Beast, or Carriage, to pass through the same, whereby the Payment

of

of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall give to, or receive from, any Person or Persons, or forge or counterfeit any Ticket by this Act directed to be given by the Collector of the Tolls; or if any Person or Persons shall at any Time or Times take off any Horse, or other Cattle or Beast, from any Carriage, whereby the Tolls, or any Part thereof, shall be evaded; or shall leave, or cause to be left, upon or near any Part of the said Roads any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of the said Tolls, or any Part thereof, or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage; every Person so offending in any of the Cases aforesaid shall, for every Offence, forfeit the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied towards amending the said Roads.

Exemptions from Toll.

Provided also, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be charged with, or liable to pay, any of the Tolls made payable by this Act for passing or repassing with any Waggon, Wain, Cart, Dray, or other Carriage, or any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast, drawing or not drawing, which shall be used or employed in the Carriage of Stone, Gravel, or other Materials, for repairing of any Road or Highway, or in the Carriage of any Lime, Sand, Dung, Mould, Soil, or Compost of any Kind, for the manuring of any Garden, or other Land or Ground; or that shall be used or employed in the ploughing, tilling, cultivating, or stocking, of any Land or Ground; or in the Carriage of any Grass, Hay, Fodder, Straw, or Corn in the Straw, Furze, Wood, Coal, or any Kind of Fuel, (except Charcoal;) or for the going, passing, returning, or repassing, of any Plough, Harrow, or other Implements of Husbandry; or of any Horse, Mare, Gelding, Ox, or other Beast, drawing the same, in order for repairing thereof, or using them in Husbandry, or any Thing whatsoever that shall be used in Husbandry, or in manuring or stocking of Land; or for the going, passing, returning, or repassing of any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast or Cattle, to or from Water or Pasture; or for any Horse, Mare, or Gelding, on which any Inhabitant of the Town or Parish of Bodmin shall ride for the Purpose of viewing his Lands, or foddering his Cattle only; or for any Person or Persons going to or returning from

any Place of religious Worship on Sundays; or for the going, passing, returning, or repassing, of the Horses of any Officers or Soldiers on their March; or of any Waggon, Cart, or other Carriage, Horse, Mare, or other Beast, employed in the Carriage of the Arms or Baggage of such Officers and Soldiers; or of any Waggon, Cart, or other Carriage, or of any Horse or other Beast drawing or not drawing, that shall be used or employed in the passing of Vagrants travelling with lawful Passes; or of any Post Horse or Horses carrying or drawing the Mail; or for the passing, returning, or repassing, of any Horse, Mare, Gelding, Mule, or Ass, or for any Coach, Berlin, Landau, Chariot, Chaise, Chair, Caravan, or any other Carriage, or of any Horse, Mare, or Gelding, drawing the same, that shall be going to, or returning from, any Election of any Knight or Knights of the Shire to serve in Parliament for the County of Cornwall on the Days of such Election or Elections.

Penalty on making illegal Claims.

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

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 within the said Borough of Bodmin, on the Twenty third Day of May, One thousand seven hundred and sixty nine, and proceed to the Execution of this Act; and shall and may adjourn themselves from time to time, and meet at the same Place, or any other Place within the Town of Bodmin, as often as the said Trustees, or any Five or more of them, shall think proper: And if at any Meeting appointed to be held by virtue of this Act there shall not appear a sufficient Number of Trustees to act, and to adjourn to another Day; or in case the Trustees shall omit or neglect to adjourn themselves; that then, and in either of the Cases, the Clerk or Clerks shall, by Notice in Writing to be affixed upon all the Turnpikes which shall then be erected upon the said Roads, at least Ten Days before the next Meeting, appoint the Trustees to meet at the said Guildhall on the Day Three Weeks after the Day on which such last Meeting was appointed; and the said Trustees at all their Meetings shall pay and defray their own Expences.

In Default of a sufficient Number to act, Trustees may adjourn to another Day.

Trustees to defray their own Expences.

Provided

Provided always, That no Adjournment shall be made for a longer Time than Three Months; and that all Orders and Determinations of the said Trustees in the Execution of this Act shall be at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Eleven of such Trustees shall be present, nor unless the Person or Persons applying to revoke or alter any such Order shall give Notice thereof in Writing to the Clerk of the said Trustees, to be by him affixed on all the Gates or Turnpikes then standing upon the said Roads, at least Fourteen Days previous to any Meeting to be held for that Purpose; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act; and all such Trustees who are Justices of the Peace, may act as Justices of the Peace in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding their being Trustees.

No Order to be made unless a Majority of Trustees shall concur therein; nor revoked, unless Eleven be present.

Trustee not to accept a Place of Profit.

Provided always, and be it further enacted by the Authority aforesaid, That Two Trustees shall be sufficient for the Purpose of Adjournment; and if it shall at any Time happen that a sufficient Number of Trustees shall not appear at the Time and Place appointed for any of their Meetings, or that the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid; it shall and may be lawful for any Five or more of the said Trustees at any Time or Times, the Space of Ten Days having first intervened, to appoint the said Trustees to meet at the said Guildhall upon the Day Fortnight after the Date of such Notice; which said Notice shall be in Writing, and shall be affixed on all the Turnpikes erected by virtue of this Act, and the same shall be deemed and taken to be sufficient Notice for any such Meeting.

Two Trustees may adjourn.

Trustees may hold occasional Meetings.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby impowered at any Meeting, to be held in pursuance of this Act, to borrow and take up at Interest any such Sum or Sums of Money as they, or any Seven or more of them, shall think proper, upon the Credit of the Tolls payable by this Act; and to mortgage, assign, and convey over, the said

Trustees may borrow Money on the Credit of the Tolls.

said Tolls, or any Part or Parts thereof, by any Writing or Writings under their Hands and Seals (the Charges of such Assignments and Conveyances to be paid out of such Tolls respectively) to any Person or Persons that shall advance or lend their Monies thereon, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid; and the Money so to be borrowed shall be applied in such Manner and for such Purposes only as the Tolls so assigned are hereby directed to be applied; and that all Copies of such Mortgages, Assignments, and Conveyances, shall be entered at Length in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Trustees; but no Money shall be borrowed on the Credit of the said Tolls after the First Meeting of Trustees, unless Notice be for that Purpose affixed in Writing upon all the Turnpikes to be erected by virtue of this Act, at least Fourteen Days before the borrowing of such Money; and all and every Person and Persons to whom any such Mortgage, Assignment, or Conveyance, shall be made as aforesaid, or who shall be intitled to the same, is and are hereby impowered, from time to time, by an Indorsement under his, her, or their Hand or Hands, on his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, to assign over or transfer such Security or Securities, or any Share thereof, and all or any Part of the Monies due thereon, to any Person or Persons whomsoever; and all such Assignments and Transfers shall be produced or notified to the Clerk or Clerks to the said Trustees, within Fourteen Days after the Date thereof; and such Clerk or Clerks shall cause an Entry or Memorial to be made of such Transfer, specifying the Date thereof, and the Names, Additions, and Places of Abode of the several Parties, and the Sum or Sums therein mentioned to be transferred, and the Names, Additions, and Places of Abode, of the Witnesses to the Execution thereof, in the said Book or Books to be kept for entering the original Mortgages, Assignments, or Conveyances, for which the Clerk or Clerks shall be paid the Sum of Two Shillings and Six Pence, and no more, by the Person or Persons to whom such respective Assignments or Transfers shall be made; which said Book or Books shall and may be inspected at all seasonable Times by any Person or

Assignments to be entered in a Book.

Notice to be given of borrowing Money.

Assignments may be transferred.

Clerk's Fee.

Persons

Persons whomsoever; and the Sum of One Shilling and no more shall be paid to such Clerk or Clerks for every such Inspection; and after such Entry made, and not otherwise, such Assignment or Transfer shall intitle the Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign again, and so toties quoties; and it shall not be in the Power of any Person, who shall have made such Assignment or Transfer, to make void, release, or discharge, the same, or any Monies thereon due.

All Creditors to be deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, his, her, or their Assignee or Assignees, in respect to the Priority of Assignment, or of advancing such Sum or Sums of Money; but that all the Persons to whom such Mortgages or Assignments shall be made as aforesaid, his, her, or their Assignee and Assignees, shall be, in proportion to the Sum or Sums therein mentioned, Creditors on this Act, and in equal Degree One with another.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may and they are hereby impowered, by Writing under their Hands and Seals, from time to time, to appoint One or more Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the said Tolls, and a Surveyor or Surveyors of the said Roads, and such other Officers and Persons as they the said Trustees, or any Seven or more of them, shall think proper for the due Execution of this Act; and from time to time to remove such Officer or Officers, and Persons, and on the Death or Deaths, Removal or Removals, of such Officers or Persons, to appoint others in their Stead; but Fourteen Days Notice shall be given of every Meeting where any such Appointment shall be made (after the First Meeting of the said Trustees) upon all the said Turnpikes; and the said Trustees, or any Seven or more of them, shall and may, and are hereby authorized and impowered, by and out of the Monies which shall arise by virtue of this Act, to give such Salaries and make such Allowances to such Officers and other Persons by them the said Trustees employed in putting this Act in Execution, as they the said Trustees, or any Seven or more of them, shall think reasonable.

and remove them, and appoint others.

Trustees may allow Officers Salaries.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and they are hereby authorized and required to take such Security from the Treasurer or Treasurers, for the due Execution of his or their Office, as to the said Trustees, or any Five or more of them, shall seem meet; and that no Person shall be capable of holding any Place of Profit under this Act who shall sell Wine, Cyder, Ale, Beer, or Spirituous Liquors, by Retail.

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

Officers to account upon Oath.

And be it further enacted by the Authority aforesaid, That all such Officers and other Persons 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, full, true, fair, and perfect Accounts in Writing under their respective Hands, of all the Monies which shall have been by them respectively had, collected, or received, and how, to whom, and for what Uses such Monies 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 Monies as, upon the Balance of such Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or to such Person or Persons, and for such Uses and Purposes, as 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 said Oaths the said Trustees, or any Two or more of them, are hereby authorized and impowered to administer to such Officers and Persons) verify their said Accounts, and the particular Items and 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, shall refuse or neglect to render or give up such Account or Accounts as aforesaid, or to produce or deliver up to the said Trustees, or any Five or more of them, the Receipts and Vouchers relating to the same, or to verify the Items or Articles thereof upon his or their Oath or Oaths, or shall refuse or neglect to pay all such Money as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or as they shall direct or appoint,

Officers refusing to account,

point, or shall not deliver to the said Trustees, or any Five or more of them, within Ten Days, being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his or their Custody or Power, relating to the Execution of this Act; that then, and in any of the Cases aforesaid, such Trustees, or any Five or more of them, may and are hereby authorized and impowered to bring, or cause any Action or Actions to be brought in the Name or Names of any One or more of the said Trustees, against the Officer or Officers, Person or Persons, so refusing or neglecting as aforesaid, for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing, shall live and reside, such Justice may and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him; and upon his or their appearing, or not being to be found, to hear and determine the Matters of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the Trustees, or any Five or more of them, by virtue of this Act, might have done; and if, upon the Confession of the Officer or Officers, Person or Persons, against whom such Complaint or Complaints shall be made, or by the Oath or Oaths of One or more Witness or Witnesses (which Oath or Oaths such Justice is hereby impowered to administer) it shall appear to such Justice, that any of the Monies which shall have been collected and raised by virtue of this Act shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods of such Officer or Officers, Person or Persons respectively; and if no Goods of such Officer or Officers, Person or Persons, can be found, sufficient to answer and satisfy such 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, at the Time and Place by him appointed for that Purpose, upon Notice thereof in Writing delivered to such Officer or Officers, Person or Persons, or left at his

Justice may enquire into the Default.

Balance may be levied by Distress and Sale.

For want of Distress, the Offender to be committed.

his or their last Place or Places of Abode respectively; or, if appearing, he or they shall refuse or neglect to give or deliver to the said Justice such Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, and of the Items and Articles thereof, upon Oath as aforesaid, or to produce or deliver up to the said Justice the several Receipts and Vouchers relating to such Accounts respectively, and to the Items and Articles thereof; then, and in any of the Cases aforesaid, such Justice may and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause such Officer or Officers, Person or Persons, to be committed to the Common Gaol of the County or Place where such Officer or Officers, Person or Persons, shall live and reside, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his or their Accounts respectively, and verified the Items thereof on Oath, and shall have produced and delivered up the Receipts and Vouchers relating to such Accounts, 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 such Trustees, or any Five or more of them, for the same, and paid the Composition-money which shall be thereby stipulated by them to be paid (which said Compositions the said Trustees, or any Five or more of them, are hereby authorized and impowered to make and receive) and until he or they shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

until Composition be made.

Provided always, That as often as any Collector of the said Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Five or more of the said Trustees, though not assembled at any Meeting in pursuance of this Act, by any Writing under their Hands, to appoint another Person to collect such Tolls; and such Person shall have the same Power and Authority to collect the same, as if he had been appointed by the said Trustees at a Meeting to be held in pursuance of this Act.

On Death or Refusal, others to be chosen.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the said Roads, or any of them, and such other Person or Persons as shall be employed or appointed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby authorized and impowered to cut, dig,

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

dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Furze, Heath, Stones, Gravel, Sand, or other Materials, proper for repairing the said Roads, in, upon, out of, or from any Waste or Common Ground or Grounds in any Parish, Town, or Place, in, adjoining to, or lying near, the said Roads, or in any neighbouring Parish, Town, or Place, to be used in repairing the said Roads, without paying any thing for the same, they the said Surveyors or other Persons filling up the Pits and Holes, and levelling the Ground from which 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 sufficient Quantities of Materials cannot be had or found in or upon such Waste or Common Ground or Grounds, then, and in such Case, the Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any such Materials as aforesaid, in, upon, or out of, from, and over, any the Lands, Fields, or Grounds, of any Person or Persons, where the same may be had or found, to be used towards repairing the said Roads (such Lands, Fields, and Grounds, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery Ground, or any Walk or Walks planted with Trees, or an Avenue to any House) paying or offering to pay to the respective Owners or Occupiers of such Lands, Fields, or Grounds, such Damages for the cutting, digging, gathering, taking, and carrying away the said Furze, Heath, Stones, Gravel, Sand, and Materials, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and, in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and such Owners or Occupiers, or any of them, concerning the said Damages; any Two or more Justices of the Peace of the said County of Cornwall shall and may (on Ten Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode with some or One of their respective Families) hear, settle, and determine, the Matters of the said Damages.

without paying for the same.

levelling the Pits.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

Surveyors may remove Annoyances, &c.

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, or any Person or Persons by them or either of them appointed or employed 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 and their own Use or 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, and make deeper, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary; in case the Owner or Owners of the Premisses shall neglect to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches, in a proper Manner, 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 Space of Ten Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors; and

and cut down Trees, &c.

to cut down, lop, or top, any Trees, Branches, Shrubs, or Bushes, growing in the said Roads, or in the Hedges or Banks adjoining thereto, and to take, carry away, and sell the Wood so cut, and apply the Money arising thereby in Repair of the Roads whereon

Owners neglecting to remove the same, after Notice;

the same stood; in case the Owners or Occupiers shall neglect to lop or top, cut down, and remove such Trees, Branches, Shrubs, or Bushes, in such Manner as the said Trustees, or any Five or more of them, shall require, for the Space of Ten Days next after Notice in Writing given for that Purpose, to be left at the House belonging to the Land on which the same shall stand, or at the House of the Tenant in Possession thereof, under

Charges to be reimbursed to the Surveyors.

the Hands of Five of the said Trustees; the Charges whereof (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed 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 the 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.

And

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors of the said Roads, or such Person or Persons as he or they shall appoint or employ (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 and Drains in and upon the said Roads, or any Part thereof, and also through any Grounds or Fields lying contiguous thereto; and also to make a Road through the Grounds or Fields adjoining or lying near to any hollow Way, or any narrow or ruinous Part of the said Roads (such Ground 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 and 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 across 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 judged 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 Moor or Waste Ground.

Surveyors may make Causeways, &c.

and make a temporary Road;

and erect Bridges, &c.

making Satisfaction to the Owners.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall interrupt or hinder, or cause to be interrupted or hindered, any Turnpike Surveyor, or any other Person or Persons by them, or by the said Trustees, or any Five or more of them, employed in the cutting, digging, gathering, or carrying away, Furze, Heath, Sedge, Sand, Gravel, Chalk, Flint, Stones, or other Materials, or in altering, widening, or repairing, the said Roads, or in topping, lopping, cutting, or carrying away, any Tree, Top, Lop, or Overhangings, or in digging, cleansing, or scouring, any new or other Ditch, Drain, or Watercourse, as aforesaid, or in doing any other Act in or for the repairing, widening, or altering, the said Roads, or in the Execution of any other of the Powers by this Act given; every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

Penalty on obstructing Surveyors, &c. in their Duty.

And

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

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Seven or more of them, shall, at any Time or Times hereafter, during the Continuance of this Act, think proper to widen or alter the Course of the said Roads, or to make any new Road or Roads contiguous or adjacent to the said Roads, or any Part or Parts thereof; that then, and in any of the said Cases, it shall and may be lawful for the said Trustees, or any Seven or more of them, and they are hereby authorized and impowered to contract with the Owner or Owners of, and Persons interested in, any Lands and Hereditaments, lying near the said Roads, or through or over which any new Road or Roads so to be made shall lead, for the absolute Purchase of so much and such Part or Parts of such Lands or Hereditaments as they the said Trustees, or any Seven or more of them, shall think proper and necessary for the altering, enlarging, widening, or making any new Road or Roads, or any Part or Parts thereof; and all Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, and other Trustees, for or on Behalf of Infants, Femes Covert, or Cestuique Trusts, and all other Persons whomsoever, may and are hereby authorized and impowered to contract and agree with the said Trustees, or any Seven or more of them, for the absolute Purchase or Exchange of such Lands and Hereditaments, and of their respective Estates and Interests therein, and may and shall convey all such Lands and Hereditaments to the said Trustees, or any Seven or more of them, for the Purposes aforesaid; and all Contracts, Agreements, Sales, and Conveyances, that shall be so made as aforesaid, shall be valid and binding to all Intents and Purposes whatsoever; and in case the said Trustees and Owner or Owners cannot agree as to the Price or Prices, or the Value, of the Lands or Hereditaments so intended to be purchased, then the said Trustees, or any Seven or more of them, may and are hereby authorized and impowered, Six clear Days before any General Quarter Sessions of the Peace to be holden for the County of Cornwall, to give, or cause to be given, to such Owner or Owners interested in such Lands or Hereditaments, or to be left at his or their Place or Places of Abode respectively with some or One of their respective Families, a Note in Writing, denoting and describing the respective Quantities of Lands or Hereditaments so intended to be purchased and laid into the said Roads, and the Places

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

Where Persons refuse to treat, &c.

Places where the same shall lie, and purporting that the Value and Values of such Lands and Hereditaments respectively shall be adjudged and settled by a Jury at the said Sessions; and the Justices at their said Sessions, upon Proof to them then and there made of such Notice or Notices having been so given, shall and are hereby authorized and required to charge the Jury which shall attend at such Sessions, or some other Jury of Twelve honest and substantial Men to be then and there impanelled and returned by the Sheriff of the said County, without Fee or Reward; and cause them to be sworn well and truly on their Oaths to assess the Value of the Lands or Hereditaments comprized in the said Notices, and the Damages and Recompence to be given for the same to the respective Owner or Owners thereof, according to their respective Interests therein (which Oath the said Justices are hereby impowered to administer to the said Jurors) and to which said Juries the said Trustees and all Persons interested in the said Lands shall have their lawful Challenges; and the said Jury, being so charged and sworn as aforesaid, and after proper Evidence upon Oath to them given concerning the Nature, Quantity, and Value, of the said Lands or Hereditaments, shall, by their Verdict, assess the Damages and Recompence to be given for such Lands or Hereditaments to the respective Owner or Owners thereof, according to their respective Interests therein; which Verdict of the said Jury, and the Judgement of the said Justices upon the same, shall finally bind and be conclusive to the said Trustees and all Persons and Parties interested in such Lands and Hereditaments; and that from and after such Verdict and Judgement, and after Payment or Tender of the Damages and Recompence therein and thereby found and directed to be given for the said Lands or Hereditaments to the respective Owner or Owners thereof, or after the Execution of any Conveyance of such Lands or Hereditaments to the said Trustees, or any Five or more of them, by the respective Owner or Owners thereof, and Payment or Tender of the Money thereby stipulated to be paid for the same; and which Money, Damages, and Recompence, the said Trustees, or any Five or more of them, are hereby impowered to pay out of the Monies which shall be borrowed, raised, or collected, by virtue of this Act; such Lands and Hereditaments, and every Part thereof, and the Fee-simple and Inheritance thereof, and of every Part thereof, shall be vested in the said Trustees and their Successors, notwithstanding

Jury to settle the Damage and Recompence.

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be final.

On Payment of Purchase-money, &c. Lands vested in the Trustees.

the same shall or may be limited and settled to, for, or upon, any Use, Trust, Limitation, Intail, Remainder, or otherwise, and notwithstanding any Politick, Corporate, or other Interest therein; and that then and from thenceforth the said Trustees, or any Five or more of them, or any Person or Persons by them, or any Five or more of them, for that Purpose impowered or employed, may and is and are hereby authorized and impowered to take and lay such Lands and Hereditaments, and every Part thereof, into the said Roads; and that then and from thenceforth for ever afterwards such Lands and Hereditaments, and every Part thereof, shall be deemed, taken, and used, and the same is and are hereby declared to be a Part or Parts of the said Roads, and shall for ever thereafter be repaired and kept in Repair as Part of the said Roads; any Right, Title, Interest, Law, Custom, or Usage, to the contrary thereof in any wise notwithstanding: And in case any new Road or Roads shall be purchased contiguous or adjacent to any Part of the Roads hereby directed to be repaired, and such new Road shall be made and completed, the Lands and Grounds comprized in the old Road is and shall be hereby vested in the said Trustees, and shall and may by them, or any Seven or more of them, be sold or disposed of for the best Price that can or may be gotten for the same, and the Money arising by such Sale shall be applied to the repairing the Roads hereby directed to be repaired; and the Conveyances to be made of such Lands and Grounds comprized in the old Road, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace of the County of Cornwall, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

To purchase Lands for the new Road, &c.

Old Road may be sold.

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

Buildings not to be injured, &c.

And be it further enacted by the Authority aforesaid, That all Bodies Politick, Corporate, and Collegiate, Corporations Aggregate and Sole, and all other Persons, who by any Law, Custom, Usage, or otherwise, are or shall be liable to the Repair of any Part or Parts

Persons chargeable to the Highways to continue so.

Parts of the said Roads, or any Bridge or Bridges thereon, or to pay any Sum or Sums of Money for or towards the Repairs thereof, shall, notwithstanding this Act, remain liable to repair the same, or to pay such Monies for or towards the Repairs thereof, as they respectively before were or was liable to do or pay.

Inhabitants to do Statute-work.

And be it further enacted, That all Owners and Occupiers of Land, and Inhabitants in and of the several Parishes, Hamlets, and Places, through which the said Roads lead, or that are or shall be liable to do Statute-work or Duty in the Highways, shall yearly and every Year do so many Days Statute-work or Duty in such Part or Parts of the said Roads as doth or do lie in such Parishes, Hamlets, or Places respectively, in proportion to the Number of Miles that the Turnpike Road bears to the other Highways within each respective Parish, and at such Times (the same not being in Haytime or Harvest) and in such Manner as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall direct or appoint; and that every Inhabitant of such Parishes, Hamlets, and Places respectively, who shall rent, hold, or occupy, Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds shall be deemed and taken to keep a Team, and shall with their Teams and Servants, or otherwise, as the Case shall be, do Eight Hours Work in every Day; and the Surveyor or Surveyors of the Highways of such Parishes, Hamlets, and Places respectively, and where there shall be no Surveyor, then the Churchwardens or Overseers of the Poor, and if no Churchwardens or Overseers, then some or One of the principal Inhabitants of the said Parishes, Hamlets, and Places respectively, shall yearly, within the Space of Seven Days next after Notice in Writing to him or them for that Purpose respectively given by the said Trustees, or any Five or more of them, or by the Turnpike Surveyor or Surveyors, under his or their respective Hands, deliver to such Trustees or Surveyors from whom such Parish Surveyor, Churchwarden, Overseer, or Inhabitant, shall receive such Notice, or to One of them, a true and fair List in Writing of the Names of all the Inhabitants of such Parishes, Hamlets, and Places respectively, liable to do Statute-work upon the said Roads; and shall therein distinguish and set forth which of such Inhabitants keep Teams, or occupy Lands of the yearly Value of Fifty Pounds, and are liable to do Duty with Teams or Draughts, and which of

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

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

Penalty on not performing Statute-work.

of them are Labourers only; And if any of the Inhabitants of the said Parishes, Hamlets, or Places, shall refuse or neglect to do and perform their Statute-work or Duty respectively on the said Roads at such Times and Places, and in such Manner, as he shall be directed to do by the Surveyor or Surveyors to the said Trustees, or shall not work full Eight Hours in each of the said Days upon the said Roads; every such Offender shall, for every such Refusal or Neglect, forfeit and pay the respective Sums herein after-mentioned; that is to say, Every Person liable to do a Team's Duty, for each Day's Default the Sum of Ten Shillings; and every Person liable to do Duty as a Labourer, the Sum of One Shilling and Six Pence: And if any of the said Parish Surveyors, Churchwardens, Overseers, or principal Inhabitants, of the said Parishes, Hamlets, or Places respectively, having such Notice to deliver such List or Lists as aforesaid, shall refuse or neglect so to do, within the Time or in the Manner herein before mentioned, every such Surveyor or Churchwarden, Overseer or Inhabitant, shall, for every such Neglect or Defence, forfeit the Sum of Five Pounds; and every Person who shall, according to such Notice as aforesaid, come to work as a Labourer, or with a Team on the said Roads, and shall be found idle or negligent by the said Turnpike Surveyor or Surveyors, such Surveyor or Surveyors may and is 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 Labourer or Person, or the Owner of any such Team, shall be liable to the respective Forfeitures before mentioned.

Persons found idle, may be turned off.

Trustees may compound for Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may and are hereby impowered to compound with the Inhabitants of the several Parishes, Hamlets, and Places, through which the said Roads lead, for the Statute-work and Labour by them respectively to be performed by virtue of this Act on the said Roads in every Year, such Composition-money being always paid down at the respective Times of making such Composition.

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

And be it further enacted by the Authority aforesaid, That as often as any Trustee by this Act appointed, or their Successors, shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, by Writing under their Hands and Seals, to elect and appoint One other Person a

Truſtee in the Room of the Truſtee ſo dying or refuſing to act; but Notice in Writing of the Time and Place of Meeting for every ſuch Election ſhall be given by the Clerk or Clerks to the ſaid Truſtees, by affixing the ſame upon all the Turnpikes in or upon the ſaid Roads, at leaſt Fourteen Days before every ſuch Meeting; and all Perſons, who ſhall be ſo elected and appointed, are hereby veſted with the ſame Powers and Authorities as any Truſtee or Truſtees hereby appointed is and are veſted with.

Qualification of Truſtees.

Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall in his own Right, or in the Right of his Wife, be in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds, or ſhall be Heir Apparent of ſome Perſon having ſuch Eſtate of the clear yearly Value of Eighty Pounds, or be poſſeſſed of a Perſonal Eſtate to the Amount of Eight hundred Pounds: And if any Perſon, not being qualified as aforeſaid, ſhall 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; than that ſuch Perſon hath acted as a Truſtee.

Penalty on acting if not qualified.

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 Stones or Poſts to be ſet up on the Sides of the ſaid Roads, at the Diſtance of One Mile from each other, with Inſcriptions thereon, denoting the Diſtance of each of the ſaid Stones or Poſts from ſome Town or Place; and alſo to erect Guide or Direction Poſts with ſuch Inſcriptions thereon, aſcertaining the Diſtances from the next Market Town, as the ſaid Truſtees, or any Five or more of them, ſhall think proper: And if any Perſon or Perſons ſhall wilfully break or pull down, dig up, or damage, the ſaid Stones or

Penalty on defacing Mile-ſtones.

Posts, or any of them, or any Part thereof, or obliterate or deface any of the Words, Letters, or Marks, that shall be inscribed thereon, or cause or procure the same to be done, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in such Manner, and for such Purposes, as other the Forfeitures by this Act imposed are hereby directed to be applied.

Penalties and Forfeitures how to be recovered,

And be it further enacted by the Authority aforesaid, That all the Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed (the Manner of levying and Recovery whereof is not otherwise hereby particularly directed) shall, upon Proof of the Offences respectively before any One Justice of the Peace for the County or Place wherein the Offender shall be or reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath such Justice of the Peace is hereby impowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby impowered 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, and applied in the Repair of the said Roads; and in case sufficient Distress shall not be found, and such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice of the Peace, 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 Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Two Calendar Months, unless such Penalties and Forfeitures and all reasonable Charges shall be sooner paid and satisfied.

Application of Penalties, &c.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures by this Act imposed (other than and except such or such Parts thereof as are by this Act otherwise directed to be applied) shall

be paid to the said Trustees, and shall be by them applied in the Repair of the said Roads.

Persons aggrieved may appeal to the Quarter Sessions.

And be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, such Person may appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace, or Second General Quarter Sessions of the Peace, to be held for the County of Cornwall, after the Act, Order, Conviction, Judgement, or Determination, shall by virtue hereof be done or made, upon Ten Days Notice thereof in Writing being given by such Person of his or her Intention to bring such Appeal, and of the Cause and Matter thereof, to any Surveyor or Collector of the Tolls of the Roads in respect whereof such Act, Order, Conviction, Judgement, or Determination, shall be so made, and within Four Days after such Notice enter into a Recognizance before some Justice of the Peace for the County, with Two sufficient Sureties, to prosecute such Appeal with Effect; and the said Justices at their said Sessions may and are hereby required to examine the Causes and Matters of such Acts, Orders, Convictions, Judgements or Determinations, and to confirm or discharge the same, and to award such Costs to be paid by and to either of the Parties concerned in the said Appeal, as they shall judge proper; which said Judgements of the Justices at their Sessions shall be finally binding to all Parties; and the Penalties and Forfeitures contained in the said Acts, Orders, Convictions, Judgements, or Determinations, in case the same shall be confirmed, and the Charges attending the same, and the Costs awarded by the Sessions, shall, upon producing the same Acts, Orders, Convictions, Judgements, or Determinations, or a Duplicate or Duplicates thereof, and the said Orders of Sessions confirming the same, to any such Justices as aforesaid, be levied by Distress and Sale of the Goods and Chattles of the Offender or Offenders, by a Warrant or Warrants under the Hand and Seal of such Justice, in such Manner as the Penalties and Forfeitures by this Act imposed are hereby before directed to be levied and recovered.

Notice of Appeal to be given.

Distress not unlawful for want of Form,

And be it further enacted by the Authority aforesaid, That where any Distress shall be made 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 Defect or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or in the Appointment of the Collector

Collector or Collectors, Surveyor or Surveyors, or in any other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall happen to be done in making such Distress; but the Party or Parties aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damages which he or they shall have sustained thereby, with usual Costs, and no more, in an Action of Trespass or on the Case, at the Election of the Party or Parties aggrieved.

nor the Parties distraining deemed Trespassers *ab initio*.

Provided always, That no Plaintiff shall recover in any Action for any Irregularity as aforesaid, if Tender of good and sufficient Amends shall have been made by or on Behalf of the Party or Parties distraining before such Action brought; nor if such Tender of Amends shall be made at any Time after the said Action brought, and before the Trial thereof, together with Costs of Suit, to the Time of such last mentioned Tender; but on Proof made of such Tender on any Trial to be had in such Action, the Plaintiff or Plaintiffs shall suffer Judgment as in Cases of Nonsuit, with Full Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any Case by Law.

Plaintiff not to recover, if Tender of Amends has been made.

And be it further enacted by the Authority aforesaid, That no Act, Order, Conviction, Judgement, Determination, or other Proceeding, that shall be done, made, or had by the said Trustees, or by any Justice or Justices of the Peace, or by the Sessions, by virtue of this Act, shall be quashed or discharged for want of Form only, or shall be removed by Certiorari, or otherwise, into any Court of Record at Westminster.

Proceedings not to be quashed for want of Form; nor removeable by *Certiorari*.

And it is further enacted by the Authority aforesaid, That in case any Action or Prosecution shall be commenced or prosecuted in pursuance of this Act, under the Authority or by the Direction of the said Trustees, or any of them; in any such Case the said Trustees, or any Five or more of them, shall, out of the Monies arising by virtue of this Act, allow and pay to the Prosecutor, or such Person or Persons in whose Name or Names such Action or Prosecution shall be commenced or prosecuted, all such reasonable Costs and Charges as such Person or Persons shall be really and bona fide out of Pocket for or by reason of such Action or Prosecution, or any Judgement or Determination therein; and likewise indemnify all such Persons as shall be prosecuted, or have any Action or Actions brought against them, for or by reason of any thing done in pursuance

Prosecutions to be carried on for Offences committed against this Act.

of

of this Act under the Authority and by the Direction of the said Trustees, or any Five or more of them.

Commencement and Continuance of this Act.

And it is further enacted by the Authority aforesaid, That this present Act, and the several Powers and Authorities hereby granted, shall commence and have Continuance from and after the Twentieth Day of May, One thousand seven hundred and sixty nine, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Proceedings to be entered in a Book.

And be it further enacted by the Authority aforesaid, That all Acts, Orders, Accounts, and Proceedings, of the Trustees, to be done, made, or had by virtue of this Act, shall be fairly entered in a Book or Books to be by the said Clerk or Clerks to the said Trustees kept for that Purpose; and such Acts, Orders, Accounts, and Proceedings, so entered, shall be signed by the said Clerk or Clerks; and being so signed, shall be deemed to be Originals; which said Books, and also the Books directed to be kept for entering the said Assignments and Transfers, shall be admitted as Evidence in all Courts whatsoever.

Books may be read in Evidence.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, or Warrant, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in the Execution of any Power or Authority hereby vested in such Trustees or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That no Action at Law shall be brought or commenced against any Person or Persons for any thing done by virtue of this Act, until after Twenty Days Notice thereof in Writing shall be given to the Person or Persons against whom such Action shall be intended to be so brought, or left at his or their last or usual Place of Abode, setting forth the Cause of such Action; and that every Action brought for any Thing done as aforesaid, shall be brought within the Space of Six Calendar Months next after the Cause of Complaint shall arise, and shall be laid and tried in the County of Cornwall, and not elsewhere; and the Defendant or Defendants therein may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had

General Issue.



4

had thereupon, and that the same was done by virtue hereof: And if on the Trial of such Action it shall appear that the same was brought before the Expiration of Twenty Days next after such Notice shall have been so given or left as aforesaid, or after the End of Six Calendar Months next after the Cause thereof shall have risen; or if such Action shall be brought or laid in any other County than as aforesaid, or after sufficient Tender of Amends shall have been made to the Party or Parties aggrieved; that then, and in any of the Cases aforesaid, the Jury shall find for the Defendant or Defendants therein; and in all Cases where any Verdict shall be found for the Defendant or Defendants in such Action, or if the Plaintiff or Plaintiffs shall discontinue the same after the Defendant or Defendants shall have appeared, or if the Plaintiff or Plaintiffs shall be nonsuited, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants in such Action shall have Treble Costs, and shall have the like Remedies for recovering the same, as Defendants have for recovering their Costs in other Cases by Law.

Treble Costs.

Publick Act.

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

FINIS.