ANNO QUARTO

GEORGII IV. REGIS.

Cap. lxxviii.

An Act for continuing the Term and altering and enlarging the Powers of Three Acts, passed in the First, Twenty-first, and Forty-second Years of the Reign of His late Majesty, for amending and widening the Road leading from the Town of *Falmouth* in the County of *Cornwall*, through the Towns of *Penryn*, *Helston*, and *Marazion*, and from thence to and over *Marazion* River and Bridge, and Two hundred Feet to the Westward of the said River and Bridge.

[30th *May* 1823.]

WHEREAS by an Act passed in the First Year of the Reign of His late Majesty, intituled *An Act for amending and widening the Road leading from the Town of* Falmouth *in the County of* Cornwall, *through the Towns of* Penryn, Helston, *and* Marazion, *and from thence to and over* Marazion *River and Bridge, and Two hundred Feet to the Westward of the said River and Bridge*, several Tolls and Duties were granted and made payable, and divers Powers and Authorities were given for amending and widening the said Road, and for putting the said Act into Execution; which said Act was to have Continuance from the Twenty-fifth Day of *March* One thousand seven hun- 1 G. 3. c. 32.

dred and sixty-one, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas another Act was passed in the Twenty-first Year of the Reign of His said late Majesty, for enlarging the Term and Powers of the said recited Act for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas another Act was passed in the Forty-second Year of the Reign of His said late Majesty, for enlarging the Term and Powers of the said recited Acts for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded to put the same into Execution, for which Purpose they have borrowed considerable Sums of Money on the Credit thereof, which still remain due, and which cannot be repaid, nor can the said Road be properly amended or kept in repair, unless the Term and Powers of the said Acts are enlarged and the Tolls increased: And whereas it is desirable that the said Acts, passed in the First, Twenty-first, and Forty-second Years of the Reign of His late Majesty King *George* the Third should be repealed, and that such further Powers and Provisions as are herein-after mentioned should be granted and made for the better Repair and Management of the said Road: 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 said recited Acts passed in the First, Twenty-first, and Forty-second Years of the Reign of King *George* the Third, shall be and the same are hereby repealed; and that instead thereof this Act shall be put into Execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, widening, altering, and keeping in repair the Road leading from the Town of *Falmouth* in the County of *Cornwall*, through the Towns of *Penryn*, *Helston*, and *Marazion*, and from thence to and over *Marazion* River and Bridge, and Two hundred Feet Westward of the said River and Bridge; and this Act and the additional Term herein-after granted shall be and are hereby made subject and liable to the Payment of all Money now due and owing on the Credit of the said former Acts or either of them, or hereafter to be borrowed or become due on the Credit of this Act, and of all Interest due and to grow due for the same respectively.

21 G. 3. c. 78.

42 G. 3. c. 10.

3 G. 4. c. 126.

Three first recited Acts repealed.

3 G. 4. c. 126. to extend to this Act.

II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters and Things therein contained, save and except such Parts thereof as are expressly varied, altered, or repealed by this Act, shall be as good, valid, and effectual for carrying this Act into Execution as if the same had been repeated and re-enacted in the Body of this Act.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Cornwall*, together with Sir *John Saint Aubin* Baronet, *John Borlase*, *Samuel Borlase*, *Thomas Bolitho*,

Bolitho, William Bolitho, Henry Borlase, George Simon Borlase, John Borlase, John Batten, William Baker the younger, *James Bull, Henry Boase, Thomas Clutterbuck, Henry Comyn* Clerk, *William Cornish, Samuel Cole* D.D. *Thomas Daniel, John Dunston, John Samuel Enys, Richard Edwards, George Croker Fox, Alfred Fox, Robert Were Fox, Charles Fox, Thomas Fox, Richard Gerveys Grylls, Richard Gerveys Grylls* the younger, Clerk, *Humphrey Millett Grylls, Glynn Grylls, Pascoe Grenfell,* Sir *Christopher Hawkins* Baronet, *Isaac Head, John Francis Howell* Clerk, *Joseph Hocken, Joseph Hawkey, Oliver Hill, William Robinson Hill, Richard Hill, George John, Stephen James Johns, William Johns, Horace Mann* Clerk, *Charles Lemon, Robert Davey Michell, Leonard Millett, Matthew Paul Moyle, John Jones Pearce, Richard Pellowe, Francis Pender, James Pascoe* Clerk, *Jonathan Passingham, Edward William Wynn Pendarves, James Plomer, John Rogers, John Rogers* junior, Clerk, *Hugh Rogers* Clerk, *William Pender Roberts, William Richards, Thomas Rogers, Pearse Rogers, Joseph Roberts, Philip Vyvyan Robinson, William Sandys, Samuel Spivy Street, James Sellick, Hannibal Sandys, Thomas Stabback* Clerk, *John Stona, John Stona* the younger, *Samuel Tregallas, Thomas Trevethan* Clerk, *John Trevenen, John Trevenen* junior, Clerk, *James Trevenen, William Trevenen, George Treevecke* Clerk, *John Tremenheere, Robert Michael Nowell Usticke* Clerk, *John Vivian,* Sir *Richard Rawlinson Vyvyan* Baronet, *Vyell Vyvyan, Humphrey Willyams* Clerk, *Thomas Wills* Clerk, *Christopher Wallis, Thomas Warren, William Paul Williams, John Williams,* and their Successors, to be elected in manner directed by the said recited Act, and being qualified as in the said Act of the Third Year of His present Majesty, shall be Trustees for putting the said recited Act and this Act in Execution.

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, at any of their Meetings to be held pursuant to the Directions of the said recited Act passed in the Third Year of the Reign of His present Majesty, to elect, nominate, and appoint any Number of fit and proper Persons not exceeding Five, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed.

Trustees to take an Oath.

V. And be it further enacted, That no Person hereby appointed, or who shall hereafter be chosen or appointed a Trustee, shall be qualified or capable of becoming and acting as a Trustee in the Execution of this Act, until he shall have taken and subscribed the Oath or (being one of the People called *Quakers*) the Affirmation following, before any Two or more of the said Trustees, who are hereby authorized and empowered to administer the same in the Words or to the Effect following; (that is to say),

'I do swear, [*or, being One of the People called Quakers,* 'I do solemnly affirm], That I will truly, faithfully, and impartially act 'in the Execution of the Trusts and Powers reposed in me by virtue of an 'Act passed in the Fourth Year of the Reign of His Majesty King *George* 'the Fourth, intituled *An Act* [*here insert the Title of this Act*].

'So help me GOD.'

[*Or, being a Quaker, omit the Words* 'So help me God.']

Provided always, That if any Person not having taken and subscribed the Oath, or, being a Quaker, not having made and subscribed the Affirmation

mation herein-before mentioned, shall nevertheless act as a Trustee in the Execution of this Act, or the said Act passed in the Third Year of the Reign of His present Majesty, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall 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, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Wager of Law, nor more than one Imparlance shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person had acted as a Trustee in the Execution of this Act; provided nevertheless, that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls, or receiving Interest thereout for the same, shall on that account only be deemed unqualified to act as a Trustee in the Execution of this Act; any thing in the said recited Act passed in the Third Year of the Reign of His present Majesty to the contrary notwithstanding.

First Meeting of Trustees.

VI. And be it further enacted, That the Trustees for executing this and the said last recited Act, or any Three or more of them, shall meet together at the *Guildhall*, or at some other convenient Place in the Borough of *Helston* aforesaid, on the Fifth *Monday* after the passing of this Act, or so soon after as conveniently may be, and proceed to the Execution of this and the said last recited Act; and shall then and from Time to Time after adjourn to and meet again at such Time and at such Place or Places within the Borough of *Helston* aforesaid, as they or the major Part of them present at their respective Meetings shall think proper.

Annual Meeting of Trustees at Penryn.

VII. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby required to hold a Meeting for the Purpose of putting this Act into Execution at the Guildhall of the said Borough of *Penryn*, or some other convenient Place within the said Borough, on the Second *Tuesday* in the Month of *August* in every Year, in addition to all other Meetings held elsewhere for that Purpose, of which due Notice shall be given in the provincial Paper of the said County of *Cornwall*, by the Clerk or Treasurer for the Time being.

Trustees to appoint Officers, &c.

VIII. And be it further enacted, That the said Trustees or any Three or more of them, at any of their Meetings, shall and may from Time to Time appoint a Clerk and also a Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Road, and such other Officers as they the said Trustees shall think necessary, and from Time to Time to remove any such Officer or Officers, and on the Death, Resignation, or Removal of any such Officer or Officers may appoint another or others in his or their Stead; and Fourteen Days Notice shall be published on all the Turnpike Gates standing or being across the said Road of every Meeting where any such Appointment shall be intended to be made after the First Meeting of the said Trustees, specifying the Intention of appointing any such Officer or Officers; and the said Trustees shall and may and are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries and

and make such Allowances to such Officers and other Persons employed, or who shall assist in the Execution of this Act, for their Services in and about the carrying this and the said last recited Act into Execution, and also all such Costs and reasonable Sums as they the said Trustees or any of them, or the Surveyor or Surveyors, or other Officer or Officers by them appointed, or any Justice or Justices of the Peace, shall have been at or put unto, or shall have expended in the due Execution of this Act and the said last recited Act, and of the Powers and Authorities given or granted thereby, or in defending or prosecuting any Action or Suit, Indictment or Indictments, Information or other Proceeding whatsoever for or on account thereof, or for or concerning any Matter or Thing whatsoever which he or they shall have done or ordered to be done in the due Execution thereof, or in or about the Prosecution of any Person or Persons whomsoever for any Matter or Thing whatsoever which such Person or Persons shall have done in contravention of or contrary to this or the said last recited Act, as they the said Trustees shall think reasonable, and to order and direct their Treasurer or Treasurers to pay and defray the same respectively out of any Money in his or their Hands arising from the Tolls hereby granted: Provided always, that the Clerk, Receivers, Collectors, Surveyors, and other Officers, save and except the Treasurer, who have been appointed under and by virtue of the said Three first recited Acts hereby repealed, shall respectively continue to hold and exercise such their several and respective Offices and Employments until they shall respectively be removed therefrom by the said Trustees for executing this and the said last recited Act, or resign the same.

Power to raise Tolls.

IX. And be it further enacted by the Authority aforesaid, That from and after the passing of this Act, for the Space of Twelve Years thence next ensuing, or such shorter Period within which the Debt remaining due and owing on the Credit of the said Tolls shall be reduced to the Sum of Three thousand Pounds, the several Tolls herein-after mentioned shall be demanded and taken at any Toll Gate or Turnpike erected or to be erected by virtue of this Act, before any Horse, Ox, or other Beast or Cattle, or any Carriage, shall be permitted to pass through the same; (that is to say),

Tolls.

For every Horse or other Beast of Draught drawing any Coach, Chariot, Landau, Berlin, Chaise, Chaise Marine, Calash, Chair, Caravan, Hearse, Litter, or other such Carriage, the Sum of Four-pence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Butt, Cart, or other Carriage, the Sum of Four-pence:

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score, and so in proportion for any less Number:

For every Drove of Calves, Swine, Sheep, Lambs, or Goats, the Sum of Seven-pence *per* Score, and so in proportion for any less Number.

And from and after the Expiration of the said Term of Twelve Years, or such shorter Period within which the said Debt remaining due and owing on the Credit of the said Tolls shall be reduced to the Sum of Three thousand Pounds, the several Tolls herein-after mentioned shall be

be demanded and taken at any Toll Gate or Turnpike so to be erected by virtue of this Act, before any Horse, Ox, or other Beast or Cattle, or any Carriage, shall be permitted to pass through the same:

Tolls.

For every Horse or other Beast of Draught drawing any Coach, Chariot, Landau, Berlin, Chaise, Chaise Marine, Calash, Chair, Caravan, Hearse, Litter, or other such Carriage, the Sum of Three-pence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Butt, Cart, or other Carriage, the Sum of Three-pence:

For every Horse, Mule, Ass, or other Beast of Burden, laden or not laden, and not drawing, the Sum of One Penny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score, and so in proportion for any less Number:

For every Drove of Calves, Swine, Sheep, Lambs, or Goats, the Sum of Five-pence *per* Score, and so in proportion for any less Number.

Limitation of Toll.

X. Provided always, and be it enacted, That no more than One Toll shall be paid for and in respect of the same Horse or other Beast for passing and repassing on the same Day through all or any of the Toll Gates or Turnpikes to be continued or erected by virtue of this Act, upon the whole Length of the said Road as is situate between the said Town of *Falmouth* and the said Borough of *Helston* only, and no more; and no more than One Toll shall be paid for and in respect of the same Horse or other Beast passing and repassing on the same Day through all or any of the Toll Gates or Turnpikes to be continued or erected between the said Borough of *Helston*, and Two hundred Feet to the Westward of *Marazion* River and Bridge.

Power to sell Toll Houses.

XI. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses, Building or Buildings, heretofore purchased, erected, or intended for the Purpose of a Toll House or Toll Houses by virtue of the said Acts hereby repealed or any of them, or hereafter to be purchased or erected by virtue of this Act, and the Ground whereon the same may stand (except the same shall have been erected on any Highway, or on any Common or commonable Fields), with the Outhouses, Gardens, and Appurtenances thereunto belonging, which shall be considered by the said Trustees as useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same, and to convey, assign, and surrender the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same, according to the Nature and Tenure of the Estate by which the same may be holden; and the Person or Persons who shall purchase the same, his, her, or their Heirs, Executors, Administrators, or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, according to the Nature and Tenure thereof, discharged from all Trusts and free from all Incumbrances whatsoever, and shall not be answerable for the Application or Mis-application of his, her, or their Purchase Money: Provided always, that such Preference of Purchase shall be given to the Person or Persons from whom any Land on which any Toll Houses may have been erected was purchased, leased, or taken in exchange, or to the Person or Persons

whose Land shall adjoin thereto, as is by the said Act of the Third Year of the Reign of His present Majesty directed to be given where any Piece or Pieces of Ground not wanted for the Purposes of any Turnpike Act is or are authorized to be sold and disposed of.

Power to erect and remove Turnpikes, Toll Gates, Side Gates, Weighing Machines, &c.

XII. And be it further enacted, That it shall be lawful for the said Trustees, if they shall think proper, to continue all and every or any of the Turnpikes or Toll Gates and Toll Houses, and Side Gates and Side Bars now standing and being in and upon or across the said Road, or to discontinue the same or either of them, and alter the Situation, and to erect, set up, or build, or cause to be erected, set up, or built, upon, in, or across the said Road or any Part thereof, or at the Entrance of any Road or Lane that doth or shall lead into or out of the said Road, when and as they shall judge necessary, any Weighing Machine or Weighing Machines, Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Bar or Bars, Chain or Chains, and also one or more Toll House or Toll Houses, with Outbuildings and Conveniences suitable thereto, at or near each Toll Gate or Weighing Machine, and to take and inclose on the Sides of the said Road suitable Garden Spots for such Toll House or Toll Houses, not exceeding One-eighth Part of an Acre each, with such Lamp or Number of Lamps at or near the said Toll House or Toll Houses as they shall think necessary, and from Time to Time to take down and remove or again to put up in a different Situation, or to alter and discontinue the same or any of them, as they the said Trustees shall think proper, and direct or appoint.

Stage Coaches and Post Chaises to pay every Time of passing.

XIII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Beasts of Draught drawing any Stage Coach for every Time of passing and repassing along the said Road on the same Day; and the Tolls hereby made payable shall be paid for and in respect of all Horses or Beasts of Draught drawing any Post Chaise or other such like Carriage let out to Hire for every Time of passing along the said Road, whenever any new Hiring thereof shall be made.

Statute Labour.

XIV. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards the repairing and amending the said Road, shall be and remain liable thereto in like Manner in every respect as they now are or have heretofore been; and it shall be lawful for any Two or more Justices of the Peace in and for the said County of *Cornwall*, and they are hereby required and empowered, upon Application made to them by the Treasurer, Clerk, or Surveyor of the said Road, yearly to adjudge and determine what Part or Portion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Hamlets, and Places in or through which the said Road shall lie, lead, or pass, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Hamlet, or Place, to bring in a List before the said Justices at some

some Place to be expressed in such Summons, within Ten Days after the serving of such Summons, of the Names of the several Persons who within such Parish, Hamlet, or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force or effect for the Repair of the public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work in every Year upon the said Road as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Haytime or Harvest), and on such Parts of the said Road, as the said Trustees or the Surveyor or Surveyors shall from Time to Time order, direct, or appoint; and the said Justices shall and may order and direct the Surveyor or Surveyors of such Parishes, Hamlets, and Places respectively, to pay over to the said Trustees or their Treasurer, such Proportion of the Composition for Statute Work as aforesaid as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor to the Trustees, shall for every Day of his, her, or their Default or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Fines, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute now in force or effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on any Part of the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid, and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments as aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Hamlets, or Places, shall refuse or wilfully neglect to give in any such Lists as aforesaid, or shall knowingly or wilfully give in false and imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money or any Part thereof in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the County of *Cornwall*, on Complaint made to such Justices by the Surveyor to the said Trustees.

XV. Pro-

Clerk and Treasurer not to be the same Person.

XV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer or the Partner of any such Treasurer, to be the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

In case of Nonpayment of Compensation for Materials, Damages, or Injury done by the said Trustees, &c. the same to be levied by Distress of the Goods vested in the Trustees or their Treasurer.

XVI. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace in pursuance of the Directions of the said recited Act of the Third Year of the Reign of His present Majesty or this Act, as or by way of Compensation or Satisfaction for any Material, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose, by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall receive in pursuance of the said last recited Act and this Act, all such Costs, Charges, and Expences as he shall be put unto by virtue of any such Order as aforesaid.

Books used under former Acts to be Evidence.

XVII. And be it further enacted, That all and every Book and Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts, or containing any Orders or Agreements made or entered into by them, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

Bonds and Securities under former Acts to be in force until satisfied and paid.

XVIII. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons to or with any of the said Trustees for executing the said Three recited Acts, shall remain in full force and effect, and shall be and continue available in all Courts of Law, until the same are fully satisfied and performed; and all Contracts, Agreements, Demises, Mortgages, and Securities duly made and entered into by the said Trustees for executing the said Three first recited Acts hereby repealed, to or with any Person or Persons, shall remain in full force and effect, and shall be binding on the Trustees for executing this Act, and be observed and kept by them, according to the Terms, Stipulations, and Tenor thereof.

For paying Expences of the Act.

XIX. And be it further enacted, That all Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall be paid out of any Money now remaining in the Hands of the Treasurer to the said Trustees, or out of the first Money to arise by virtue of the said recited Acts and this Act, in preference to all other Payments whatsoever; except such Payments as shall be made from Time to Time for the Repair and Maintenance of the said Road.

Public Act.

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

Term and Continuance of the Act.

XXI. And be it further enacted, That this Act shall commence and take effect from the passing thereof, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1823.