ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. xlvii.

An Act for making and maintaining a Public Road from or near *Killiganoon Corner*, in the Parish of *Feock*, in the County of *Cornwall*, to the Village of *Flushing*, in the Parish of *Mylor*, in the same County. [12th *May* 1815.]

WHEREAS the Village of *Flushing*, in the Parish of *Mylor*, in the County of *Cornwall*, is a Place of great Public Resort for Persons passing and repassing to and from the Town of *Falmouth*, and for the Commanders and Mariners of the Post Office Packets, and Ships and Vessels lying in *Falmouth* Harbour, and likewise for Persons frequenting the same as a Watering Place, on account of the Mildness of the Climate and Salubrity of the Air; but the Communication between the said Village of *Flushing* and the Borough of *Truro*, in the said County, and the said Town of *Falmouth*, is not only very circuitous, but hilly and dangerous: And whereas the making, maintaining, and keeping in Repair a Public Road from a Place called *Killiganoon Corner*, in the Parish of *Feock*, in the said County (near the Third Mile Stone from the said Borough of *Truro*, in the said County, on the Turnpike Road between *Truro* aforesaid, and the Borough of *Penryn* in the said County) to the said Village of *Flushing*, would shorten the Distance between the said Borough of *Truro* and the said Town of *Falmouth* Four Post Miles, and would be a great saving yearly to the Post Office in the Conveyance of the Mails, and to Travellers generally, and would greatly improve the Communication between, and increase the Trade of the said Village of *Flushing*, the said Town of *Falmouth*, and the said Boroughs of *Truro* and

Penryn, and would alſo be of great Benefit and Convenience as well to the Inhabitants of the ſeveral Places laſt-mentioned and the Neighbourhood, and all other Perſons reſorting there, as alſo to the Commanders and Mariners of the Poſt Office Packets and other Ships and Veſſels lying in *Falmouth* Harbour aforeſaid, and would be of great Public Utility: And whereas the ſeveral Perſons herein-after named have entered into a Subſcription to raiſe a certain Sum of Money towards a Joint Stock or Fund for the above Purpoſes, and for carrying into Execution and completing the ſame, and the ſeveral Works herein-after mentioned; but ſuch beneficial Purpoſes cannot be carried into Execution without the Aid and Authority of Parliament; May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable the Earl of *Cork* and *Orrery*, the Right Honourable *Robert Cotton St. John* Lord *Clinton*, the Right Honourable *John* Lord *Rolle*, the Honourable *Charles Rodolph Trefuſis*, *Francis Drake*, *Richard Preſton*, *Edward Coode* the younger, and *William Seymour*, together with ſuch other Perſon or Perſons, Body or Bodies Corporate or Collegiate, as ſhall at any Time or Times hereafter be poſſeſſed of One or more Shares of and in the ſaid Road, and other Works, to be conſtructed and made by virtue of or under the Authority of this Act, and their ſeveral and reſpective Executors, Adminiſtrators, Aſſigns and Succeſſors, ſhall be and they are hereby united into and declared to be a Company for the making, doing, maintaining, repairing, and ſupporting a Road, and ſuch other Works, Requiſites, Matters and Things, as ſhall or may be neceſſary for the completing a good and ſufficient Road, for the more ready Communication between *Killiganoon Corner* aforeſaid, and the ſaid Village of *Fluſhing*, and for other Purpoſes of this Act, according to the Directions and ſubject to the ſeveral Proviſions, Regulations and Reſtrictions herein-after contained, and ſhall for thoſe Purpoſes be one Body Politic and Corporate by the Name and Style of "The *Truro* and *Fluſhing* Road Company," and by that Name ſhall have perpetual Succeſſion and a common Seal, and by that Name ſhall and may ſue and be ſued, plead and be impleaded, at Law or in Equity, and ſhall and may prefer and proſecute any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall commit any Felony, Miſdemeanor or other Offence indictable by the Laws of this Realm, and by that Name and Deſcription ſhall and may have full Power and Capacity to purchaſe, take, have, hold and enjoy any Meſſuages, Lands, Tenements and Hereditaments whatſoever, to the uſe of themſelves and their Succeſſors, for the Purpoſes of this Act, notwithſtanding the Statutes of Mortmain or any of them, or of any other Law or Statute to the contrary thereof in anywiſe notwithſtanding.

Company may make a Road.

II. And be it further enacted, That it ſhall and may be lawful for the ſaid Company of Proprietors, and they are hereby authorized and empowered, to make, maintain, and ſupport a Road from *Killiganoon Corner* aforeſaid to the ſaid Village of *Fluſhing*, in the Line laid down on a Map or Plan depoſited in the Office of the Clerk of the Peace for the ſaid County of *Cornwall*, and other Works, Matters, and Things, as they ſhall deem neceſſary or expedient, for the making a ſafe, commodious and ſufficient Road, and alſo to erect and make, or cauſe to be erected and made,

made, ſuch Buildings, Toll Houſes, Accommodations and Things, and in ſuch Manner, as the Directors for the Time being, or the major Part of them preſent at any Meeting or Meetings as herein-after mentioned, ſhall deem neceſſary or expedient; ſubject to the Proviſions and Directions in this Act contained.

Directors may make Bridges, Cauſeways, &c.

III. And be it further enacted, That it ſhall be lawful for the ſaid Directors, or ſuch Perſon or Perſons as they ſhall appoint, ſuch Perſon or Perſons having an Order in Writing for that Purpoſe from the ſaid Directors, or any Three or more of them, to make, maintain, and keep in Repair, ſuch and ſo many Bridges and Communication Arches over the Rivulets, Streams of Water, and Watercourſes that may intercept the Courſe of the ſaid Road; and alſo to make Cauſeways in and upon, and to communicate with the ſaid Road; and alſo, by Order in Writing of Three or more of the ſaid Directors, to build and erect Fence Walls and Railings on the Sides or Banks of any Ditches, Rivulets, Creeks, or Streams of Water, adjoining or contiguous to the ſaid Road and Bridges; and alſo to make any Ditches in, under, or upon the ſaid Road, and in, upon, under, or through any Grounds lying contiguous thereto, in order to conduct the Water from off the ſaid Road, not being the Ground whereon any Dwelling Houſe ſtands, or Garden or Orchard, planted Walk, or Avenue to a Houſe or Plantation, or Ground ſet apart for a Nurſery of Trees, making ſuch Recompence to the Owners and Occupiers of private Grounds reſpectively, for the Damages they ſhall or may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid Directors, or any Three or more of them; and in caſe of any Difference concerning ſuch Damages, the ſame ſhall be aſſeſſed by a Jury to be ſummoned for that Purpoſe, in like Manner as is in this Act provided relative to Purchaſes of Lands, Tenements, and Hereditaments, in Caſes where any Difference as to Value ariſe thereon.

Walls or Fences to be made where the Road ſhall be cut through inclоſed Lands.

IV. And be it further enacted, That in all Caſes where any incloſed Land ſhall be cut through for the Purpoſes of this Act, the ſaid Directors ſhall make, or cauſe to be made, proper Dykes, Ditches, Walls, or Quickſet or other ſufficient Fences where neceſſary, as the Caſe ſhall require, ſo as effectually to guard and fence off the Lands adjoining the ſaid Road; and alſo proper Gates, Bridges, and Arches where neceſſary, out of the ſaid Roads into the Lands adjoining; and ſhall keep the Quickſet Fences ſo to be made in good Order and Repair, for the Term of Five Years from the Time that ſuch Quickſet Fences ſhall have been made or planted; or in the Compenſation to be made as well to the Owners and Occupiers of ſuch Lands, the making and ſo keeping in Repair ſuch Fences, Gates, and Arches, Dykes or Ditches, as the Caſe ſhall require, ſhall be taken into Conſideration, and an Allowance made for the ſame.

For making Bridges over Carnon Stream.

V. And be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby directed, previouſly to their making any Road or Cauſeway acroſs the Stream which runs from *Perran* Wharf to *Reſtrongett* Creek, to make, conſtruct, and build Two Bridges or Arches, the one over that Part of the Stream which runs from *Perran* Wharf aforeſaid, which ſaid Bridge or Arch ſhall not be leſs than Thirty-eight Feet in Breadth, nor leſs than Twelve Feet in Heighth, meaſuring ſuch

Heighth from the ordinary High-water Mark at Spring Tides; and the other Bridge or Arch to be made oppoſite the laſt-mentioned Bridge or Arch, and over that Part of the Stream which runs from *Carnon* to *Reſtrongett* Creek aforeſaid, which ſaid laſt-mentioned Bridge or Arch ſhall not be leſs than Twelve Feet in Breadth, nor leſs than Five Feet in Heighth, meaſuring ſuch Heighth from the ordinary High-water Mark at Spring Tides.

Aſcent to Bridges and Fences on Bridges.

VI. And be it further enacted, That no Aſcent to any Bridge to be built by the ſaid Company under the Proviſions of this Act, ſhall be more than One Foot in Thirteen; and no Fence on the Side of any ſuch Bridge ſhall be leſs than Four Feet high from the Surface of the Road over the Bridge.

Map and Plan to remain with the Clerk of Peace, &c.

VII. And whereas a certain Map or Plan, deſcribing the Line of the ſaid Road, and the Lands through which the ſame is intended to be carried, together with a Book of Reference, containing a Liſt of the Names of the Owners or reputed Owners and Occupiers of ſuch Lands, hath been depoſited at the Office of the Clerk of the Peace for the ſaid County of *Cornwall;* be it therefore enacted, That the ſaid Map or Plan, and Book of Reference, ſhall remain in the Cuſtody of the Clerk of the Peace for the ſaid County of *Cornwall*, to the end that all Perſons may, at any ſeaſonable Times, have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts thereof, at their Will and Pleaſure, paying the Clerk of the Peace the Sum of One Shilling for every ſuch Inſpection, and after the Rate of One Shilling for every One hundred Words of ſuch Copies or Extracts of the ſaid Map or Plan and Book of Reference.

Miſnomers, &c. ariſing from Miſtake not to prevent Execution of Act.

VIII. Provided always, and be it further enacted, That if any of the Lands, Tenements, or Hereditaments mentioned and deſcribed in the Schedule depoſited with the Clerk of the Peace for the ſaid County, or which may be required for the Purpoſes of this Act, or any of the Perſons in whoſe Poſſeſſion or Occupation the ſame, or any Part thereof, are or is ſtated or deſcribed to be, ſhall happen to be miſnamed, omitted, or inaccurately deſcribed, ſuch Miſnomer, Omiſſion, or inaccurate Deſcription ſhall not prevent or retard the Execution of this Act, but the ſame Premiſes, and every Part thereof, ſhall and may be purchaſed and ſold, or aſſeſſed and valued by a Jury, and conveyed, diſpoſed of, and applied for and to the Purpoſes of this Act, as fully and effectually as if the ſame were more properly named and deſcribed in the ſame Schedule, if it ſhall appear to any Two or more of His Majeſty's Juſtices of the Peace for the ſaid County of *Cornwall* reſpectively, that ſuch Miſnomer, Omiſſion, or inaccurate Deſcription had taken place from Miſinformation and Miſtake.

Authorizing a Deviation, with Conſent of Parties intereſted in Lands, &c.

IX. Provided always, and be it further enacted, That nothing contained in this Act ſhall extend, or be conſtrued to extend, to prevent, hinder, or reſtrain the ſaid Directors from deviating from the Courſe or Path of the ſaid Road herein-before deſcribed, or any Part or Parts thereof, through the Lands or Grounds of any Perſon or Perſons whomſoever, in caſe the Owners and Occupiers of ſuch Lands and Grounds ſhall be conſenting thereto, and ſhall ſignify his, her, or their Conſent in Writing to ſuch Deviation being made.

X. Provided

The whole of the probable Expence to be ſubſcribed before the Act is put in force.

X. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to authorize or empower the ſaid Company of Proprietors to put in force the Powers and Authorities of this Act, until the Whole of the probable Expence of completing the Works authorized by this Act ſhall have been ſubſcribed by Perſons under a Contract binding ſuch Subſcribers, their Heirs, Executors, and Adminiſtrators, for Payment of the Money ſo ſubſcribed within Four Years from the paſſing of this Act.

Limiting the Term for completing the Works.

XI. Provided alſo, and be it further enacted, That in caſe the ſaid Road and other Works ſhall not be ſufficiently completed on or before the Firſt Day of *January* One thouſand eight hundred and twenty, ſo as to anſwer the Purpoſes intended by this Act, all the Powers, Authorities, and Tolls by this Act given, in relation to ſuch Part as ſhall not be completed, ſhall wholly ceaſe and determine: Provided alſo, that all Powers, Authorities, Tolls, and Proviſions for enforcing the Collection thereof, as to all ſuch Parts as ſhall be ſufficiently completed, ſo as to anſwer the Purpoſes intended by this Act, ſhall continue and remain in full Force.

Road, &c. veſted in the Company.

XII. And be it further enacted, That the ſaid Road, Toll Houſes, and all other Buildings or Conveniencies to be made and erected by the ſaid Company, and all Materials which ſhall from Time to Time be gotten or provided for making, maintaining, building, repairing, and uſing the ſame, around, in, and about the ſaid Road, Toll Houſes, Buildings, and Conveniences, and all Lands, Tenements, and Hereditaments ſo to be purchaſed by the ſaid Company for the making the ſaid Road, and all Roads to be made, widened, repaired, and amended in purſuance of this Act, ſhall at all Times be veſted in the ſaid Company, their Succeſſors or Aſſigns, and they are hereby authorized and empowered to bring any Action or Actions, and to prefer any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall damage or injure, or cauſe to be damaged or injured the ſame, or any of them, or any Part of any of them; or who ſhall injure or deſtroy the ſaid Road, Houſes, and other the Works hereby authorized to be done and performed, whilſt doing, or impede the doing thereof; or who ſhall ſteal, purloin, or wrongfully take away any Stones, Lead, Iron, Wood, Bricks, Gravel, or other Materials, Machines, Engines, or Utenſils, provided or to be provided from Time to Time, or uſed or intended to be uſed for the ſaid Houſes, Road, or other the Purpoſes of this Act, or which ſhall belong to the ſaid Company.

Company to purchaſe Lands.

XIII. And be it further enacted, That the ſaid Company of Proprietors ſhall have full Power and Authority to contract and agree with the Owner or Owners, Occupier or Occupiers of all ſuch Lands, Grounds, and Hereditaments in or near the ſaid Road, for the abſolute Purchaſe of any ſuch Lands, Grounds, and Hereditaments, or of ſuch Part or Parts thereof, as ſhall be neceſſary for the Purpoſe of making and completing the Works of the ſaid Road, or for the Purpoſe of enlarging or improving the ſame, or for erecting and building Toll Houſes and other Works, and for any other Purpoſes of this Act.

Bodies Politic, &c. em-

XIV. And be it further enacted, That it ſhall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants

powered to sell and convey Lands.

for Life or in Tail, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, or Femes Covert, who are or shall be seised, possessed, or interested in their own Right, and for every other Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Lands, Grounds, and Hereditaments, to contract for, sell, and convey the same, or any Part thereof, unto the said Company of Proprietors; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid and effectual in Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, so conveying as aforesaid, are hereby indemnified for or in respect of any such Sale, which he, she, or they, or any of them, shall respectively make by virtue or in pursuance of this Act; and all such Contracts, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company of Proprietors; and such of them as shall be made of any Lands or other Hereditaments to the said Company of Proprietors, shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; *videlicet*,

'I of in Consideration
'of the Sum of to me paid by the
'*Truro* and *Flushing* Road Company, do hereby grant and release to the
'said Company, all [*describing the Premises to be conveyed*] and all my
'Right, Title, and Interest to and in the same, and every Part thereof,
'to hold to the said Company for ever, by virtue and according to the
'true Intent and Meaning of the Act of Parliament passed in the Fifty-
'fifth Year of the Reign of His present Majesty, intituled [*here set forth*
'*the Title of this Act*]: In Witness whereof I have hereunto set my Hand
'and Seal this Day of in the Year of our
'Lord .'

And all such Conveyances and Assurances shall be valid and effectual to all Intents and Purposes, and shall be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever.

Satisfaction to be made.

XV. Provided always, and be it further enacted, That all and every Body or Bodies Corporate, Politic, or Collegiate, Trustees, or other Persons herein-before capacitated to sell or convey Lands and other Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands, or other Hereditaments, in or upon which the said Road or other Works hereby authorized are intended to be made, or any of them, may accept and receive Satisfaction for the Value of such Lands, Grounds, and Hereditaments, and for the Damages to be sustained by making and completing the said Works herein-before directed; and from and immediately after the Time of making and executing such Sale and Conveyance, or any Contract or Contracts for the same, the said Company of Proprietors may and shall be at Liberty to enter upon, and from thenceforth for ever to have, take, and enjoy the said Lands, Grounds, and other Hereditaments for the Use and Maintenance of the said Road and other Works; and in case the said Company of Proprietors, and the said

Parties

Parties intereſted in ſuch Lands and Grounds, or other Hereditaments, cannot or do not agree as to the Amount or Value of ſuch Satisfaction, the ſame ſhall be aſcertained and ſettled by the Verdict of a Jury as hereinafter directed.

Proprietors may purchaſe Reſtrongett Ferry.

XVI. And whereas it is apprehended that a certain Ferry called *Reſtrongett Ferry* may be diminiſhed in Value to the Owner and Leſſee thereof by the making of the ſaid Road; be it therefore enacted, That if the Owner or Owners, Leſſee or Leſſees of the ſaid Ferry, or either of them, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall at any Time within the Space of Two Years after the making of the ſaid Road, be minded and deſirous of diſpoſing of his, or her, or their reſpective Eſtate and Intereſt therein, and ſhall give Three Months Notice in Writing of ſuch his, her, or their Mind and Deſire, to be delivered to the Clerk of the ſaid Company of Proprietors, or ſhall leave, or cauſe the ſame to be left at his laſt or moſt uſual Place of Abode, then and in ſuch Caſe the ſaid Company of Proprietors ſhall and will, within Three Calendar Months after the Expiration of ſuch Notice, purchaſe of the ſaid Owner or Owners, Leſſee or Leſſees thereof, his or their Heirs, Executors, Adminiſtrators, or Aſſigns, all his, her, or their then Eſtate and Intereſt in the ſaid Ferry, with the Appurtenances, at ſuch Price or Prices, Sum or Sums of Money, as the ſame would have been worth in caſe the ſaid Road hereby authorized had not been made; and in caſe of any Difference or Diſpute as to the Amount of ſuch Price or Sum of Money, the ſame ſhall be aſcertained by a Jury to be ſummoned in Manner herein directed in Caſes of Diſpute as to the Value of any Land or Premiſes to be taken in purſuance of this Act; and that in caſe Default ſhall be made by the ſaid Company of Proprietors in the Payment of the Sum or Sums of Money to be ſettled and agreed upon, or aſcertained by the Verdict of a Jury as aforeſaid, or of any Part of ſuch Sum or Sums of Money, for the Space of Three Calendar Months after the ſame ſhall have been ſettled or awarded to be paid as aforeſaid, then it ſhall be lawful for the ſaid Owner or Owners, Leſſee or Leſſees, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, to ſue for and recover the ſame reſpectively from the ſaid Company of Proprietors, by Action or Actions of Debt, or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*.

If Parties are diſſatisfied, or refuſe, or are unable to treat, &c. a Jury to be impannelled to decide the Matter.

XVII. And for ſettling all Differences which may ariſe between the ſaid Company of Proprietors and the ſeveral Owners of, or Perſons intereſted in, any Lands, Tenements, or Hereditaments which ſhall or may be taken, and affected or prejudiced, by reaſon of the Execution of any of the Powers hereby granted; be it further enacted, That if any Body Politic, Corporate, or Collegiate, or any other Perſon or Perſons ſo intereſted for and on his, her, or their Part or Parts, or for or on the Part of his, her, or their Ceſtuique Truſts, or of any other incapacitated Perſon or Perſons as aforeſaid, ſhall refuſe to accept ſuch Purchaſe Money, or other Compenſation as ſhall be offered by them the ſaid Company of Proprietors, or their Agents by and on their Behalf, and ſhall give Notice thereof in Writing to the Clerk for the Time being to the ſaid Company of Proprietors, within Thirty Days next after ſuch Offer ſhall have been made, and the Party or Parties giving ſuch Notice as aforeſaid ſhall therein requeſt that the Matter or Matters in Diſpute may be ſubmitted to the Determination of a Jury; or if any Body Politic, Corporate, or Collegiate,

Collegiate, or any other Perſon or Perſons ſeiſed or poſſeſſed of, or intereſted in any ſuch Lands, Tenements, or other Hereditaments as aforeſaid, ſhall refuſe to treat or agree, or ſhall not agree, or by reaſon of Abſence or Diſability cannot agree, with the ſaid Company of Proprietors, or with any Perſon or Perſons authorized by them, for the Sale and Conveyance of their reſpective Eſtates and Intereſts therein, or cannot be found or known, or ſhall not produce and evince a clear Title to the Premiſes they may be in Poſſeſſion of, or to the Intereſt they claim therein, to the Satisfaction of the ſaid Company, or the Perſon or Perſons authorized by them, then and in every ſuch Caſe the ſaid Company of Proprietors ſhall, and they are hereby empowered and required, from Time to Time to iſſue a Warrant under their Common Seal to the Sheriff or One of the Coroners of the County of *Cornwall*, if the ſaid Sheriff ſhould be a Party intereſted, commanding ſuch Sheriff or Coroner (and the ſaid Sheriff or Coroner is hereby empowered and required) to impannel, ſummon, and return not leſs than Twelve or more than Twenty-four ſubſtantial and indifferent Perſons, qualified to ſerve on Juries; and the Perſons ſo to be impannelled, ſummoned, and returned as aforeſaid, are hereby required to come and appear before the Juſtices of the Peace acting for the Hundred of *Kerrier*, or any Two or more of them, at ſome Place in the ſaid Hundred, at ſuch Time as ſhall be ſpecified in ſuch Warrant, and to attend ſuch Juſtices at the ſaid Place, until diſcharged by the ſaid Juſtices; and out of ſuch Perſons ſo to be impannelled, ſummoned, and returned, a Jury of Twelve Men ſhall be drawn by the Clerk of the Juſtices of the Peace for the County of *Cornwall* acting for the ſaid Juſtices, or his Deputy, in ſuch Manner as Juries for Trials of Iſſues joined in His Majeſty's Courts at *Weſtminſter*, are by Law directed to be drawn; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place appointed as aforeſaid, the ſaid Clerk of the Juſtices, appointed as before mentioned, or his Deputy, ſhall return other honeſt and indifferent Men of the By-ſtanders, or of others who can be ſpeedily procured to attend that Service, being ſo qualified as aforeſaid, to make up the ſaid Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenge againſt any of the ſaid Jurymen, but ſhall not challenge the Array; and the ſaid Clerk of the Juſtices, or his Deputy, is hereby empowered and required to ſummon and call before the ſaid Juſtices any Witneſſes touching the Matters in Queſtion, and may order and authorize the ſaid Jury, or any Four or more of them, to view the Place or Places, Matters or Things, in Controverſy; and ſuch Jury ſhall upon their Oath (which Oath, as well as the Oaths to ſuch Witneſſes, the ſaid Juſtices are hereby empowered and required to adminiſter) inquire of, aſſeſs, and aſcertain, and give a Verdict for the ſeveral Sums of Money which ſhall be paid for the Purchaſe of ſuch Lands, Grounds, and other Hereditaments; and the ſaid Juſtices ſhall give Judgment for ſuch Purchaſe Money ſo aſſeſſed by ſuch Jury; which ſaid Verdict, and the Judgment thereupon, ſhall be binding and concluſive to all Intents and Purpoſes, upon all Bodies Politic, Corporate, and Collegiate, and upon all Perſons whomſoever; provided that Fourteen Days Notice in Writing at the leaſt of the Hour and Place at which ſuch Jury are ſo required to be returned, be given to the Bodies Politic, Corporate, or Collegiate, or to the Perſon or Perſons intereſted or claiming ſo to be, before the Time of the Meeting of the ſaid Juſtices and Jury as aforeſaid, by leaving ſuch Notice at the Dwelling Houſe of ſuch Perſon or Perſons, or of the Head Officer of ſuch Body or Bodies Politic,

Corporate, or Collegiate, or with ſome Tenant or Occupier of the Premiſes reſpectively intended to be valued; and in each and every Caſe where a Verdict ſhall be given for more Money, as a Recompence or Satisfaction for the abſolute Sale of any Lands, Grounds, or other Hereditaments, than ſhall have been previouſly offered by or on Behalf of the ſaid Company of Proprietors, before the ſummoning ſuch Jury; or where by Reaſon of Abſence or other Impediment or Diſability, there ſhall not be found any Perſon or Perſons at Hand who may be legally capacitated to contract with and make Conveyances to the ſaid Company of Proprietors as herein-before mentioned; then and in all ſuch Caſes all the reaſonable Expences of cauſing ſuch Value to be aſſeſſed and awarded as aforeſaid, ſhall be ſettled by the ſaid Juſtices, and be defrayed by the ſaid Company of Proprietors; but if any Verdict ſhall be given for the ſame or a leſs Sum than ſhall have been previouſly offered by or on Behalf of the ſaid Company of Proprietors, or in caſe of ſuch Refuſal to treat with or make a Conveyance to the ſaid Company of Proprietors, by any Bodies Politic, Corporate, or Collegiate, or by any Perſon or Perſons whomſoever, who is or are by the Proviſions of this Act, or otherwiſe, legally empowered to treat and convey as aforeſaid, then and in all ſuch Caſes (except where by reaſon of Abſence or otherwiſe, any Perſon ſhall have been prevented from treating and agreeing as aforeſaid, in which Caſe all ſuch Coſts and Expences ſhall be borne and paid by the ſaid Company of Proprietors) the reaſonable Coſts and Expences of cauſing ſuch Value to be aſſeſſed and awarded as aforeſaid, ſhall be ſettled in like Manner by the ſaid Juſtices, and be borne or paid by the Body or Bodies Politic, Corporate, or Collegiate, or by the Perſon or Perſons with whom the ſaid Company of Proprietors ſhall have ſuch Concerns, Controverſies, or Diſputes; which ſaid Coſts and Expences ſhall and may be deducted out of the Money ſo aſſeſſed and awarded; and the Payment or Tender of the Remainder of ſuch Sum or Sums of Money ſhall be deemed and taken to all Intents and Purpoſes, to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed or awarded as aforeſaid.

Perſons requeſting Juries to enter into Bonds to proſecute.

XVIII. Provided always, and be it further enacted, That all and every Perſon or Perſons making Complaint and requeſting a Jury to be ſummoned ſhall (before the ſaid Company of Proprietors ſhall iſſue their Warrant for that Purpoſe) enter into a Bond with Two ſufficient Sureties, to the Treaſurer of the ſaid Company of Proprietors, in a Penalty of Two hundred Pounds, with Condition to proſecute his, her, or their ſaid Complaint, and to pay and bear the Coſts and Expences of ſummoning ſuch Jury and taking ſuch Verdict, in caſe the ſame ſhall be given for no greater or for a leſs Sum than had been offered by or on Behalf of the ſaid Company of Proprietors, before the ſummoning and returning the ſaid Jury or Juries, for the Purchaſe of, or as a Recompence for, any Lands, Grounds, or Hereditaments, or for any Damage occaſioned by the Proviſions of this Act.

Compelling the Sheriff to ſummon a Jury.

XIX. And be it further enacted, That if the Sheriff, or other Perſon ſo directed to ſummon and return a Jury as aforeſaid, or his Deputy or Agent, ſhall make Default in the Premiſes, he ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Pounds; and if any Perſon, ſo ſummoned and returned as aforeſaid upon ſuch Jury, ſhall not appear, or if appearing ſhall refuſe to be ſworn or to give his Verdict, or ſhall

in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Perſon ſo ſummoned to give Evidence ſhall not appear, after having been paid or tendered a reaſonable Sum for his or her Charges and Expences, or appearing ſhall refuſe to be examined or to give Evidence, every Perſon ſo offending, having no reaſonable Excuſe (to be allowed by the ſaid Parties) ſhall, for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds; which ſeveral and reſpective Penalties ſhall and may be levied, by virtue of any Warrant under the Hand and Seal of any One of the ſaid Juſtices, by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo offending, rendering him the Overplus, after ſuch Penalty and the Charge of ſuch Diſtreſs and Sale ſhall be deducted; and every ſuch Penalty ſo recovered from any Perſon who ſhall have been ſo ſummoned on ſuch Jury, or to give Evidence as aforeſaid, ſhall go and be paid to the Party who ſhall appear to the ſaid Juſtices to be injured by the Default of ſuch Perſon.

Verdicts to be recorded.

XX. And be it further enacted, That all the ſaid Judgments and Verdicts (being firſt ſigned by the Clerk of the ſaid Juſtices or his Deputy, preſent at the taking of ſuch Verdicts and pronouncing of ſuch Judgments reſpectively) ſhall be kept by the Clerk of the Peace among the Records of the Seſſions in the ſaid County of *Cornwall*, and ſhall be deemed to be the Records of the ſaid Seſſions, to all Intents and Purpoſes; and the ſame, or true Copies thereof, ſhall be allowed to be good Evidence in all Courts whatſoever; and all Perſons ſhall have Liberty to inſpect the ſame, paying for ſuch Inſpection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of One Shilling for every Hundred Words, and ſo in Proportion for any leſs Number of Words.

Power to enter and take Poſſeſſion of Lands, &c. on Payment or Tender of Purchaſe Money.

XXI. And be it further enacted, That upon Payment or legal Tender of ſuch Sum or Sums of Money as ſhall have been contracted or agreed for between the Parties, or determined and adjudged by any Jury or Juries in Manner aforeſaid, for the Purchaſe of any ſuch Lands or other Hereditaments before mentioned, to the Proprietor or Proprietors of ſuch Lands and Premiſes, or ſuch other Perſon or Perſons as ſhall be intereſted therein or entitled to receive ſuch Money, or upon the Payment of the ſaid Sum or Sums of Money into the Bank of *England*, as herein-after directed and required (as the Caſe may be) for the Uſe of ſuch Perſon or Perſons ſo intereſted or entitled as aforeſaid, it ſhall be lawful for the ſaid Company of Proprietors, and their Agents, Servants, or Workmen, immediately to enter upon ſuch Lands, Grounds or Hereditaments reſpectively; and then and thereupon the Lands, Grounds, and Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Eſtate, Uſe, Truſt, and Intereſt of any Perſon or Perſons therein, ſhall from thenceforth be veſted in and become the Sole Property of the ſaid Company of Proprietors, to and for the Purpoſes of this Act, for ever; and ſuch Tender, Payment, or Inveſtiture ſhall not only bar all Right, Title, Claim, Intereſt, and Demand of the Perſon or Perſons to whom the ſame ſhall or ought to have been made, but alſo ſhall extend to and ſhall be deemed and conſtrued to bar the Dower of the Wife of every ſuch Perſon, and all Eſtates Tail, and other Eſtates in Reverſion and Remainder, of his, her, or their Iſſue, and of every other Perſon whomſoever therein: Provided nevertheles, that before ſuch Payment, Tender, or Inveſtment as aforeſaid, it ſhall not be lawful for the ſaid Company of

Proprietors, or any Perſon acting under their Authority, to dig or cut into ſuch Lands or Grounds, for the Purpoſe of making ſuch Road and other Works, without Leave of the reſpective Owners or Occupiers thereof.

Lands to veſt in Company.

XXII. And be it further enacted, That every Sum of Money, Recompence, and Satisfaction, which ſhall be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of the Monies which ſhall ariſe and be produced by virtue of this Act, or ſubſcribed towards carrying the ſame into Execution, to the Party or Parties reſpectively entitled thereunto, or to their Agents; and upon Payment thereof, or in caſe of Refuſal to accept the ſame, upon depoſiting the ſame in the Bank of *England*, in ſuch Manner as this Act directs, all Owners and Occupiers of, and other Perſons or Corporations intereſted in ſuch Lands, Tenements, or Hereditaments, ſhall from thenceforth be diveſted of all Right, Title, Claim, Intereſt and Property, of, in, to, or out of the ſame; and ſuch Buildings as are within the Space of the ſaid Road, ſhall and may be forthwith pulled down, carried away, removed and diſpoſed of by the Directors of the ſaid Company, or any Three or more of them, and the Scite thereof, and all ſuch Lands, Tenements and Hereditaments as ſhall be ſo purchaſed, or ſo much or ſuch Part thereof as the ſaid Directors, or any Three or more of them ſhall ſee fit, ſhall be laid into and made Part of the ſaid Road, in ſuch Manner as the ſaid Directors, or any Three or more of them ſhall appoint; and ſhall be by them or by ſuch Perſon or Perſons as they ſhall appoint, ſufficiently fenced and ſet out for that Purpoſe, and ſhall from thenceforth, to all Intents and Purpoſes whatſoever, become, and for ever afterwards be a common Highway, and ſhall be deemed Part of the Road to be made by virtue of this Act.

Conveyances good by Bargain and Sale.

XXIII. And be it further enacted, That the Conveyance of any Eſtate or Intereſt of any Femes Covert, to the ſaid Company or the Directors thereof, or any Perſon or Perſons in Truſt for them, by Bargain and Sale, acknowledged by ſuch Femes Covert, and duly inrolled in the Court of King's Bench at *Weſtminſter*, within Six Calendar Months after the making thereof, ſhall as effectually and abſolutely convey the Eſtate and Intereſt of ſuch Femes Covert to the Premiſes, as any Fine or Fines, Recovery or Recoveries, would or could do if levied in due Form of Law.

Application of Compenſation Money when exceeding 200l.

XXIV. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Intereſt, of what Nature or Kind ſoever, purchaſed, taken or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity as herein-before mentioned, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to the Account *ex parte* the *Truro* and *Fluſhing Road Company*, together with the Name or Names of ſuch Perſon or Perſons, as any Three of the Directors of the ſaid Company ſhall by Writing ſigned by them direct and appoint, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon

Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or Tithes, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrance, or Part thereof, as the ſaid Court ſhall authorize to be paid affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes, or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court in the Purchaſe of other Lands, Tenements, and Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Meſſuages, Lands, Tenements, and Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined, and capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends or annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall, from Time to Time, be paid by Order of the ſaid Court to the Perſon or Perſons who would, for the Time being, have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

When leſs than 200l. and exceeding 20l.

XXV. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to the Corporation, or any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes, the ſame ſhall at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Three or more of the Directors of the ſaid Company, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid Court of Chancery.

XXVI. Pro-

When less than 20*l.*

XXVI. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned, ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, as the ſaid Directors of the ſaid Company, or any Three or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles.

XXVII. And be it further enacted, That in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſo ordered to be paid as aforeſaid, ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Directors of the ſaid Company, or any Three of them, or ſhall refuſe to execute ſuch Conveyance or Conveyances; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid, cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid Directors, or any Three or more of them, to order the ſaid Sum or Sums of Money ſo awarded, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments, (deſcribing them), ſubject to the Order, Controul, and Diſpoſition of the ſaid Court; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, or to order Diſtribution thereof or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable, and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Reſpecting diſputed Titles.

XXVIII. Provided always, and be it further enacted, That where any Queſtion or Queſtions ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or for any Eſtate, Right, or Intereſt, in any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments, at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion

of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn, to the Satisfaction of the ſaid Court of Chancery, and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or or to ſome Eſtate or Intereſt therein.

The Court may order reaſonable Expences of Purchaſes to be paid by the Company.

XXIX. Provided alſo, and be it further enacted, That where by Reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments to be ſettled to the like Uſes in purſuance thereof reſpectively, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Company of Proprietors, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Tenants at Will, &c. to deliver Poſſeſſion at Three Months Notice.

XXX. And be it further enacted, That every Tenant at Will, or Leſſee for a Year or from Year to Year, ſhall deliver up the Poſſeſſion of ſuch Premiſes to the ſaid Company of Proprietors, or to ſuch Perſon or Perſons as they ſhall appoint to take Poſſeſſion of the ſame, upon having Three Calendar Months Notice to quit ſuch Poſſeſſion, from the Clerk or Solicitor to the ſaid Company of Proprietors, or from the Perſon or Perſons ſo authorized by them to take ſuch Poſſeſſion; and ſuch Perſon or Perſons in Poſſeſſion ſhall, at the End of ſuch Three Calendar Months, whether ſuch Notice be given with Reference to the Time or Times of ſuch Tenants holding or not, or ſo ſoon after as he, ſhe, or they ſhall be required, peaceably and quietly deliver up the Poſſeſſion of the ſaid Premiſes to the ſaid Company of Proprietors, or to ſuch Perſon or Perſons authorized by them to take Poſſeſſion thereof; ſuch Authority being ſignified under the Hands of the Directors of the ſaid Company of Proprietors, or any Three or more of them; and in caſe any ſuch Perſon or Perſons ſo in Poſſeſſion as aforeſaid, ſhall refuſe to give ſuch Poſſeſſion as aforeſaid, all reaſonable Satisfaction being firſt made or tendered, it ſhall and may be lawful for the ſaid Directors, or any Three or more of them, to iſſue their Precept or Precepts to the Sheriff of the ſaid County of *Cornwall*, to deliver Poſſeſſion of the ſaid Premiſes to ſuch Perſon or Perſons as ſhall in ſuch Precept or Precepts be nominated to receive the ſame; and the ſaid Sheriff is hereby required to deliver Poſſeſſion of the ſame Premiſes accordingly, and to levy ſuch Coſts as ſhall accrue from the iſſuing and Execution of ſuch Precept or Precepts, on the Perſon or Perſons ſo refuſing to give Poſſeſſion as aforeſaid, by Diſtreſs and Sale of his, her, or their Goods and Chattels: Provided nevertheleſs, that in caſe any ſuch Tenant at Will, or Leſſee for a Year or from Year to Year, ſhall be required to quit ſuch his or her Premiſes before the Expiration of his or her current

current Year therein, and any Difference or Diſpute ſhall ariſe reſpecting the Amount of ſuch Satisfaction, ſuch Satisfaction ſhall be ſettled and determined by a Jury, in ſuch and the like Manner as the Satisfaction to be made to the Purchaſer of Lands, Tenements, or Hereditaments to be taken and made uſe of for the Purpoſes of this Act, is herein directed to be ſettled and determined.

Directors may ſell Ground not wanted.

XXXI. And whereas by reaſon of the Purchaſes which the ſaid Company are empowered and required to make by virtue of this Act, or by reaſon of the diverting of ſome Part or Parts of the ſaid Road, they may happen to be ſeiſed of ſome Piece or Pieces of Ground, over and above what ſhall be neceſſary for effecting the Purpoſes of this Act; be it therefore further enacted, That it ſhall be lawful for the Directors of the ſaid Company, or any Three or more of them, to ſell and diſpoſe of ſuch Pieces or Parcels of Ground, either together or in Parcels, as they ſhall find moſt convenient and advantageous, to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame: Provided always, that the ſaid Directors, before they ſhall ſell and diſpoſe of any Piece or Pieces of Ground as aforeſaid, ſhall offer the ſame to the Perſon or Perſons from whom they ſhall have been purchaſed; or where the ſame ſhall ariſe by reaſon of diverting any Part or Parts of the ſaid Road, then to the Perſon or Perſons whoſe Lands ſhall adjoin thereunto; and in caſe ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree, except with reſpect to and on account of the Price thereof, to purchaſe or repurchaſe the ſame reſpectively, any Affidavit to be made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before Two of His Majeſty's Juſtices of the Peace for the ſaid County, who are hereby reſpectively empowered to take the ſame, by ſome Perſon or Perſons no way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Directors, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was ſo offered, ſhall in all Courts whatſoever be ſufficient Evidence and Proof, that ſuch Offer was made and was not agreed to, or was refuſed by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing or repurchaſing the ſame, and he, ſhe, or they and the ſaid Directors ſhall differ and not agree with reſpect to the Price thereof, in ſuch Caſe the Price or Prices thereof ſhall be aſcertained by a Jury, in Manner herein directed with reſpect to diſputed Value of Premiſes to be purchaſed by the ſaid Directors in purſuance of this Act; and that the Expence of hearing and determining ſuch Difference, ſhall be borne and paid in like Manner as herein-before directed with reſpect to ſuch Purchaſes made by the ſaid Directors, *mutatis mutandis*; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Directors, of ſuch Piece or Parcel of Road or Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Non-application of ſuch Money.

Names of Proprietors to be entered in a Book, &c.

XXXII. And be it further enacted, That the ſaid Company ſhall and they are hereby required to cauſe the Names and proper Additions of the Perſons who ſhall be entitled to the ſeveral Shares in the ſaid Undertaking, with the Number of Shares they are reſpectively entitled to hold, and alſo the

the proper Number by which every Share ſhall be diſtinguiſhed, to be entered in a Book or Books to be kept by the Clerk or Clerks to the ſaid Company; and after ſuch Entry made, the ſaid Company ſhall cauſe their Common Seal to be affixed thereto, and ſhall cauſe a Certificate or Inſtrument, with the Common Seal of the ſaid Company affixed thereto, to be delivered to every Subſcriber upon Demand, ſpecifying the Shares to which he or ſhe is entitled in the ſaid Undertaking; every ſuch Proprietor paying to the Clerk or Clerks to the ſaid Company Three Shillings for every Share contained in ſuch Certificate (excluſive of the Stamp Duty, if any thereon) and ſuch Certificate or Inſtrument ſhall be admitted in all Courts whatever, as Evidence of the Title of ſuch Subſcriber, his or her Executors, Adminiſtrators, or Aſſigns, to the Share or Shares therein ſpecified.

First and other General Meetings of Proprietors.

XXXIII. And be it further enacted, That a General Meeting of the ſeveral Perſons ſo as aforeſaid ſubſcribing towards carrying the ſaid Works into Execution, ſhall be called within Six Months next after the paſſing of this Act; and that ſuch Meeting ſhall be held at ſome Inn or Place in *Fluſhing*, of which Meeting and the Hour thereof, Ten Days Notice ſhall be given by Advertiſement in ſome One Newſpaper uſually circulated in the ſaid County of *Cornwall;* and that ſuch Perſon ſo aſſembled, ſhall and may authorize the Directors under this Act, to proceed to put the ſame in Execution; and that all ſubſequent Meetings of the ſaid Company ſhall be held at ſuch Time and Place as ſhall from Time to Time be determined on at ſome preceding General Meeting, ſo that no ſuch Meeting ſhall be held at leſs than Thirty Days from the Appointment thereof; and that Notice of ſuch reſpective ſubſequent Meetings ſhall be given, duly inſerted in ſome One Newſpaper uſually circulated in the ſaid County of *Cornwall*, Ten Days at leaſt, including both Days before ſuch intended Meetings reſpectively; and that all ſuch Orders and Determinations of a General Meeting of the ſaid Company, as ſhall be authorized by this Act, and which ſhall be made by the Majority of ſuch Votes and Proxies of the Proprietors of Shares in the Joint Stock of the ſaid Company, as ſhall be given at any ſuch Meetings reſpectively to be holden by virtue of this Act and not otherwiſe, ſhall be binding and concluſive on all the Members of the ſaid Company.

Chairman appointed at General Meetings.

XXXIV. And be it further enacted, That the ſaid Company of Proprietors, at their Firſt and every other Meeting, ſhall and may proceed to the Election of a Chairman, by whom all ſuch Acts and Orders of the ſaid Meeting ſhall be ſigned in the Name and Style of the ſaid Company, and ſuch Chairman ſhall have the ſame right of voting and acting as a Proxy, as any other Proprietor; and he ſhall alſo, in caſe of an Equality of Votes upon any Queſtion propoſed, have the caſting Vote, although he ſhall have given One or more Votes before.

Annual Meetings.

XXXV. And be it further enacted, That One General Meeting of the ſaid Company ſhall be held in the Third Week of the Month of *September* in every Year, at the Place aforeſaid, or at ſuch other Place as may be appointed by the Directors; and Notice of ſuch General Meeting ſo to be held, ſhall be ſtuck up, at leaſt Twenty Days before the Day appointed for ſuch Meeting, on the Toll Houſes, and be inſerted in ſome One Newſpaper uſually circulated in the ſaid County of *Cornwall*; at which Annual

Meeting Five of the ſaid Proprietors, who ſhall reſpectively be poſſeſſed of One Share of One hundred Pounds each, in the ſaid Road, ſhall, by the Majority of Votes be choſen Directors, and ſhall be the Directors of the ſaid Company, for One whole Year then next, and ſhall have all the ſame Powers and Authorities as the Directors firſt choſen in the Manner directed by this Act.

Special Meetings.

XXXVI. And be it further enacted, That if any Five or more Members of the ſaid Company of Proprietors, who ſhall together be Poſſeſſors of Five hundred Pounds of the ſaid Stock, or upwards, or Three of the ſaid Directors ſhall judge it neceſſary or expedient for carrying into Execution any of the Purpoſes of this Act, or for calling in queſtion any Matter or Thing ordered by the Directors, to have an extraordinary Meeting of the ſaid Company called, and ſhall requeſt the ſame to be called by Notice in Writing under their reſpective Hands, delivered to the Secretary, Clerk, or Treaſurer of the ſaid Company, for the Time being, ſpecifying in every ſuch Notice the Buſineſs intended to be proceeded on at every ſuch Meeting; then and in every ſuch Caſe, the ſaid Directors, or any Three or more of them, ſhall and they are hereby authorized and required, within Ten Days after the Delivery of ſuch Notice, to call ſuch extraordinary Meeting, of which extraordinary Meeting Notice ſhall be given in Manner herein-before directed reſpecting ordinary Meetings, to aſſemble at ſuch Place as aforeſaid, as they ſhall judge expedient, within Fourteen Days from and after ſuch Notice; and ſuch Meeting ſhall be deemed a General Meeting of the ſaid Company; and all Proceedings of ſuch Meetings ſhall be as valid and effectual to all Intents and Purpoſes whatſoever, as if the ſame had been done at Meetings called and holden in Manner herein-before appointed.

Nomination of Directors and their Meetings; Directors dying, how Vacancy ſhall be ſupplied.

XXXVII. And whereas it is expedient that the Firſt Directors ſhould be appointed by this Act; be it therefore enacted, That the ſaid Right Honourable the Earl of *Cork* and *Orrery*, the Right Honourable *Robert Cotton*, *Saint John* Lord *Clinton*, the Right Honourable *John* Lord *Rolle*, the Honourable *Charles Rodolph Treſuſis*, *Francis Drake*, *Richard Preſton*, *Edward Coode* the younger, and *William Seymour*, ſhall be and they are hereby conſtituted and appointed the Firſt Directors for ordering and ſuperintending the Management of the Affairs of the ſaid Company; and that they the ſaid Directors ſhall and may meet at ſuch Place or Places, and at ſuch Time or Times, as the major Part preſent at any Meetings of Directors from Time to Time to be holden, the whole Number preſent not being leſs than Three, ſhall deem convenient for executing the Powers veſted in them by this Act; and that they or any Three of them ſo aſſembled as aforeſaid ſhall be and conſtitute a Meeting of Directors, for all the Purpoſes of this Act; and ſuch Directors ſo appointed as aforeſaid ſhall continue in Office until others ſhall be choſen in their Stead as herein-after mentioned, or until ſuch Perſon or Perſons ſhall reſpectively die, or decline to act, or until any of the Perſons who ſhall have been choſen Directors from amongſt the Members of the ſaid Company ſubſcribing towards the ſaid Stock, ſhall have diſpoſed of, or become otherwiſe diſpoſſeſſed of his, her, or their Shares and Intereſt in the ſaid Stock; and in the Room and Place of every ſuch Director ſo as aforeſaid appointed, who ſhall die, decline to act, or diſpoſe of his or their Stock as aforeſaid, there ſhall be appointed out of the Subſcribers to the ſaid Undertaking, by the Majority

of the ſaid Proprietors of the Joint Stock of the ſaid Company, attending at a Special Meeting of the ſaid Company to be called for that Purpoſe, of which the Directors for the Time being are hereby required to give Twenty Days Notice, as in the Manner directed with reſpect to the Firſt Meeting of the ſaid Company of Proprietors, ſome other Perſon to fill up the Vacancy of ſuch Director or Directors; and the ſeveral new Directors or Director, ſo as aforeſaid to be elected and appointed, ſhall continue in Office for ſuch Time or reſpective Times, and no longer, as the reſpective Directors in whoſe Stead he or they ſhall be ſo reſpectively elected or appointed, ought to have continued in Office, if ſuch Death or Deaths, Removal or Diſqualification had not happened.

Chairman of Meetings of Directors how to be appointed, and to have the caſting Vote.

XXXVIII. And be it further enacted, That the ſaid Directors, at their ſeveral Meetings for executing this Act, ſhall elect a Chairman, by whom all Acts and Orders of the ſaid Directors ſhall be ſigned in the Name and Style of the ſaid Company, and who ſhall have the caſting Vote upon any Queſtion to be determined, in ſuch and the ſame Manner as any Chairman herein mentioned, to be appointed by the ſaid Proprietors at any Annual or Special Meeting of the ſaid Company.

Quorum of Directors.

XXXIX. And be it further enacted, That in all Caſes in which the Directors of the ſaid Company are by this Act authorized, empowered, directed, or required to do any Act, Matter, or Thing, or to carry into Execution any of the Proviſions of this Act, in relation to which no particular Number of Directors are ſpecified, the ſame may be done by the major Part of the Directors preſent at any Meeting, the whole Number of Members preſent not being leſs than Three.

Directors to appoint Treaſurer, and other Officers and Servants.

XL. And be it further enacted, That it ſhall be lawful for the Directors of the ſaid Company of Proprietors to appoint a Treaſurer or Treaſurers, Clerk or Clerks, Surveyor or Surveyors, Collector or Collectors, Receiver or Receivers, and ſuch other Officers and Servants as they ſhall find neceſſary for the Purpoſes of this Act; and to appoint others in their Stead, as they ſhall die, reſign, be removed, or become incapable of diſcharging the Duties of their Offices reſpectively; taking ſuch Security or Securities for the faithful Execution of their reſpective Offices, as the Directors or the Majority of them ſhall from Time to Time think fit; and the ſaid Directors ſhall, out of the Money to be raiſed by this Act, pay or allow unto ſuch Perſon or Perſons ſuch Salaries, Allowances or Recompences, yearly or otherwiſe, for their Time and Trouble, as to them ſhall ſeem meet and reaſonable; and that it ſhall be lawful from Time to Time for the Directors, at any Meeting at which Three Directors at leaſt ſhall be preſent, to remove or ſuſpend any ſuch Officers as aforeſaid.

Directors may make Contracts of all Kinds.

XLI. And be it further enacted, That the ſaid Directors ſhall and they are hereby authorized and empowered from Time to Time, at any of their ſaid Meetings, as Occaſion ſhall require, to contract and agree with any fit Perſon or Perſons, Artificers, Workmen or others, for the making, paving, repairing, widening, improving, and maintaining the Road hereinbefore deſcribed; and for the doing all Matters and Things authorized or directed to be done and performed by this Act, or for the ſupplying any of the Materials for the ſame; which Contract or Contracts ſhall ſpecify the

the Works to be done, and the Prices to be paid for the ſame, and the Time or Times when the ſaid Works ſhall be completed, and the Penalties to be ſuffered in caſe of the Non-performance thereof, and ſhall be ſigned by the ſaid Directors, or any Three or more of them, and the Perſon or Perſons contracting to perform ſuch Works reſpectively; which Contracts, or a Copy thereof, ſhall be entered in a Book to be kept for that Purpoſe by the Clerk to the ſaid Directors; but previous to making any ſuch Contracts, Ten Days Notice at leaſt ſhall be given in One or more public Newſpaper or Newſpapers publiſhed and circulated in the ſaid County of *Cornwall*, expreſſing the Intention of entering into ſuch Contracts, in order that any Perſon or Perſons willing to undertake the ſame may make Propoſals for the Purpoſe, to be offered and preſented to the ſaid Directors at a certain Time and Place in ſuch Notice to be mentioned.

Contracts, &c. to be made at Company's Expence.

XLII. And be it enacted, That all ſuch Contracts, Agreements, Sales, Deeds, Conveyances, and Aſſurances, ſhall be made at the Expence of the ſaid Company of Proprietors, and ſhall be kept by the Clerk to the ſaid Company of Proprietors, who ſhall from Time to Time deliver atteſted Copies thereof to any Perſon or Perſons whomſoever requiring the ſame; and ſuch Clerk ſhall have and receive One Shilling and no more, for every One hundred Words of ſuch atteſted Copy (excluſive of the Duty payable in reſpect thereof) and ſo in Proportion for any leſs Number of Words.

Directors may employ Surveyors, and ſue for Breach of Contract.

XLIII. And be it further enacted, That the ſaid Directors ſhall cauſe all and every of the Works to be done in purſuance of this Act, to be inſpected by the Surveyor or Surveyors, or ſuch other Perſon or Perſons as they ſhall for that Purpoſe appoint; and in caſe the ſame ſhall not be well and ſufficiently performed, according to the Intent and Meaning of ſuch Contract or Contracts, and ſhall not be finiſhed and completed at or within the Time or Times ſpecified in ſuch Contract or Contracts, then the ſaid Company may cauſe an Action to be brought in any of His Majeſty's Courts of Law at *Weſtminſter*, againſt any ſuch Contractor, for any Penalty contained in his Contract; and on Proof of the Signing of the ſaid Contract, and Non-performance thereof at the Time or Times for that Purpoſe to be therein mentioned, the ſaid Company ſhall be entitled to, and ſhall recover the full Penalty contained in ſuch Contract, and when recovered the ſame ſhall be applied for the Purpoſes of this Act.

Officers to account, deliver up Papers, and pay over Balances to Directors when required.

XLIV. And be it further enacted, That the ſaid Treaſurer, Clerk, and all other Officers or Servants to be appointed by virtue of this Act, ſhall at ſuch Time and as often as the Majority of Directors at any Meeting ſhall order, render to them, or to ſuch Perſon or Perſons as they ſhall appoint, true and perfect Accounts in Writing of the Execution of their reſpective Offices, and of all Matters and Things committed to their Charge by virtue of this Act, and alſo of the Monies which ſhall have been by them reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with proper and legal Receipts or Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their Hands, to the ſaid Directors, or to ſuch Perſon or Perſons as they ſhall appoint; and if any ſuch Officer or Servant ſhall refuſe or neglect to deliver ſuch Account, or to produce ſuch Receipts or Vouchers, or to make ſuch Payments as aforeſaid, or

ſhall not deliver to the ſaid Directors, or to ſuch Perſon or Perſons as they ſhall appoint, within Thirty Days after being thereunto required by the ſaid Directors, or by ſuch Perſon or Perſons ſo appointed, all Books, Papers, and Writings in his or their Cuſtody or Power, relating to the Execution of this Act or of their reſpective Offices or Duplicates thereof; then and in either of the Caſes aforeſaid, the ſaid Directors, or any Three or more of them, or ſuch Perſon or Perſons as they ſhall appoint, may and they are hereby authorized and empowered to make Complaint thereof to any Juſtice of the Peace for the County or Place wherein ſuch Officer or Servant ſo neglecting or refuſing ſhall be or reſide; and ſuch Juſtice may and is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe ſuch Officer or Servant to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matters of ſuch Complaint in a ſummary Way; and if upon the Confeſſion of the Party, or by Teſtimony of any credible Witneſs or Witneſſes upon Oath, which Oath ſuch Juſtice is hereby empowered to adminiſter, it ſhall appear to ſuch Juſtice that any of the Monies which have been collected and raiſed by virtue of this Act, ſhall be in the Hands of or ſhall be due from any ſuch Officer or Servant, ſuch Juſtice may and is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cauſe ſuch Money to be levied upon the Goods and Chattels of ſuch Officer or Servant; and if ſufficient Goods and Chattels to pay and ſatisfy the ſaid Money and the Charges of levying the ſame, and of the Proceedings for the Recovery thereof, cannot be found; or if it ſhall appear to ſuch Juſtice, that ſuch Officer or Servant hath refuſed or neglected to render and give ſuch Accounts, or to verify the ſame as aforeſaid, or to deliver up all ſuch Books, Papers, and Writings as aforeſaid, or Duplicates thereof; then, and in any or either of the Caſes aforeſaid, ſuch Juſtice ſhall commit every ſuch Offender to the Common Gaol or Houſe of Correction for the County, Town, or Place where he ſhall be or reſide, there to remain without Bail or Mainprize, until he ſhall comply with the aforeſaid Direction, or make Satisfaction to the ſaid Company; but no ſuch Officer or Servant, who ſhall be ſo committed for want of ſufficient Goods and Chattels as aforeſaid only, ſhall be detained in Priſon by virtue of this Act, for a longer Term than Three Calendar Months.

Accounts to be laid before Directors, and annually ſubmitted to the Auditors.

XLV. And be it further enacted, That all Accounts of Money laid out and diſburſed, on account of the ſaid Road, and other Works thereunto belonging, ſhall once in every Year be laid before the Directors of the ſaid Company, for their Inſpection and Approbation; and that a Statement thereof ſhall annually be laid before the Juſtices of the Peace, who ſhall be appointed to inſpect, audit, and ſettle the ſame, in Manner herein mentioned.

Directors may compound for Penalties for Breach of Contract.

XLVI. Provided always, That it ſhall be lawful for the ſaid Directors (if they think fit) to compound and agree with any ſuch Contractor, for any Penalty incurred by him for the Breach and Non-performance of any ſuch Contract, for ſuch Sum of Money as the Directors ſhall think proper, not being leſs than the Injury or Damage ſuſtained by the Breach or Non-performance of any ſuch Contract, and all Coſts, Charges and Expences which ſhall be occaſioned thereby.

XLVII. And

All Proceedings to be entered in a Book.

XLVII. And be it further enacted, That all Orders and Proceedings of the ſaid Company and Directors, at their ſeveral Meetings, ſhall be entered in a Book or Books to be kept for that Purpoſe; and ſuch Orders and Proceedings ſo entered and ſigned by a competent Number of the Directors as the Caſe ſhall require, ſhall be deemed to be Originals; and which ſaid Book or Books to be kept for regiſtering the Mortgages and Annuities herein-after mentioned, ſhall be admitted as Evidence in all Courts whatſoever.

Proprietors to raiſe Money for making Road, &c.

XLVIII. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors to raiſe and contribute among themſelves a competent Sum of Money, for making and maintaining the ſaid Road, and all other Works and Conveniences belonging or requiſite thereto, not exceeding in the Whole the Sum of Six thouſand Pounds, ſave and except as herein mentioned; and that the ſame ſhall be divided into Shares of One hundred Pounds each; and that the ſaid Shares ſhall be and are hereby veſted in the ſeveral Perſons ſo having ſubſcribed or hereafter ſubſcribing, and their ſeveral and reſpective Executors, Adminiſtrators, Succeſſors and Aſſigns, to their and every of their proper Uſe and Benefit, proportionably to the Sums they ſhall ſeverally raiſe and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Perſons, their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, who ſhall ſeverally ſubſcribe for One or more Share or Shares, and ſhall pay ſuch Sum or Sums as ſhall be demanded on account thereof, according to the Proviſions in that Behalf herein-after contained, towards carrying on and completing the ſaid Road and other Works, and other the Purpoſes of the ſaid Undertaking, ſhall be entitled to receive the entire and net Diſtribution of an equal and proportionable Part, according to the Money ſo by them reſpectively paid, out of the Profits and Advantages that ſhall and may ariſe and accrue by the Tolls and other Sums of Money to be raiſed, recovered or received, by the ſaid Company of Proprietors, by the Authority of this Act, after the ſeveral Diſburſements herein-after reſpectively provided; and every Body Politic, Corporate, and Collegiate, Perſon and Perſons, having ſuch Property in the ſaid Undertaking as aforeſaid, ſhall reſpectively pay ſuch proportionable Sums, to the Amount of their reſpective Shares, towards carrying on the ſame, in Manner herein directed and appointed.

Power to create new Shares.

XLIX. And be it further enacted, That it ſhall and may be lawful to and for any Number not being leſs than a Majority of the Proprietors of the Shares aforeſaid, at any Special Meeting to be appointed and held in Manner herein-after mentioned, to authorize and empower the Directors of the ſaid Company to create, ſell, and diſpoſe of any Number of new Shares of One hundred Pounds each, of and in the ſaid Undertaking, not exceeding Forty Shares, to ſuch Perſon or Perſons, and in ſuch Manner as they ſhall think proper; and the Purchaſer or Purchaſers of ſuch new Share or Shares ſhall be, and ſhall be conſidered, deemed, and taken to be a Member or Members of the ſaid Company of Proprietors, in the ſame Manner as if he, ſhe, or they had been a Proprietor or Proprietors of any of the original Shares of and in the ſaid Undertaking.

Shares to be Perſonal Eſtate.

L. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, and Collegiate, and all other Perſons

Perſons or Perſon, of and in the ſaid Undertaking, or the Joint Stock or Fund of the ſaid Company, ſhall be and be deemed to be Perſonal Eſtate, and tranſmiſſible as ſuch, and not of the Nature of Real Property.

Subſcribers poſſeſſing One Share ſhall have One Vote at every General Meeting, &c.

LI. And be it further enacted, That every Body Politic, Corporate, or Collegiate, and every Perſon who ſhall, by virtue of this Act, ſubſcribe or have ſubſcribed for One Share of One hundred Pounds in the ſaid Undertaking, his, her, or their reſpective Succeſſors, Executors, Adminiſtrators and Aſſigns, ſhall have One Vote in the ſeveral Meetings of the ſaid Proprietors to be holden for the Purpoſes of this Act, and ſo that every Perſon poſſeſſed of Shares, ſhall be entitled to One Vote for every One hundred Pounds of which he, ſhe, or they ſhall be then poſſeſſed; which Vote or Votes may be given by him, her, or them, or by his, her, or their Proxy or Proxies, conſtituted under the Seal of ſuch Body Corporate, Politic, or Collegiate, or the Hand of ſuch Perſon or Perſons, every ſuch Proxy being a Proprietor in the ſaid Undertaking; and every ſuch Vote by Proxy ſhall be as good and ſufficient to all Intents and Purpoſes, as if ſuch Principal had voted in Perſon; and every Queſtion, Matter, or Thing that ſhall be propoſed, diſcuſſed, or conſidered in any Meeting of the ſaid Company of Proprietors, ſhall be determined by the Majority of Votes and Proxies then preſent; which Appointment of Proxy ſhall be in the Form and to the Effect following; that is to ſay,

Form of conſtituting Proxies.

'I of One of the Proprietors of the *Truro* and *Fluſhing* Road, and poſſeſſed of Share or Shares therein, do hereby nominate, conſtitute, and appoint of to be my Proxy, in my Name, and in my Abſence to vote or give my Aſſent or Diſſent to any Matter, Buſineſs, or Thing relating to the ſame Undertaking, that ſhall be mentioned or propoſed to any Meeting of the ſaid Company of Proprietors, in ſuch Manner as the ſaid ſhall think proper, according to his Opinion and Judgment, for the Benefit of the ſaid Undertaking, or any Thing appertaining thereto. In Witneſs whereof, I have hereunto ſet my Hand, the Day of

Shares how transferrable

LII. And be it further enacted, That it ſhall and may be lawful for the ſeveral Proprietors of the ſaid Company, his, her, or their reſpective Executors or Adminiſtrators, to ſell any Share or Shares to which he, ſhe, or they may be entitled therein, ſubject to the Rules and Conditions herein mentioned; the Conveyance of which Share ſhall be in the Form and to the Effect following:

'I *A. B.* of in Conſideration of to me paid by *C. D.* of do hereby bargain, ſell, aſſign, and transfer to the ſaid *C. D.* One Share, [*or*, Two or more Shares, *as the Caſe may be*] of the Capital Stock of the *Truro* and *Fluſhing* Road Company, being N° To hold to the ſaid *C. D.* his Executors, Adminiſtrators, and Aſſigns, ſubject to the ſame Rules, Orders, and Reſtrictions, and on the ſame Conditions, that I held the ſame immediately before the Execution hereof; and I the ſaid *C. D.* do hereby agree to take and accept the ſaid Share or Shares of the ſaid Capital Stock, ſubject to the ſame Rules, Orders, Reſtrictions, and Conditions: As Witneſs our Hands and Seals, the Day of .'

And on every ſuch Sale, the ſaid Deed of Conveyance, being executed by the Seller or Sellers, and the Purchaſer or Purchaſers of ſuch Share or Shares, ſhall be kept by the ſaid Purchaſer or Purchaſers for his, her, or their Security, after the Clerk or Clerks to the ſaid Company ſhall have entered in a proper Book or Books for that Purpoſe, a Memorial of ſuch Transfer and Sale for the Uſe of the ſaid Company, and have teſtified or indorſed the Entry of ſuch Memorial on the ſaid Deed of Sale or Transfer, for which no more than Five Shillings ſhall be paid for each Share ſo transferred; and the ſaid Clerk or Clerks is and are hereby required to make ſuch Entry or Memorial accordingly; and until ſuch Memorial ſhall have been made and entered as above directed, ſuch Purchaſer or Purchaſers ſhall have no Part or Share of the Profits of the ſaid Undertaking, nor any Intereſt for ſuch Share or Shares paid to him, her, or them, nor any Vote in reſpect thereof, as Proprietor or Proprietors of the ſaid Undertaking.

No Transfer of Shares to be made until Inſtalments actually called for be paid.

LIII. And be it further enacted, That after any Call of ſuch Money ſhall have been made by the Directors, as herein mentioned and provided, no Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, ſhall ſell or transfer any Share or Shares which he, ſhe, or they ſhall poſſeſs in the ſaid Undertaking, unleſs he, ſhe, or they ſhall, at the Time of ſuch Sale or Transfer, have paid the whole Sum of Money which ſhall have been called for upon ſuch Share or Shares ſo ſold or transferred; and that every ſuch Transfer ſhall be null and void to all Intents and Purpoſes whatſoever.

No Aſſignee to vote till after Entry of Tranſfer.

LIV. Provided always, and be it enacted, That no Perſon ſhall be entitled to vote in any Queſtion relating to the Affairs of the ſaid Company, unleſs ſuch Aſſignment or Transfer, and the Entry thereof, ſhall have been made Thirty Days at the leaſt prior to the Determination of ſuch Queſtion; and that One full Share, or a Sum equal to One full Share in the Capital Stock of the ſaid Company, be thereby aſſigned or transferred.

Only One Aſſignee entitled to vote.

LV. And be it further enacted, That in caſe any Aſſignment or Transfer of any Share or Shares in the ſaid Undertaking, ſhall be made to more than One Perſon, or any Share or Shares ſhall by Operation of Law become veſted in more than One Perſon, then the Perſon firſt named in ſuch Aſſignment or Transfer, or in the Entry of the Book for regiſtering the veſting of ſuch Share, ſhall be the only Perſon entitled to vote in the Affairs of the ſaid Company.

Entries of Marriage, &c. to be made by the Clerk to the Company.

LVI. And be it further enacted, That before any Perſon or Perſons claiming any Share in the ſaid Company, in Right of Marriage, or by virtue of any Bequeſt or Will, or in any Courſe of Adminiſtration, ſhall be entitled to receive the Profits ariſing therefrom, or to vote in reſpect thereof, or to exerciſe any Benefit or Advantage reſulting therefrom, an Entry of a Copy of the Regiſter of ſuch Marriage, proved by an Affidavit verifying ſuch Copy, and that the Party therein named is a Proprietor of the ſaid Company, to be made by any One or more Perſon or Perſons, and ſworn before any of His Majeſty's Juſtices of the Peace, who is hereby authorized and empowered to adminiſter ſuch Affidavit; and an Entry of the Probate of ſuch Will or of Letters of Adminiſtration, (as the Caſe ſhall require) ſhall reſpectively be made by the Clerk or Clerks to the ſaid Company, in a Book to be for that Purpoſe provided; for which

Entry

Entry the ſaid Clerk or Clerks ſhall be entitled to receive Five Shillings and no more.

Power of Directors, &c. to call for Accounts, and for Payment of Inſtalments upon Shares, &c.

LVII. Provided always, and be it enacted, That the ſaid Directors, or any Three or more of them, ſhall have Power from Time to Time to call for all Accounts of Monies laid out and diſburſed for the Purpoſes of this Act, by the Receivers and other Officers and Perſons employed under the Authority of this Act; and to make ſuch Call or Calls for Money from the ſaid Subſcribers, their Succeſſors, Executors, Adminiſtrators, and Aſſigns, according and in Proportion to the Amount of their reſpective Subſcriptions, for the Purpoſe of defraying the Charges and Expences, in, about, or relating to the procuring and paſſing of this Act; and, in the next Place, in and about the Expences of carrying on the Works authorized or directed by this Act to be done, as by them, or any Three or more of them, ſhall from Time to Time be found wanting and neceſſary for thoſe Purpoſes; ſo that no Call ſhall exceed the Sum of Twenty Pounds *per Centum* on the Sum or Sums ſo ſubſcribed, and ſo that no more than Three Calls be made in any One Year, and Fourteen Days Notice at leaſt ſhall be given of all ſuch Calls, in ſuch Manner as the ſaid Proprietors, or the Majority of them, ſhall, at the Firſt or any ſubſequent General or Special Meeting decide; which Money ſo called for, ſhall be paid to ſuch Perſon or Perſons, and in ſuch Manner, as the ſaid Directors ſhall from Time to Time appoint or order for the Uſe of the ſaid Undertaking; and the Owner or Owners of ſuch Stock ſhall pay his, her, or their Proportion or Proportions of the Monies ſo called for as aforeſaid, at ſuch Time and Place, and in ſuch Manner, as ſhall be appointed for that Purpoſe as aforeſaid; and if any Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, ſhall neglect or refuſe to pay his, her, or or their proportionable or rateable Part or Share, Parts or Shares of the ſaid Monies to be called for as aforeſaid, at the Time and Place to be appointed by the ſaid Directors, the Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, ſo neglecting or refuſing to pay the ſame, ſhall forfeit the Sum of One Pound for every Ten Pounds of his, her, or their reſpective Subſcription or Stock, or Part and Intereſt in the ſaid Undertaking and Premiſes; and in every ſuch Caſe, the ſaid Company ſhall and they are hereby empowered to ſue for and to recover, in any Court of Law or Equity, with Coſts, every or any ſuch Part or Parts thereof ſo neglected or refuſed to be paid; and in caſe ſuch Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, ſhall neglect or refuſe to pay his, her, or their rateable or proportionable Part or Share, or Parts or Shares, of the ſaid Money to be called for as aforeſaid, for the Space of Two Calendar Months next after the Time or any of the reſpective Times of Payment thereof appointed as aforeſaid, then and in every ſuch Caſe, the ſame may be ſued for and recovered by the ſaid Company of Proprietors, as laſt herein-before mentioned, or otherwiſe, at the Option of the ſaid Directors, or any Three or more of them; and the Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, ſo neglecting or refuſing to pay the ſame, ſhall forfeit all his, her, or their reſpective Stock or Parts and Intereſt in the ſaid Undertaking and Premiſes; all which Forfeitures ſhall go to and for the Benefit of the Reſt of the ſaid Proprietors, their reſpective Executors, Adminiſtrators, and Aſſigns, holding for the Time being Shares of the ſaid Stock, in Proportion to their reſpective Shares and Intereſts.

LVIII. And

To compel Payment of Subſcriptions.

LVIII. And be it further enacted, That the ſeveral Perſons who have ſubſcribed, or who ſhall hereafter ſubſcribe or advance any Money for and towards making the ſaid Road and other Works hereby authorized to be made, ſhall and they are hereby required to pay the Sum or Sums of Money by them reſpectively ſubſcribed, or ſuch Parts or Portions thereof as ſhall from Time to Time be called for by the ſaid Directors under and by virtue of the Powers and Directions of this Act, at ſuch Times and Places as ſhall be directed by the ſaid Directors in Manner before mentioned; and in caſe any Perſon or Perſons ſhall neglect or refuſe to pay the ſame at the Time and in the Manner required for that Purpoſe, it ſhall be lawful for the ſaid Directors to ſue for and recover the ſame in any Court of Law or Equity.

Subſcribers dying, &c. their Executors not paying Inſtalments, other Perſons to be admitted Proprietors.

LIX. And be it further enacted, That in caſe any Perſon or Perſons ſubſcribing or holding any Stock of the ſaid Company of Proprietors, ſhall die before any ſuch Call or Calls ſhall have been made for the full Sum to be advanced on the Sum or Sums ſo ſubſcribed for, or which he, ſhe, or they ſhall have been poſſeſſed of or entitled to at the Time of his, her, or their Deceaſe, without having made Proviſion by Will, or otherwiſe, in Writing, how the Money ſhal be paid upon the future Calls, then and in every ſuch Caſe, the Executors or Adminiſtrators of every ſuch Owner or Owners leaving Aſſets, ſhall be chargeable in reſpect of ſuch Calls, as for the Debts of ſuch Teſtator or Inteſtate; or in caſe the Executors or Adminiſtrators, or the Perſon or Perſons entitled to the Perſonal Eſtate of ſuch Teſtator or Inteſtate, ſhall refuſe or neglect, for the Space of Twelve Calendar Months to anſwer ſuch Calls and Payments, the ſaid Directors, or any Three of them, ſhall be and are hereby authorized and required to admit any other Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, to be a Proprietor or Proprietors of the Stock of ſuch Owner or Owners ſo deceaſed, on Condition that he, ſhe, or they ſo admitted, do and ſhall, on or before ſuch Admiſſion, pay to the Executors, Adminiſtrators, or Succeſſors of ſuch deceaſed Owners, the full Sum or Sums of Money which ſhall have been paid by ſuch Owner or Owners, in his, her, or their Life-time, by Notice of any Call or Calls, or otherwiſe, upon ſuch Share or Shares of ſuch Stock, or ſuch other Sum or Sums of Money as the above can be ſold for; firſt deducting the Penalty that may have been incurred as aforeſaid.

No Advantage of Forfeiture to be taken till Notice thereof is given, and the ſame declared at a General Meeting.

LX. Provided always, and be it further enacted, That no Advantage ſhall be taken of any Forfeiture of any ſuch Stock, or of any Part thereof, until Notice in Writing of any ſuch Forfeiture ſhall have been previouſly given or left to or with the Owner or Owners of ſuch Stock, or left at his, her, or their uſual or laſt known Place of Abode, nor unleſs the ſame ſhall be declared to be forfeited at ſome General Meeting of the ſaid Company, held at any Time after Three Calendar Months after ſuch Forfeiture ſhall happen to be made; but that the Subſcriber or Subſcribers having incurred ſuch Forfeiture as aforeſaid, may at any Time previous to ſuch General Meeting pay or cauſe to be paid, for the Uſe of the ſaid Company, and into the Hands of the Perſon appointed to receive the Monies due upon ſuch Inſtalments the further Sum of Ten Shillings for every Seven Pounds Stock, and ſo in Proportion for any leſſer Sum, the Inſtalment on which has been ſo neglected to be paid, together with all the Monies which ſhall be then due upon ſuch Inſtalment ſo neglected to be

be paid as aforeſaid; and in Conſideration of which Payment ſuch Forfeiture ſhall be annulled, as if ſuch Inſtalment had been regularly paid at the Time appointed for the Payment thereof, and in caſe of ſuch Forfeiture, the ſame ſhall be an Indemnification to every Proprietor ſo forfeiting his, her, or their Stock, Part or Intereſt as aforeſaid, againſt all Actions, Suits or Proſecutions whatſoever to be commenced for any Breach of Contract, or Non-payment of the Sums ſo neglected to be paid as aforeſaid.

Mode of Proceedings in Actions for Recovery of Calls.

LXI. And be it enacted, That in any Action which may be brought againſt the Subſcriber or Subſcribers to, or Owner or Owners of any Shares in the ſaid Capital, to recover any Sum or Sums of Money, due by reaſon of any Call or Calls, or by reaſon of Forfeiture for Non-payment thereof in due Time, it ſhall be ſufficient for the ſaid Company to declare or alledge that the Defendant or Defendants, being a Proprietor or Proprietors of ſuch or ſo many Share or Shares in the Capital Stock of the ſaid Company, is or are indebted to the ſaid Company in ſuch Sum or Sums of Money as the Call or Calls in Arrear ſhall amount unto upon ſuch or ſo many Share or Shares belonging to the Defendant or Defendants, (as the Caſe may happen to be) and that he, ſhe, or they made Default of Payment in due Time, whereby an Action hath accrued to the ſaid Company by virtue of this Act, without ſetting forth the Special Matter; and on the Trial of ſuch Action, it ſhall only be neceſſary to prove that the Defendant or Defendants, at the Time of making ſuch Call or Calls, was or were a Proprietor or Proprietors of the Share or Shares in reſpect of which ſuch Call or Calls were made, by the Production of the Entry of ſuch Subſcription, or of the Entry of the Aſſignment or Transfer aforeſaid, and that ſuch Call or Calls were made or reſolved upon, without proving any other Matter; and the ſaid Company ſhall thereupon be entitled to recover what ſhall appear due, together with the Amount of every Forfeiture in reſpect to the Sum ſo due.

Application of Subſcription.

LXII. And be it further enacted, That the Money ſubſcribed, and the Money ſo raiſed under and by virtue of this Act, or a ſufficient Part thereof, ſhall be laid out and applied, in the Firſt Place, in Payment, Satisfaction and Diſcharge of the Coſts, Charges and Expences attending the obtaining and paſſing of this Act, and the making the proper Plans, Surveys, and Eſtimates, and the doing and providing of all the Matters and Things preparatory and previous thereto; and that all the Reſidue of ſuch Money ſhall be applied and diſpoſed of, for and towards the making, carrying on, completing and maintaining of the ſaid Road, and other Works belonging thereto; and for other the Purpoſes of this Act.

Power to borrow Money on Mortgage or Annuities.

LXIII. And be it further enacted, That in caſe the ſaid Company of Proprietors ſhall deem it expedient to borrow Money, for the Purpoſe of enabling them to carry on the Works aforeſaid, it ſhall and may be lawful to and for them, and they are hereby authorized and empowered, from Time to Time to borrow and take up at Intereſt ſuch Sum or Sums of Money not exceeding Four thouſand Pounds, either by way of Mortgage on the Credit of the ſaid Road, and the Tolls thereof reſpectively, and other the Eſtates and Revenues of the ſaid Company; or by granting Annuities to be payable, on the ſaid Tolls, and other the Eſtates and Revenues of the

ſaid

ſaid Company, or any of them, during the natural Life or Lives of the Purchaſer or Purchaſers thereof, or of ſuch Perſon or Perſons as ſhall be nominated by and on the Behalf of ſuch Purchaſer or Purchaſers; and either abſolutely or ſubject to be re-purchaſed, as ſhall be deemed expedient, which Annuities ſhall be granted and made payable either with or without Benefit of Survivorſhip, and in ſuch Manner as the ſaid Company ſhall think proper, and ſhall not be ſubject to Enrolment, or to the Rules and Regulations in any Act of Parliament paſſed for enrolling Memorials of Annuities in the High Court of Chancery or elſewhere; and the ſaid Company are hereby fully authorized and empowered, under their Common Seal, to grant or aſſign over the ſaid Road, and the Tolls thereof, and other the Lands, Tenements, Hereditaments, and Revenues of the ſaid Company, or any Part or Parts thereof, as a Security for any Sum or Sums of Money ſo to be borrowed, with Intereſt for the ſame, or for the due and regular Payment of the ſaid Annuity or Annuities ſo to be granted, as to them ſhall ſeem meet; and every ſuch Grant or Aſſignment ſo to be given as a Security for any ſuch Sum or Sums of Money ſo to be borrowed by way of Mortgage, ſhall and may be made in the Words following, or in other Words to the like Effect; that is to ſay,

'BY virtue of an Act paſſed in the Fifty-fifth Year of the Reign of His 'Majeſty King *George* the Third, intituled [*here ſet forth the Title of* '*this Act*], we, the *Truro* and *Fluſhing* Road Company incorporated by 'and under the ſaid Act, in Conſideration of the Sum of
'lent and advanced by *A. B.* of do grant and convey unto the 'ſaid *A. B.* his [*or*, her] Executors, Adminiſtrators, and Aſſigns, the 'ſaid Road and Works belonging thereto, and all and ſingular the Tolls 'ariſing by virtue of the ſaid Act, and all our Right, Title, and Intereſt, 'of, in, and to the ſame; [*and if any other Property of the ſaid Company* '*ſhall be mortgaged, then inſert*, and alſo of and in all, &c. *deſcribing the* '*Property*]; to hold to the ſaid *A. B.* his [*or*, her] Executors, Adminiſtrators, and Aſſigns, ſubject to and until the Payment to him, [her, 'or them,] of the ſaid Sum of together with Intereſt 'for the ſame after the Rate of *per Centum per Annum.*
'Given under our Common Seal this Day of
'in the Year of our Lord

And all and every Perſon and Perſons, Bodies Politic, Corporate, or Collegiate, Aggregate or Sole, to whom ſuch Grant or Conveyance ſhall be made, ſhall be equally entitled to the reſpective Proportions of the ſaid Tolls and Revenues of the ſaid Company, according to the reſpective Sums in ſuch Aſſignment mentioned, to be advanced to ſecure the Repayment thereof, with the Intereſt, without any Preference by reaſon of Priority of any Grant or Conveyance, or on any other Account whatſoever; and that every Grant of any ſuch Annuity to be made as hereinbefore mentioned, ſhall and may be made in the Words or to the Effect following; that is to ſay,

'BY virtue of an Act paſſed in the Fifty-fifth Year of the Reign of His 'Majeſty King *George* the Third, intituled [*here ſet forth the Title of* '*this Act*], we, the *Truro* and *Fluſhing* Road Company, incorporated by 'and under the ſaid Act, in Conſideration of the Sum of
'to us paid by *A. B.* of do grant unto the ſaid *A. B.* his 'or her Executors, Adminiſtrators, and Aſſigns, out of the Tolls of the 'ſaid Road, and other the Revenues of the ſaid Company, One Annuity

'or yearly Sum of to be paid and payable to the
'said *A. B.* his [*or*, her] Executors, Administrators, and Assigns, for
'and during the natural Life or Lives [*if on more than one Life*] and the
'Life of the Survivor of them [*as the Case may be*], and a proportionate
'Part of the said Annuity up to the Day of the Decease of the said
' or to the Day of the Decease of the Survivor of them
'[*as the Case may be.*]'

Entries of Mortgages and Annuities to be made in the Company's Books.

LXIV. And be it enacted, That a Transcript or Copy of every such Grant or Conveyance or any Entry or Memorial thereof, containing the Dates, Names of the Parties, and Sums of Money paid, shall be made in a Book or Books to be kept for that Purpose, by the Clerk or Clerks of the said Company; which Book or Books shall and may be perused at all seasonable Times, by any of the Proprietors or Creditors of the said Undertaking, without Fee or Reward.

Mortgages and Annuities transferable by Indorsement, Entries of which to be made in Company's Books.

LXV. And be it further enacted, That all and every Person and Persons, Body or Bodies Politic, Corporate, or Collegiate, Aggregate or Sole, to whom any such Grant or Conveyance shall be made as aforesaid, may transfer such Grant or Conveyance to any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, Aggregate or Sole whatsoever, by Indorsement thereon; which shall be made in the Words or to the Effect following, and signed in the Presence of One credible Witness who shall subscribe his Name and Place of Abode thereto; (that is to say),

'I [*or*, we,] do hereby transfer the within Security, and all
'my [*or*, our] Right, Title, and Interest in and to the same, and all
'Benefit and Advantage to arise therefrom, unto Executors,
'Administrators, and Assigns. Witness my Hand [*or*, our Hands] *this*
' Day of in the Year of our
'Lord
' Signed in the Presence of

And every Transferee or Transferees, Assignee or Assignees, may transfer the same Annuity or Mortgage again, and so *toties quoties*; and every Transfer shall, within Thirty Days after the Date thereof, be produced and left with the said Clerk or Clerks, who shall, within Seven Days then next, cause a Transcript or Copy thereof, or an Entry or Memorial containing the Date, Names of the Parties, and Sums therein transferred, to be made or entered in the said Book or Books to be kept for entering the original Grants or Conveyance, or in some other Book or Books to be kept for the Entries of such Transfers; and after such Entry made, but not till then, every Person or Persons to whom such Transfer shall be made, his or their Executors, Administrators, and Assigns, shall be entitled to the Benefit of such Grant or Conveyance, and the future Payments thereon, and to all Benefit and Advantage therefrom arising; and for Entry of every such Transfer, the said Clerk or Clerks shall be paid by the Party to whom such Transfer shall be made, the Sum of Five Shillings, and no more.

Interest and Annuities to be paid Half-yearly.

LXVI. And be it further enacted, That the Interest of the Money which shall be so borrowed on Mortgage as aforesaid, and the several Annuities so to be granted as aforesaid, shall, from the Time the respective Principal Monies

Monies so to be lent or paid shall have been advanced or paid Half-yearly, and to the several Parties entitled thereto, in Preference to any Dividends or Distribution to the Proprietors of the said Company or any of them, or otherwise, be duly provided for and set apart, before such Dividend or Distribution shall be made or declared.

Mortgages not to be paid or called in without Six Months Notice.

LXVII. And be it further enacted, That in case the said Company shall be at any Time desirous of paying off and discharging any Sum or Sums of Money borrowed on Mortgage as aforesaid, they shall and are hereby required and directed to cause Six Calendar Months Notice in Writing, signed by their Clerk or Clerks, of such their Intentions, to be given to the Person or Persons entitled to receive the same, or left at his, her, or their usual Place or Places of Abode, unless such Person or Persons shall consent to receive the same without such Notice; and every Mortgagee or Assignee, his, her, or their Executors or Administrators, who shall require Payment of the Principal Sum or Sums of Money due to him, her, or them, shall give unto the Treasurer of the said Company, at any Annual or Special Meeting, Six Calendar Months Notice of the Day on which the same shall be required to be paid.

Tolls to be taken.

LXVIII. And be it further enacted, That the said Company and their Directors shall and may erect and set up, or cause to be erected and set up, One or more Gate or Gates, Weighing Engine or Weighing Engines, in, upon, and across the said intended Road, and also across or on the Side or Sides of any other Part of the said intended Road, where any Highway shall or may join or meet the same, together with the Toll Houses, and proper and necessary Buildings, Conveniences and Fences near to each such Gate or Weighing Engine; and the respective Tolls following, shall and may be demanded or taken, of and from all and every and any Person or Persons passing along the said Road, or attending or driving any Horse, Cattle or Carriage, by such Person or Persons as the said Directors shall from Time to Time appoint, at any One of the said Gates, before any Horse, Cattle or Carriages shall be permitted to pass through the same: Provided always, that no Toll Gate shall be erected across or by the Sides of any Part of the said Road between *Restrongett Creek* and One hundred and fifty Feet to the Southward of *Mylor Bridge*, or so as to intercept the present Road leading from *Restrongett Ferry* to the Borough of *Penryn*.

Directors may erect Toll Gates, &c.

LXIX. And be it further enacted, That it shall be lawful for the said Directors from Time to Time to cause to be erected and set up, such and so many Toll Gates, in, upon, across or on the Sides or Side of any Part or Parts of the said Road, and across any Lane or Way leading into, from or out of the same, and also such Toll House or Houses, Weighing Engine or Engines, to each Gate or otherwise, as they shall think necessary; and may cause any such Toll Gates, Toll Houses, Weighing Engines, or other Buildings, from Time to Time to be taken down, removed or altered, as they shall judge proper; and all such Toll Houses, Weighing Engines, Buildings, and all Materials for making or repairing the same, are hereby vested in the said Company: Provided always, that no Toll Gate or Weighing Engine shall be erected or set up on the said Road between *Restrongett Creek* and One hundred and fifty Feet to the Southward of *Mylor Bridge*, or so as to intercept the present Road leading from

Roſtrongett Ferry to the Borough of *Penryn*; any Thing herein contained to the contrary thereof notwithſtanding; and the ſaid Directors, or any Perſon or Perſons to be appointed Collector or Collectors as aforeſaid, ſhall and may demand and take the ſeveral Tolls following, at each and every of the Toll Gates, which ſhall be erected in, upon, or acroſs the ſaid Road, between *Killiganoon Corner* aforeſaid and the ſaid Village of *Fluſhing*, by virtue of this Act, and on every Day (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night) before any Horſe, Beaſt, Cattle or Carriage, ſhall be permitted to paſs through the ſame:

Tolls. For every Horſe, Mare, Gelding, Mule, Ox, Cow or other Neat Cattle, unladen, laden or drawing, the Sum of Two-pence:

For every Waggon, Wain, Cart, Dray, or other ſuch like Carriage, laden or unladen, the Fellies of the Wheels thereof being of the Breadth of Six Inches or upwards, and the Carriage with its Load not exceeding Three Tons, the Sum of One Halfpenny *per* Hundred Weight; if above Three Tons, each Hundred Weight, One Penny:

For every Waggon, Wain, Cart, Dray or other ſuch like Carriage, laden or unladen, the Fellies of the Wheels thereof being under the Breadth of Six Inches, and the Carriage with its Load not exceeding Two Tons, the Sum of One Penny *per* Hundred Weight; if above Two Tons, *per* Hundred Weight, Two-pence:

For all Timber drawn upon any Carriage not capable of being weighed, the Fellies of the Wheels of ſuch Carriage being of the Breadth of Six Inches and upwards, and the whole Load being under Fifty Cubic Feet, One Halfpenny *per* Foot; and if above Fifty Feet, One Penny *per* Foot:

For all Timber drawn upon any Carriage not capable of being weighed, the Fellies of the Wheels of ſuch Carriage being under the Breadth of Six Inches, and the whole Load being under Forty Feet, One Penny *per* Foot; if above Forty Feet, Two-pence *per* Foot:

For every Waggon, Cart, or other Carriage, having Dragſtreaks of greater Thickneſs than the other Tire of the Wheels of ſuch Carriage, or having portable Drags with Soles of leſs Breadth than the Fellies of ſuch Wheels, double the Toll otherwiſe chargeable upon ſuch Carriage:

For every Coach or other public Carriage licenſed to carry Four Inſide Paſſengers, the Sum of Two Shillings:

For every Perſon paſſing on Foot over *Carnon* Bridge, for each Time of paſſing, One Penny:

For every Coach, Chariot, Landau, Berlin, Sociable, Phaeton, Chaiſe, or other ſuch like Four-wheeled Carriage, the Sum of One Shilling:

For every Curricle, Whiſky, Chaiſe, taxed Cart, Calaſh or other ſuch like Two-wheeled Carriage, the Sum of Sixpence:

And that on every *Sunday*, during the Continuance of this Act, there ſhall be demanded and taken at the ſaid ſeveral Toll Gates ſo to be erected as aforeſaid, on the ſaid Road, or on the Sides thereof, before any Perſon, Horſe, Cattle, Beaſt or Carriage whatſoever ſhall be permitted to paſs through the ſame, or any or either of them, an additional One-half of the reſpective Tolls or Sums of Money herein-before mentioned to the uſual Tolls impoſed by the Authority of this Act.

Recovery. Which ſaid reſpective Sums of Money ſhall be demanded and taken as Toll, and ſhall be and are hereby veſted in the ſaid Directors; and if any Perſon or

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 to collect the ſaid Tolls, to prevent the Paſſage of ſuch Perſons, and to ſeize and diſtrain any Horſe or Horſes, or other Cattle, ſubject to or chargeable with the ſame Tolls; and if ſuch Toll, and reaſonable Charges of ſuch Seizure and Diſtreſs, ſhall not be paid within the Space of Three clear Days after ſuch Seizure and Diſtreſs made, the Perſon or Perſons, ſo ſeizing and diſtraining, ſhall and may ſell the Horſe or Horſes and Cattle ſo ſeized and diſtrained, or a ſufficient Part thereof, returning the Overplus (if any be) and what ſhall remain unſold, upon Demand, unto the Owner thereof, after ſuch Tolls and the reaſonable Charges occaſioned by ſuch Diſtreſs and Sale ſhall be deducted and paid.

Tolls to be paid on every new Hiring, except, &c.

LXX. And be it further enacted, That all Stage Coaches ſhall pay the ſaid Tolls every Time they ſhall paſs through ſuch Gates; and all Poſt Chaiſes ſhall pay the ſaid Tolls every Time they ſhall paſs through ſuch Gates with a Ticket denoting a freſh hiring: Provided always, that if Toll ſhall be paid for any Horſe or Horſes going for the Purpoſe of fetching or taking up any Carriage, and which ſhall return or paſs through either of the ſaid Gates with any Carriage on one and the ſame Day, to be computed as aforeſaid, ſuch Payment ſhall be allowed and deducted on paying the Toll in reſpect of ſuch Carriage; and that no Toll ſhall be paid for any Horſe or Horſes returning, after having ſet down the Paſſengers from any Carriage, for which Carriage the Toll had been before paid on the ſame Day, to be computed as aforeſaid.

How Tolls to be paid.

LXXI. Provided always, and be it further enacted, That no more than One Toll ſhall be demanded or taken for the ſame Horſes, Beaſts, Cattle or Carriages, for paſſing and repaſſing once on the ſame Day, through all the Toll Gates to be erected on the ſaid Road; and that all and every Perſon and Perſons who ſhall have paid the Toll by this Act granted, for the Paſſage of himſelf, herſelf or themſelves, or of any Horſes, Beaſts, Cattle, or Carriages at any ſuch Toll Gate, ſhall, on the ſame Day (to be computed as aforeſaid) and producing a Note or Ticket denoting ſuch Payment, and naming and ſpecifying the Toll Gates freed by ſuch Payments, and which Note or Ticket the Collector or Collectors is and are hereby required to deliver *gratis* on Receipt of the Toll, be permitted to paſs Toll-free with the ſame Horſes, Beaſts, Cattle or Carriages, through any or all of the other Toll Gates on the ſaid Road, and alſo to return or repaſs through the ſame Toll Gates, or any of them, Toll-free, on ſuch ſame Day, and with the ſame Horſes, Beaſts and Carriages, producing ſuch Note or Ticket as aforeſaid; but that every Perſon who, by virtue of ſuch One Payment, ſhall have ſo paſſed and returned, or repaſſed through any ſuch Toll Gate, ſhall be again liable to the Payment of, and ſhall again pay ſuch Toll, before he or ſhe ſhall be permitted to paſs through ſuch Toll Gate a Third Time, either by himſelf or herſelf, or with ſuch Horſes, Beaſts, Cattle, or Carriages; and ſo *toties quoties* for every Third Time of paſſing through ſuch Toll Gate.

In caſe of Diſpute concerning Tolls

LXXII. Provided always, and be it enacted, That if any Diſpute ſhall happen about the Quantity of the Tolls due, or the Charges of diſtraining, keeping

and Charges, the Matter to be ſettled by a Juſtice.

keeping and ſelling any Diſtreſs, it ſhall and may be lawful to and for the Collector, or Perſon diſtraining, to detain the Diſtreſs or the Monies ariſing from the Sale thereof, until the Quantity of the Tolls, or the Charges of diſtraining, keeping and ſelling the Diſtreſs, as the Caſe may be, ſhall be aſcertained by ſome Juſtice of the Peace for the ſaid County of *Cornwall*, who, upon Application made to him for that Purpoſe, ſhall examine the Matter by Oath of the Parties, or other Witneſs or Witneſſes, and ſhall determine the Quantity of Tolls due, and ſhall award ſuch Coſts to either Party as to the ſaid Juſtices ſhall ſeem right and proper; and in caſe ſuch Coſts ſhall not be forthwith paid, the ſame ſhall and may be raiſed and levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo directed to pay the ſame, rendering the Overplus (if any) after deducting ſuch Coſts and the Coſts and Charges of ſuch Diſtreſs and Sale, to the Perſon or Perſons whoſe Goods and Chattels ſhall become ſo diſtrained.

Toll Collectors to have their Names placed on Toll Houſes.

LXXIII. And be it further enacted, That every Toll Collector ſhall place or cauſe to be placed on ſome conſpicuous Part of the Toll Houſe at which he or ſhe ſhall be ſtationed, and ſo that the ſame ſhall appear to public View, his or her Chriſtian and Surname, painted White on Black Ground in legible Characters, Two Inches in Length at the leaſt, and of a proportionable Breadth, and the ſame ſhall remain during the whole Time ſuch Toll Collector ſhall be on Duty; and every Toll Collector neglecting to comply with the Direction hereby given, ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Forty Shillings for each Neglect, of which Complaint or Information ſhall be made within Twenty-one Days after ſuch Neglect ſhall have taken place.

Notice of Gates cleared by Ticket to be written on Gates.

LXXIV. And be it further enacted, That where the Toll payable at any Gate ſhall entitle the Perſon paying the ſame, on the Production of a Ticket, to paſs through any other Toll Gate without the Payment of a further Toll, there ſhall, at the Front of or in ſome conſpicuous Place near ſuch Gate, be written or printed in large legible Characters Notice of the Gates which may be paſſed without the Payment of any further Toll; and that no Toll ſhall be exacted at any Gate at which any Ticket ought to be delivered, unleſs ſuch Notice ſhall be put up and maintained in a legible ſtate.

For puniſhing Toll Collectors for Miſbehaviour.

LXXV. And be it further enacted, That if any Toll Collector ſhall be guilty of Miſbehaviour, by demanding more than the Toll legally payable, or by inſiſting on or exacting Toll where none ſhall be due, or by ſtriking, abuſing, inſulting or otherwiſe ill-treating any Paſſenger, it ſhall be lawful for any Juſtice of the Peace, upon Complaint made to him of ſuch Miſbehaviour, to iſſue his Warrant to bring the Collector ſo offending before him, and to hear and determine the Offence in a ſummary Way, and to adjudge the Collector ſo offending, upon Conviction, to forfeit any Sum not exceeding Five Pounds.

Exemptions from Toll.

LXXVI. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken, from any Perſon or Perſons going to or returning from his, her, or their proper Parochial Church, Chapel, or any other Place of Religious

Religious Worſhip on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Perſon who ſhall die, and be buried in any of the Pariſhes in which the ſaid Road lies; or from any Clergyman going to viſit or returning from viſiting any ſick Perſon, or on other his Parochial or Miniſterial Duty; or for any Horſes or Carriages of whatever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſt-maſter General, either when employed in conveying or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; or for the Horſe or Horſes of any Officers or Soldiers on their March or on Duty, or for any Horſe or Horſes, or other Beaſt, or any Cart, Carriage or Waggon, employed in carrying, conveying, or returning empty therefrom, having been employed only in conveying or carrying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying or conveying any ſick, wounded or diſabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack or Commiſſariat or other public Stores, of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, or returning from having been ſo employed; and if any Perſon ſhall, by any fraudulent or colluſive Means whatſoever, claim or take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Ten Pounds, One Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Limiting the Profits to 10*l.* per Cent.

LXXVII. And be it further enacted, That when the ſaid Road ſhall be completed for public Uſe, it ſhall be lawful for the ſaid Directors, and they are hereby empowered and directed to make and declare and cauſe to be paid to the Proprietors of Shares reſpectively, Half-yearly Dividends of the Profits ariſing from the Tolls allowed to be taken under this Act: Provided always, that no Dividend ſhall in any Year exceed the clear Profits which ſhall remain from the ſaid Tolls, after Payment of all Expences of keeping the ſaid Road in Repair, and all other Expences ariſing out of the Execution of this Act; and all Surplus Profit ſhall be reſerved for Improvement of the ſaid Road, and Contingencies ariſing in the Execution of this Act; and when and ſo ſoon as the Surplus and Profits ariſing from the Tolls will admit of the ſaid Tolls being lowered, the Directors are hereby required to lower the ſaid Tolls as far as the ſame can be done, ſo as to leave ſufficient for Payment of ſuch Repairs of the ſaid Road and Expences, and of ſuch Intereſt upon the Shares as aforeſaid; and an Annual Account of the Amount of Tolls, and of ſuch Expenditure and Payments, ſhall be laid before the Juſtices aſſembled at the *Michaelmas* Quarter Seſſions of the Peace for the County of *Cornwall*; and if it ſhall appear to the Juſtices then aſſembled, that the Surplus Profits admit of a Reduction of Tolls, after leaving ſufficient for Payment of all ſuch Expences and Intereſt as aforeſaid, and that the Directors have neglected or refuſed to lower the Tolls accordingly, it ſhall be lawful for the major Part of the Juſtices aſſembled at ſuch Seſſion to lower ſuch Tolls accordingly: Provided always, that if by reaſon of the lowering of ſuch Tolls, the Profits ſhall not be ſufficient to pay ſuch Expence and Intereſt as

aforeſaid, it ſhall be lawful for the ſaid Directors again to increaſe ſuch Tolls, not exceeding the Rates of Tolls allowed by this Act, ſo as to raiſe ſufficient for Payment of ſuch Expence and ſuch Intereſt, at and after the Rate of Ten Pounds *per Centum per Annum* upon each Share.

Penalty for riding on Footpaths.

LXXVIII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully or negligently injure, deſtroy, break down or otherwiſe damage, or ſhall ride on or drive, or ſhall lead any Horſe, Beaſt, Cattle or Carriage, over or upon any Footpath or Cauſeway, made or to be made on the Side or Sides of any Part of the ſaid Road; or if any Driver of any Waggon or other Carriage, ſhall wilfully or careleſsly break or damage any of the Poſts or Stones which may be erected for the Security of the ſaid Footpaths or Cauſeways; or if any Perſon or Perſons ſhall plough over, or drag any Plough upon any Part of the ſaid Road, or in ploughing ſhall turn any Horſe or other Beaſt drawing any Plough upon any Part of the ſaid Road, to the Prejudice thereof; or if any Perſon or Perſons ſhall ſcrape off any Mud, Soil or other Matter or Thing which ſhall be or lie upon any Part of the ſaid Road, with any Inſtrument ſo as to damage the ſaid Road, or any Part thereof; or if any Perſon ſhall hale or draw, or cauſe to be haled or drawn upon any Part of the ſaid Road, any Tree or Piece of Timber, or any Stone (otherwiſe than upon Wheel Carriages) or ſhall ſuffer any Part of any Tree or Piece of Timber or Stone which ſhall be carried on a Wheel Carriage, to drag upon any Part of the ſaid Road, to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Road ſhall ſuffer the ſame to root up or damage the ſaid Road, or any Part thereof, or the Fences, Hedges, Bankings or Copſe on either Side thereof; or if any Perſon or Perſons ſhall leave or ſuffer any Cattle, Sheep, or Beaſt to be and remain looſe on the ſaid Road; or if any Perſon driving any Coach, Chaiſe or Waggon, Cart or other Carriage upon the ſaid Road, and meeting another Coach, Chaiſe, Waggon, Cart, or other Carriage, ſhall not keep his Carriage on the left or near Side of the ſaid Road; or if any Perſon ſhall in any Manner wilfully prevent any other Perſon or Perſons from paſſing him, her, or them upon the ſaid Road; or the Coach, Chaiſe, Waggon, Cart, or other Carriage, under his, her, or their care; and if any Perſon ſhall make or aſſiſt in making any Fire or Fires whatſoever, or ſhall ſet fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatſoever on any Part or Parts of the ſaid Road; or if any Perſon or Perſons ſhall leave any Waggon, Wain, Cart or other Carriage, or any Plough, Harrow or other Implement of Huſbandry (without ſome reaſonable Cauſe to be allowed by the Juſtice of the Peace before whom the Perſon ſo offending ſhall be ſummoned or conveyed, in order to his or her Conviction, and ſave and except with regard to ſuch Waggon, Wain, Cart, or Carriage, during ſuch reaſonable Time as the ſame ſhall be loading or unloading, and ſtanding as near to the Side of the ſaid Road as conveniently may be), in, upon, or on the Side of the ſaid Road, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto; or if any Perſon ſhall lay any Piece of Timber, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, on any Part of the ſaid Road, or on the Side or Sides thereof, to the Prejudice thereof, or of any Perſon or Perſons travelling thereon; every Perſon

Perſon ſo offending, ſhall for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, One Moiety whereof ſhall go the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

For Surveyors to remove Annoyances.

LXXIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint (by Direction and under the Hands of any Three or more of the ſaid Directors) from Time to Time to remove and prevent all Annoyances on any Part or Parts of the ſaid Road, by Rails, Steps, Sign Poſts or other Nuiſances, and to turn or ſtop any Watercourſes, Sinks, or Drains running into, along or out of any Part of the ſaid Road to the Prejudice thereof, and to make the ſame as large and deep as he or they ſhall think proper; and to cleanſe any Ditch or Watercourſe next adjoining to any Part of the ſaid Road; and to cut down lop or top at the proper Seaſon of the Year, any Trees or Buſhes growing in any Part of the ſaid Road, or in the Hedges or Banks adjoining thereto, not being a Garden, Orchard, Plantation, Walk or Avenue to a Houſe, and ſuch Tree or Trees not being an Ornament to a Houſe, and to take and carry away the ſame, in caſe the Perſon or Perſons occaſioning ſuch Annoyance, or who ought to remove the ſame, or to cleanſe ſuch Ditch or Watercourſe, or to cut down, lop or top ſuch Trees or Buſhes, ſhall refuſe or neglect ſo to do for the Space of Fourteen Days next after Notice in Writing given for that Purpoſe, ſigned by any Five or more of the ſaid Directors, or by their Surveyor or Surveyors, the reaſonable Charges whereof ſhall be reimburſed to the ſaid Surveyor or Surveyors by the Perſon or Perſons refuſing or neglecting as aforeſaid, and in caſe any ſuch Perſon ſhall not upon Demand pay and reimburſe to ſuch Surveyor or Surveyors ſuch Charges as aforeſaid, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon, in like Manner as is herein authorized or directed for the Recovery of any other Penalty inflicted by this Act; and if after the Removal of any of the ſaid Annoyances, any Perſon ſhall again offend in the like Manner, every ſuch Perſon ſhall for every ſuch Offence, over and above ſuch Charges as aforeſaid, forfeit and pay any Sum not exceeding Forty Shillings, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Toll Collectors to iſſue Tickets.

LXXX. And be it further enacted, That the ſeveral Collectors of the Tolls at the ſeveral Gates to be erected on the Road directed to be made and maintained by virtue of this Act, ſhall and they are hereby required to deliver a Ticket *gratis* to the Perſon or Perſons paying any Toll or Tolls at ſuch reſpective Gates, ſuch Ticket denoting Payment of ſuch Tolls reſpectively, and ſpecifying all the Gates for which the Toll is paid; and if any ſuch Collector or Collectors ſhall neglect or refuſe to deliver ſuch Ticket, upon Payment of the ſaid Toll or Tolls, he, ſhe, or they ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Directors may compound for Tolls;

LXXXI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Directors from Time to Time to compound with any Perſon or Perſons, for any Period of Time not exceeding One Year, for or in

in respect of any Persons, Horses, Cattle, Carriages, Goods, Wares, or Merchandize, for all or any of the Tolls to be paid in respect of such Persons, Horses, Cattle, Carriages, Goods, Wares, or Merchandize; and all such Composition Money shall be paid Quarterly or otherwise as the said Directors shall appoint; and in Default thereof every such Composition shall be null and void to all Intents and Purposes whatsoever.

and may recover Tolls by Action.

LXXXII. And be it further enacted, That it shall and may be lawful for the said Company, in case of Non-payment of the Tolls as aforesaid, instead of recovering the same in Manner aforesaid, or in case the whole thereof shall not be so recovered, to proceed for the Recovery of the same, or so much thereof as shall not be so recovered, by Action of Debt or on the Case in any Court of Record at *Westminster*.

Penalty on evading Tolls.

LXXXIII. And be it further enacted, That if any Person or Persons shall, with or without any Horse, Cattle, Beast or Carriage, pass through any Lands, Grounds, or Hereditaments lying near any Toll Gate which shall be erected by virtue or in pursuance of this Act (the same not being a public Highway, or such Person or Persons not being an Owner or Occupier of such Premises); or if any Owner or Occupier of such Lands, Grounds, or Hereditaments shall knowingly permit or suffer any Person or Persons, not being his, her, or their Servant, or in his, her, or their Employ, with any Horse, Cattle, Beast, or Carriage whatsoever to pass through the same, with Intent to evade the Payment of the said Tolls or any of them; or if any Person or Persons shall give to or receive from any Person or Persons other than a Collector of the said Tolls, or shall forge or counterfeit any Note or Ticket, Notes or Tickets, by this Act directed to be given, with an Intention to evade, or whereby the Payment of any of the said Tolls or any Part thereof may and shall be evaded; or if any Person or Persons shall forcibly or fraudulently pass through any such Toll Gate with any Horse, Beast, or other Cattle, without Payment of Toll, or shall take off or cause to be taken off any Horse, Beast, or other Cattle from any Carriage, or having passed through any Toll Gate to be erected by virtue or in pursuance of this Act, shall afterwards add or put on an additional Horse or Horses, Beast or Beasts to such Carriage; or shall leave or cause to be left upon or near any Part of the said Road, any Carriage, Horse, Cattle or other Beast, with Intent to evade the Payment of the said Tolls, or any Part thereof, or shall with such Intent unload any Goods from or out of any Carriage, or in any other Manner whatsoever evade or attempt to evade the Payment of any of the Tolls hereby authorized to be taken, every Person so offending shall for every such Offence forfeit any Sum not exceeding Ten Pounds.

Directors to make Bye Laws.

LXXXIV. And be it further enacted, That it shall and may be lawful for the said Directors from Time to Time to make, frame, ordain, and establish, revoke, repeal, annul or alter such Bye Laws, Rules, Orders, and Regulations, as they shall think fit, for the good Government of the said Company, and their Clerks, Treasurer, Surveyors, Collectors, Toll Gatherers, Assistants, Servants and others, appointed or employed under or by virtue of this Act, and for the better regulating the said Road, and the

the Repair and Amendment thereof, in all Matters and Things which ſhall concern the Intereſts of the ſaid Company in the ſaid Road, and their Appurtenances reſpectively; and alſo for the better regulating, governing, and managing the ſeveral Works, Matters, and Things by this Act authorized and directed to be made, done, and conſtructed, as well while the ſame are doing, as after they ſhall be finiſhed; and for the managing the general Concerns of the ſaid Company; which Bye Laws, Rules, Orders, and Regulations, ſhall be and remain in full force, until and unleſs the ſame ſhall be repealed, amended, or altered from Time to Time by the Proprietors and Members of the ſaid Company, at any Special Meeting to be held for that Purpoſe as herein-after directed; and to annex, impoſe, and appoint reaſonable and pecuniary Penalties or Forfeitures, not exceeding Five Pounds for any One Offence, to be recovered in Manner herein-after mentioned, for the Non-obſervance, Non-performance, or other Breach of or Offence againſt any of ſuch Bye Laws, Rules, Orders, and Regulations; and all ſuch Bye Laws, Rules, Orders, and Regulations, and all Alterations thereof, ſhall be reduced into Writing under the Common Seal of the ſaid Company, and ſigned by the Clerk or Chairman, and ſhall be printed, and a Copy or Copies thereof, in legible Characters, ſhall be affixed on the Toll Houſes, or on ſome conſpicuous Place or Building near unto or adjoining the ſaid Road, for the Inſpection of all Perſons intereſted therein; and all ſuch Bye Laws, Rules, Orders, and Regulations ſhall be binding upon, obſerved, and obeyed by all Perſons whomſoever uſing or in any way concerned in the ſaid Road, or any of the Works to be made, erected, or maintained by virtue of this Act, and ſhall be ſufficient in any Court of Law or Equity to juſtify all Perſons who ſhall act under or in purſuance of the ſame; provided that ſuch Bye Laws, Rules, Orders, and Regulations be not inconſiſtent with or repugnant to the Laws of that Part of the United Kingdom called *England*, or to any of the Clauſes, Proviſions, and Directions in this Act contained; and all ſuch Bye Laws, Rules, Orders, and Regulations ſhall be ſubject to be varied, altered, or repealed by the Proprietors of the ſaid Company at any Special Meeting, and ſhall be ſubject to Appeal in Manner herein directed.

Penalty on aſſaulting Officers, &c.

LXXXV. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or forcibly hinder, or diſturb, or cauſe, promote, or encourage ſo to be aſſaulted, interrupted, hindered, or diſturbed, the Collector or Collectors of the ſaid Tolls, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalties on Perſons obſtructing the collecting of Tolls.

LXXXVI. And be it further enacted, That in caſe any Perſon on Foot or on Horſeback, or the Driver or Owner of any Cart or other Carriage, liable to any of the Tolls impoſed by this Act, or any other Perſon whomſoever, ſhall obſtruct or hinder the ſaid Company, or the Perſon or Perſons appointed to collect the Tolls hereby made payable, or any other Perſon employed or appointed by the ſaid Company; ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalties how to be recovered.

LXXXVII. And be it further enacted, That all Fines, Penalties, and Forfeitures by this Act inflicted or authorized to be impoſed or levied (the Manner of levying and recovering whereof is not otherwiſe hereby particularly directed) ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Juſtice of the Peace for the County, Borough, City, Riding, Diviſion or Place wherein ſuch Offender ſhall be or reſide (which Warrant or Warrants the ſaid Juſtice is hereby empowered and required to grant) upon Conviction of the Offender or Offenders on his or their Confeſſion, or on the Information of any One or more credible Witneſs or Witneſſes, upon Oath, and ſuch Fines, Penalties, and Forfeitures, when recovered, after rendering the Overplus (if any) to the Party or Parties whoſe Goods and Chattels ſhall be diſtrained and ſold, the Charges of ſuch Diſtreſs and Sale being firſt deducted, ſhall (if not otherwiſe directed to be applied and diſpoſed of by this Act) be paid to and belong to the ſaid Company; and for want of ſufficient Diſtreſs, the ſaid Juſtice is hereby empowered and required to commit the Perſon or Perſons ſo convicted, to the Common Gaol or other public Priſon of or within the ſaid County, Borough, City, Riding, Diviſion, or Place, there to remain for any Time not exceeding the Space of Two Calendar Months, unleſs ſuch Fine, Penalty, or Forfeiture, and all the neceſſary Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied.

Form of Conviction.

LXXXVIII. And it further enacted, That in all Caſes where any Conviction ſhall be had for any Offence or Offences committed againſt this Act, or againſt any Order of Seſſions, or againſt any Bye Law, Rule, Order, or Regulation made in purſuance of this Act, the Form of Conviction ſhall be in the Words or to the Effect following; (that is to ſay),

'BE it remembered, That on this in the
'*A. B.* is convicted before me One of
'His Majeſty's Juſtices of the Peace for the
'of having (*as the Offence ſhall be*) and I, the ſaid
'do adjudge him, her, or them to forfeit and pay the Sum of
' Given under my Hand and Seal, the Day and Year afore-
'ſaid.'

Collectors of the Tolls, Rates, &c. to be competent Witneſſes.

LXXXIX. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe, touching or in anywiſe relating to the ſaid Tolls, or any of them, the Perſon or Perſons acting by or under the Authority of the ſaid Company of Proprietors ſhall not be diſqualified from giving Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his, her, or their being appointed to collect ſuch Tolls.

For compelling Witneſſes to attend.

XC. And be it further enacted, That if any Perſon or Perſons who ſhall be ſummoned as a Witneſs or Witneſſes, to give Evidence before any Juſtice of the Peace, touching any Matter or Fact contained in any Information or Complaint for any Offence againſt this Act, either on the Part of the Proſecutors, or the Perſon or Perſons accuſed, ſhall on being paid

or

or tendered a reaſonable Sum for his, her, or their Time, Attendance and Expences, refuſe or neglect to appear at the Time and Place to be for that Purpoſe appointed, without a reaſonable Excuſe for his, her, or their Refuſal or Neglect, or appearing, ſhall refuſe to be examined upon Oath (or in caſe of a Quaker or Quakers, on ſolemn Affirmation) and to give Evidence before ſuch Juſtice of the Peace, then and in either of the ſaid Caſes, every ſuch Perſon ſhall forfeit for every ſuch Offence any Sum not exceeding Twenty Pounds.

Juſtices to adminiſter Oaths, and act although Proprietors.

XCI. And be it further enacted, That in all Caſes where Cognizance is given to any Juſtice or Magiſtrate, Juſtices or Magiſtrates, by this Act, it ſhall and may be lawful for ſuch Juſtice or Magiſtrate, Juſtices or Magiſtrates, to adminiſter an Oath or Affirmation to any Perſon, for his or their more certain Information in the Matters then depending.

Puniſhing Perſons guilty of Perjury.

XCII. And be it further enacted, That all Perſons who ſhall, in any Examination to be taken upon Oath by virtue of this Act, wilfully and corruptly give falſe Evidence, or otherwiſe forſwear themſelves, before any ſuch Jury, or any Juſtice of the Peace acting as ſuch in the Execution of this Act, ſhall and may be proſecuted for the ſame, and upon Conviction thereof ſhall be ſubject and liable to ſuch and the ſame Pains and Penalties as Perſons guilty of wilful and corrupt Perjury, are by the Laws in being ſubject and liable to.

Power to give Informer Part of Penalties.

XCIII. Provided nevertheleſs, and be it further enacted, That it ſhall be lawful for the ſaid Directors, from Time to Time, if they ſhall ſee Cauſe, to pay and apply any Part of the ſaid Penalties or Forfeitures to and for the Uſe of the Informer or Informers, or any Perſon or Perſons, (not being a Witneſs or Witneſſes) taking or ſeizing any Delinquent or Delinquents, or aſſiſting therein, or any of them.

Diſtreſs not to be deemed unlawful for want of Form.

XCIV. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect in the Summons, Conviction, Warrant of Diſtreſs, or other Warrant or Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers, *ab initio*, on account of any Irregularity by him or them done or committed after ſuch Diſtreſs made or taken; but the Perſon or Perſons aggrieved by ſuch Irregularity, ſhall and may recover full Satisfaction for the Special Damage in any Action upon the Caſe.

Allowing an Appeal to the Quarter Seſſions.

XCV. And be it further enacted, That in caſe any Perſon ſhall think himſelf or herſelf aggrieved by any Order or Judgment made or given in purſuance of any Bye Law, Rule, Order, or Regulation of the ſaid Directors, or Company of Proprietors, or by any Order, Judgment, or Determination of any Juſtice or Juſtices of the Peace, relating to any Tolls or Diſputes relating thereto, or to any other Matter or Thing done in purſuance of this Act, and for which no particular Method of Relief is hereby otherwiſe provided, it ſhall and may be lawful for ſuch Perſon

to

to appea to the next Quarter Seſſions of the Peace to be held for the Town, Diſtrict, or Place, in which ſuch Juſtice of the Peace ſhall have Juriſdiction, at the Diſcretion of the Perſon making the Appeal; and after the Expiration of One Month from the Time when the Cauſe of ſuch Appeal ſhall have ariſen, ſuch Appellant or Appellants firſt giving or cauſing to be given Twenty Days Notice at the leaſt in Writing of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk of the ſaid Company, and within Three Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace or other Magiſtrate acting within ſuch Juriſdiction, with Two ſufficient Sureties conditioned to try ſuch Appeal, and to abide the Order, and to pay ſuch Coſts as ſhall be awarded by the ſaid Magiſtrates aſſembled at ſuch General or Quarter Seſſions; and upon due Proof of ſuch Notice having been given as aforeſaid, and the entering into ſuch Recognizance, the ſaid Magiſtrates, at ſuch Seſſion before whom ſuch Appeal ſhall be brought, ſhall hear and finally determine the Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as the ſaid Juſtices ſhall think proper; and the ſaid Juſtices may, if they ſee Cauſe, mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned which ſhall have been levied in purſuance of any ſuch Bye Law, Rule, Order, or Regulation; and may alſo award ſuch further Satisfaction to be made to the Party injured, as to them the ſaid Juſtices ſhall ſeem reaſonable; and the Determination of ſuch Juſtices thereupon ſhall be final, binding, and concluſive upon all Parties.

Proceedings not to be quaſhed for want of Form.

XCVI. And be it further enacted, That no Verdict, Judgment or other Proceeding, touching or concerning any of the Matters aforeſaid, or touching or concerning the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed or vacated for want of Form only, or be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; any Law or Statute to the contrary thereof in anywiſe notwithſtanding: Provided always, that no Plaintiff or Plaintiffs ſhall recover in any Action to be commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, unleſs Notice in Writing ſigned by his, her, or their Attorney (ſpecifying the Cauſe of Action) ſhall have been given to the Defendant or Defendants, at leaſt Twenty Days before the ſame ſhall have been brought; nor ſhall the Plaintiff or Plaintiffs recover in any ſuch Action, if Tender of ſufficient Amends ſhall have been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before ſuch Action brought; but in caſe no Tender of Amends ſhall have been made, it ſhall and may be lawful for the Defendant or Defendants (by Leave of the Court) at any Time before Iſſue joined, to pay into Court ſuch Sum or Sums of Money, as he, ſhe, or they ſhall think fit, whereupon ſuch Proceedings, Orders, and Judgments ſhall be made and given, in and by ſuch Court, as in other Actions where Defendants are allowed to pay Money into Court.

Notice of Actions.

For ſecuring tranſient Offenders.

XCVII. And whereas ſeveral Perſons guilty of Offences againſt this Act, may be tranſient People unknown to the Collectors, Surveyors, or other Officers under this Act, be it therefore further enacted, That it ſhall

be lawful for the ſaid Collectors, Surveyors, or other Officers reſpectively, to ſeize and detain any ſuch unknown Perſon or Perſons guilty of any Offence as aforeſaid, and to convey him, her, or them, before any One or more Juſtice or Juſtices of the Peace for the ſaid County of *Cornwall*, without any Warrant or other Authority than this Act for ſo doing.

Limitation of Actions.

XCVIII. And be it further enacted, That no Action againſt any Perſon or Perſons, for or on account of any Thing done in purſuance of this Act, ſhall be commenced after the Expiration of Six Calendar Months next after the Cauſe of Action ſhall ariſe; and every ſuch Action or Suit ſhall be laid or brought in the County where the Cauſe of Action ſhall have ariſen, and not elſewhere; and the Defendant or Defendants in all Actions or Suits ſo brought ſhall and may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear to have been ſo done, or that ſuch Action or Suit was brought before Twenty Days Notice given to the Defendant or Defendants, or after ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County than as aforeſaid, then and in every ſuch Caſe, the Jury ſhall find a Verdict for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or ſuffer Diſcontinuance of his, her or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer, Judgment ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and have the like Remedy for the ſame as any Defendant or Defendants hath or may have for Coſts of Suit in other Caſes by Law.

General Iſſue.

Saving of Manorial Rights.

XCIX. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to leſſen or abate the Right or Title of any Lord or Lords of Manors, Lady or Ladies of any Manors or Lands, his or their Heirs or Aſſigns, to Cuſtoms, Tolls, Rights, Royalties, and all other Things which ſhall happen or come within the Limits of their reſpective Manors, or other Benefits or Advantages belonging or in anywiſe appertaining to them or either of them (other than ſuch Tolls as are by this Act authorized and directed to be collected, received, and paid for the Uſe of The *Truro* and *Fluſhing* Road Company, or otherwiſe controlled or intended ſo to be by this Act); but that he and they may receive and enjoy the ſame, as fully and beneficially, to all Intents and Purpoſes whatſoever, as if this Act had not been made.

General Saving.

C. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend, to prejudice or derogate from the Eſtates, Rights, Intereſts, Privilege or Authority of the King's moſt Excellent Majeſty, His Heirs and Succeſſors, or of any Bodies Politic and Corporate, or other Perſon or Perſons whomſoever, his, her, or their Heirs, Succeſſors, Executors and Adminiſtrators; other than and except thoſe meant and intended to be barred and regulated by this Act.

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

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