ANNO QUARTO

GEORGII IV. REGIS.

Cap. vi.

An Act for more effectually amending, improving, and keeping in repair, several Roads in the Counties of *Cornwall* and *Devon*, leading to the Borough of *Saltash* in the County of *Cornwall*.

[24th *March* 1823.]

WHEREAS an Act was passed in the Second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening several Roads in the Counties of* Cornwall *and* Devon, *leading to the Borough of* Saltash *in the County of* Cornwall: And whereas another Act was passed in the Seventeenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing the Term and enlarging the Powers of an Act passed in the Second Year of the Reign of His present Majesty, for repairing and widening several Roads in the Counties of* Cornwall *and* Devon, *leading to the Borough of* Saltash *in the County of* Cornwall: And whereas another Act was passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of Two Acts passed in the Second and Seventeenth Years of the Reign of His present Majesty, for repairing and widening several Roads in the Counties of* Cornwall *and* Devon, *leading to the Borough of* Saltash *in the County of* Cornwall: And whereas the Trustees appointed by or in pursuance of the said Acts have proceeded in the Execution thereof, and borrowed several considerable Sums of Money on the Credit of the Tolls thereby granted; and the Sums so borrowed, and the Tolls collected, have been duly applied in amending the said Roads, and for the

2 G. 3. c. 43.

17 G. 3. c. 78.

42 G. 3. c. 17.

other Purposes of the said Acts; Part of which Money so borrowed still remains due, together with an Arrear of Interest, which cannot be repaid, nor the said Roads properly amended and kept in repair by the Trustees, unless the Term of the said Acts (which is near expiring) be continued, and further Powers granted: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England; and it would be more convenient to the Trustees for executing the said Three first-recited Acts, if the same were to be repealed, and further and more effectual Powers granted instead thereof, for more effectually amending, improving, and keeping in repair the said Roads; but as such Purposes cannot be effected without the 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 from and immediately after the *Wednesday* Fortnight after the passing of this Act, the said Three first-recited Acts, and all and every the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things therein contained, shall be and are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever; and that instead thereof this Act shall then commence and take place, and be put into Execution, for and during the Term hereinafter mentioned, for more effectually amending, improving, and keeping in repair the Roads leading from *Trerule Foot* by *Pole Markin* over *Heskin Bridge*, through the Villages of *Tiddeford* in the Parish of *Saint Germans*, and *Landrake* in the Parish of *Landrake*, over *Notter Bridge* to *Boraton Lane End*, in the Parish of *Saint Stephen's next Ash*, to *Culver Park Gate*, in a Lane commonly called *The Back Lane*, within the Borough of *Saltash*, and from a certain Place called *Saltash Passage*, within the said Parish of *Saint Stephen's next Ash*, in the County of *Cornwall*, to *Weston Mills*, within the Parish of *Saint Budeaux*, and the Tithing of *Weston Peverell* otherwise *Pennycross*, by *Swilley*, in the Parish of *Stoke Damerell*, to the Corner of the Meadow at the East End of the Bridge by the *Lower Grist Mills* within the Borough of *Plymouth*, in the County of *Devon*, and from the North Stile of the Churchyard of the said Parish of *Saint Stephen's next Ash*, by *Cowders*, to the Almshouse of the said Borough of *Saltash*, and from *Boraton Lane End* aforesaid, through the Village of *Carkeil* within the said Parish of *Saint Stephen's next Ash*, unto a certain Place, commonly called and known by the Name of *The Fighting Cocks*, within the Parish of *Botus Flemming* in the said County of *Cornwall;* and that the additional Term and the Tolls hereby granted shall be subject and liable to the Payment of all Monies now due on the Credit or on account of the said Three first-recited Acts, or any of them, or which shall hereafter be borrowed on the Credit of this Act, and the Interest due and to grow due thereon respectively, as fully and effectually to all Intents and Purposes, as if such Monies had been borrowed and become due and owing on the Credit or on account of the Tolls granted by this Act; and all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons, to or with the Trustees for executing the said Three first-recited Acts, or any of them, according to the Provisions and Directions thereof, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are or

3 G. 4. c. 126.

The Three first recited Acts repealed, and this Act to take effect instead thereof.

shall be fully satisfied and performed; and all Covenants, Contracts, Orders, Agreements, Demises, Mortgages, Deeds-poll, and Securities duly made and entered into by the Trustees for executing the said Three first-recited Acts, or any of them, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees under this Act, and be observed and kept by them, according to the Terms, Stipulations, Conditions, and Tenor thereof respectively; and that no Trustee or Trustees, under the said Three first-recited Acts or this Act, shall be liable to the Payment of any Debt or Debts, Sum or Sums of Money, with or out of his own proper Monies or individual Estate, which is, are, or that shall hereafter be due or owing to or recoverable by any Person or Persons, for or on account of the said Roads or relative thereto, notwithstanding any thing contained in this Act, or the Repeal hereby of the said Three first-recited Acts.

Powers of 3 G. 4. c. 126. extended to this Act.

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

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being, acting for the respective Counties of *Cornwall* and *Devon*, together with Sir *Thomas Dyke Ackland* Baronet, Sir *William Pratt Call* Baronet, Sir *William Elford* Baronet, Sir *William Lemon* Baronet, Sir *Masse Manasseh Lopes* Baronet, Sir *Anthony Buller* Knight, *John Buller*, *James Buller*, *Richard Buller* Clerk, *John Buller* Clerk, *Edmund Pownall Bastard*, *Edward Bennett*, *Nicholas Bennett*, *William Bennett*, *John Bennett*, *Richard Berryman*, *Richard Booth Bowden*, *James Howell Ball*, *John Burell*, *Arthur Burell*, *Thomas Bewes*, *William Richard Berryman*, *Robert Billing*, *John Were Clark*, *George Collins*, *Charles Trelawney Collins* Clerk, *John Tillie Coryton*, *Reginald Pole Carew*, *John Stephens Croft*, *Charles Carpenter*, *Isaac Dawson* Clerk, *John Evans*, *Jonathan Elford*, *Jonathan Elford* junior, *Thomas Edwards*, *John Edwards*, *George Fortescue* Clerk, *John Foot*, *William Foot*, *John Strode Foot* Clerk, *Ralph Franco*, *Edmund Henn Gennys*, *James Glencross*, *Francis Glanville*, *Edward Hawkins*, *Robert Hawker* Doctor in Divinity, *William Hamett*, *John Harris*, *Henry Hotchkys*, *Nathaniel Hearle*, *David Horndon* Clerk, *George Hunt*, *Richard Julian*, *Richard Addis Archer Julian*, *William Jacobson*, *Charles Lethbridge* Clerk, *William Langmead*, *Nicholas Mill* Clerk, *Thomas Harrison Valletort Mill* Clerk, *Thomas Arthur Mumford*, *Edward Morshead* Clerk, *Henry Anderson Morshead*, *John Spurrell Pode*, *William Pode*, *Simeon Palmer*, *Stephen Puddicombe* Clerk, *Walter Radcliffe* Clerk, *Francis Hearle Rodd*, *Richard Rosdew*, *Charles Rashleigh*, *Thomas Sanders*, *Isaac Toby*, *Benjamin Tucker*, *Peter Tonkin*, *John Tonkin*, *Henry Hawkins Tremayne* Clerk, *Warwick Hele Tonkin*, *Paul Treby Treby*, *Charles Trelawney*, *John Harle Tremayne*, *John Wilcocks*, and *George Westcott*, shall be and they are hereby appointed the Trustees for repairing, widening, altering, diverting, turning, and from Time to Time improving and keeping in repair, the Roads herein-before mentioned and described, and for otherwise putting this Act into Execution.

IV. And

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, at their First Meeting to be holden in pursuance of this Act, to elect any additional Number of fit and proper Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this and the said last recited Act; and such Trustees, when so elected, shall be and are hereby invested with the same Powers and Authorities for executing this and the said last recited Act, as if they had been named and appointed Trustees in or by virtue of this Act.

Trustees to be sworn.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee for putting this Act into Execution, unless he shall be qualified in such Manner as in and by the said recited Act passed in the Third Year of the Reign of His present Majesty is directed and prescribed, and unless being so qualified he shall before he shall act as a Trustee (except in administering the Oath mentioned in the said last mentioned Act, and the Oath herein-after mentioned) take and subscribe before One or more of the said Trustees (who is and hereby empowered to administer the same) the Oath following; that is to say,

Oath.

'I do swear, That I will truly and impartially, according to the best of my Judgment, execute and perform the several Powers, Authorities, and Trusts reposed in me as a Trustee by virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*]; and also an Act passed in the Third Year of the Reign of His said Majesty, intituled [*here set forth the Title of the General Turnpike Act.*]

'So help me GOD.'

And if any Person shall act (except as aforesaid) before he shall have taken and subscribed the said Oath, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed: Provided nevertheless, that no Act or Proceeding touching the Execution of the said Act of the Third Year of the Reign of His present Majesty or this Act, which shall be done or performed by any such Person who shall have omitted or neglected to take and subscribe the said Oath by this Act prescribed, shall be thereby impeached or rendered nugatory, but all such Proceedings shall be as valid and effectual as if such Person had taken such Oath previously to his having acted as such Trustee as aforesaid.

First Meeting of Trustees.

VI. And be it further enacted, That the Trustees for executing this and the said last recited Act, or any Three or more of them, shall meet together at the *Green Dragon Hotel*, in the Borough of *Saltash*, or at some other Inn or Public House in the Town of *Saltash* aforesaid, on the *Wednesday* Three Weeks after the passing of this Act, or as soon after as conveniently may be, and proceed to the Execution of this and the said last recited Act, and shall then and from Time to Time after adjourn to and meet again at such Time and at such Place or Places within the Town of *Saltash* aforesaid, or within the Town of *Plymouth Dock*, in the County of *Devon*, and not elsewhere, as they or the major Part of them present at their respective Meetings shall think proper, so as One out of every Three

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of the Meetings of the said Trustees shall be held within the Town of *Plymouth Dock* aforesaid, and the other Two at *Saltash*.

Trustees to appoint Officers, &c.

VII. And be it further enacted, That the said Trustees, or any Three or more of them, at any of their Meetings, shall and may from Time to Time appoint a Clerk, and also a Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Roads, and such other Officers as they the said Trustees shall think necessary; and from Time to Time remove any such Officer or Officers, and on the Death, Resignation, or Removal of any such Officer or Officers, may appoint another or others in his or their Stead; and every such Appointment, or a Memorandum thereof, shall be entered in the Book of the Proceedings of the Trustees, and the Entry shall be signed by the Trustees making the Appointment, or by the major Part of the Trustees present at the Meeting where the Appointment is made; and Ten Days Notice shall be published on all the Turnpike Gates standing or being across the said Roads, of every Meeting where any such Appointment shall be intended to be made, after the First Meeting of the said Trustees, specifying the Intention of appointing any such Officer or Officers; and the said Trustees shall and may, and are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries and make such Allowances to such Officers and other Persons employed, or who shall assist in the Execution of this Act, for their Services in and about the carrying this and the said last-recited Act into Execution, and also all such Costs and reasonable Sums as they the said Trustees, or any of them, or the Surveyor or Surveyors, or other Officer or Officers by them appointed, or any Justice or Justices of the Peace, shall have been at or put unto, or shall have expended in the due Execution of this and the said last recited Act, and of the Powers and Authorities given or granted thereby, or in defending or prosecuting any Action or Suit, Indictment or Indictments, Information, or other Proceeding whatsoever, for or on account thereof, or for or concerning any Matter or Thing whatsoever which he or they shall have done or ordered to be done in the due Execution thereof, or in or about the Prosecution of any Person or Persons whomsoever, for any Matter or Thing whatsoever which such Person or Persons shall have done in contravention of, or contrary to this or the said last-recited Act, as they the said Trustees shall think reasonable; and to order and direct their Treasurer or Treasurers to pay and defray the same respectively, out of any Money in his or their Hands arising from the Tolls hereby granted: Provided always, that the Clerk, Receivers, Collectors and Surveyor, who have been appointed under and by virtue of the said Three first-recited Acts hereby repealed, and also the Treasurer or Treasurers (if he or they shall have been appointed under the Provisions of the said recited Act, passed in the Third Year of the Reign of His present Majesty, but not otherwise), shall respectively continue to hold and exercise such their several and respective Offices and Employments, until they shall respectively be removed therefrom by the said Trustees for executing this and the said last-recited Act, or resign the same.

Books used under former Acts to be Evidence.

VIII. And be it further enacted, That all and every Book and Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts, or containing any Orders or Agreements made or entered into by them, and made Evidence thereby, shall and may be given in

in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

Empowering Trustees to continue and erect Toll Gates, &c.

IX. And be it further enacted, That it shall be lawful for the said Trustees to continue the Turnpike Gates or Toll Gates already erected upon, across, or on the Side or Sides of the said Roads, and to erect, or cause to be erected, any Turnpike Gate or Turnpike Gates in, upon, or across any Part of the said Roads, and upon the Side or Sides of any Part or Parts of the said Roads, and across any Lane or Way leading into the same (except as hereinafter is excepted); and also to erect or provide, or cause to be erected or provided, a Toll House or Toll Houses at or near each Turnpike Gate, as they the said Trustees shall think meet or expedient.

The Two present Turnpikes to remain.

X. Provided also, and be it further enacted, That the said Trustees shall continue the Two Turnpikes now erected upon the Road between *Trerule Foot* and the Town of *Plymouth*, the one at the Almshouse of the Town of *Saltash*, and the other at *Weston Mills*, in the Tithing of *Weston Peverell* otherwise *Pennycross*, in the County of *Devon*; and also the Side Gate erected adjoining or near unto the said Turnpike at *Weston Mills* aforesaid, on the Side of the said Road.

Collectors empowered to take Tolls.

XI. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued, or to be appointed Collector or Collectors by virtue of this or the said last recited Act, to demand and take the Tolls hereinafter mentioned at each and every of the respective Turnpike Gates or Toll Gates or Toll Houses, or Side Bars or Side Gates, which are or shall be standing or being, or continued or erected by virtue of this or the said last-recited Act, in, upon, across, or on the Side or Sides of the said Roads, or any Part or Parts thereof, 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); that is to say,

Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Chaise Marine, Car, Calash, Caravan, Curricle, Chair, Gig, Hearse, Litter, or other such like Carriage, drawn by Six or more Horses or other Beasts, the Sum of Four-pence; and if drawn by Four or Two Horses or other Beasts, the Sum of Four-pence Halfpenny for every Horse or Beast drawing the same respectively; and for every Chaise, Car, Chair, or Gig drawn by One Horse or other Beast, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, Sledge, Slide, or other such like Carriage, drawn by Four or more Horses or other Beasts, the Sum of Four-pence Halfpenny; and if drawn by Three Horses or other Beasts, the Sum of Four-pence for each Horse or Beast; and if drawn by Two Horses or other Beasts, the Sum of Three-pence for each Horse or Beast; and for every Cart, Dray, Sledge, Slide, or other such like Carriage, drawn by One Horse or other Beast, the Sum of Three-pence:

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

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

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

Tolls vested in the Trustees.

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll, and the Money so thereby to be raised and collected shall be and the same is hereby vested in the said Trustees, and the same and every Part thereof shall be paid, applied, and disposed of to and for the several Ends, Intents, and Purposes, and in such Manner as is hereinafter mentioned.

Directing what Number of Tolls shall be taken on the same Day.

XII. Provided always, and be it further enacted, That no more than Two full Tolls shall be demanded and taken on the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) for all Horses, Beasts, Cattle, and Carriages passing on the said Roads, or any of them, one of which said full Tolls to be demanded and taken at the Gate or Gates now standing or which shall hereafter be erected on that Part of the said Roads which lies in the County of *Cornwall*, and the other to be demanded and taken at the Gate or Gates now standing or which shall hereafter be erected on that Part of the said Roads which lies in the County of *Devon*.

Stage Coaches, &c. to pay each Time of passing.

XIII. Provided always, and be it further enacted, That all Horses drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike or Toll Gate, shall be again chargeable with Toll for repassing through such Toll Gate, in like Manner as if no Toll had been before paid thereat; and that the Toll hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing and repassing along the said Road on the same Day with a Ticket denoting a fresh Hiring.

Power to sell the present Toll Houses.

XIV. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected by virtue of the said Acts hereby repealed on the said Roads, to be improved and repaired by virtue of this Act, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, where they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same; and in case of Sale, to convey the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trust, and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Non-application thereof: Provided always, that such Preference of purchasing shall be given to

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the Owner or Owners of the adjoining Land as is by the said last-recited Act directed to be given where any Piece or Pieces of Ground or old Road, not wanted for the Purposes of any Turnpike Road, is authorized to be sold and disposed of.

Expences of Act how to be paid.

XV. And be it further enacted, That out of the Monies already collected or received by virtue of the said Three first-recited Acts, and now in the Hands of the Treasurers, or of any other Person or Persons, on account of the Trustees of the said Roads, or out of the first Money which shall arise or be received from the Tolls by this Act granted, or otherwise, the said Trustees shall, in the first place, pay and discharge all the Costs and Expences of obtaining and passing of this Act, and relative thereto, with Interest for the same; and the Remainder of all such Monies shall from Time to Time be applied, in the second place, in keeping down the Interest of the Principal Monies advanced or borrowed, and now owing on the Credit of the said Three first-recited Acts; in the third place, in erecting, building, or maintaining in repair Turnpikes and Toll Houses, and in repairing, amending, altering, widening, and improving the said Roads, and in otherwise putting this and the said last-recited Act into Execution; and lastly, in repaying the Principal Monies borrowed by virtue of the said Three first-recited Acts.

Trustees not to repair Pavements, &c. in Saltash.

XVI. Provided always, and be it further enacted, That nothing in this or the said last-recited Act contained shall extend or be construed to extend to empower the said Trustees to lay out and apply any of the Monies arising by the Tolls granted and made payable by this Act in paving or repairing the Pavement of any of the Streets in the Borough of *Saltash*, through which the said Roads lead and go.

Certain Money to be applied towards a Sinking Fund.

XVII. And be it further enacted, That from and after the passing of this Act, the Sum of One Pound *per Centum per Annum* on the Amount of all Principal Monies due and secured on the Tolls of the said Roads, and on the Amount of every further Sum of Money which shall be borrowed or taken up at Interest on the Credit or Security of the Tolls of the said Roads, shall, during the Continuance of this Act, be appropriated and paid out of the said Tolls, in order to form a Sinking Fund for the gradual Payment of all and every the said Monies; and that after the Payment of any such Principal Monies, the full Interest which would have been otherwise payable for or in respect of the same to the Creditor or respective Creditors, shall from thenceforth, and during the Continuance of this Act, be appropriated and paid out of the said respective Tolls in aid of the said Sinking Fund; and that as often as such Sinking Fund shall amount to the Sum of One hundred Pounds, that Sum, and such Part of the Balance of any other Monies in the Hands of the Trustees as they shall think proper, shall be applied in Payment of an equal Amount of the Principal Monies then remaining due or owing on the Credit or Security of the Tolls of the said Roads, rateably or by Lot, among the said Creditors, as the said Trustees shall think proper.

In case of Non-payment of Compensation for Materials, &c. by the

XVIII. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of the said recited Act of the Third Year of the Reign of His present

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

said Trustees, &c. the same to be levied by Distress.

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

Statute Labour.

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

Public Act.

XX. 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.

XXI. And

XXI. And be it further enacted, That this Act shall commence and take place upon the *Wednesday* Fortnight next after the passing thereof, and shall continue in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commencement and Continuance of the Act.

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