



ANNO QUADRAGESIMO PRIMO

# GEORGII III. REGIS.

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## Cap. 92.

An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and altering and enlarging the Powers of Two Acts, passed in the First and Tenth Years of the Reign of His present Majesty King *George* the Third, for repairing and widening the Road from the East End of *West Taphouse Lane* to the Borough of *Liskeard*, and from thence to the *Coombe Row House*, and several other Roads therein mentioned, in the Counties of *Cornwall* and *Devon*.

[20th June 1801.]

**W**HEREAS an Act was passed in the First Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for repairing and widening the Road from the East End of West Taphouse Lane to the Borough of Liskeard, and from thence to Coombe Row House; and also the Road from the said Borough of Liskeard to Craft-hole, and from thence to Crimble Passage and Tar Point, and from Craft-hole aforesaid to Saint Germans Beacon, in the Counties of Cornwall and Devon: And whereas another Act was passed in the Tenth Year of the*

Preamble.  
1 Geo. III,  
and  
10 Geo. III,  
recited.

[Loc. & Per.] 18.2 Reign

Reign of His said present Majesty, to enlarge the Term and Powers of the said Act, and for amending the Roads from *Barn Street* to *Duloe Church*, and from *Lux Street* to *Crathick Ford*, and from *Bull Post* to *Treworgey Cross*, in the said County of *Cornwall*; And whereas the Trustees appointed in or by virtue of the said recited Acts, have proceeded to put the same in Execution, and have for that Purpose borrowed several considerable Sums of Money on the Credit thereof; which are still due and owing, and cannot be paid off, nor the said Roads be effectually amended, improved, and kept in Repair, unless the Term of the said Acts is continued, and some of the Powers thereof are altered and amended; and it is necessary that the Tolls granted by the said Acts should be increased; may it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all and every the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things therein contained (except such as relate to Exemption from Stamp Duties) shall be, and are hereby further continued, for and during the Term herein after mentioned, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Amendments, Alterations, Variations, and Additions herein contained, and which shall commence and take Effect immediately upon the passing of this Act; and this Act, and the additional Term, and the Tolls hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all the Money now due on the Credit or on Account of the said former Acts or either of them, or which shall be borrowed on the Credit of the said Acts and this Act, and the Interest due and to grow due thereon respectively.

Said Acts further continued.

Additional Trustees.

II. And be it further enacted, That *Francis Rodd*, *Francis Hearle Rodd*, *John Fittie Coryton*, *Weston Helyar*, *Cadwalader Jones Clerk*, *Joshua Jeans Clerk*, *Thomas Edwards*, the Honourable *North Graves*, *Joseph Luggar*, *Brian Roberts Doctor of Laws*, *John Roberts*, *Erasmus Roberts*, *Thomas Littleton of Trewin*, *John Littleton of Trewin*, *Thomas Netherton*, the Reverend *Carr*, *Edmund Hambly*, *Abraham Hambly*, *William Hambly*, *Peter Hambly*, *Thomas Ashe*, *Sir Lionel Gopley Baronet*, *William Wilkins*, *John Littleton*, *John Buller of Morval*, *George Rowe*, *Edmund Snell*, *John Penwarne of Trehawke*, *John Penwarne of Liskeard*, *Sir John Morshead Baronet*, *Edward Trelawny*, *William Pollard*, *James Grossett*, *William Keast*, *William Hancock of Treskily*, *William Hancock of Tenedick*, *William H. Lord*, *Benjamin Kerswell*, *Richard Coad*, *John Oliver*, *Richard Chubb*, *Stephen Francis Fox*, *Benjamin Fox*, *James Turner*, *John Slyman the Younger*, *William Stephens*, *John Stephens*, *John Vosper*, *Daniel Coulin*, *Henry Short Peter*, *Arthur Peter*, *John Jeffery*, *Anthony Pike*, *William Nattle*, *Thomas Nattle*, *John Burdwood*, *William Vallack*, *John Skarden*, *Thomas Gray*, *Robert Bint*, *John Martin*, *William Little*, *John Parkin*, *Peter Rogers*, *Peter Vallack*, *John Carthew*, *James Carthew*, *Thomas Hobling*, *John Hodge*, *Benard Anstis the Younger*, *Charles Gent*, *William Musgrove*, *James Clogg*, *John Westlake*, *Robert Coad*, *Hugh Snell the Younger*, of *Trevidda*, *William Clemens*, *Joseph Fitze*, *Jethro Borrow*, *Thomas Robins*, *Joseph Eales*, and *William Webb*, shall be and they are hereby added to and joined with the Trustees appointed in or by virtue of the said recited Acts, or either of them, for putting the same and this Act

Act in Execution; and the Trustees herein nominated, and their Successors, being qualified according to the Directions of the said first-recited Act, are hereby empowered to act in the Execution of the said Acts and this Act, as fully and effectually, to all Intents and Purposes, as if they had been appointed by the said former Acts, or either of them.

III. And whereas the Tolls in and by the said last-recited Act granted, are insufficient, be it therefore further enacted, That the said Tolls shall be, and they are hereby declared to be repealed; and that instead thereof, there shall be demanded and taken, before any Carriage or Cattle shall be permitted to pass through any Gate or Turnpike erected or continued by virtue of the said Acts and this Act, such Tolls as the said Trustees, or any Five or more of them, shall from Time to Time appoint, not exceeding the several and respective Sums herein after mentioned; (that is to say),

For repealing former Tolls, and granting new ones.

For every Horse or other Beast (Oxen excepted) drawing any Carriage Tolls. whatever, any Sum not exceeding the Sum of Sixpence; for every Ox drawing any Carriage whatsoever, the Sum of Four-pence; for every Horse or other Beast of Burthen, laden or unladen, and not drawing, the Sum of One Penny Halfpenny; for every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score, and so in Proportion for any greater or less Number; for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Seven-pence Halfpenny *per* Score, and so in Proportion for any greater or less Number; and that Double the said several and respective Tolls may be demanded and taken on every *Sunday* throughout the Year: And that in case Toll shall on any Day have been paid at any such Gate or Turnpike, for or in respect of any Horses or other Cattle commonly called Post Horses, such Payment shall not exempt such Post Horses from the Payment of Toll again, in case they shall pass through the same or any other such Gate or Turnpike, drawing any other Carriage, or the same Carriage, but conveying a different Passenger or different Passengers than they were first employed in drawing or conveying when the Toll was first paid as aforesaid, but all such Horses or Cattle shall again be liable to the same Toll as they would have been in case they had not before passed any Turnpike as aforesaid.

Which said several Tolls hereby granted and made payable, shall be, and the same are hereby vested in the said Trustees; and the same and every Part thereof shall be collected, levied, recovered, paid, applied, assigned, varied, and disposed of in such and the same Manner, and by such Ways and Means, and with such Remedies for Non-payment or Evasion thereof, and with such Powers, Provisoos, and Restrictions, as in the said recited Acts are contained, with respect to the Tolls thereby granted and made payable, subject nevertheless to the Powers, Directions, and Provisions of this Act.

IV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and empowered to order and cause Two full Tolls, and no more, to be demanded and taken in the same Day (to be computed from Twelve of the Clock in one Night, to Twelve of the Clock in the succeeding Night) for all Cattle, Horses, Beasts, and Carriages, passing on that Part of the said Roads which lies between the East End of *West Tap-house Lane*, and *Coombe Row House* aforesaid; any Thing herein or in the said

Two full Tolls to be taken on that Part of the Road which lies between the East End of *West Tap-house Lane*, and *Coombe Row House*.

said recited Acts, or either of them, contained to the contrary hereof notwithstanding.

Trustees may continue the present Turnpike at Mount Edgcombe, or move the same nearer to Crimble Passage.

V. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and empowered, either to continue the present Gate or Turnpike and Toll House now erected upon the said Road, at or near the Road leading to *Mount Edgcombe*, in the Parish of *Maker*, or at any Time during the Continuance of the said Acts and this Act, if they shall think proper, to cause the same to be taken down and removed, and instead thereof, a Gate or Turnpike, with a Toll House, and all requisite Outbuildings and Conveniencies to be erected, set up, and provided on any Part of the said Road, nearer to *Crimble Passage* aforesaid, and to cause the same Tolls to be demanded and taken at such new Gate or Turnpike, or at such present Gate or Turnpike as by this Act are granted and made payable at any other Gate or Turnpike erected or continued by virtue of the said Acts and this Act; any Thing in the said recited Acts, or either of them, to the contrary hereof in anywise notwithstanding: Provided nevertheless, That it shall not be lawful for the said Trustees at any Time to cause to be demanded or taken more than Two full Tolls for any Horses, Cattle, Beast, or Carriage passing through all the Turnpikes continued or erected upon, or on either Side of the said Road, between *Lisheard* and *Crimble Passage* aforesaid, but such Two full Tolls may be demanded and taken at such of the said several Gates, as the said Trustees, or any Five or more of them, may from Time to Time order and direct.

Application of Compensation Money where exceeding 200 l.

VI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Grounds, or other Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Acts and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, as in the said first-recited Act particularly mentioned, such Money shall, in case the same shall amount to 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 his Account *ex parte* the Trustees for executing the said Acts and this Act, 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 or Persons who would have been entitled to the Rents and Profits of the said Lands, Grounds, or other Hereditaments, in the Purchase of the Land Tax, 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, Grounds, or other Hereditaments, or affecting other Lands, Grounds, or other Hereditaments, standing settled therewith to the same or the like Uses, Trusts, 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, Grounds, or other 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 Lands, Grounds, or other 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

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 said 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 and 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 Lands, Grounds, or other Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

VII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Grounds, or other Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to 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, Grounds, or other 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, 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 Five or more of the said Trustees of the said Roads (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 any Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application where the Compensation Money does not exceed 200 £. and above 20 £.

VIII. 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, Grounds, or other Hereditaments so purchased, taken, or used for the Purposes of the said Acts and this Act, in such Manner as the said Trustees, or any Five 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.

Application where the Money is less than 20 £.

IX. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk or Treasurer; and that no Action to be brought or commenced by or against the said Trustees, or any of them,

Trustees may sue and be sued in the Name of their Clerk, by

[*Loc. & Per.*]

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by virtue or on account of the said former Acts or of this Act, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of such Clerk or Treasurer, or by the Act of such Clerk or Treasurer, without the Consent of the said Trustees, or any Five or more of them; but the Clerk or Treasurer for the Time being to the said Trustees shall always be deemed the Plaintiff or Defendant in such Action, as the Case shall be: Provided always, That every such Clerk or Treasurer, in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of the said former Acts or of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of the said Acts and this Act, all such Costs and Charges, Damages and Expences, as by the Event of any such Proceedings he shall be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant therein.

For paying  
the Expences  
of the Act.

X. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall be paid and discharged by the Trustees for putting the said former Acts and this Act in Execution, or any Five or more of them, out of any Money which hath arisen by virtue of the said former Acts, or out of the first Money which shall arise by virtue thereof and of this Act, in Preference to all other Payments whatsoever,

Declaring the  
Act Publick.

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

Fixing the  
Term of the  
Act.

XII. And be it further enacted, That the Term granted and continued by the said recited Acts shall, upon the passing hereof, cease and determine, and that the said Acts (subject to the Alterations and Additions herein contained) and this Act, shall from thenceforth continue and be in Force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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