



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 159.

An Act to continue and amend Two Acts of His present Majesty for repairing several Roads leading to and through the Borough of *Bodmin*, in the County of *Cornwall*; and for amending certain other Roads passing through the said Borough and the Parish of *Lanhydrock*, in the said County.

[10th June 1811.]

WHEREAS an Act was passed in the Ninth Year of His present Majesty's Reign, intituled, *An Act for repairing and widening several Roads leading to and through the Borough of Bodmin, in the County of Cornwall*: And whereas an Act was passed in the Twenty-sixth Year of His present Majesty's Reign, intituled, *An Act to enlarge the Term and Powers of an Act made in the Ninth Year of the Reign of His present Majesty King George the Third, for repairing and widening several Roads leading to and through the Borough of Bodmin, in the County of Cornwall*: And whereas the Trustees for putting the said Acts in Execution have from Time to Time proceeded therein, and several Sums of Money have been borrowed for that Purpose, which still remain due and cannot be paid, with Interest thereon, and the said Roads kept in Repair, unless the Term of the said Acts be continued, and the Powers thereby granted, enlarged and amended, and the Tolls increased: And whereas the Road leading from *Callywith* Turnpike Gate in the said Borough of *Bodmin*,

9 G. 3. c. 69.

26 G. 3. c. 29.

New Roads.

[*Loc. & Per.*]

40 N

over

Acts of the
9 and 26
Geo. 3.
continued,
except so far
as repealed
or altered by
this Act.

over *Cooksland* Common to *Prior's Barn* Turnpike Gate, and from thence near to a certain Place called *Carminow's Cross*, through the Borough of *Bodmin*, and the Parish of *Lanhydrock* to the Turnpike Road leading from the Town of *Bodmin* to the Borough of *Liskeard*; and the Road leading from the Town of *Bodmin* aforesaid, through *Prior's Barn* Lane to *Prior's Barn* Turnpike Gate; and which said Roads pass through the Borough of *Bodmin* and the Parish of *Lanhydrock*, in the said County of *Cornwall*, are in a ruinous Condition in many Places, narrow and incommo-
dious to Travellers, and cannot be effectually repaired, widened, turned, altered and kept in Repair by the ordinary Course of Law; May it therefore please Your Majesty, That it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts passed in the Ninth and Twenty-sixth Years of His present Majesty's Reign, and all the Clauses, Tolls, Powers, Penalties, Forfeitures, Provisions, Matters and Things now in Force by virtue thereof (except such of them as are hereby repealed, varied or altered, and except such as relate to Exemptions from Stamp Duties), shall be, and the same is and are hereby continued from and after the Expiration of the Term now existing therein, for and during the further Term hereinafter mentioned, for the Purpose of amending, widening, and keeping in Repair the Roads comprized in the said Acts, and also the additional Roads hereinbefore described, as fully and effectually to all Intents and Purposes as if the same Acts respectively, and every Part thereof respectively, was and were repeated and re-enacted in this present Act, and as if the said additional Roads had been comprized in the said first recited Act, but subject nevertheless to the Amendments, Alterations, Variations and Additions herein contained, and to the Payment of, all Sums of Money now due and owing on the Credit of the said Acts or which shall or may hereafter be borrowed on the Credit of this Act.

Trustees.

H. And be it further enacted, That the Honourable *Charles Bagenal Agar*, *Sir John Saint Aubyn*, *Sir Arscott Ownry Moleworth*, *Sir William Lemon*, *Sir John Morshead*, Baronets; *Thomas Bennett*, *Richard Bligh*, *Charles Prideaux Brune* Clerk, the Mayor, Town Clerk, Aldermen, and Capital Burgeses of the Borough of *Bodmin* and their Successors, and every of them; *George Borlase*, *Ralph Baron* Clerk, *William Burrows*, *John Colwell* M. D., *John Edyvean*, *William Flamank* D. D., *William Fortescue*, *Edward Fox*, *Edmund John Glynn*, *Francis Gregor*, *Edmund Gilbert* Clerk, *Walter Raleigh Gilbert*, *Davies Giddy*, *Francis John Hext*, *Thomas Hext*, *John Hext*, *William Hocken*, *Nicholas Kendall* Clerk, *Mathew Michell*, *William Morshead*, *Edward Morshead* Clerk, *John Moleworth* Clerk, *Nevel Norway*, *Henry Peter*, *Deeble Peter*, *John Pomeroy* Clerk, *Joseph Pomeroy* Clerk, *Nicholas Phillipps* Clerk, *William Pye* Clerk, *William Pread*, *Phillip Rasbleigh*, *Charles Rasbleigh*, *Francis Rodd*, *Francis Hearle Rodd*, *William Sandys* Clerk, *John Symons* Clerk, *Samuel Spiller*, *Thomas Trevenen*, *John Hearle Tremayne*, *Robert Walker* Clerk, *Christopher Wallis*, *John Wallis*, and *Richard Wymond*, and their Successors, to be appointed in Manner hereinafter mentioned, shall be and they are hereby appointed Trustees for continuing, amending, widening, turning, varying, altering and keeping in Repair all the said several Roads, according to the Provisions and Directions herein and in the said former Acts contained; and the Trustees hereby nominated and

and their Successors, being qualified according to the Directions of the said former Acts, are hereby empowered to act in the Execution thereof, and of 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 be it further enacted, That when any of the said Trustees shall die or be disqualified, or by Writing under his or their Hand or Hands, delivered to any Clerk of the said Trustees, shall decline to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, to elect some other Person to be a Trustee in the Room of every Trustee dying, or being disqualified, or refusing to act as aforesaid; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Trustees, by affixing the same in Writing upon all the Turnpikes erected and to be erected upon the said Roads, at least Fourteen Days before the Meeting for such Election; and every Trustee so elected shall be, and is hereby empowered to act in the Execution of this and the said former Acts, in as full and ample Manner to all Intents and Purposes as the Trustees hereinbefore named are respectively empowered to act.

Power to
appoint new
Trustees.

IV. And be it further enacted, That all Acts and Proceedings which shall have been done and performed in Execution of this and the said former Acts, by any Person or Persons not being qualified according to the Provisions of this and the said former Acts, previous to his being convicted thereof, shall, notwithstanding such Conviction, be as valid and effectual as if such Persons had been duly qualified according to the Direction of this Act.

Acts of
Persons
acting as
Trustees, not
being quali-
fied, render-
ed valid until
convicted.

V. And be it further enacted, That if after any Adjournment of the said Trustees, it shall at any Time be thought necessary that an earlier Day of Meeting shall be appointed than the Day to which such Meeting shall be adjourned, the Clerk of the said Trustees, upon an Order in Writing signed by Five or more of the said Trustees, mentioning the Time and Place of such Meeting, shall forthwith give Notice in Writing, to be affixed upon all the Turnpike Gates then erected upon the said Road or Roads, in respect of which such Meeting shall be held, of the Time and Place of such Meeting, expressing therein the Purpose for which such Meeting is intended (such Time not being less than Ten Days after such Notice), and all Proceedings of the Trustees at such Meeting shall be as valid as they would have been in case the Trustees had met in pursuance of any Adjournment.

Meetings on
emergent
Occasions.

VI. And whereas the Tolls by the said former Acts are found to be inadequate to the Purposes for which they were granted; be it therefore enacted, That instead of such Tolls which shall be and are hereby repealed, the following Tolls shall and may be demanded, taken, recovered, levied and assigned in Manner directed by and under the Restrictions contained in the said former Acts, with respect to the Tolls thereby granted, and shall be applied in repairing as well the Roads included in the said former Acts, as the Roads included in this Act: that is to say,

New Tolls.

For every Coach, Chariot, Landau, Berlin, Chaise, Chaise-Marine, Curricule, Calash, Car, Gig, Chair, Caravan, Hearse, or other such Carriage drawn
by

by One or more Horse or Horses, or other Beast or Beasts of draught, a Sum after the Rate of Sixpence for each Horse or other Beast :
 For every Horse, Mare, Gelding, Colt, 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 a greater or less Number :
 For every Drove of Calves, Hogs, Goats, Sheep or Lambs, the Sum of Five-pence per Score, and so in proportion for a greater or less Number :
 For every Waggon, Wain, Butt, Cart, Dray, or other such Carriage, drawn by Four or any greater number of Horses or other Beasts of draught, a Sum after the Rate of Sixpence for each Horse or other Beast of draught :
 For every such Carriage drawn by Three or any less Number of Horses or other Beasts of draught, a Sum after the Rate of Four-pence for each Horse or other Beast :
 But in case any such Waggons, Wains, Butts, Carts or other such Carriages shall have the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, rolling a Surface not deviating more than one Inch from a Level, then such Carriages shall be subject only to one Moiety of the aforesaid Tolls.

Double Toll
on Sundays.

VII. And be it further enacted, That on *Sundays* double the aforesaid Tolls shall be imposed, collected and taken.

Tolls on cer-
tain Part of
the Road to
be paid but
once a Day.

VIII. And be it further enacted, That so much of the said recited Acts as relates to the Payment of Toll but once a Day between the Butter Market in the Town of *Bodmin*, and the Extremity of any of the said respective Roads, shall be and the same is hereby repealed; and that no Person or Persons shall be liable to pay Toll more than once for passing or repassing at any Time or Times in any one Day, to be computed from Twelve of the Clock in the Night, to Twelve of the Clock in the next Night, with the same Horse, Mare, Gelding, Mule, Ass, or other Beast or Cattle, laden or unladen, or drawing in the same Carriage, on or over such of the said Roads liable to be repaired and amended by this and the aforesaid recited Acts, or any Part thereof, as lead to and from the following Places: that is to say, To or from the said Butter Market and *Kennard's* House in the Parish of *Southpetherwin*, commonly called the *Launceston* Road, or to or from the said Butter Market and the East End of *Callynough* Down in the Parish of *Helland*, commonly called the *Camelford* Road; or to or from the said Butter Market and *Pimligoe* in the said Parish of *Helland*, commonly called the *Helland* Bridge Road; or to or from the said Butter Market and the Western End of *Four Mile Commons* in the Parish of *St. Enoder*, commonly called the *Truro* Road; or to or from the said Butter Market and *Trenant* Lane End in the Parish of *Eglosbayle*, commonly called the *Wadebridge* Road; or to or from the said Butter Market and the Place where the *Bodmin* Road, near the *Four Burrows*, joins the Road leading from *Lostrwithiel* to the Town of *Liskeard* commonly called the *Liskeard* Road; or to or from the said Butter Market and *Noman's Land* in the Parish of *Landlivery*, commonly called the *Lostrwithiel* and *St. Austell* Roads; or to or from the said Butter Market and the Extremity of the New Road authorized to be repaired by this Act, leading from the Town of *Bodmin* aforesaid through *Prior's Barn* Lane

Lane to *Prior's Barn* Turnpike-Gate, and from thence to the Extremities of the New Road intended to be made by virtue of this Act between *Calbywith* Turnpike-Gate and the Turnpike Road leading from the Town of *Bodmin* to the Borough of *Liskeard*; but that all and every Person and Persons having paid Tolls upon either of the said respective Roads shall, during the Remainder of such Day, pass Toll-free for the same Cattle and Carriage through the whole or any Part of such respective Roads upon producing a Note or Ticket denoting the Payment of such Toll, which Note or Ticket the Collectors of the Tolls are hereby required to give gratis on Receipt of the Toll; and that every Person having paid Toll for any Horse, Cattle or Carriage at any of the Toll-Gates or Turnpikes erected on any of such principal Roads, shall, on producing a Note or Ticket denoting the Payment thereof, be permitted to pass Toll-free with the same Horse, Cattle or Carriage at any Gate erected or to be erected across any Lane or Way leading into the said Roads that shall be situate nearest to such Toll-Gate or Turnpike.

IX. And whereas on account of several Lanes and Avenues situate within and near to the said Borough of *Bodmin*, Evasions of the Payment of Tolls could not be prevented under the Powers of the said first recited Act; and it was therefore enacted by the said recited Act of the Twenty-sixth Year of his said Majesty that it should and might be lawful for the said Trustees to cause to be erected a Toll-Gate or Toll-Gates, and a Toll-House or Toll-Houses across or on the Side or Sides of a certain Lane called *Church Lane*, situate within the said Borough or Parish of *Bodmin*, and at, or near to, or across divers other Lanes, Roads and Places particularly described and set forth in the said last-mentioned Act; and in consequence thereof several Toll-Gates and Toll-Houses have been erected under the said recited Powers, and Tolls have been collected at such Toll-Gates respectively, and it has been found inconvenient to the Public and unnecessary to continue some of the said Toll-Gates: Be it therefore enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered to remove and discontinue any of the said Toll-Gates or Toll-Houses erected under the Powers and Authority contained in the said recited Act of the Twenty-sixth Year of His present Majesty, any Thing in the said last-mentioned Act contained to the contrary notwithstanding.

The Trustees empowered to remove Side Gates, erected under the Act of 26 Geo. 3.

X. Provided always, and be it further enacted, That if any Dispute shall happen about the Quantity of Tolls due, or the Charges of taking or keeping any Distress, it shall be lawful for the Collector or Person distraining to retain the same or the Money arising from the Sale thereof, as the Case may happen, until the Quantity of Tolls due, and Charges of seizing, distraining, keeping or selling the same, as the Case shall happen, shall be ascertained by some Justice of the Peace for the County or Place where the Cause of Complaint shall arise, who, upon Application made to him, shall examine the said Matter on the Oath of the Parties or other Witness or Witnesses, and determine the Quantity of Tolls due, and also assess the Charges of such Seizure, Distress, Keeping and Sale, and also for the Collector's Attendance for that Purpose on the said Justice; all which Sums so determined or assessed shall be paid to the said Collector or other Person before he shall be obliged to return the Distress or Overplus after the Sale thereof, or any Part thereof.

Disputes concerning Tolls to be settled by a Justice.

Collector to
be a compe-
tent Witness.

XI. And be it further enacted, That in case any Dispute, Suit or Litigation shall arise, touching or in any wise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, or the Lessee or Farmer of the said Tolls shall not be incompetent to give Evidence in any Dispute, Suit or Litigation by reason of his, her or their being so appointed, or being paid to collect the Tolls, or acting or being paid to act under the Authority of the said Trustees, or for or on Account of his being such Farmer or Lessee.

Tolls to be
paid only
once in cross-
ing to and
from the
Launceston,
Liskeard,
and other
Roads.

XII. Provided always, and it is hereby further enacted, That in case Toll shall be paid once at any Toll-Gate erected or to be erected on any Part of either of the said Roads called the *Launceston Road*, the *Camelford Road*, the *Liskeard Road*, or the *Loftwithiel* and *St. Austell Road*, a Ticket denoting the Payment thereof shall be a Discharge from the Payment of Toll for the same Cattle or Carriage during the same Day, to be computed as aforesaid, at any Toll-Gate erected or to be erected on or across any Part of the said Road intended to be repaired and amended by virtue of this Act, leading from *Callywith* Turnpike-Gate over *Cooksland* Common to *Prior's Barn* Turnpike-Gate, and from thence to the Turnpike Road leading from the Town of *Bodmin* to the Borough of *Liskeard*; or in case Toll shall be paid once at such last-mentioned Toll-Gate then a Ticket denoting the Payment thereof shall be a Discharge from the Payment of Toll for the same Cattle or Carriage during the same Day, to be computed as aforesaid, at any Toll-Gate erected or to be erected on any Part of either of the before-mentioned several Roads called the *Launceston Road* or the *Camelford Road*, or on any Part of either of the before-mentioned several Roads called the *Liskeard Road* or the *Loftwithiel* and *St. Austell Road*: Provided, that no such Ticket issued or delivered out at any Toll-Gate or Toll-Gates erected on either of the said Roads called the *Launceston Road* or the *Camelford Road* shall be valid or effectual so as to discharge the Payment of Toll at any Toll-Gate or Toll-Gates erected on either of the said Roads called the *Liskeard Road* or the *Loftwithiel* and *St. Austell Road*, nor shall such Ticket issued or delivered out at any Toll-Gate or Toll-Gates erected on either of the said Roads called the *Liskeard Road* or the *Loftwithiel* and *St. Austell Road* be valid or effectual so as to discharge the Payment of Toll at any Toll-Gate erected on either of the said Roads called the *Launceston Road* or the *Camelford Road*.

The *Laun-
ceston* and
Liskeard
Roads not to
discharge
each other
from Toll.

Penalty on
Persons giv-
ing or re-
ceiving
Tickets frau-
dently.

XIII. Provided always, and it is hereby further enacted, That if any Collector, Farmer or Lessee of the said Tolls, at any Toll-Gate erected under or by virtue of the said recited Acts or this Act, or any other Person or Persons shall give or deliver to any Person or Persons any Ticket or Tickets denoting the Payment of Toll at either of the aforesaid Toll-Gates, fraudulently, and with an Intention to deceive and defraud the Collector, Farmer or Lessee of the Tolls at any other of the said Toll-Gates, or shall use or practise any Deceit or Contrivance, by means whereof any Collector, Farmer or Lessee shall lose, or be deprived or defrauded of any Toll which he or she might otherwise receive or be entitled to, or if any Person or Persons shall receive, obtain or procure any such Ticket for such fraudulent Purpose as aforesaid, every such Collector, Farmer, Lessee or other Person or Persons so offending, shall forfeit any Sum not exceeding Five Pounds.

XIV. And

XIV. And whereas it is expedient to repeal the Exemption from Payment of Toll under the said former Acts, and to grant other Exemptions, be it therefore enacted, That the Exemptions from Tolls contained in the said Act of the Twenty-sixth Year of the Reign of his present Majesty, shall be, and the same are hereby repealed, and instead thereof that the several Exemptions from Tolls hereinafter mentioned shall be allowed; that is to say, that no Toll shall be demanded or taken for the Passage of any Horse, Beast, or other Cattle, or Carriage of whatsoever Description, which shall be going unladen or empty for, or that shall be used only in conveying or returning unladen or empty after having been used only in conveying any Lime, Sand, Ashes, Dung, Mould, Soil, Manure or Compost of any Kind for the manuring of any Garden or other Land or Ground, within the said Borough or Parish of *Bodmin*, or in any other Parish through which any Part of the said Roads lead, or that shall be used or employed in the ploughing, sowing, tilling, improving, draining, fencing, stocking or cultivating of any Land or Ground in the said Borough or any of such Parishes, or in the Carriage of any Wood, Furze, Peat or Turf for Fuel, Hay, Chaff, Straw, Reed, or Corn in the Straw, Grass, Saintfoin or other green Food or Fodder for Beasts or Cattle, Potatoes, Cabbages, Turnips or other Vegetables, not sold, or disposed of, or carrying to be sold or disposed of, but to be laid up in the Houses, Outhouses, or Grounds of the Owner or Owners or actual Occupier or Occupiers of the Lands on which the same shall grow, or arise for his, her or their own private Use and Consumption, or in drawing or conveying any Plough, Harrow, Dray, or other Implement or Implements of Husbandry, that shall be used or employed within the said Borough, or any of the said respective Parishes, or in the Carriage of any Stones or other Materials, Quicksets, Plants, Gates, Posts, Rails or Bars, to be used in the making, planting or securing of any Hedge, Ditch, Fence or Inclosure of any Land or Ground within the said Borough, or any Parish through which the said Roads do lie, or in the Carriage of any Stones, Gravel or other Materials for the repairing of any Road, Highway or Street in any Town or Parish through which any Part of the said Roads lead, or in the Carriage of Rubbish or Cinders within the said Borough of *Bodmin*, or for any Horse, Mare, Gelding, Mule, Ass, Sheep, Lambs, Goats, Hogs or other Cattle or Beasts going to or from Water or Pasture, or for any Horse or other Beast or Cattle going to the Blacksmith's Shop to be shod, or returning from thence after having been shod, or for any Horse, Cattle or Carriages of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses, under the Authority of His Majesty's Postmaster-General, either when employed in conveying, fetching or guarding such Mails or Expresses, or in returning from conveying the same; or for the Horses of Soldiers on their March or on Duty, or Carriages or Horses, or other Beasts employed in carrying or conveying the Arms or Baggage of such 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, Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or for any Horse, Mare or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided such Persons

Old Exemptions repealed, and new ones granted.

are

are in the Uniform of their respective Corps, and have their Arms, Furniture and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemptions, or for any Carriage, Horse or other Beast employed in the Conveyance of Vagrants travelling with legal Passes, or for any Horse or Carriage of any Inhabitant of any Parish or Place in which any Part of such Roads doth lie, who shall pass through any of the said Turnpikes, to or from his, her or their respective Parish Church or Chapel, or other Place of Religious Worship tolerated by Law on *Sunday*, or on *Christmas-Day* or *Good-Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person dying and to be buried in any of the said Parishes, or from any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty on a *Sunday* or on a *Christmas-Day*, *Good-Friday* or any other Day on which Divine Service is ordered by Authority to be celebrated, nor shall any Toll be demanded or taken for or in respect of any Horse, Cattle or Beast carrying any Passenger or drawing any Coach, Landau, Berlin, Chariot, Calash or Chair, going to or returning from the Election of a Knight or Knights of the Shire, to serve in Parliament for the said County of *Cornwall*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, or shall make use of any Fraud whatsoever, whereby the Payment of the Tolls hereby granted, or any Part thereof shall be evaded, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, whereof one Moiety shall go to the Informer, and the other Moiety shall be applied to the Purposes of the said recited Acts and of this Act.

Exempting
Carriages
with Stores.

XV. And be it further enacted, that no Person owning or driving, or causing to be driven any Waggon, Wain, Butt, Cart or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Butt, Cart or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Butt, Cart or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for any Owner or Driver of every such Waggon, Wain, Butt, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Butt, Cart or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Trustees em-
powered to
pay 5l. per
Cent. Interest
upon Debts
already due.

XVI. And whereas the Money heretofore borrowed and now due on the Credit of the said Tolls, bear Interest at the Rate of Four Pounds *per Centum per Annum* only, and it is expedient that such Interest should be increased to Five *per Centum per Annum*; be it therefore further enacted, that it shall be lawful for the said Trustees and they are hereby directed, authorised and empowered to pay to the several Mortgage Creditors of the said Roads, or the Tolls thereof, and whose Debts bear an Interest

Interest of Four Pounds *per Centum per Annum* only, Interest at and after the Rate of Five Pounds *per Centum per Annum* upon their several and respective Debts, to commence from the passing of this Act.

XVII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to borrow and take up at Interest any further Sum or Sums of Money upon the Credit and by Mortgage, Assignment and Conveyance of the Tolls payable by this Act, in such and in like Manner as is directed by the said former Acts, with respect to the borrowing of Money, and the said Tolls granted by this Act and every Part thereof shall be and they are hereby declared to be a Joint Stock or Security for the Repayment of all and every the Sum and Sums of Money already borrowed by virtue of the said former Acts, or either of them, and hereafter to be borrowed by virtue of this Act, together with Interest thereupon, which Tolls and the several Sums to be borrowed upon the Credit thereof, shall be applied by the said Trustees for the Purposes directed by the said former Acts and this Act, which said Mortgages, Assignments, and Conveyances, and the Monies due thereon shall and may be transferred by the Person or Persons to whom the same shall be made by any Deed or Instrument in Writing, to be executed and attested by him, her or them respectively, in the Presence of Two or more credible Witnesses, so as the same be notified and an Entry or Memorial thereof made to and by the Clerk or Clerks to the said Trustees within such Time and in such Manner as in the said former Act is mentioned, expressed and directed with respect to the Assignments and Transfers thereunder made or to be made.

Power to borrow further Sums.

XVIII. Provided always, and it is hereby further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered, by and with the Consent in Writing of such Person or Persons as shall be entitled to Five-sixths of the Money which from Time to Time shall have been advanced and secured by way of Mortgage upon the Credit of the said Tolls granted by this Act and the said former Act or either of them, to lay out and invest annually in the Name of the Treasurer of the said Trustees, in the Purchase of Stock in the Three *per Centum* Consolidated Bank Annuities, or in the Three *per Centum* Reduced Bank Annuities, so much of the said Tolls as they shall think proper, not exceeding in the whole One-twentieth Part of the said Money so advanced, and which at the Time of such Investment shall be due and owing on the Credit of the said Tolls; and the Dividends or Interest arising from the Stock so purchased as the same shall become due, to invest and again lay out in the Purchase of more Stock of the like kind, so as for the whole to accumulate and raise a Fund in the Nature of a Sinking Fund, for the Purpose of paying off and discharging the Money so advanced as aforesaid on the Credit of the said Tolls; and when and so often as by such Investments and Accumulations the Value of such Stock or Stocks shall amount in Money to the Sum of Five hundred Pounds or upwards, then it shall and may be lawful to and for the said Trustees to proceed to pay off and discharge the like Sum of Five hundred Pounds due and owing on the Deeds-Poll or Mortgages of the said Tolls in Manner following; that is to say, the said Trustees shall order and direct their Clerk to give Notice, to be inserted Twice

Investing Money for Payment of Debts.

in some weekly Newspaper usually circulated in the County of *Cornwall*, and also to be affixed on all the Turnpikes then erected on the said Roads, that the said Trustees intend to meet at their usual Place of Meeting, within the said Borough of *Bodmin*, on a Day to be fixed in such Notice, not less than Thirty Days from the Time of such Notice first appearing in such Newspaper, for the Purpose of paying off the Sum of Five hundred Pounds, Part of the Money so advanced as aforesaid, and such of the said Creditors as shall be desirous of having any Part of the Money then due to them respectively on the Credit of the said Tolls paid off or discharged, shall, Five Days at least before the Day appointed for such Meeting, signify in Writing to the said Clerk what Part of such Money so due to them respectively as aforesaid, he, she or they is or are willing and desirous to have paid off, specifying the same by the Number of Deeds-Poll, and the Amount of each, so as there be no Fraction of a Deed-Poll; and on or before the Day appointed for the said Meeting, the said Clerk shall make out a List of the Names of such of the said Creditors respectively as shall signify such Desire as aforesaid, and of the Deed-Poll or Deeds-Poll which they respectively shall so specify or be desirous to have paid off, and if the whole Number of Deeds-Poll of which such List shall be made, or the Sums therein mentioned to be advanced, shall exceed in Amount the Sum of Five hundred Pounds, then a Ballot shall be drawn by or by the Order of the said Trustees, and in such manner as they shall direct, which of the said Deeds-Poll not exceeding in Amount the Sum Five hundred Pounds, shall be paid off, and such and so many of the said Deeds-Poll as shall be determined by such Ballot shall be paid off accordingly; but in case the List so to be made out as aforesaid shall not contain so many Deeds-Poll as that the Sums due thereon shall amount to the Sum of Five hundred Pounds, then it shall and may be lawful to and for the said Trustees to pay off and discharge so many of the said Deeds-Poll as shall be mentioned in such List, and the Residue of the said Sum of Five hundred Pounds after Payment of the said Deeds-Poll shall be applied and disposed of as is hereinafter directed with respect to the said Sum of Five hundred Pounds, in case none of the said Creditors shall signify a Desire to be paid off any Part of their respective Debts as aforesaid.

Application
of Money in
case Creditors
do not desire
to be paid.

XIX. Provided always, and it is hereby further enacted, That if in consequence of such Notice so to be given as aforesaid to pay off the said Sum of Five hundred Pounds, none of the said Creditors shall apply or signify their Desire to be paid all or any Part of the Money due to them on the Credit of the said Tolls, then it shall and may be lawful to and for the said Trustees either to pay off or discharge such of the said Deeds-Poll or Mortgages, or the Monies due thereon respectively, as they shall think fit, not exceeding in the whole the said Sum of Five hundred Pounds, or otherwise to suffer and permit the said Sum of Five hundred Pounds or any Part thereof, if the same shall not have been sold out or transferred to remain vested, or if already sold out or transferred to be reinvested in the said Stock or Annuities respectively, until with the Dividends or Interest thereof, and which are hereby directed to be invested as aforesaid, and the Investments and Accumulations hereinbefore directed to be made, another Sum of Five hundred Pounds shall arise and be produced, which shall then be subject to be applied in or to the Payment

ment of the said Money so advanced as aforesaid, in such Manner as is hereinbefore directed with respect to the Sum of Five hundred Pounds only.

XX. 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 fully authorised and empowered to make and repair, and from Time to Time widen, divert, shorten, vary and alter the Course or Path of any Part or Parts of the said Roads, through any Waste Grounds, Commons or uncultivated Lands, without making Satisfaction for the same.

Power to divert Roads through Wastes, without making Compensation.

XXI. And be it further enacted, That if any Lessee or Farmer of the Tolls to be demanded and taken by virtue of this Act, shall refuse to deliver up Possession of any Turnpike Gate or Toll House, erected or to be erected upon or by the Side of the said Roads, after the Expiration of his Term or Lease it shall be lawful for any Justice of the Peace for the County or Place where the cause of Complaint shall arise, to remove such Lessee or Farmer from the Possession of such Turnpike Gate and Toll House in such Manner as by Law is provided in the Cases of Toll-gatherers or Collectors of Tolls holding over Possession after being discharged from their Offices.

If Lessee of Tolls refuses to deliver up Toll-house, &c.

XXII. And be it further enacted, That so much of the said recited Acts as relates to the Performance of Statute Labour on the said Roads, shall be, and the same is hereby repealed; and that all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the Roads comprised in the said recited Acts or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace within their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Trustees appointed or elected, or to be hereafter appointed or elected by virtue of the said recited Acts or by this Act, or any Five or more of them, or by their Treasurer, Clerk or Surveyor by their Order, 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 or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Compensation 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 of every such Parish or Place to bring in Lists before such Justices at some Place to be expressed in such Summons, within Fourteen Days after the serving of such Summons, of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise; and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force for the Repairs of the public Highways, and out of such Lists

Regulations as to Performance of Statute Duty.

the

the said Justices shall and may allot, appoint and order such and so many of the Persons who shall appear subject and liable to Statute Work as aforesaid, to do such Number of Days 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 Parts of the said Roads as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct and appoint; and the said Justices shall and may also order and direct the Persons, who by such Lists shall appear to be subject and liable to Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, not exceeding the Proportion of Labour, to the said Trustees or their Treasurer at such Time or Times as the Justices shall direct, and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Acts authorized or directed to be recovered; 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 usual Place or Places of Abode for that Purpose by any Surveyor to the said 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 Pains, Penalties and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force for the Repair of public Highways; and if any Person who shall come or be sent to work as a Labourer, or shall be sent with any Team or Draught to work on 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 or negligent as aforesaid; and in that Case, every such Person shall be subject and liable to the respective Forfeitures and Payments 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 to 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 or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, every such Surveyor so offending, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Application
of Compensation
Money
in certain
Cases where
the Sum ex-
ceeds 200l.

XXIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments, purchased, taken or used by virtue of the Powers of the said recited Acts or of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or any Person or Persons under any Disability or Incapacity, 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 his Account *ex parte*, the Trustees for executing this and the said former Acts, to the Intent that such Money shall be applied under the Direction, and with the Approba-
tion

tion of the said Court, to be signified by an Order made upon 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, Tenements and Hereditaments in the Purchase or Redemption of Land Tax, or towards the Discharge of any Debt or Debts or 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 that 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 or Hereditaments which shall be conveyed and settled to, for and upon such and the like Uses, Trusts, Intents and Purposes, 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 Purchases shall be made, the said Money, shall by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant in his Name, in the Purchase of Stock in the Three *per Centum* Consolidated Bank Annuities, or Three *per Centum* Reduced Bank Annuities, and in the meantime 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 thereof 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, Tenements and Hereditaments, so hereby directed to be purchased in case such Purchase or Settlement were made.

XXIV. Provided always, and be it further enacted, That if any Money Under 200l. agreed or awarded to be paid for any Lands, Tenements or Hereditaments and above 20l. 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 amount to or 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 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 hereinbefore 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 for executing this and the said former Acts, 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 hereinbefore directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application
of such Mo-
ney where
under 20l.

XXV. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last-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 and Hereditaments so purchased, taken or used as aforesaid, in such Manner as the said Trustees 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 bad
Titles, or
Vendors de-
clining to
execute.

XXVI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be 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 Trustees, 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 and Hereditaments be not known or discovered, then and in every such Case, it shall and may be lawful for the said Trustees 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 said 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 of Chancery, which said Court on the Application of any Person or Persons making Claim to such Sum or Sums 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 same 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 of Money, 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.

Disputed
Titles.

XXVII. Provided always, and be it further enacted, That where any Question 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 or the said former Acts, for the Purchase of any Lands, Tenements or Hereditaments, or of any Estate, Right or Interest in any Lands, Tenements or Hereditaments, to be purchased as aforesaid, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interests 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

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 and Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be 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 to some Estate or Interest therein.

XXVIII. 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 Hereditament to be purchased under the Authority of this and the said former Acts, 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 of this Act, 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 and the said former Acts, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time accordingly pay such Sums of Money for such Purposes as the said Court shall direct.

The Court
of Chancery
may order
Trustees
to pay
Expences.

XXIX. And whereas Offences may be committed against this and the said former Acts by a Person or Persons unknown to the Collectors, Surveyors, or other Officers appointed to put the same Acts into Execution, Be it therefore enacted, that it shall and may be lawful for any of the said Trustees or their Clerk or Clerks, or the Collectors, Surveyors or other Officers respectively, and such Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her or them before any Justice of the Peace for the County or District near the Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended; to be then and there proceeded against as by this Act or the said former Acts is directed, in case such Offender or Offenders had been known.

For securing
transient
Offenders.

XXX. And be it further enacted, 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 the said recited Acts or this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-one Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action, if Tender of sufficient Amends hath been made to him, her or them or to his, her or their Attorney, by or on Behalf of the Defendant or Defendants before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into

Notice to be
given of
Actions.

into Court such Sum of Money as he, she or they shall think fit, whereupon such Proceeding, Order, and Judgment shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Public Act. XXXI. 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.

Commencement and Continuance of Act. XXXII. And be it further enacted, That this Act shall commence on the passing thereof, and together with the said recited Acts (subject to the Alterations and Amendments herein contained), shall continue in Force and be executed for and during the Residue now to come and unexpired of the Terms granted by the said recited Acts, and from the Expiration thereof 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1811.