ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

Cap. xviii.

An Act for more effectually amending and widening the Roads from *Penryn* to *Redruth* in the County of *Cornwall*; and for building a Bridge over *Penryn* River. [2d *April* 1827.]

WHEREAS an Act was passed in the Third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending and widening the Roads leading from* New Street *and* Pig Street *in* Penryn, *in the County of* Cornwall, *to* Redruth *in the same County*: And whereas another Act was passed in the Twenty-fifth Year of His said Majesty's Reign, intituled *An Act for enlarging the Term and Powers of an Act made in the Third Year of the Reign of His present Majesty, for amending and widening the Roads leading from* New Street *and* Pig Street *in* Penryn, *in the County of* Cornwall, *to* Redruth *in the same County*: And whereas another Act was passed in the Forty-seventh Year of His said Majesty's Reign, intituled *An Act to revive and continue the Term and Powers of Two Acts of the Third and Twenty-fifth Years of His present Majesty, for amending the Roads from* Penryn *in the County of* Cornwall, *to* Redruth *in the same County*: And whereas the making and maintaining a Turnpike Road from the Bottom of *New Street* to and over *Sowell's Quay*, in the Borough of *Penryn* in the County of *Cornwall*, and the building of a Bridge (so constructed as not to impede the Navigation of Vessels as at present enjoyed) over and across a Branch of the *Penryn* River at or near to *Sowell's Quay* aforesaid, to the opposite Side in the Parish of *Budock* in the same County, will open a shorter and better

3 G. 3. c. 52.

25 G. 3. c. 114.

47 G. 3. c. 53.

Communication between the Towns of *Truro* and *Falmouth*, and between various other Parts of the Country, and will be a great Advantage and Accommodation to the Proprietors and Occupiers of Land, and to the Inhabitants of the several Parishes and Places lying near to the said Line of Road and to the Public in general: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded to put the same into Execution, for which Purpose they have borrowed considerable Sums of Money on the Credit of the Tolls granted and continued by the said Acts, which still remain due and owing, and cannot be paid off, nor can the said Roads be properly amended, widened, improved, and kept in Repair, unless the said Acts are repealed, and more effectual Powers granted for making, maintaining, and supporting the said Roads and erecting the said Bridge; but the beneficial Purposes aforesaid cannot be effected without the Aid of Parliament: And whereas an Act was passed in
3 G. 4. c. 126. 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 whereas another Act was passed in the Fourth Year of the Reign of His
4 G. 4. c. 95. Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the Fifth Year of the Reign of His present Majesty, intituled
5 G. 4. c. 69. *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and amending Turnpike Roads:* 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 Acts passed in the Third, Twenty-fifth, and Forty-seventh Years of His said late Majesty King *George* the Third shall be and the same are hereby repealed, and instead thereof this Act shall commence and take effect and be put in Execution for and during the Term hereinafter mentioned, as well for the Purpose of more effectually amending, widening, improving, and keeping in Repair the Roads leading from *New Street* and *Pig Street* in the County of *Cornwall*, to *Redruth* in the same County, as also for amending, widening, and repairing the said Road from the Bottom of *New Street* in *Penryn* aforesaid to and over *Sowell's Quay*, and for building and maintaining a Bridge over a Branch of the *Penryn* River aforesaid.

Recited Acts of the 3d, 25th, and 47th G. 3. repealed, and this Act to take effect.

Powers of the recited Acts of the 3d, 4th, and 5th G. 4. 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 the said recited Act of the Fourth Year of the Reign of His present Majesty, or varied, altered, or otherwise provided for by this Act,) and also the said recited Acts passed in the Fourth and Fifth Years of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments,

ments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act,) shall respectively be as good, valid, and effectual for carrying this Act into Execution as if the same had respectively been repeated and re-enacted in the Body of this Act.

New Term and Tolls liable to the former Debts.

III. And be it further enacted, That this Act and the Term and Tolls hereby granted shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized to be collected on the said Roads, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act.

Persons owing Money to the Trustees under the former Acts to remain liable.

IV. And be it further enacted, That all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for carrying the said recited Acts hereby repealed into Execution, or to any other Person or Persons for the Benefit of the said Trust, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act.

Bonds, &c. to be in full Force.

V. And be it further enacted, That all Bonds, Covenants, and Agreements, Contracts and Securities, entered into by any Person or Persons to or with the Trustees for carrying the said recited Acts hereby repealed into Execution, or to or with their Clerk or Treasurer, or any other Person or Persons on Behalf of the said Trustees, according to the Provisions of the said recited Acts, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity until the same are fully satisfied and performed on account and for the Benefit of the Trusts created by this Act; and all Contracts or Agreements duly made or entered into by the said Trustees, or their Clerk or Treasurer, or other Person or Persons on their Behalf as aforesaid, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said recited Acts.

Books used under former Acts to be Evidence under this Act.

VI. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said first-recited Act, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said first-recited Act had not been repealed.

Persons employed under former Acts to account to Trustees under this Act.

VII. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the Roads by this Act directed to be amended, widened, improved, and kept in Repair, or who have or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things relating to the said Roads, shall account for and

and pay and deliver over the same and every Part thereof to the Trustees in and by this Act named and appointed, in like Manner and under the like Penalties and Forfeitures as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act are by the said recited Act of the Fourth Year of the Reign of His present Majesty required to pay or account for the same.

Trustees.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Cornwall*, together with *James Bull*, the Reverend *James Blencowe*, *Stephen Davey*, *William Davey*, *James Edwards*, *John Samuel Enys*, *Alfred Fox*, *Charles Fox*, *George Croker Fox*, the Reverend *Edward Hodge*, *Thomas Hocker*, *Collan Harvey*, *Reuben Magor*, the Reverend *William Marsh*, *Francis Pender*, *John Paull*, *Thomas Reed*, *William Reynolds*, *George Simmons*, the Reverend Archdeacon *Sheepshanks*, *William Tucker*, *William Tweedy*, *William Paull Williams*, *John Williams*, *John Williams* the Younger, *Michael Williams*, *William Williams*, *Richard Symons*, the Reverend *Edward Hoblyn*, and their Successors, being duly qualified in Manner directed by the said recited Acts passed in the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for amending, widening, repairing, and keeping in Repair the said several Roads, and building and supporting the said Bridge, and for carrying into Execution this Act, and such of the Powers and Provisions of the said recited Act of the Third Year of the Reign of His present Majesty as are not expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, or varied; altered, or otherwise provided for by this Act, and also such of the Powers and Provisions of the said recited Act of the Fourth Year of the Reign of His present Majesty as are not expressly varied, altered, or otherwise provided for by this Act.

Power to appoint additional Trustees.

IX. And be it further enacted, That it shall be lawful for the Trustees appointed by this Act, at a Meeting to be held for that Purpose, of which Meeting and of the Purpose thereof Fourteen Days' Notice shall be given, as is directed by the said recited Act of the Third Year of the Reign of His present Majesty respecting the Appointment of Trustees on Vacancies, to elect, nominate, and appoint any Number of fit Persons not exceeding Three in the whole to be Trustees for the Purposes of this Act, in Addition to the Trustees hereby nominated and appointed, and such Trustees so elected and appointed shall be and they are hereby invested with the same Powers and Authorities for executing the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, and this Act, as if they had been nominated and appointed in and by this Act.

Meetings of Trustees.

X. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at *Comford* in the Parish of *Gwennap*, in the said County of *Cornwall*, or some other convenient Place

Place in the Neighbourhood of the said Roads, on the First Day of *May* One thousand eight hundred and twenty-seven, after the passing of this Act, or as soon after as conveniently may be; and shall and may then and from Time to Time after adjourn to and meet at such Times and at such Place or Places in the Neighbourhood of the said Roads as they shall think proper.

Former Officers (except the Treasurer) to continue.

XI. Provided always, and be it further enacted, That the Clerk, Surveyor, and all other Officers (except the Treasurer) who have been appointed under and employed in the Execution of the said former Acts hereby as aforesaid repealed, shall respectively continue to exercise their Offices under this Act until they shall respectively die, resign, or be displaced, or be removed by the said Trustees, or be incapable of executing them, and shall be subject to the like Rules and Regulations, and Pains and Penalties, in all Respects whatsoever, as if they had been appointed under or by virtue of this Act.

Clerk not to act as Treasurer, and vice versâ.

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

For erecting Turnpike Gates.

XIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to erect and set up or build, or cause to be erected, set up, or built, upon, in, or across the several Roads by this Act directed or authorized to be made and maintained, or any Part thereof, or upon or across the Entrance to any public Road, Lane, or Way leading to or from the same, or any Part thereof, when, where, and as they shall judge necessary, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side

Gates, Side Bar or Side Bars, or Chain or Chains, and any Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Toll Gate and Weighing Machine, and to take in and inclose on the Sides of the said Roads suitable Garden Spots for such Toll House or Toll Houses, not exceeding One Eighth Part of a Statute Acre each, as they shall think necessary; and from Time to Time to take down and remove, or alter or discontinue the same, or any Part of them, as they the said Trustees shall think proper and direct or appoint.

Power to take Tolls.

XIV. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls hereinafter mentioned at the several and respective Toll Gates or Turnpikes, or Toll Houses, or Side Gates or Side Bars or Chains, already erected or which shall be erected or placed by virtue of this Act in, upon, across, or on the Side or Sides of the said Roads, and on every Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in next succeeding Night); that is to say,

For every Horse, Mule, or other Beast, drawing any Coach, Stage Coach, Diligence, Van, Caravan, Sociable, Berlin, Landau, Chariot, Vis-a-Vis, Barouche, Phaeton, Chaise Marine, Calash, Curricle, Chair, Gig, Whiskey, Hearse, Litter, Chaise, or such like Carriage, any Sum not exceeding Sixpence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or such like Carriage, with Wheels of Six Inches or more in Breadth, the Sum of Four-pence Halfpenny:

For every Horse or other Beast of Draught drawing any such like Carriage, with Wheels of the Breadth of Four Inches and a Half, the Sum of Five-pence Halfpenny:

For every Horse or other Beast of Draught drawing any such like Carriage, with Wheels of less Breadth than Four Inches and a Half, the Sum of Sixpence Three Farthings:

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

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

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

Every Two Oxen drawing to pay the Toll of One Horse:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, laden with Manure, and with Wheels of less than Six Inches in Breadth, the Sum of Three-pence; provided such Waggon, Wain, Cart, or other Carriage, when loaded, shall exceed Five Hundred Weight:

And for every Foot Passenger or Person on Foot (except the Driver of any Waggon, Wain, Cart, or other Carriage,) who shall pass any Turnpike Gate (if any) which shall be erected upon the said Roads within One hundred Yards of the intended Bridge over

over a Branch of *Penryn* River as aforesaid, any Sum not exceeding One Penny, whether he or she shall travel or go more or less than One hundred Yards on the said Roads, any Law or Statute to the contrary notwithstanding; and a like Sum at such Turnpike Gate for every Person who shall ride in or upon any Waggon or Wain, or any Cart or other such like Carriage, (not being a Cart or Carriage usually employed for the Conveyance of Passengers for Hire,) or who shall ride upon any Horse or Beast drawing any such Waggon, Wain, Cart, or other such like Carriage, whether such Waggon, Wain, Cart, or Carriage shall travel or go more or less than One hundred Yards on the said Roads: Such respective Tolls to be paid before any such Person, or any such Waggon, Wain, Cart, or other such like Carriage, or the Horse or Horses, Beast or Beasts drawing the same, shall be entitled to pass through such Turnpike Gate; and upon Payment of such Toll on any Foot Passenger, the Collector shall, and he is hereby required to deliver *gratis* to such Foot Passenger a Note or Ticket denoting such Payment:

Which said Sums of Money or Tolls shall be demanded and taken before any Person as aforesaid, or any Horse, Mule, Ass, Beast, or other Cattle whatsoever, shall be permitted to pass through any Toll Gate or Turnpike, or Side Gate or Side Bar or Chain, which shall be erected or placed by virtue of this Act in, upon, or across the said Roads, or any Part thereof, or in, upon, or across any Lane or Way leading into the same; and which said respective Tolls shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act, in Manner hereinafter directed.

To prevent Evasion of Tolls by Foot Passengers.

XV. And be it further enacted, That if any Foot Passengers, or Persons on Foot, shall fraudulently or forcibly pass through any Turnpike Gate (if any) which shall be erected upon the said Roads within One hundred Yards of the said intended Bridge, without paying the Toll hereby imposed, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and such Penalty shall be levied and recovered (together with the necessary Costs and Charges of levying the same) by the same Ways and Means and in the like Manner as any Penalty or Forfeiture for fraudulently or collusively claiming or taking the Benefit of any Exemption from Toll or other Exemption on any Turnpike Road may by Law be levied or recovered; and One Moiety of such Penalty shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer of the said Trustees, and applied or disposed of for the Purposes of this Act.

Tolls to be paid once a Day.

XVI. Provided always, and be it further enacted, That in case Toll shall have been paid for the passing of any Horse, Beast, or Cattle, or any Foot Passenger, through any or either of the Toll Gates, Turnpikes, or Side Gates to be erected on the said Road or Bridge, such Horse, Beast, or Cattle, or Foot Passenger, shall, upon a Ticket denoting such Payment on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through such other Gate or Gates (if any) as the Ticket for such Payment shall free, at any Time or Times during the

the same Day, to be computed as aforesaid; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Limiting the Number of Tolls.

XVII. Provided also, and be it enacted, That no more than Two full Tolls shall be demanded or taken of or from any Person for or in respect of any Horse, Beast, or Cattle, in any One Day (to be computed as aforesaid), for passing or repassing through all or any of the Turnpikes, Toll Gates, or Side Gates now erected or hereafter to be erected on the said Roads or Bridge.

Horses, &c. drawing different Carriages to pay each Time of passing.

XVIII. Provided always, and be it further enacted, That no Horse or Horses, or other Beast or Beasts of Draught, for which Toll shall have been paid at any of the said Turnpikes, Toll Gates, or Side Gates, returning the same Day through the same Turnpike, Toll Gate, or Side Gate, drawing another or different Waggon, Wain, Cart, or other such Carriage, shall be permitted to repass through the same Turnpikes, Toll Gates, or Side Gates the same Day, without again paying Toll; any thing herein contained to the contrary thereof in anywise notwithstanding.

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

XIX. Provided also, and be it further enacted, That for and in respect of all Horses or other Beasts of Draught drawing any Stage Coach, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, the Tolls hereby made payable shall be paid for every Time of passing and repassing along the said Road.

Post Chaises on every new Hiring.

XX. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts let out to hire, and drawing any Post Chaise, or other such like Carriage, shall be payable and paid every Time of passing along the said Roads whenever any new Hiring thereof shall be made.

Application of the Tolls and Money to be borrowed.

XXI. And be it further enacted, That out of the Monies already subscribed or to be subscribed or advanced for the Purposes of, or which shall be borrowed on the Credit of this Act, or out of the first Money which shall arise or be received from the Tolls by this Act granted, the said Trustees shall, in the first Place, pay and discharge all the Costs, Charges, and Expences relative to the obtaining and passing of this Act, with Interest for the same, and of the Surveys made preparatory thereto, and all other Expences respecting the same; and the Remainder of all such Monies so subscribed or to be subscribed, advanced, or borrowed, shall be applied in defraying the Expences of making the said Roads, and erecting the said Bridge, and in purchasing Lands and Hereditaments and Materials for the Purpose, and in erecting, making, or providing Toll Gates, Turnpikes, Bars, Gates, Chains, Weighing Machines, Toll Houses, with Outhouses and Conveniences, with Foot Paths, Causeways, Bridges, Ditches, Fences, Rails, Posts, Boards, Books, and other Matters and Things necessary or requisite for carrying the Purposes of this Act into Execution; and after Payment of all such Expences, the Remainder (if any) of such Monies, and all Monies which shall arise or be received from the Tolls by this Act granted, or otherwise,

shall

shall from Time to Time be applied in keeping down the Interest of the Monies borrowed by virtue of the said first-recited Acts, or subscribed or advanced for the Purposes of this Act, and which may be borrowed on the Credit of this Act, and in amending and keeping in Repair the said Roads and Bridge, and any temporary Bridge which may be necessary at any Time for the Trustees to erect or construct while the said Bridge shall be making or under Repair, and the Toll Gates and Toll Houses, and in otherwise putting this Act in Execution; and lastly, in repaying the principal Monies subscribed or advanced for the Purposes of the said first-recited Acts and this Act, or which shall be borrowed for the Purposes of this Act.

Trustees to give new Bonds.

XXII. And be it further enacted, That the Trustees of the said Roads and Bridge shall and they are hereby empowered to give new Bonds or Deeds, on the Credit of the Tolls already levied or to be levied, for the Two thousand Pounds already due and owing, bearing Interest not exceeding Five Pounds *per Centum per Annum*.

Roads may be made.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to make the said Roads and to erect a Bridge upon, in, over, and through any Lands, Grounds, or Hereditaments described in the Plan and Book of Reference hereinafter mentioned, of such Width or Dimensions as they shall think proper, together with such Foot Paths, Causeways, Arches, Culverts, Ditches, Drains, and Fences as they shall think necessary or expedient, and to dig and make proper Foundations in the said River, and in the Lands and Grounds lying on each Side thereof, for the Piers and Abutments of the said Bridge, and, if necessary, to cut and level the Banks of the said River in such Manner as shall be necessary and proper for building the said Bridge, and to remove and take away all Beds of Gravel, Sand, Mud, or other Impediments which may in anywise hinder the Erection of the said Bridge, and for such Purpose or Purposes to pull down or take and use any Houses, Buildings, Gardens, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed, making Satisfaction to the Owners thereof and Persons interested therein for the same, or for the Damage they may sustain thereby; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, from Time to Time to enter upon the Lands and Premises or Hereditaments through which or whereupon such Roads and Bridge, or any temporary Bridge which it may at any Time be necessary for the Trustees to erect or construct while the said Bridge shall be making or under Repair, Foot Paths, Causeways, Arches, Culverts, Ditches, Drains, and Fences, are or is intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out the same in such Manner as the said Trustees shall think necessary or expedient, without being deemed a Trespasser or Trespassers, and without being subject to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Premises respectively for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of such Stakes or other Marks used for the Purposes aforesaid, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and such Penalties shall be levied and recovered, together

together with the necessary Costs and Charges of levying the same, by the same Ways and Means and in the like Manner as any Penalty or Forfeiture for pulling up or damaging any Mile Stone or Post upon any Turnpike Road may by Law be levied or recovered; and One Moiety of such Penalties shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer to the said Trustees, and applied or disposed of for the Purposes of this Act.

Bridge to be public upon Payment of Toll.

XXIV. And be it further enacted, That from and after the said Bridge shall be built, erected, and completed as aforesaid, the same shall for ever be and remain a public Bridge, and all Persons, Horses, Cattle, and Carriages shall have free Liberty (upon Payment of the respective Tolls by this Act granted) to pass over the same, without any Hinderance or Interruption of or by any Person or Persons whomsoever.

The Map or Plan deposited at the Office of the Clerk of the Peace to remain there.

XXV. And whereas a Map or Plan describing the Line of the said Roads, and the Lands, Hereditaments, and Premises through or over which the same and the said Bridge is and are to be made or carried, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands, Hereditaments, and Premises, have been deposited at the Office of the Clerk of the Peace for the said County of *Cornwall*; be it further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace of the said County of *Cornwall*, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace in whose Custody the same may be found the Sum of One Shilling for every such Inspection, and at the Rate of Four-pence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees in making the said Roads shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Deviation shall be made.

Trustees not to deviate more than 100 Yards from said Plan.

Lands marked in the Plan may be used, notwithstanding Errors in the Book of Reference.

XXVI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Roads and Bridge into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons who is, or are, or may be Owner or Owners of Lands or Premises over which the same is or are set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference and Schedule to this Act annexed, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Houses, &c. not to be injured.

XXVII. Provided also, and be it further enacted, That the Powers and Authorities hereby given shall not extend or be construed to extend to empower or authorize the said Trustees, in making the said Road or Bridge, to take or pull down, injure or damage any Dwelling House or other Building, or to take in or make use of any Orchard,

Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, save and except the several Houses and other Premises mentioned in the Schedule hereunto annexed.

Limiting the Period for Purchases.

XXVIII. Provided also, and be it further enacted, That in case the said Trustees shall not purchase the Lands, Buildings, Tenements, and Hereditaments mentioned in the Schedule to this Act annexed, within the Space of Five Years from the passing of this Act, all the Powers hereby or by the said recited Acts granted for purchasing, using, or taking the same, or such of them as shall not then have been purchased, shall cease and determine, save and except with the Consent of the Owners or Proprietors thereof for the Time being.

Destroying Works.

XXIX. And be it further enacted, That if any Person or Persons shall wilfully and maliciously, and to the Prejudice of the said Bridge, break, throw down, or destroy any of the Works to be erected and made by virtue of this Act, every such Person shall be judged guilty of Felony; and every such Person so offending, and being thereof lawfully convicted, shall be subject to the like Punishment and Penalties as in Cases of Felony; and the Court by or before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws and Statutes of this Realm, or, in Mitigation of such Punishment, such Court may award such Sentence as the Law directs in Cases of Petit Larceny.

Getting Materials for the Bridge.

XXX. And be it further enacted and declared, That it shall be lawful for the said Trustees and their Surveyor or Surveyors, Agents and Workmen, to use and employ any Materials which shall be searched for, gotten, dug, gathered, or provided for making or repairing the said Turnpike Roads or any of them, in, for, and towards the making and maintaining in Repair the said Bridge; and the Road or Way, and the Foot Paths and Causeways upon and over the same Bridge shall be and the same is and are hereby declared to be a Turnpike Road to all Intents and Purposes whatsoever; and all the Materials of the Road or Way, Foot Paths, and Causeways upon or over the same Bridge shall be deemed and taken to be Materials gotten, dug, or gathered for the Repair or Use of the said Turnpike Roads, to all Intents and Purposes whatsoever.

Application of Compensation Money if amounting to 200*l.*

XXXI. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other

other Settlement, or to any other Person under any other Disability or Incapacity whatsoever, 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 Court of Exchequer, to be placed to his Account there *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the general Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way by Order of the said Court in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking Effect; and in the mean time, and until such Order can be made, the said Money may, by Order of the said Court, 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, or in Government or Real Securities; and in the mean time, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, 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 such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

1 G. 4. c. 35.

Where less than 200*l.* and amounting to 20*l.*

XXXII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of the said Roads, 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 or amount to the Sum of Twenty Pounds, then and in all such Cases the

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, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Trustees, or any Three or more of them, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by Three or more of the Trustees for executing this Act, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to the Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is hereinbefore directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Where under 20*l.*

XXXIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next hereinbefore mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In case of not making out a good Title, or if Persons cannot be found, the Purchase Money to be paid into the Bank.

XXXIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there, to the Credit of the Parties interested in the Lands, Tenements, or Here-

ditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt for such Sum or Sums of Money, mentioning or specifying therein 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 of *England* as aforesaid.

In case of disputed Titles.

XXXV. 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 said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities, or Government or Real Securities, to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, or Government or Real Securities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court may order reasonable Expences to be paid by Trustees.

XXXVI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, or to be applied in the Purchase of any 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 Act, or so much of such Expences as to the said Court

shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Trustees may contract for building the Bridge, &c.

XXXVII. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize or appoint, shall and may, and they and he are and is hereby empowered to contract with any Person or Persons for erecting and building the said Bridge, and for doing any other Works to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper, and also for the Repairs of the said Bridge when built; and all Contracts or Agreements in Writing, entered into pursuant to any Order of the said Trustees by their Clerk, Surveyor, or other Officer, with any Person or Persons, relating to the said Bridge or any Matter or Thing to be done by virtue of this Act, shall be binding on the said Trustees and their Successors, and upon all other Parties who shall sign the same, and the Executors and Administrators of such other Parties; and that Actions and Suits shall and may be maintained thereon by the said Trustees, and Damages and Costs recovered against the Party or Parties or Person or Persons failing in the Performance of such Contracts or Agreements respectively; and such Sum or Sums of Money as shall be requisite for erecting, building, repairing, or maintaining the said Bridge, or any Part thereof, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Parties or Person or Persons so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

For fencing the Roads.

XXXVIII. And be it further enacted, That the said Trustees shall and they are hereby required to make and erect or place on the Sides of the said Roads, where the same shall pass through or over any private Lands, Fields, or Grounds, good and sufficient Fences, with Quicksets and Posts and Rails, or other necessary Materials, or proper Fences or Walls, not exceeding Five Feet in Height, for effectually fencing and guarding such Lands, Fields, and Grounds, and also good and substantial Gates at the Distance of Two hundred Yards from each other, and in other Places where necessary, at the Expence of the said Trustees, out of the Monies to be received by them by virtue of this Act.

Public Act.

XXXIX. 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 this Act.

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

The

The SCHEDULE to which this Act refers.

No. on Plan.	FREEHOLDERS.	LEASEHOLDERS.	OCCUPIERS.	DESCRIPTION OF PROPERTY.
1.	J. B. P. Chichester	-	Richard Share	Carpenter's Shop.
2.	Edward Coode	Thomas Pellowe	Thomas Pellowe	Lime Kiln, Yard, and Cellar.
3.	The same	Thomas Leonard Barber	William Harvey	Wharf and Cellar.
4.	Thomas Hocker	William Williams's Executors	William Williams's Executors	Coal Wharf and House.
5.	The same	The same	Mrs. Catherine Williams	Garden and Garden House.
6.	Henry Hawkins Tremayne Clerk, Francis Hearle Rodd, and Samuel Stevens	-	Collan Harvey	Cellar and Courtlage, with Linhay.
7.	The same	-	The same	Stable and Loft.
8.	John Rogers	-	William Baker	Garden.
9.	William Hosken	-	John Stona	Quay.
10.	William Hosken	-	John Stona	Lime Kiln, Yard, and Sawpit.
11.	William Richards	-	The same	Quay.
12.	The same	-	The same	Cellar and small Dwelling House.
13.	Lord de Dunstanville	Henry Hawkins Tremayne Clerk, Francis Hearle Rodd, and Samuel Stevens	Collan Harvey	Quay.
14.	The same	The same	The same	Cellar.
15.	William Richards	Samuel Dunstan	Samuel Dunstan	Cellar and Courtlage.
16.	Benjamin Sampson	-	Joseph Sowell	Quay.
17.	John Samuel Enys	William Richards	Isaac Birch	Dwelling House, Cellar, and Pathway.
18.	Corporation of the Borough of Penryn	Benjamin Heames	Collan Harvey and Peter Rogers	Cellar, Courtlage, Dwelling House, and Quay.
19.	The same	The same	The same	Cellar and Courtlage.
20.	The same	The same	Collan Harvey	Cellar.
21.	The same	-	The same, and William Hosken	Town Quay.
22.	Corporation of the Borough of Penryn	Joseph Sowell	Joseph Sowell	Quay.
23.	Bishop of Exeter	-	-	The Branch of Penryn River.
24.	The same	-	-	Helston Turnpike Road, in Budock.

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