ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 63.

An Act for continuing the Term, and altering and enlarging the Powers of Two Acts, passed in the First and Twenty-first Years of the Reign of His present Majesty, for repairing and widening the Road leading from the Eastern End of the Borough of *Grampound*, in the County of *Cornwall*, through the Towns of *Saint Austell* and *Lostwithiel*, and thence to the East End of the *Western-Taphouse-Lane*, in the said County. [11th *June* 1803.]

WHEREAS an Act was passed in the First Year of the Reign of His present Majesty, intituled, *An Act for repairing and widening the Road leading from the Eastern End of the Borough of* Grampound, *in the County of* Cornwall, *through the Towns of* Saint Austell *and* Lostwithiel, *and from thence to the East End of the* Western-Taphouse-Lane, *in the said County:* And whereas an Act was passed in the Twenty-first Year of the Reign of His present Majesty, for continuing the Term, and altering and enlarging the Powers of the said Act: And whereas the Trustees acting under and by virtue of the said Acts, have proceeded to put the same in Execution, and a considerable Progress hath been made in repairing and improving the said Road; but a considerable Sum of Money hath been borrowed on the Credit of the said Acts, which still remains due and cannot be repaid, nor can the said Road be effectually amended, widened, improved,

1 Geo. 3.

21 Geo. 3.

ed, and kept in Repair, unleſs the Term of the ſaid Acts be further continued, and ſome of the Powers and Proviſions thereof altered and enlarged; and it is neceſſary that the Tolls by the ſaid firſt recited Act authorized to be taken on the ſaid Road ſhould be repealed, and others granted inſtead thereof: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by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 Firſt and Twenty-firſt Years of the Reign of His preſent Majeſty, and all and every the Authorities, Powers, Privileges, Proviſions, Penalties, Clauſes, Matters, and Things therein contained (except ſuch as relate to Exemptions from Stamp Duties, or as are hereby varied, altered, or repealed) ſhall be and continue in full Force, and be executed for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purpoſes as if the ſame were herein particularly repeated and re-enacted, but ſubject nevertheleſs to the Amendments, Alterations, and Additions herein contained, and which ſhall commence and take effect upon the paſſing of this Act; and this Act, and the additional Term and the Tolls hereby granted, ſhall be and are hereby made ſubject and liable to the Payment of all Money now due and owing on the Credit or on Account of the ſaid recited Acts, or either of them, or hereafter to be borrowed or become due on the Credit of the ſaid Acts and this Act, and of all Intereſt due and to grow due for the ſame reſpectively.

Additional Truſtees.

II. And be it further enacted, That *Ambroſe Edward Ball*, *John Trevanion Purnel*, *Betteſworth Trevanion*, *William Carlyon*, Eſquires; *James Andrew Carveth*, *Nicholas Crews*, *Nicholas Donnithorne*, *John Filkins*, *William Flamank* the younger, *Jonas Gaved*, Gentlemen; *Francis Gregor*, *William Gregor* Clerk, *William Slade Gully*, Sir *Chriſtopher Hawkins* Baronet, *John Hext*, *William Hocker* the younger, Clerk, *James Hopwood*, *William Hore*, *John Sampſon Jago*, *William Jane*, Gentlemen; *Charles Trevanion Kempe* Clerk, *James Kempthorne* the younger, *Nicholas Kendall*, *Charles Kendall* Clerk, *Henry Lakes*, *Philip Lyne* the younger, *John Norway*, *Nevel Norway* the younger, *Thomas Orchard*, *John Pearce*, *John Coleman Raſhleigh*, *Matthew Roberts*, *George Soper*, *William Tallack*, *John Hearle Tremayne*, and *John Veale*, ſubject nevertheleſs to the Qualification contained in the ſaid firſt recited Act, ſhall, from and immediately after the paſſing of this Act, be added to and joined with the Truſtees appointed by or in purſuance of the ſaid recited Acts; and that the Truſtees hereby appointed, together with the ſurviving or remaining Truſtees appointed by or by virtue of the ſaid recited Acts, or either of them, ſhall be and are hereby empowered to put the ſaid recited Acts and this Act in Execution, as fully and effectually to all Intents and Purpoſes as if they had been appointed by the ſaid recited Acts or either of them.

Repealing former Tolls and granting new ones.

III. And whereas the Tolls by the ſaid Acts or either of them granted, have been found inſufficient for the proper Improvement and Repair of the ſaid Road; be it therefore enacted, That the ſaid Tolls ſhall, from and after the paſſing of this Act, ceaſe, determine, and be no longer paid or payable; and that inſtead thereof the reſpective Tolls following ſhall be demanded and taken at the ſeveral and reſpective Gates or Turnpikes which have been or ſhall be erected in, upon, or on the Sides of the ſaid Road; that is to ſay,

Tolls.

For every Horſe, Mare, Gelding, Mule, or other Cattle (except Oxen) drawing any Carriage (except Chairs and Gigs, or other Carriages of the like Deſcription), the Sum of Four-pence Halfpenny:

For

For every Chair, Gig, or other Carriage of the like Deſcription, drawn by a ſingle Horſe, the Sum of Sixpence:

For every Yoke of Oxen drawing any Carriage the Sum of Four-pence Halfpenny;

For every Horſe, Mare, Gelding, Mule, or other Cattle, laden or not laden, and not drawing, the Sum of One Penny Halfpenny:

For every Drove of Oxen, Cows, or Neat Cattle, for a Score, and ſo in Proportion, the Sum of One Shilling and Three-pence:

For every Drove of Calves, Hogs, Sheep, or Lambs, for a Score, and ſo in Proportion, the Sum of Seven pence Halfpenny:

And on every *Sunday* during the ſaid Term there ſhall be demanded and taken Double the ſaid ſeveral Tolls hereby granted and made payable:

Which ſaid ſeveral Tolls by this Act authorized to be taken, ſhall be and the ſame are hereby veſted in the Truſtees for executing the ſaid Acts and this Act; and the ſame and every Part thereof ſhall be collected, recovered, levied, paid, applied, aſſigned, leſſened, varied, and diſpoſed of in ſuch and the ſame Manner, and by ſuch and the ſame Ways and Means, and with ſuch Remedies for Non-payment or Evaſion thereof, and with ſuch Powers, Proviſions, and Reſtrictions, as are contained in the ſaid firſt recited Act reſpecting the Tolls thereby authorized to be taken.

Repealing Powers in old Act to vary the Toll.

IV. And be it further enacted, That ſo much of the ſaid firſt recited Act as provides and enacts, that it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, from Time to Time to vary or alter all or any or either of the ſeveral Tolls thereby granted, as they ſhall think proper and ſee Occaſion, provided they do not at any Time exceed the Tolls thereby granted, nor leſſen nor reduce them until the Money ſo borrowed on the Credit thereof, with Intereſt for the ſame, be repaid, unleſs the Perſon or Perſons to whom the ſame ſhall at the Time of ſuch Reduction be due, conſent thereto, ſhall be and the ſame is hereby repealed.

Truſtees to vary the Tolls.

V. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time to reduce, vary, or alter all or any or either of the ſeveral Tolls aforeſaid, as they ſhall think proper and ſee Occaſion, and to raiſe the ſame again, provided they do not at any Time exceed the Tolls granted by this Act, and provided ſuch Reduction be with the Conſent of Five-ſixth Parts in Value of the ſeveral Perſons who ſhall have advanced any Money on the Credit of ſuch Tolls.

Tickets at certain Gates to be exempt at others.

VI. And be it further enacted, That a Ticket at *Teage*'s Gate ſhall exempt from Toll, Cattle and Carriages paſſing through *Saint Blazey*'s Gate on the ſame Day; and ſo likewiſe a Ticket at *Saint Blazey*'s Gate ſhall exempt from Toll Cattle and Carriages paſſing through *Teage*'s Gate; and alſo a Ticket at *Pelyn* Gate ſhall exempt from Toll Cattle and Carriages paſſing through *Bridge End* Gate and *Weſtern-Taphouſe* Gate on the ſame Day; and ſo likewiſe a Ticket at *Bridge End* Gate or *Weſtorn-Taphouſe* Gate ſhall exempt from Toll Cattle and Carriages paſſing through *Pelyn* Gate; and that Waggons, Carts, and other Carriages having paſſed every or any Toll Gate erected or to be erected upon the ſaid Road, and returning laden with other Goods in the ſame Day, ſhall pay Toll again.

Carriages having Wheels, the Fellies whereof ſhall deviate more than Half an Inch from a

VII. And be it further enacted, That, from and after the paſſing of this Act, no Waggon, Wain, Cart, or other ſuch Carriage (except ſuch as ſhall be entitled to the Benefit of the Exemptions herein-after contained), having any Wheel, the Tire upon the Sole or Bottom of the Felly whereof, or having any Drag, or Thing uſed as a Drag, the Sole or Bottom whereof ſhall

flat Surface, shall not be drawn with a greater Number of Horses than are allowed by the General Act to Carriages having Wheels less than Six Inches broad.

shall deviate respectively more than a Half of an Inch from a flat or level Surface, or although it shall not deviate more than Half an Inch therefrom, shall not rise as nearly as may be with an equal and regular Gradation from the Edges thereof to the Center, shall pass or be drawn on any of the said Roads with a greater Number of Horses than are allowed to Waggons, Wains, Carts, and other such Carriages respectively, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Six Inches, by an Act passed in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the General Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purposes*; and the Owner and Driver of every such Waggon, Wain, Cart, or other Carriage, shall, for every Offence against the Provisions aforesaid, be respectively subject to the several Penalties imposed by the said Act on the Owner or Driver respectively, of Carriages drawn by more than the Number of Horses therein limited to such Carriages respectively, which said Penalties shall and may be recovered in the same Manner, and under the same Restrictions and Limitations, as the Penalties imposed by the said Act may be recovered.

Former Exemptions repealed.

VIII. And whereas it is expedient that the several Exemptions from Payment of Toll allowed by the said first recited Act should be repealed; be it therefore enacted, That all and singular the Exemptions from Toll granted and allowed by the said first recited Act, shall be and the same are hereby repealed; and that from and after the passing of this Act, no Toll shall be demanded or received for any Horse or other Beast, Cattle, or Carriage which shall be going unladen or empty for, or which shall be solely employed in conveying, or which shall be returning unladen or empty after having been employed only in conveying Materials for the Repair of any Turnpike Road or publick Highway, or Dung, Mould, Sand, Compost, or other Manure, or Hay, Straw, Fodder, Corn in the Straw, Potatoes, Turnips, or other Produce of Lands (except Timber and the Loppings of Trees, Bark, and Underwood), unsold or not for Sale; nor shall any Toll be taken for any Horse or other Beast or Cattle going to or returning from Water or Pasture from One Parish to the next adjoining Parish, or to or from the being shoed or farried, which shall not in so going or returning pass upon any of the said Roads for more than the Space of Two Miles; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate, going to or returning from his own Parish Church or other Place of Divine Worship, or visiting his sick Parishioners, or from any Person going to or returning from his or her own Parish Church or other Place of Divine Worship situate in the Parish in which such Person shall dwell upon *Sundays*, or any other Day on which Divine Worship is ordered by Authority to be celebrated, or any Person going to or returning from the Funeral of any Person who shall die and be buried in either of the said Parishes; nor shall any Toll be demanded or taken for any Horses or Carriages employed in conveying the Mails of Letters or Expresses under the Authority of His Majesty's Postmaster General, either in going or returning full or empty; nor for any Horses belonging to Officers or Soldiers upon their March or upon Duty, or for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any such Officers or Soldiers wounded or disabled, or for Horses or Cattle employed only in the Conveyance of Vagrants sent by legal Passes; and if any Person shall take or claim the Benefit of any of the Exemptions aforesaid not being entitled thereto, such Person shall for such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

IX. And

IX. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of the said recited Acts and this Act, in the Name of their Treasurer for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, in the Name of their Treasurer, shall abate or be discontinued by the Death or Removal of any such Treasurer, nor by the Act of any such Treasurer, without the Consent of the said Trustees, or any Five or more of them, but that the Treasurer for the Time being to the said Trustees shall be deemed to be a Plaintiff or Defendant, as the Case may be, in every such Action.

Trustees to sue and be sued in the Name of their Treasurer.

X. Provided always, That every such Treasurer, in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the First Money to arise by virtue of the said recited Acts and this Act, after such Action or Suit shall be commenced or discontinued, all such Costs, Charges Damages, and Expences, as by the Event or in consequence of any such Action or Proceeding he shall bear, pay, expend, or be put unto or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

Treasurer to be repaid his Expences.

XI. And be it further enacted, That in case any Action, Suit, Litigation, or Prosecution, shall arise in any Way relating to the said Tolls, or in case of any Proceeding or Prosecution for the obtaining any of the Penalties imposed by the said recited Acts, or either of them, or by this Act, the Person or Persons appointed or duly authorized to collect the said Tolls, or any other Person acting by the Authority of the said Trustees, shall be competent to give Evidence in any such Action, Suit, or Prosecution; so as no such Action, Suit, or Prosecution shall be commenced or prosecuted against such Person or Persons without Fourteen Days Notice in Writing thereof being previously to him or them given.

Toll Collector or other Person to be a competent Witness.

XII. 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 this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity, as in the said first recited Act particularly mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing the said Acts and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to, the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and

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

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 and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Money does not amount to 200*l.* and ſhall exceed 20*l.*

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

Application where the Money is leſs than 20*l.*

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

Expences of the Act, how to be paid.

XV. And be it further enacted, That the Coſts, Charges, and Expences, incident to and attending the obtaining and paſſing of this Act, ſhall be paid, borne, and defrayed by the ſaid Truſtees out of the Firſt Money which ſhall come to their Hands by virtue of the ſaid recited Acts or of this Act, in preference to all other Payments whatſoever.

XVI. And

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

XVII. And be it further enacted, That the Term granted and continued by the ſaid recited Acts ſhall, from and after the paſſing of this Act, ceaſe and determine; and that the ſaid Acts (ſubject as herein-before mentioned) and this Act, ſhall from thenceforth continue and be in force and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament. Term of this Act.

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