



ANNO SEPTIMO & OCTAVO.

GEORGIIV. REGIS.

Cap. ci.

An Act for repairing and improving certain Roads leading to and from *Callington* in the County of *Cornwall*. [14th *June* 1827.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening several Roads leading from Callington in the County of Cornwall*: And whereas another Act was passed in the Twenty-fifth Year of the Reign of His said late Majesty, intituled *An Act for continuing the Term of an Act passed in the Fourth Year of the Reign of His present Majesty, intituled 'An Act for repairing and widening several Roads leading from Callington in the County of Cornwall;'* and for widening and repairing the Road leading from *Bushford* to *Beal's Mill* in the Parish of *Stokeclimsland*, and also the Road from *Penterscross* in the Parish of *Pillaton* to a Place called *The Fighting Cocks* in the Parish of *Botesfleming*, all in the said County: And whereas another Act was passed in the Forty-sixth Year of the Reign of His said late Majesty, intituled *An Act for continuing the Term of, and altering and enlarging the Powers of Two Acts passed in the Fourth and Twenty-fifth Years of His present Majesty, for repairing and widening several Roads* [Local.] 4 G. 3. c. 48. 25 G. 3. c. 108. 46 G. 3. c. 15. leading

leading from *Callington* in the County of Cornwall: And whereas the Trustees appointed in and by virtue of the said recited Acts have widened, repaired, and improved the said respective Roads, and have for that Purpose, in pursuance of the Powers to them thereby given, borrowed considerable Sums of Money on the Credit of the Tolls thereby granted, which are still due and owing, and cannot be paid off, nor can the said Roads be effectually amended, improved, and kept in repair, unless the Powers and Provisions of the said recited Acts be amended and enlarged, and the Tolls increased: And whereas it would be more convenient to the Trustees, and beneficial to the said Roads and to the Public, if the said recited Acts were repealed, and if further and other Provisions were granted instead thereof: And whereas the Road comprised in the said Acts, leading from *Callington* to *Lqunceston*, is in some Parts narrow, steep, circuitous, and incommodious; and it would be of much Convenience and Advantage to the Public if certain new Pieces of Road were to be made on the Line of the said last-mentioned Road; that is to say, a new Piece of Road diverging from *Hingston Common*, nearly opposite to *Redmore Mine*, and passing below *Colacot's House*, through the Farms of *Higher Crockett* and *Lower Crockett*, to join the present Road near *Shuta Green*; and a new Piece of Road passing through a Part of *Dighouse Farm*, near *Beal's Mill Turnpike Gate*, in the Parish of *Stokeclimsland* in the County of Cornwall: And whereas the Road comprised in the said Acts leading from *Callington* to *Tavistock* is in some Parts narrow, steep, circuitous, and incommodious; and it would be of much Convenience and Advantage to the Public if certain new Pieces of Road were to be made on the Line of the said last-mentioned Road; that is to say, a new Piece of Road diverging from the present Road into *Pengelly Farm*, and passing through Two Fields thereof, and Part of *Hingston Common*, and joining the present Road about One Furlong onwards upon the said Common; a new Piece of Road diverging from about Three Furlongs Eastward of the *Calstock Inn*, on *Hingston Common*, through the several Inclosures made on the said Common, crossing the *Calstock Road*, passing below *Drakewall's Mine* and *Goldsworthy Cottage*, to join the present Road nearly opposite the Granite Works; and also a new Piece of Road diverging from below the *Cornish Inn*, by *Batten's House*, through *Gunnis Lake Mining Ground*, and passing along between the present Road and the River *Tamar*, to join the present Road near the End of *Tavistock New Bridge*: And whereas the Road comprised in the said Acts, leading from *Callington* to *Saltash*, is in some Parts narrow, steep, circuitous, and incommodious; and it would be of much Convenience and Advantage to the Public if certain new Pieces of Road were to be made on the Line of the said last-mentioned Road; that is to say, a new Piece of Road diverging from or near the Turnpike Gate at the Eastern End of *Callington Town*, by felling down a Barn, and passing certain Fields, the Property of *Alexander Baring Esquire* and others, and to join the present Road where it is crossed by a Lane commonly called *Hangman's Lane*, otherwise *Balsam Lane*; a new Piece of Road diverging from or near from a Place called *Balsam Hill*, through Two Fields, Part of the Barton of *Westcott*, to join the present Road at or near *Brendon Tree*; a new Piece of Road to pass through

through the Corner of another Field, Part of *Westcott Barton*, opposite the Turnpike Gate called *Brendon Tree Toll Gate*; and also a new Piece of Road diverging from *Mewsland Green*, through a Farm called *Tipwell*, and along the Edge of *Viverdown Common*, to join the present Road at or near *Kiln Lane End*: And whereas the Road comprised in the said Acts leading from *Callington* to *Liskeard* is in some Parts narrow, steep, circuitous, and incommodious; and it would be of much Convenience and Advantage to the Public if certain new Pieces of Road were to be made on the Line of the said last-mentioned Road; that is to say, a new Piece of Road to pass through the Corner of a Field opposite *Wonacrost Lane End*; a new Piece of Road diverging from below *Coombe Willis Green*, through *Creber*, to join the present Road under *Creber Wood*; a new Piece of Road to pass through an Orchard at the Back of *Jasper's House* near *New Bridge Toll Gate*; a new Piece of Road diverging from the Hill at the Foot of *New Bridge*, through the Fields lying under the present Road, towards the Head of the Hill, and to join the present Road about a Furlong beyond *Catson Gate*; a new Piece of Road diverging from the present Road into *Thornton Wood* at the Head of the Hill, and joining the present Road again at the Foot of the said Hill; a new Piece of Road leading from the present Turnpike Road at *Cransdown Green* towards *Gang*, and round by *Keason Estate*, joining the present Turnpike Road again near *Ford Farm*; a new Piece of Road diverging into a Field, Part of *Keason Estate*, at the Foot of *Coombe Gate Hill*, and joining the present Road again at the Head of the said Hill; a new Piece of Road to pass through the Corner of a Field, Part of the Glebe Land of *Saint Ive Vicarage*, opposite *Saint Ive Church*; and also a new Piece of Road diverging from the Head of *Coombe Row Hill*, through the Farm of *Trebeigh*, to join the present Road at the Foot of the Hill at or near *Trebeigh Lane End*: And whereas it is expedient that the Highway or Road leading from the present Turnpike Road at or near to the Toll Gate at *Calmady's Shop*, to or near to a certain Place called *Bray's Shop*, and also that the Highway or Road leading from *Calmady's Shop* aforesaid, to or near to a Place called *Shutta Green* on the Turnpike Road leading from *Launceston* to *Callington*, should be made Turnpike, and put under the Care of the said Trustees: And whereas an Act was passed in the Third Year of His present Majesty's Reign, 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 said present 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 said present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining 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

3 G. 4. c. 126.

4 G. 4. c. 95.

5 G. 4. c. 69.

Recited Acts,
4, 25, and
46 G. 3. re-
pealed.

the same, That from and after the Twenty-ninth Day of *September* next the said Acts of the Fourth, Twenty-fifth, and Forty-sixth Years of the Reign of His said late Majesty shall be and the same are hereby declared to be repealed.

This Act to
be put in
execution
for repairing
the Roads
herein men-
tioned.

II. And be it further enacted, That this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, widening, altering, diverting, and from Time to Time improving and keeping in repair the Road leading from *Callington* over *Hingston Down* to the West End of *Tavistock* New Bridge in the Parish of *Calstock*; and from the said Road on *Hingston Down*, near a certain Place called *Seven Stones*, to the West End of *Horsebridge* in the Parish of *Stokeclimland*; and also the Road from *Callington* aforesaid through *Saint Ive* Church Town to a Place called *Comberow* in the Parish of *Saint Ive* aforesaid; and also the Road from *Callington* aforesaid to a Place called *Watergate* in the Parish of *Southill*; and also the Road from *Callington* aforesaid, over *Hingston Down*, to a Place called *Bushford* in the Parish of *Stokeclimland*, and from the said last-mentioned Road on *Hingston Down* to a certain Smith's Shop called *Calmady's Shop* in the Parish of *Stokeclimland* aforesaid; and also the Road leading from *Bushford* aforesaid to a Place called *Beal's Mill* in the said Parish of *Stokeclimland*; and also the Road from *Callington* aforesaid to a Place called *Bearland Bridge* in the Parish of *Callington* aforesaid; and also the Road from *Callington* aforesaid, by *Brendon's Tree*, over *Viverdon Down*, through *Saint Mellion*, to a Place called *Penter's Cross* in the Parish of *Pillaton*; and also the Road from *Callington* aforesaid to a Place called *Clapper Bridge* in the Parish of *Pillaton* aforesaid; and also the Road leading from *Penter's Cross* aforesaid, to a Place called *The Fighting Cocks* in the Parish of *Botesfleming*, and from or near from the Toll Gate at *Calmady's Shop* aforesaid to *Bray's Shop* aforesaid, and from *Calmady's Shop* to *Shutta Green* aforesaid, near the Turnpike Road leading from *Callington* to *Launceston*, all in the County of *Cornwall*; and for making and completing and maintaining in repair the said several other new Pieces of Road herein-before described or mentioned.

New Term
and Tolls
liable to for-
mer 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 taken by the said recited Acts of the Fourth, Twenty-fifth, and Forty-sixth Years of the Reign of His said late Majesty, and of all Interest due and to grow due thereon respectively, 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; and 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 executing the said recited Acts hereby repealed, or to any Person or Persons for the Benefit of the said Roads, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act.

IV. And

IV. And be it further enacted, That all Conveyances, Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons to or with any of the Trustees for executing the said recited Acts of the Fourth, Twenty-fifth, and Forty-sixth Years of the Reign of His said late Majesty, hereby repealed, according to the Provisions and Directions of such Acts, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, notwithstanding the Repeal of the said Acts, until the same are or shall be fully satisfied and performed on Account of or for the Benefit of the Roads included in this Act; and all Contracts and Agreements, Demises, Mortgages, and Securities, made or entered into by such Trustees to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act and the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, and be observed and kept by them according to the Terms, Stipulations, and Tenor thereof respectively.

Bonds, &c.
under former
Acts to be
good under
this Act.

V. And be it further enacted, That all and every Book and Books of the Proceedings of the Trustees in execution of the said recited Acts hereby repealed, or of any Act then in force, and made Evidence thereby, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others; and all such Books, and all Books of Accounts of Receipts and Disbursements, kept, had, or made under the said Acts, and all Books for registering Mortgages or Assignments made in pursuance thereof, shall be preserved and kept by the Trustees for executing this Act, or as they shall direct, and shall at all seasonable Times be open to the Inspection of the said Trustees and any Creditor or Creditors of the Tolls, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the Clerk to the said Trustees, or other Person having the Care of any such Books, shall refuse to permit, or shall not permit the said Trustees, or such Creditors, or any of them, to inspect the said Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk or other Person shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Books of
Proceedings
under former
Acts to be
Evidence.

VI. And be it further enacted, That all Persons who are or who have been employed, or who have received any Tolls or other Money on account of the said Roads comprised in the said recited Acts of the Fourth, Twenty-fifth, and Forty-sixth Years of the Reign of His said late Majesty, or who have or shall have in their Custody or Possession any Money, Books, Papers, Writings, or other Things relating to the said Roads, shall account for and pay and deliver over the same and every Part thereof to the Trustees for executing this Act, in like Manner and under the like Penalties as the several Collectors and other Persons receiving any Money by virtue of this Act are by the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty required to pay and account for the same.

Officers un-
der former
Acts to ac-
count to the
Trustees un-
der this Act.

Powers of recited Acts 3, 4, & 5 G. 4. extended to this Act.

VII. 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, and also save and except such Parts thereof as are expressly varied, altered, or otherwise provided for,) and also the said recited Act passed in the Fourth 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 otherwise provided for,) and also the said recited Act passed in the Fifth Year of the Reign of His present Majesty, and the Power or Provision therein contained, shall respectively be as good, valid, and effectual for carrying this Act, and the several and respective Purposes thereof, into Execution, as if the same had been respectively repeated and re-enacted in the Body of this Act.

Appointment of Trustees.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of Cornwall for the Time being, together with the Right Honourable Lord *Eliot*, the Right Honourable *Reginald Pole Carew*, Sir *William Pratt Call* Baronet, Sir *Bouchier Palk Wrey* Baronet, *John Tillie Coryton*, *William Coryton*, *Benjamin Tucker*, *Alexander Baring*, *John Burell*, *Arthur Burell*, *William Hickes Horndon*, *William David Horndon*, *David William Hickes John Horndon*, *John Doidge Horndon*, *William Lewis Salusbury Trelawny*, *Francis Hearle Rodd*, *George Strode*, *Francis Glanville*, *Francis Glanville the younger*, *William Jope*, *Frederick Stevens Wallis*, *John Williams*, *William Couche*, *James Bryant Messenger*, *William Messenger*, *Edward Morshead the younger*, *William Morshead*, *William Symons*, *Edward Helyar*, *Samuel Benny*, *Henry Woollcombe Clerk*, *John Kendall Fletcher Clerk*, *John Rooke Fletcher Clerk*, Doctor in Divinity, *David Horndon Clerk*, *Edward John Clarke Clerk*, *Edward Morshead Clerk*, *John Jope Clerk*, *Owen Trelawny*, *John Benny*, *William Berkley Call*, *James Coffin Clerk*, *Augustus Coryton*, *Richard Doidge*, *Richard Doidge junior*, *John Roots Fletcher Clerk*, *John Gould junior*, *William Hambly junior*, *William Helyar*, *William Helyar junior*, *Edward Helyar*, *John Horndon*, *Charles Lethbridge Clerk*, *Thomas John Phillips*, *John Russell Clerk*, *Charles Trelawney*, *Edward Trelawney*, *Jedidiah Stephens Tucker*, *Henry Woollcombe*, *Peter Glubb*, *William Nattle*, *John Hawk*, *John Martin*, *George Rowe*, *John Hays*, *George Cock*, *John Rogers*, and their Successors, being duly qualified according to the Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for repairing, widening, altering, diverting, making, completing, improving, and keeping in repair the said Roads, and for otherwise putting this Act into Execution.

Power to appoint additional Trustees.

IX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings, to elect and appoint any Number

of Persons, being duly qualified as directed by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, not exceeding Three in the whole, in addition to the Number of Trustees herein named and appointed, to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act, as if they had been herein named.

X. And be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisions of the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty, and not contrary to the Provisions or Directions of this Act, and each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under or by virtue of the said first Three recited Acts hereby repealed, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom respectively by the Trustees for executing this Act; and each and every such Clerk, Receiver, Collector, Surveyor, and other Officer shall have the like Powers and Authorities for the Purposes of this Act, and for carrying the same into Execution, and shall be subject and liable to such Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations, in all respects whatsoever, as if he or they had been appointed under or by virtue of this Act.

Old Officers
to continue.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who hath 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 or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to continue or appoint the Person who hath been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Trustees; and if any Person shall accept both the Offices 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 the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, 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

Clerk not to
be Treasurer,
and vice
versâ.

Offence

Offence forfeit and pay the Sum of One hundred Pounds to any Person 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, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

First Meeting
of Trustees.

XII. And be it further enacted, That the Trustees for executing this Act shall meet at the House of *William Golding*, known by the Sign of the *New Inn*, in the Borough of *Callington*, or at some other convenient House or Place in *Callington* aforesaid, on the Fourth Day of *October* next 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; and the Hours for such Meetings shall be between Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon.

Power to
erect Toll
Gates, &c.

XIII. And be it further enacted, That the said Trustees may, and they are hereby authorized and empowered, if they shall think proper, to continue all or any of the Toll Gate or Gates, Turnpike or Turnpikes, Bar or Bars, Chain or Chains, and Toll Houses, which have been erected in, upon, or across any Part of the said Roads comprised in the said recited Acts hereby repealed, or on the Side or Sides thereof, and shall and may erect or cause to be erected such and so many other Toll Gate or Gates, Bar or Bars, Chain or Chains, Toll Houses, and Weighing Machine or Weighing Machines, in, upon, or across any Part or Parts of the said Roads, and also in, upon, and across any Part of the Roads comprised in this Act, and of the new Pieces of Road by this Act authorized to be made, and upon the Side or Sides thereof respectively, and from Time to Time to remove, take away, or alter the Situation of the Toll Gates or Turnpikes, or Bars or Chains, Toll Houses and Weighing Machines, by this Act authorized to be continued or erected, or any or either of them, as they the said Trustees shall think proper and expedient; and also shall or may erect or provide any Toll House or Toll Houses, with suitable Out-buildings and other Conveniences, and may also take in and inclose from the said Roads convenient Garden Spots for the said Toll Houses respectively, not exceeding One Eighth Part of a Statute Acre to each Toll House.

Power to
take Tolls.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons appointed or authorized by the said Trustees, or their Lessees, and they are hereby authorized and empowered to demand and take the several Tolls herein-after mentioned, at each and every of the respective Toll Gates, Turnpikes, Bars, or Chains, and Side Gates, which shall be continued or erected by virtue of this Act; (that is to say,)

Tolls.

For every Horse or other Beast (Oxen and Asses excepted) drawing any Carriage whatever, any Sum not exceeding Nine-pence:
For every Horse or other Beast of Burden, laden or unladen, and not drawing, any Sum not exceeding Two-pence:

For

For every Ox drawing any Carriage whatever, any Sum not exceeding Four-pence Halfpenny :

For every Ass drawing any Carriage whatever, any Sum not exceeding Two-pence :

For every Drove of Oxen, Cows, or Neat Cattle, any Sum not exceeding Twenty-pence *per* Score ; and so in proportion for any greater or less Number :

For every Drove of Calves, Swine, Sheep, or Lambs, any Sum not exceeding Ten-pence *per* Score ; and so in proportion for any greater or less Number :

Which said respective Sums of Money or Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle whatsoever, drawing or not drawing, shall be permitted to pass through any Toll Gate or Turnpike, or Side Gate or Side Bar, or Chain, which shall be continued, erected, or placed by virtue of this Act in, upon, or across the said Roads, or on the Sides thereof, or any Part thereof, 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 herein-after directed.

XV. Provided always, and be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid for the passing of any Horse, Beast, or Cattle through any One such Toll Gate, Turnpike, or Side Gate, such Horse, Beast, or Cattle 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 same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night ; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Tolls to be paid only Once a Day.

XVI. Provided also, and be it further enacted, That no more than Two full Tolls in the whole shall be demanded or taken from any Person or Persons, for passing and re-passing the same Day, (such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night,) with the same Horse or Horses, Beasts, or Cattle, through all the several Toll Gates or Turnpikes to be continued or erected by virtue of this Act.

No more than Two Tolls to be paid on the same Day.

XVII. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage or Cart conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing along the said Roads or any of them.

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

XVIII. 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 Carriage, shall be payable and paid every Time of passing along the said Roads or any of them, whenever any new Hiring thereof shall take place.

Post Chaises on every new Hiring.

[*Local.*]

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XIX. Pro-

Exemptions
for agricultu-
ral Produce.

XIX. Provided always, and be it further enacted, That no Toll shall be demanded or taken, by virtue of this Act, for any Horse, Beast, or other Cattle, Cart or Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Lime, Dung, Soil, Compost, or Manure for improving Lands, or any Ploughs, Harrows, or Implements of Husbandry, unless laden also with some other Thing not hereby exempted from Toll, or any Hay, Straw, Fodder for Cattle, or Corn in the Straw, which has grown or arisen on Land or Ground in the Occupation of the Owner of any such Hay, Straw, Fodder, or Corn in the Straw, Potatoes, or other agricultural Produce, which has not been bought, sold, or disposed of, nor is going to be sold or disposed of, or for any Horses or other Beasts employed in Husbandry, going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, such Horses or other Beasts going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, not going or returning on those Occasions more than Two Miles on the said Roads; and if any Person shall claim or take the Benefit of the said Exemption, not being legally entitled to the same, every such Person shall forfeit and pay any Sum not exceeding Five Pounds, and the Proof of Exemption shall lie on the Person claiming the same.

Exemptions
not to be
allowed
unless the
Wheels are
made as
herein de-
scribed.

XX. Provided always, and be it further enacted, That no such Exemption from Toll as herein-before mentioned shall be claimed or allowed unless the Tires of the Wheels of such Cart or other Carriage with Two Wheels be of the Breadth of Three Inches or more, if drawn by One Horse or other Beast; or of the Breadth of Four Inches and a Half or more, if drawn by Two Horses or other Beasts; or of the Breadth of Six Inches or more, if drawn by Three Horses or other Beasts; nor unless the Tires of the Wheels of such Cart or other Carriage with Four Wheels be of the Breadth of Three Inches or more, if drawn by One or Two Horses or other Beasts; or of the Breadth of Four Inches and a Half or more, if drawn by Three or Four Horses or other Beasts; or of the Breadth of Six Inches or more, if drawn by Five or more Horses or other Beasts.

Application
of the Money.

XXI. And be it further enacted, That all the Monies accruing to the said Trustees by virtue of this Act, and which shall arise and be produced by and from the Tolls by the said recited Acts and this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, shall be vested in the said Trustees for the Time being, and be applied in the first Place in Payment of all the Costs, Charges, and Expences incidental to and attending the applying for and obtaining and passing of this Act, and afterwards in defraying the Expences of making and completing the Roads by this Act authorized to be made and completed, in erecting and repairing Toll Gates and Toll Houses, in paying the Interest due upon the several Principal Sums of Money which have been borrowed and secured in pursuance of the former Acts hereby repealed,

repealed, and which shall from Time to Time be borrowed or advanced and secured in pursuance of this Act, in keeping the said Roads in repair, and lastly in discharging the several Principal Sums of Money which have been borrowed and secured in pursuance of and for the Purposes of the former Acts hereby repealed, and which have been subscribed for the Purposes of this Act, and which may hereafter be borrowed and secured by virtue of this Act.

XXII. And be it further enacted, That the said Trustees shall and they are hereby required to erect and set up, and continue, upon each and every Branch of Road comprised in this Act, One or more Toll Gate or Toll Gates, Toll Bar or Toll Bars, or Turnpike or Turnpikes, and to demand and take thereat the Tolls by this Act granted.

Toll Gates to be erected on each of the Branches, and Tolls taken.

XXIII. Provided always, and be it further enacted, That no Money arising from any of the Tolls hereby authorized to be collected and taken shall be applied in or towards the Repair of any Branch Road comprised in this Act, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Branch Road, nor unless the Tolls hereby granted shall be demanded and taken thereat, pursuant to the Powers and Provisions of this Act and the said recited Acts.

No Money to be laid out on the Roads where there is no Turnpike erected.

XXIV. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to empower the said Trustees to lay out or apply any of the Money raised by the Tolls hereby granted, or borrowed on the Credit thereof, in paving or repairing any Highway or Street in the Town of *Callington*.

Not to extend to the Streets of *Callington*.

XXV. And be it further enacted, That the said Trustees shall and may, and they are hereby authorized and empowered to make the said several new Pieces of Road and Improvements herein-before described, upon, in, over, or through any private Lands, Grounds, or Hereditaments, making or tendering Satisfaction to the Owners thereof, and Persons interested therein, for the same, or for any Damage they may sustain thereby, and also in, upon, over, or through any Commons or Waste Lands, without making any Satisfaction for such Commons or Waste Lands, of such Width or Dimensions as they shall think proper, not exceeding Forty Feet, together with such Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences on the Line of the said Roads, as they shall think necessary or expedient, and for such Purpose or Purposes to pull down or take and use any Houses, Buildings, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed, marked (A.), 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, Footpaths, Causeways, Embankments, Bridges,

New Pieces of Road may be made.

Bridges, Arches, Culverts, Ditches, Drains, and Fences are 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 or liable 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.

Map or Plan deposited at the Office of the Clerk of the Peace to remain there, and Road not to deviate more than 100 Yards from it.

XXVI. And whereas a Map or Plan, describing the Line of the said new Pieces of Road, and the Lands, Hereditaments, and Premises through which the same 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 therefore enacted, That the said Map or Plan, and the Book of Reference, shall remain in the Custody of the Clerk of the Peace for the said County, 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 the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of such Map or Plan and Book of Reference; and the said Trustees in making the said Roads shall not deviate more than One hundred Yards from the Lines described in such 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.

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

XXVII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Roads and Improvements 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, and Schedule hereunto annexed, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference, or in the Schedule to this Act, marked (A.), in case it shall appear to any Two or more Justices of the Peace for the said County of *Cornwall*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

No Dwelling Houses to be taken without Consent, except those mentioned in the Schedule.

XXVIII. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making the said Roads shall not extend, or be construed to extend, to authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Curtilage, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk, or Avenue to a House, or any inclosed Grounds 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, or other Person interested therein, first had and obtained, except such as are mentioned in the Schedule to this Act annexed, marked (A.)

XXIX. Provided also, and be it further enacted, That in case the said Trustees shall not purchase the Buildings, Lands, 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 granted by this Act or the said recited Acts for purchasing, taking, or using 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.

Dwelling Houses, &c. mentioned in the Schedule to be purchased in Five Years.

XXX. And be it further enacted, That from and after the Pieces of Road hereby authorized to be made shall be completed and open for the Passage of the Public, the Trustees may stop and discontinue as Turnpike or Parish Roads any other Roads which shall be rendered unnecessary by the making of the new Pieces of Road herein-before described, provided that such Roads shall not be stopped up or discontinued without the Order and Concurrence of Two Justices of the Peace acting in and for the County of *Cornwall*, not interested in the Repair thereof, which Order shall be subject to Appeal to the Quarter Sessions, in like Manner as if the same Order had been made by such Justices, and also subject to the Regulations and Directions contained in an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a public Highway; and to extend the Provisions of the same Act to the stopping up of unnecessary Roads.*

Certain unnecessary Roads may be stopped up.

55 G. 3. c. 69.

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 for the Purposes of the said Roads, 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 Settlement, or to any 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

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

1 G. 4. c. 35. 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 Payment or 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, or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, 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 meantime, 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 meantime, 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.

When less than 200*l.* and exceeding 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 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, Idiocy, 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 herein-before 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 such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before 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.

XXXIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before 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 the said Roads, for his, her, or their own Use and Benefit; or in Cases of Infancy, Idiocy, 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 so entitled respectively.

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 for the Purposes 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 said Lands, Tenements, or Hereditaments, [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

Where under
20l.

In case of
Question
as to Title,
or Persons
entitled not
being found.

shall seem meet, to order the same to be laid out and invested in the Public Funds, and 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 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.

Persons in Possession to be deemed presumptively entitled.

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 Privy 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 for the Purposes of this Act as 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.

The Court may order reasonable Expences of Purchases to be paid by the 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 for the Purposes 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 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 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

to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XXXVII. And be it further enacted, That Ditches, Drains, or Watercourses, of a sufficient Depth and Breadth for keeping the said Roads dry, and conveying the Water from the same, shall be made by the said Trustees, or their Surveyor or other Officer, on the Sides of the said Roads, and also, where necessary, into or through any Fields, Lands, or Grounds adjoining to or lying near the said Roads, (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House,) at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act; and sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats shall be made by the said Trustees, or their Surveyor or other Officer, where any Carriageways or Footways lead into or out of or cross the said Roads, also at the Expence of the said Trustees, out of the Monies aforesaid, any Law or Statute to the contrary notwithstanding; and all such Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, when made and completed by the said Trustees, shall for ever afterwards be scoured, cleansed, and kept open, repaired and maintained, by the Occupiers of the adjoining Fields, Lands, or Grounds; but all such new Bridges, Arches, Culverts, Trunks, Tunnels, and Plats, as shall cross or pass in or under the said Roads, shall be scoured, cleansed, and kept open, repaired and maintained, by the said Trustees, subject to the Provisions of the said Act of the Third Year of the Reign of His present Majesty.

Ditches,
Drains,
Bridges, &c.
by whom to
be made and
cleansed.

XXXVIII. 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.

Public Act.

XXXIX. And be it further enacted, That this Act shall commence upon the Twenty-ninth Day of *September* next after 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.

Commence-
ment and
Continuance
of Act.

SCHEDULE (A.) to which the Act refers.

Description of the Property.	Names of Owners.	Names of Occupiers.
An Orchard in the Parish of Calstock - - - - }	Mrs. Eleanor Paul - - -	In hand.
A Plantation in the same Parish -	John Williams, Esq. -	Ditto.
A Garden in the same Parish -	Ditto - - - -	Ditto.
A Garden in the same Parish - }	Gunnis Lake Mining Company - - -	Ditto.
A Garden in the same Parish -	Tamar Canal Company -	Ditto.
A Poundhouse and Curtilage in the Parish of Stokeclimsland - }	Diggory Raddall - - -	James Butcher.
A Garden and Orchard in the Parish of Callington - - }	Mr. John Hawke - - -	Richard Jasper.
A Barn and Curtilage in the Parish of Callington - - - }	Alexander Baring, Esq. -	Richard Johns.
A Plantation in the Parish of Saint Mellion - - - - }	John Tillie Coryton, Esq. -	In hand.

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