Anno decimo

Georgii III. Regis.

An Act to enlarge the Term and Powers granted by an Act paſſed in the Firſt Year of the Reign of His preſent Majeſty, "for repairing and widening the Road "from the Eaſt End of *Weſt Taphouſe Lane* "to the Borough of *Liſkeard*, and from "thence to *Coomb Row Houſe*, and alſo the "Road from the ſaid Borough of *Liſkeard* "to *Craft Hole*, and from thence to *Crim-* "*ble Paſſage* and *Tar Point*, and from *Craft* "*Hole* aforeſaid to *Saint German's Beacon*, "in the Counties of *Cornwall* and *Devon*," and for amending the Roads from *Barn Street* to *Duloe Church*, and from *Lux Street* to *Crathick Ford*, and from *Bull Poſt* to *Treworgey Croſs*, in the County of *Cornwall*.

Preamble.

Act 1 *Geo.* III,

WHEREAS by an Act passed in the First Year of the Reign of his present Majesty, intituled, An Act for repairing and widening the Road from the East End of *West Taphouse Lane* to the Borough of *Liskeard*, and from thence to *Coomb Row House*, and also the Road from the said Borough of *Liskeard* to *Craft Hole*, and from thence to *Crimble Passage* and *Tar Point*, and from *Craft Hole* aforesaid to *Saint Germain's Beacon*, in the Counties of *Cornwall* and *Devon*, several Tolls and Duties were granted and made payable, and divers Powers given for repairing the said Roads; which said Act, and the Tolls, Duties, and Powers thereby granted, were to have Continuance for and during the Term of Twenty-one Years from the Time of the passing of the said Act, and from thence to the End of the then next Session of Parliament: And whereas the Money collected and borrowed by virtue of the said Act hath been duly laid out and applied in repairing the said Roads, yet the same are not sufficiently repaired, nor can the same be amended, and the Debt due upon the Credit of the said Tolls be discharged, without an Increase of the said Tolls, and a further Continuance of the Term granted by the said Act: And whereas the said Act hath in several other Particulars been found very defective: 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 Act of the First Year of his present Majesty's Reign, and all the Clauses, Powers, Provisoes, Matters and Things therein contained (except such Clauses, Powers, Provisoes, Penalties, Forfeitures, Matters, and Things as are by this Act altered, varied, or repealed) shall be and the same are hereby declared to be and continue in full Force from and after the Term granted by the said Act for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament; subject to the Payment of any Money now due or hereafter to be borrowed on the Credit of the said former and this present Act, for and during the additional Term hereby granted as aforesaid.

where not altered by this Act,

further continued for 21 Years;

subject to the Payment of Debts.

And whereas the Road leading from a certain Street in the said Borough of Liskeard, called Barn Street, to

Duloe

Duloe Church, and also the Road leading from a certain Street called Lux Street, in the said Borough, to Crathick Ford, in the Road leading to the Borough of Launceston, and also the Road leading from a Place called Bull Post, in the said Borough of Liskeard, to the Four Lane End called Treworgy Cross, in the Road to Saint Cleer Church, all in the said County of Cornwall, are in a ruinous Condition, and in many Places narrow and incommodious, and cannot be sufficiently and effectually amended, widened, and kept in good Repair by the ordinary Course of Law; be it therefore further enacted by the Authority aforesaid, That from and after the passing of this Act, the said recited Act of the First Year of the Reign of his present Majesty, and all and every the Clauses, Powers, Provisions, Penalties, Forfeitures, Matters, and Things therein respectively contained, and also this present Act, shall extend to the said several Roads described in the said recited Act, and also to the new or additional Roads herein before described, for the Purpose of repairing and keeping the said several Roads in Repair, for and during the respective Terms granted by the said recited Act and this present Act, as fully and effectually, to all Intents and Purposes, as if the same were repeated and again enacted in the Body of this present Act.

Roads not in former Act to be repair'd under this Act.

And be it further enacted by the Authority aforesaid, That John Anstis, Bernard Anstis, John Blake, Jethro Borow, Joseph Moyle Copley, John Truebody Carlyon, John Carew, Thomas Carew, Joseph Ede, Joseph Fytze, Richard Gartrell, John Gould M. D. Peter Gurney, John Harris of Radford, William Hoskin the younger, John Jones, Edmund Jane, Arthur Kelley, William Knight, James Loggie, the Mayor, Recorder, Capital Burgesses, and Aldermen of the Borough of Liskeard, and their Successors for the Time being, Edward Lower the younger, Nicholas Lower, Richard Musgrove, Isaac Pill, Francis Polkinghorne, Henry Poulglais, Richard Rawle, John Rogers, Thomas Rowe, Samuel Rundle, Samuel Salt, Thomas Scawen, James Scawen, Henry Saint George, Darell Trelawney, Joseph Taunton the younger, Nicholas Trevanion, Clerk, Nehemiah Williams, together with all and every Person or Persons who have lent, or shall hereafter lend, the Sum of Two hundred Pounds or upwards upon the Credit of the Tolls granted by the said former or this present Act, shall be and they are hereby declared to be added to and joined with the Trustees appointed by the said

Additional Trustees.

former Act, who, together with the Trustees appointed by this present Act, are hereby appointed Trustees for carrying the said former and this present Act into Execution.

Instead of the Tolls granted by Act 1 *Geo.* III,

And be it further enacted by the Authority aforesaid, That from and after the Passing of this present Act, the said Trustees, or any Five or more of them, or such Person or Persons as they shall appoint, shall, instead of the Tolls or Duties granted by the said Act of the First Year of his present Majesty's Reign, demand, receive, and take the Tolls and Duties following, before any Carriage or Cattle shall be permitted to pass through any Gate or Turnpike erected by the said former or this present Act; that is to say,

These Tolls are to be taken.

For every Horse, Mare, Gelding, or Mule, drawing any Waggon, Cart, or Wain, Dray, Sledge, or other such like Carriage the Sum of Four-pence.

For every Yoke of Oxen, drawing any Waggon, Cart, Wain, or other Carriage, the Sum of Five-pence.

For every Horse, Mare, Gelding, or Mule, drawing any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Hearse, or other such like Carriage, the Sum of Three-pence.

For every Horse, Mare, Gelding, Mule, or other Beast of Burthen, laden or unladen, and not drawing, the Sum of One Penny.

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence per Score, and so in proportion for any greater or less Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence per Score, and so in proportion for any greater or less Number (except Waggons, Wains, Carts, Drays, or other Carriages, using Wheels with Fellies Nine Inches broad, for which no more than One Half of the Tolls before laid on the Horses or other Cattle drawing the same, shall be demanded and taken.)

Part of Act 1 *Geo.* III, repealed.

And be it further enacted by the Authority aforesaid, That so much of the said recited Act of the First Year of his present Majesty's Reign, as enacts, that Two Turnpikes shall be erected on the Road from the Borough of Liskeard to Crimble and Tar Point Passages, the One between Ten Creek Bowling Green Gate and the First Lane on the left Hand leading towards Menheniot Church, and the other in the Village of Craft

Craft Hole, at each of which Gates the ſeveral Tolls and Duties impoſed by the ſaid Act ſhall be ſeverally demanded and taken before any Carriage or Cattle ſhould be permitted to paſs through the ſame; but that no more than One Toll ſhould be taken upon the Road from the Eaſtern End of Weſt Taphouſe Lane, through Liſkeard, to the Houſe called Coomb Row Houſe; ſhall, from and after the Paſſing of this preſent Act, be, and is hereby declared to be, repealed.

Truſtees may erect Turnpikes at particular Places.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees ſhall be and they are hereby impowered to erect Two Gates or Turnpikes on the Road from the Borough of Liſkeard to Crimble and Tar Point Paſſages, the One between the End of the Lane commonly called Gut otherwiſe Gurt Lane, in the Borough of Liſkeard, and the End of the Lane or Highway near Maudlin, and leading from the ſaid Borough towards Houſey, and the other in the Village of Craft Hole; at each of which Gates the ſeveral Tolls and Duties granted by this Act ſhall be ſeverally demanded and taken before any Carriage, Horſe, Beaſt, or Cattle ſhall be permitted to paſs through the ſame; and alſo to erect One Side-gate in a certain Lane near to Sheviock Church, in the Pariſh of Sheviock; and that the ſeveral Tolls and Duties granted by this Act be there demanded and taken before any Carriage, Horſe, Beaſt, or Cattle ſhall be permitted to paſs through the ſame, unleſs a Ticket of the ſame Day be firſt produced from the Gate erected at Craft Hole: And that One other Side-gate be erected at a Place called Conen Croſs, in the Pariſh of Saint Pinnock; and One other Side-gate be erected in or near a certain Village called Old Park, or at Lady Park, in the Pariſh of Liſkeard; and another Side-gate be erected at or near Bodgara Mills, in the ſaid Borough; and that the ſeveral Tolls and Duties granted by this Act be there demanded and taken before any Carriage, Horſe, Beaſt, or Cattle ſhall be permitted to paſs, unleſs a Ticket of the ſame Day be firſt produced from ſome other Gate erected by virtue of this or the former Act (ſave and except ſuch Gates as are erected on the Road leading from the ſaid Borough of Liſkeard to Crimble and Tar Point Paſſages); and that no more than One Toll ſhall be taken in the ſame Day at any Turnpike erected by virtue of this or the former Act, except at ſuch Turnpikes as are or ſhall be erected on the Road leading from the ſaid Borough of Liſkeard to Crimble and Tar Point Paſſages;

And

Green Lane may be stopped up.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, at any Time from and after the passing of this present Act, to cause to be stopped up a certain Bye-lane in the Borough of Liskeard, called Green Lane.

Expences of this Act, &c. to be first paid.

And be it further enacted by the Authority aforesaid, That the Expences of obtaining and passing this Act shall be forthwith paid out of the Tolls which have arisen or shall arise by virtue of the said former and this present Act, or the Money already borrowed or to be borrowed on the Credit of the said Acts, or either of them; and that then the said Trustees shall and may defray all such Expences as have been incurred before the Passing this present Act, in and by the Execution of the said Act of the First Year of His present Majesty, over and above such Sums as were granted by virtue of the said Act.

Part of Act 1 *Geo.* III. repealed.

And be it further enacted by the Authority aforesaid, That so much of the said recited Act of the First Year of His present Majesty's Reign, as enacts, that the Tolls to be collected upon the Road from the Eastern End of West Taphouse Lane, through Liskeard, to the House called Coomb Row House, and the Money to be borrowed upon the Credit thereof, should be applied to the Repair of that Road only; and that the Tolls to be collected upon the other Roads directed to be repaired by the said Act, and the Money to be borrowed upon the Credit thereof, should be applied to those Roads only; shall be, and is hereby declared to be, repealed: And that from and after the Passing of this present Act, the Whole of the Tolls or Duties collected or to be collected by virtue of the said former and this present Act, shall be, and the same are hereby declared to be, One general joint Fund or Security for all Monies borrowed or to be borrowed by virtue of the said former or this present Act; any Thing in the said former Act to the contrary notwithstanding.

Tolls collected under both Acts, to be One general Fund and Security.

Clause restraining the building a Turnpike within a Mile of *Liskeard* Guildhall, repealed.

And be it further enacted by the Authority aforesaid, That so much of the said recited Act of the First Year of His present Majesty, as restrains the said Trustees from erecting any Gate, Turnpike, or Stop-gate within the Distance of One measured Mile from the Guildhall of the Borough of Liskeard, shall be, and is hereby declared to be, repealed.

And be it further enacted by the Authority aforesaid, That none of the Tolls or Duties made payable by this Act shall be demanded or taken for any Carriage,

Horſe, or Beaſt carrying any Corn or Grain ground or to be ground at Bodgara Mills, in the ſaid Borough of Liſkeard. Beaſts carrying Corn to *Bodgara* Mills, exempted.

And be it further enacted by the Authority aforeſaid, That none of the Exemptions from Payment of Toll contained in the ſaid former or this preſent Act, ſhall extend to any Carriage having Four Wheels drawn by more than Four Horſes, Mares, Geldings, or Mules, or Four Oxen and Two Horſes, or eight Oxen only; nor to any Carriage having Two Wheels drawn by more than Three Horſes, Mares, Geldings, or Mules, or Two Horſes and Two Oxen, or Six Oxen only. To what Carriages Exemptions ſhall not extend.

And be it further enacted by the Authority aforeſaid, That nothing in the ſaid former or this preſent Act contained ſhall extend to exempt from Payment of Toll any Horſe or Carriage laden with Straw made into Reed, or any Horſe or Carriage laden with any Raw Hide or or Hides, Skin or Skins; or any Leather; except in carrying the ſame from the Dwelling-houſe of any Inhabitant to any Tanpit Yard or Workhouſe belonging to ſuch Inhabitant within the ſame Pariſh, or from any ſuch Tanpit Yard or Workhouſe occupied by any ſuch Inhabitant to the Dwelling-houſe of ſuch Inhabitant. Exceptions.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding Two thouſand Five hundred Pounds, over and above the Sum of Five thouſand Pounds directed to be borrowed by virtue of the ſaid former Act, in ſuch and the like Manner as is directed by the ſaid former Act with reſpect to the borrowing the ſaid Five thouſand Pounds, ſo that the whole Debt ſhall not at any Time exceed the Sum of Seven thouſand Five hundred Pounds: And the ſaid Tolls granted by this and the ſaid former Act, and every Part thereof, ſhall be and they are hereby declared to be a joint Stock or Security for the Repayment of all and every the Sum or Sums of Money already borrowed by virtue of the ſaid former Act, and hereafter to be borrowed by virtue of this Act, together with Intereſt thereupon; which Tolls, and the ſeveral Sums to be borrowed upon the Credit thereof, ſhall be applied by the ſaid Truſtees for the Purpoſes directed by the ſaid former and this preſent Act. Truſtees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforeſaid, That no Perſon whatſoever, except ſuch Perſon or Perſons as ſhall be employed by the ſaid Truſtees, None but Perſons employed by the Truſtees, to remove any of the Soil,

shall, from and after the Passing of this present Act, scrape any Part of the said Roads, or otherwise carry away or remove the Soil thereof, on Pain of forfeiting for each Offence any Sum not exceeding Forty Shillings; to be recovered and levied as any Penalty or Forfeiture is by the said former or this present Act directed to be recovered and levied.

on Penalty of 40 s.

Repairs to begin at *Liskeard*.

Provided always, and be it further enacted by the Authority aforesaid, That the Repairs of the Roads directed to be repaired by this Act shall be begun at the said Borough of Liskeard, and shall be continued from thence to the Extremity of the several Roads directed to be repaired by this Act.

And be it further enacted by the Authority aforesaid, That all and every the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; that is to say;

Form of Conviction.

BE it remembered, That on the Day of in the Year of our Lord *A B* is convicted before me *C D*, One of His Majesty's Justices of the Peace for the County of *(specifying the Offence, and Time and Place when and where the same was committed, as the Case shall be)*. Given under my Hand and Seal the Day and Year aforesaid.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Thirty Days Notice thereof shall be given to the Clerk or Clerks to the said Trustees, or after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County or Place where the Cause of Complaint shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit, shall and may plead the General Issue, Not Guilty, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon; and that if such Action or Suit shall be brought after the Time limited for bringing the same, or after sufficient Satisfaction made or tendered as aforesaid, or shall be brought in any other County or Place than

General Issue.

than as aforesaid, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall have Treble Costs, and have such other Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law. Treble Costs.

And be it further enacted by the Authority aforesaid, That this Act shall be adjudged, deemed, 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.

FINIS.