

ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

****

Cap. cv.

An Act for more effectually repairing certain Roads leading to and from *Bodmin*, and other Roads therein mentioned, in the County of *Cornwall;* and for making and maintaining certain new Roads communicating therewith.

[21st *August* 1835.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually making and repairing certain Roads* 10 G. 4. c. 19. *leading to and from* Bodmin, *and certain other Roads therein mentioned, in the County of* Cornwall: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King *William* the Fourth, intituled *An Act for amending an Act of His late Majesty King* George *the Fourth,* 3&4 W. 4. c. 89. *for more effectually making and repairing certain Roads leading to and from* Bodmin, *and other Roads therein mentioned, in the County of* Cornwall; *and for making and maintaining a new Road communicating therewith:* And whereas the Trustees acting in execution of the said recited Acts have widened, repaired, and improved the said Roads, and have 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, nor the new Roads and Pieces of Road herein-after mentioned, be effectually made, amended, and kept in repair, unless the Terms of the said Acts are continued and further Powers granted: And whereas it

is expedient that Powers should be continued and granted for making and maintaining the new Lines of Road herein-after mentioned, and also certain new Pieces of Road communicating therewith: 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 from and after the Fifth *Monday* next after the passing of this Act the said recited Acts of the Tenth Year of the Reign of His late Majesty King *George* the Fourth and of the Third Year of the Reign of His present Majesty King *William* the Fourth, shall be and the same are hereby respectively repealed.

Recited Acts repealed.

Act to take effect for repairing the old Roads, and also the new Pieces of Road and the Lanes in Bodmin.

II. And be it further enacted, That instead thereof this Act shall, from the said Fifth *Monday* next after the passing thereof, commence and take effect and be put in execution, for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, amending, widening, altering, diverting, improving, and keeping in repair such of the aforesaid Turnpike Roads as at the Time of passing this Act are maintained and repaired by virtue of the Powers and Authorities of the said recited Acts hereby repealed; that is to say, the Road leading from the Butter Market in the Town of *Bodmin* aforesaid, through the Borough of *Bodmin*, by Way of *Brewery Lane* and the several Parishes of *Bodmin*, *Cardinham*, *Temple*, *Saint Neot*, *Alternon*, and *Lewannick*, over *Two Bridges*, to *Kennard's House* in the Parish of *Southpetherwin*, commonly called the *Launceston* Road; and also a certain Piece of Road, heretofore Part of the said *Launceston* Road, leading from *Holloway Cross* Turnpike Gate to or near *Hick's Mill Bridge* in the said Parish of *Southpetherwin*; and from the said Butter Market to the East End of *Callynough Down* in the Parish of *Helland*, commonly called the *Camelford* Road; and from the said Butter Market to *Pimligoe* in the said Parish of *Helland*, commonly called the *Helland Bridge* Road; and from the said Butter Market, through the Borough and Parish of *Bodmin*, and by Way of *Saint Bennett's* and *Red Tye*, through the several Parishes of *Lanivet*, *Luxulion*, *Roach*, and *Saint Columb Major*, and so far as *Higher Fraddon* at the Western End of *Fair Mile Commons* in the Parish of *Saint Enoder*, commonly called the *Truro* Road; and from the said Butter Market, through the Borough of *Bodmin*, over *Dunmeer Bridge*, through the Parishes of *Bodmin* and *Egloshayle*, to or near to the Bridge at *Wadebridge* in the said Parish of *Egloshayle*, commonly called the *Wadebridge* Road; and from the said Butter Market, through the said Borough of *Bodmin* and the Parish of *Lanhydrock*, over *Resprin Bridge*, and through the Parishes of *Saint Winnow* and *Broadoak*, so far as where the *Bodmin Road* near the *Four Burrows* joins the Road leading from *Lostwithiel* to the Town of *Liskeard*, commonly called the *Liskeard* Road; and from the said Butter Market, through the said Borough of *Bodmin*, and the Parishes of *Lanhydrock* and *Landlivery*, so far as *Noman's Land* in the said Parish of *Landlivery*, commonly called the *Lostwithiel* and *Saint Austell* Roads; and to and from the said Butter Market, through *Prior's Barn Lane* in the said Borough of *Bodmin* to *Prior's Barn* Turnpike Gate, and from thence near to a Place called *Carminow's Cross*, through the Borough of *Bodmin*, and the Parish of *Lanhydrock*, to the Turnpike Road leading from the Town of *Bodmin* to the Borough of *Liskeard*; and from a Side Gate adjoining to the Turnpike House at *Prior's Barn* Turnpike Gate aforesaid, called *Cooksland Gate*, over *Cooksland Common*, through

through the said Borough of *Bodmin* near to *Callywith* Turnpike Gate, commonly called the *Prior's Barn* Road; and also for making, completing, and maintaining several new Pieces or Lines of Road, or Diversions from the aforesaid old Roads, that is to say, a new Piece of Road diverging from the present Turnpike Road near *Townend* Turnpike Gate, through *Dark Lane*, to join the present Turnpike Road to *Dunmeer* at or near the One Mile Stone from *Bodmin*; and also a new Piece of Road from the said last-mentioned Piece of Road before described, from *Bodmin Townend* Turnpike to *Dunmeer* aforesaid, commencing at the Western End of *Dark Lane* aforesaid, through and over certain Enclosures now in the Possession of *Richard Coom*, to a Lane or Highway leading from the Town of *Bodmin* to *Tan Wood*, and from thence through the said Lane to the County Gaol in *Bodmin* aforesaid; and which said new Pieces of Road were authorized to be made and completed by the said recited Act of the Tenth Year of the Reign of His said late Majesty King *George* the Fourth; and also for making, completing, and maintaining a new Line of Road commencing at or from the present Turnpike Road near *Townend* Turnpike Gate in the said Borough of *Bodmin*, passing by or through *Laveddon*, *Laninval*, and *Forda*, to *Lamorrick*, to join the present Road lately made Turnpike at or near the Second Mile Stone from *Bodmin* on the Turnpike Road towards *Truro*, and authorized to be made and completed by the said recited Act of the Third Year of the Reign of His present Majesty King *William* the Fourth; and also a new Line of Road commencing at or from the present Turnpike Road near *Carminow Cross* in the Borough of *Bodmin* in the County of *Cornwall*, and passing over the Common into and through *Colslogget* in the Parish of *Cardinham* in the said County, down the Valley through *Glin Mill Farm*, Part of *Dreeson*, and the Corner of *Glin Lawn*, to the River *Fawy*, thence over the said River into *Branstone Moors* in the Parish of *Saint Winnow* in the same County, passing up the South Side of the said River into *Knattam Moor* and *Newbridge Wood* in the said Parish of *Cardinham*, thence through *Drift Wood*, *Drift*, *Bellasize*, *Chapel*, *Clinnick*, and other Tenements, and along the Parish Road through *Derry Coombe* and *Hollow Marsh Wood* in the Parish of *Broadoak* in the same County, to *Drawbridge*, thence over the said Bridge into the Parish of *Saint Neot* in the same County, and along the North Side of the aforesaid River *Fawy*, through *Draw Moors* and *West Lewherne*, at the Foot of *Lewherne* Coppice Woods, and by diverting a little the Course of the said River *Fawy* along the Bottom of *Draw* and *Largin* Woods in the said Parish of *Broadoak*, again into the said *Lewherne* Coppice Woods, and thence into and through *Treverbyn Park* in the said Parish of *Saint Neot*, upon the Parish Road by *Bodathiel*, along the Road of *Pengelly* Coppice to the *Saint Neot* River, thence across the said River, touching *Woodland* Plantation, through *Stockhouse* Farm, to the River *Draynes*, and over the River last aforesaid in the Parish of *Liskeard* in the same County, through *Double Bois Mill* Tenement, up through *Lodge* and *Double Bois* Woods and Farm, across the Parish Road leading from *Eastern Taphouse* to *Redgate* into *Treburgey Down*, *Treburgey*, *Little* and *Great Twelvewoods*, and terminating a little West of the Third Mile Stone from *Liskeard* on the Turnpike Road leading from *Liskeard* aforesaid to *Lostwithiel* and *Bodmin* in the same County; and also a new Piece of Road branching from the aforesaid new Line of Road at or near *Double Bois* Farmyard Gate in the said Parish of *Liskeard*, in and through *Treburgey Down*, *Little* and

Great

Great Twelvewoods aforesaid, through the Parish Road leading to *Dobwalls*, and terminating at *Five Lanes* near *Dobwalls* aforesaid, on the said Turnpike Road from *Liskeard* to *Lostwithiel* and *Bodmin*; and also a new Piece of Road diverging from the present Turnpike Road in *Prior's Barn Lane* within the Borough of *Bodmin* aforesaid, opposite to the Dwelling House now occupied by one *William Barrett*, through a certain Close now used as the Drying-yard of *Priory House*, thence through the Rick-yard of *Priory* aforesaid and the said present Turnpike Road, touching and bearing into and upon the Western Pier of *Priory* Gateway through the Brewery Stables, Cart-shed, and Buildings, along *Brewery Lane*, bearing and cutting into and upon the Shed and Watering in *Brewery Lane* aforesaid, into and terminating at *Honey Street* within the Borough of *Bodmin* aforesaid; and also a new Piece of Road diverging at or near the *Mountfolly* in the Town of *Bodmin* aforesaid, and passing through the Dwelling House and Shop now occupied by *Ann Mitter*, the Mayoralty, Stables, Courts, and Yard, the Gardens, Tool House, and Bottom of the Lawn of *Saint Petrock*, commonly called the *Nursery*, thence South of *Priory Pond*, through *Pond Meadow*, *Middle Moor*, *Higher Lane Field*, and other Closes at the Back of the *Priory*, and within the Borough of *Bodmin* aforesaid, to *Prior's Barn Lane*, leading to the new Piece of Road lately formed through Inclosures, and over *Cooksland Common*, towards *Launceston*.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Cornwall*, together with Sir *William Molesworth* Baronet, Sir *Thomas Ackland* Baronet, *John Bennett*, *Thomas Commins*, *James Duke Coleridge* Clerk, *William Collins*, *Robert Bradlick Edyvean*, *Nicholas Every* Clerk, *Robert Flamank*, *Thomas Fisher* Clerk, *Walter Raleigh Gilbert*, *John Pomery Gilbert* Clerk, *Joseph Hamley*, *John Harry* Doctor of Medicine, *Digory King*, *William Marshall*, *John Marshall*, *William Phillipps* Clerk, *Deeble Peter*, *William Praed*, *Andrew Lovering Sarel*, *Vyel Francis Vyvyan* Clerk, *John Wallis*, *John Wallis* the younger, Clerk, *John Williams*, *John Cradock*, *Thomas James Agar Robartes*, *Darell Stephens* Clerk, *Edward Trelawney* Clerk, *Arscott Ourry Molesworth*, *Edward Pearce*, *John Every*, *Francis John Hext Kendall* Clerk, *Roger Henwood*, *Samuel Symons*, *William Pollard*, *Thurston Collins*, *Francis Brown Hambley*, *William Arundell Yeo*, and their Successors, being duly qualified according to the several Laws in force and effect for the Repair of Turnpike Roads, shall be and they are hereby appointed Trustees for putting this Act into execution, and the several Acts in force for regulating Turnpike Roads in *England*.

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall be lawful for the Trustees appointed by this Act, at any Meeting from Time to Time to be held for that Purpose, (of which Meeting, and of the Purpose thereof, Fourteen Days Notice shall be given as is directed by the General Turnpike Act of the Third Year of the Reign of His late Majesty respecting the Appointment of Trustees on Vacancies,) to elect, nominate, and appoint any Number of fit Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees so elected and appointed, and being duly qualified, shall be and they are hereby invested with the same Powers and Authorities as if they had been herein named.

V. And

First Meeting of Trustees.

V. And be it further enacted, That the Trustees for executing this Act shall meet at the Guildhall in the Borough of *Bodmin*, or at some other convenient House or Place in *Bodmin* aforesaid, on the Fifth *Monday* next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, 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.

Roads to be made according to the Map or Plan lodged with the Clerk of the Peace, to remain there and be open to Inspection.

VI. And whereas a Map or Plan describing the said new Lines and Pieces of Road respectively, and the Lands, Tenements, and Hereditaments through or over which the same are respectively intended to be made or carried, together with a Book of Reference containing the Names of the Owners and Occupiers of such Lands, Tenements, and Hereditaments, hath been deposited with the Clerk of the Peace for the said County of *Cornwall*; be it therefore further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies thereof, or Extracts therefrom, at their Will and Pleasure, paying to 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: Provided always, that the said Trustees in making the said new Lines and Pieces of Road respectively, or any Part or Parts thereof, shall not deviate more than One hundred Yards from the Lines described in the said Map or Plan, without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Limiting Deviations from Plan.

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

VII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said new Lines and Pieces of Road through, across, or over the Lands of any Person or Persons who is or are or may be Owner or Owners of the Lands, Tenements, and Hereditaments through or over which the same are respectively set out and described in the said Map or Plan and Book of Reference, although such Lands, Tenements, and Hereditaments, or the Name or Names of such Person or Persons, may be erroneously described, omitted, or mis-stated in the said Map or Plan and Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the County in which the Lands, Tenements, and Hereditaments shall be situate, and be certified in Writing under their Hands, that such Omission or Mis-statement happened by Mistake.

Trustees restrained from pulling down Dwelling Houses, &c. without Consent of the Owner.

VIII. Provided also, and be it further enacted, That the Powers and Authorities hereby given for making the said new Lines and Pieces of Road herein-before described shall not extend or be construed to extend to authorize the said Trustees to take or pull down any Dwelling House or other Buildings, 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

of the Owner or Proprietor thereof, or other Persons interested therein, first had and obtained, save and except those specified in the Schedule hereunto annexed.

Lands to be purchased in Three Years.

IX. Provided also, and be it further enacted, That if the said Trustees shall not within the Space of Three Years (to be computed from the passing of this Act) agree for and cause to be valued and paid for the Buildings, Grounds, and Hereditaments to be purchased for the Purposes of this Act, it shall not thereafter be lawful for the said Trustees to take or use any such Buildings, Grounds, or Hereditaments without the Consent in Writing of the Owners thereof first had and obtained.

Power to take Tolls.

X. And be it further enacted, That the several Tolls following shall be demanded and taken at each and every of the Toll Gates, and Side Gates, Bars, or Chains, which shall be continued or erected under or in pursuance of this Act; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Chaise, Chaise-marine, Curricle, Calash, Car, Chair, Caravan, Hearse, Phaeton, Barouche, or other such Carriage, or Taxed Cart, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon or other such Carriage with Four Wheels, such Wheels being of less Breadth than Four Inches and a Half, the Sum of Eight-pence:

For every Horse or other Beast drawing any Waggon or other such Carriage with Four Wheels, such Wheels being more than the Breadth of Four Inches and a Half, but of less Breadth than Six Inches, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon or other such Carriage with Four Wheels, such Wheels being of the Breadth of Six Inches or upwards, the Sum of Four-pence:

For every Horse or other Beast drawing any Wain, Butt, Cart, Dray, or other such Carriage with less than Four Wheels, such Wheels being of less Breadth than Four Inches and a Half, the Sum of Eight-pence:

For every Horse or other Beast drawing any Wain, Butt, Cart, Dray, or other such Carriage with less than Four Wheels, such Wheels being of the Breadth of Four Inches and a Half and less than Six Inches, the Sum of Sixpence:

For every Horse or other Beast drawing any Wain, Butt, Cart, Dray, or other such Carriage with less than Four Wheels, such Wheels being of the Breadth of Six Inches or upwards, the Sum of Four-pence:

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

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

And for every Drove of Calves, Pigs, Sheep, or Lambs, the Sum of Tenpence *per* Score, and so in proportion for any greater or less Number:

And that the whole Breadth of the Sole or Bottom of the Wheels of such Waggon, Wain, Butt, Cart, Dray, or other such Carriage, when rolling on a flat Surface, shall bear equally on such flat or level Surface, and the Nails of the Tires of such Wheels shall be in all such Cases countersunk,

sunk, so as not to project more than One Quarter of an Inch beyond the Surface of such Tires.

Number of Tolls limited.

XI. Provided always, and be it further enacted, That no more than Two full Tolls shall be demanded and taken for or in respect of the Passage of the same Horse, Beast, or Cattle, drawing or not drawing, on the same Day through all the several Toll Gates and Turnpikes erected or to be erected upon each of the several Turnpike Roads herein-before described by the several and respective Names of the *Launceston* Road, the *Camelford* Road, the *Helland Bridge* Road, the *Truro* Road, the *Wadebridge* Road, the *Liskeard* Road, and the *Lostwithiel* and *Saint Austell* Roads, or upon the said new Lines of Road herein-before described.

Tolls to be paid but once a Day.

XII. Provided also, and be it further enacted, That in case the Tolls hereby authorized to be taken shall have been paid for the passing of any Horse, Beast, or Cattle, drawing or not drawing, through any one of such Toll Gates, Turnpikes, or Side Gates, such Horse, Beast, or Cattle shall, upon a Ticket denoting such Payment on that Day being produced, be permitted to pass and repass Toll-free through the same Toll Gate or Side Gate during the same Day, any thing in this Act contained to the contrary thereof in anywise notwithstanding.

All Gates in the Borough of Bodmin to free each other, except Townend, Calliwith, and Saint Nicholas Gates.

XIII. Provided always, and be it further enacted, That no more than One full Toll shall be demanded or taken for or in respect of any Horse, Mule, or Ass, not drawing, passing or repassing the same Day through any of the Toll Gates or Turnpikes, Side Gates, Bars, or Chains erected or to be erected by virtue of the said Acts hereby repealed, or either of them, or this Act, within the Limits of the Borough of *Bodmin*, (except as herein-after mentioned,) but all and every Person and Persons, having paid such respective Toll at any Turnpike or Toll Gate erected within the Limits of the said Borough, and producing a Ticket denoting the Payment thereof, shall pass and repass Toll-free the same Day, with the same Horse, Mule, or Ass, through every Toll Gate or Turnpike erected within the Limits of the said Borough of *Bodmin* (except as hereafter mentioned): Provided also, that no Ticket given at either of the said Turnpikes or Toll Gates called *Calliwith* Turnpike Gate, *Saint Nicholas* Turnpike Gate, or *Townend* Turnpike Gate, shall in any Case or at any Time free each other, nor shall such Exemption from more than One Toll be claimed for or in respect of any such Horse, Mule, or Ass, not drawing, passing or repassing on the same Day beyond the Limits of the said Borough of *Bodmin*.

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

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

Post Chaises to pay on every new Hiring.

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

XVI. And

Exemption.

XVI. And be it further enacted, That no Toll shall be payable in respect of any Horses, whether employed or not in Husbandry, going to or returning from Pasture or Watering Place, or going to be or returning from being shoed or farried, such Horses not going or returning more than Two Miles on any of the said Roads.

No Exemption for Agricultural Produce, Manure, &c., unless Tires of Wheels of Carriages be of certain Breadths.

XVII. Provided always, and be it further enacted, That from and after the Fifth *Monday* next after the passing of this Act no Exemption from Toll shall be claimed or allowed, by virtue of any Law now in being for regulating Turnpike Roads, for or in respect of any Horse, Beast, or other Cattle drawing any Waggon, Wain, Cart, or other such Carriage, and employed in carrying or conveying any Corn or Grain in the Straw, Hay, Straw, Fodder, Dung, Lime, or Sand for the Improvement of Land, or other Manure, or any Plough, Harrow, or Implements of Husbandry, unless the Tires of the Wheels of such Waggons, Carts, Wains, or other Carriages with Two Wheels shall be of the Breadth of Four Inches and a Half or more, if drawn by One, Two, or Three Horses, Beasts, or other Cattle, or of the Breadth of Six Inches or more, if drawn by more than Three Horses, Beasts, or other Cattle; nor unless the Tires of the Wheels of such Waggon, Wain, or other such Carriage with Four Wheels be of the Breadth of Four Inches and a Half or more, if drawn by Two or Three Horses, Beasts, or other Cattle, or of the Breadth of Six Inches or more, if drawn by Four or more Horses, Beasts, or other Cattle; nor unless the whole Breadth of the Sole or Bottom of such Wheels, when rolling on a flat Surface, shall bear equally on such flat or level Surface, and the Nails of the Tires of such Wheels be in all such Cases countersunk, so as not to project more than One Quarter of an Inch beyond the Surface of such Tires.

No more Money to be laid out on any Line of Road than is collected thereon.

XVIII. Provided always, and be it further enacted, That no Money arising from any of the Tolls mentioned in this Act shall be applied in or towards the Repair of any Line of Road authorized to be made or repaired by this Act, unless some Toll Gate, Toll Bar, or Turnpike shall be erected or continued upon such Line of Road or on the Side thereof, nor unless the said Tolls shall be demanded and taken thereat pursuant to the Powers and Provisions of this Act: Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any such Line of Road than shall be collected thereat or borrowed on the Credit of the Tolls collected thereon.

Application of Trust Monies.

XIX. And be it further enacted, That all the Monies which shall arise and be produced by and from the Tolls by the said recited Acts hereby repealed and this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, or of any Acts at any Time heretofore repealed, 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 to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in Payment of all the Costs, Charges, and Expences incident to and attending the applying for and obtaining and passing of this Act; secondly, in paying the Interest due upon the several Principal Sums of Money which have been borrowed and secured in pursuance of the former Acts repealed, or which shall from Time to Time be borrowed

and secured in pursuance of this Act; thirdly, in keeping in repair the Roads already made, and in defraying the Expences of making, completing, and keeping in repair the Roads by this Act authorized to be made and completed, and in erecting and repairing Toll Gates and Toll Houses, and in otherwise carrying this Act into execution; 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 Acts already repealed, and which may be hereafter borrowed and secured by virtue of this Act.

The Freehold and Inheritance of Lands to remain and be vested in the Persons of whom they are purchased.

XX. And be it further enacted, That in case any Lands or Hereditaments shall, in pursuance of this Act and of the Acts for regulating the Turnpike Roads in *England* or any of them, be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands and Hereditaments so purchased, in case the same shall be of Freehold Tenure, or the Estate or Interest, in case the same shall be of any other Tenure, shall not (notwithstanding any Provisions in the said Acts or any of them to the contrary), by means of any such Purchase, or any Conveyance or Assurance made in pursuance thereof, be vested in the said Trustees, but that the Freehold and Inheritance, or the Estate and Interest (as the Case may be), of and in the Lands and Hereditaments so purchased shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees; and the said Trustees shall, by means of such Purchase and Conveyance or Assurance, or any of them, be entitled to a perpetual Right of Way in or upon the Lands and Hereditaments purchased by them in pursuance of this Act and the said Acts, or any of them.

Right of Way to cease when Lands are not wanted.

XXI. Provided also, and be it further enacted, That if at any Time any Lands or Hereditaments purchased by the said Trustees for the Purposes of the Roads mentioned in this Act or any of them shall not be wanted for the same, then and in such Case the Right of Way in or upon the said Lands vested in the said Trustees shall cease, determine, and be extinguished, and the Freehold and Inheritance, or the Estate or Interest (as the Case may be), of the said Lands and Hereditaments shall be and remain in the Person or Persons then entitled to the same, freed and discharged of and from such Right of Way.

Trustees to have the same Power of cutting the Lands taken by them, as if they had purchased the Fee Simple.

XXII. Provided always, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging and using the Lands and Hereditaments taken by them for the Purposes of this Act, and of erecting Toll Houses and other Buildings thereon, as fully and effectually to all Intents and Purposes as the said Trustees would have had in case they had purchased the Fee Simple and the Estate and Interest of the said Lands and Hereditaments under and by virtue of the Powers contained in any of the Acts now in force for regulating Turnpike Roads in *England*, any thing herein contained to the contrary in anywise notwithstanding.

Power to discharge Trustees

XXIII. And be it further enacted, That from and after any or either of the said new Lines and Pieces of Road respectively intended to be made

from Repair of old Roads on completion of new Lines.

made as herein-before mentioned shall be completed and open for the Passage of the Public, it shall be lawful for the Trustees for executing this Act, and they are hereby empowered, at any Special Meeting from Time to Time to be holden for that Purpose (of which Meeting public Notice specifying the Time for holding the same, and the Purpose thereof, shall have been given in some Newspaper or Newspapers published or circulated in the said County of *Cornwall*, and also by affixing a Copy of such Notice on all the Turnpikes, Toll Gates, and Side Bars which shall be then standing on any of the said Roads, at least Fourteen Days before such Meeting,) to order that all or any Part of so much of the present Road respectively as shall lie between the Commencement and Termination of any or either of the said new Line or Lines, Piece or Pieces of Road hereby intended to be made respectively, and so completed as aforesaid, shall be no longer repaired out of the Monies to be received by virtue of this Act; and that from and immediately after the making of any such Order, the said Trustees shall be discharged from the Care, Management, and Repair of the Line or Lines, Piece or Pieces of Road therein in that Behalf mentioned respectively.

Rubbish may be taken from Quarries, and from Tin, Copper, and Lead Mines, and Stream Works, for repairing the Roads.

XXIV. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors, and such Person or Persons as he and they shall direct or appoint, from Time to Time to enter into any Quarry, and to take and carry away the Chipping and Rubbish thereof, and also to take and carry away Attel, Heneways, and Rubbish from the Burrows of any Tin, Copper, or Lead Mine, or Tin Stream Work, without paying or making any Compensation or Satisfaction for the same, such Rubbish being actually of no Value to the Owner or Owners for Sale, or for his, her, or their own Use, the Owner or Occupier of such Quarry, or some Person appointed by him, and the Adventurers in such Tin, Copper, or Lead Mine, or Tin Stream Work, or the Captain or Captains thereof, or some Person or Persons appointed by him or them, being present, or Three full Days Notice at the least being given to such Owner or Occupier of such Quarry, or his known Agent or Servant, and to such Adventurers in such Tin, Copper, or Lead Mine, or Tin Stream Work, or the Captain or Captains thereof, or left at his or their usual Place of Abode, before such taking and carrying away respectively; but in case any Damage shall be sustained or any Compensation claimed by such Owner or Occupier or Adventurer, the same shall be ascertained and estimated in manner lastly herein-before mentioned.

Ditches and Drains may be made.

XXV. And be it further enacted, That it shall and may be lawful for the said Trustees and their Surveyor or Surveyors, or other Person or Persons by them appointed, and they are hereby authorized and empowered, to make such Ditches, Drains, or Watercourses, of a sufficient Depth and Breadth, for keeping the said Roads dry, and conveying the Water from the same, 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 also such sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats as shall be necessary, 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 so made and completed, 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 Acts for regulating Turnpike Roads in *England*.

Where Roads are widened or newly made, the Charges for fencing may be settled by a Jury.

XXVI. And be it further enacted, That when and as often as the said Trustees shall deem it necessary to purchase any Lands or Grounds for the Purpose of widening, altering, or improving any of the said present Roads, or of making any of the said intended new Pieces of Road, and the Recompence to be made to the Occupiers of any such Lands or Grounds in respect thereof shall be inquired of by a Jury under or by virtue of an Act of the Third Year of the Reign of His late Majesty, or any Act which shall be then in being, and the said Trustees would be liable to fence off any such Lands or Grounds, and keep such Fences in repair for the Term of Five Years, under or by virtue of an Act passed in the Fourth Year of the Reign of His late 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, or any Act which shall be then in being, to be computed as therein mentioned, it shall be lawful for such Jury as aforesaid, and they are hereby authorized and directed, in like Manner, to inquire of and assess the reasonable Charges of making such Fences, and keeping the same in repair for the said Term of Five Years; and after the Assessment hereby directed shall have been made, the said Trustees shall thereupon order the Sum of Money so assessed by the Jury to be paid to such Occupier as aforesaid, according to the Verdict or Inquisition of such Jury, which Verdict or Inquisition shall be final; and after the Payment or Tender of the Sum of Money so assessed to such Occupier, his Executors or Administrators, the said Trustees shall thenceforth be discharged from the Burthen of making or repairing such Fences, any thing in the said Act of the Fourth Year of His late Majesty's Reign, or any other Act, to the contrary notwithstanding; but no such Jury shall be at any Time summoned for the sole Purpose of inquiring as to the Compensation to be made in respect of such Fences.

4 G. 4. c. 95.

Streets in Bodmin to continue under Care of Corporation, subject to the Powers of the Genera Turnpike Acts, for removing Nuisances, &c.

XXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to exonerate or discharge the Mayor and Burgesses of the Borough of *Bodmin*, or their Successors, from the Repairs, Care, and Management of such Streets or Parts of Streets of the said Borough, within the Limits of the said Roads hereby authorized to be made Turnpike, as have heretofore been repaired and amended by the said Mayor and Burgesses, but that such Streets and Parts of Streets, and the Causeways, Footpaths, and Pavements on the Sides thereof, and also such other Causeways, Footpaths, and Pavements on the Sides of the said Turnpike Roads within the said Borough, and which have, or hereafter shall be made and kept in repair by the said Mayor and Burgesses, shall remain and continue to be repaired and kept in repair by the said Mayor and Burgesses and their Successors, subject however

however to the Powers, Authorities, Remedies, Penalties, Regulations, and Provisions granted and contained in and by this Act, or in and by an Act passed in the Ninth Year of the Reign of His late Majesty King
9 G. 4 c. 77. *George* the Fourth, intituled *An Act to amend the Acts for regulating Turnpike Roads*, or in and by the several Acts therein mentioned, or any or either of them, so far as the same respects Nuisances, Annoyances, Trespasses, or Encroachments made, done, or committed in or upon the said Streets, Causeways, Footpaths, or Pavements within the Limits aforesaid.

Tolls not to be laid out in repairing the Streets.

XXVIII. Provided always, and be it further enacted, That none of the Tolls authorized by this Act to be taken upon the said Roads, nor any of the Monies raised by virtue of the said recited Acts or any of them, or to be raised by virtue of this Act, shall be paid, laid out, or expended in the Repair or Improvement of any Street, Highway, or Place within the Town of *Bodmin*, or any other Town through which the said Roads shall pass, nor shall any Tolls be collected therein.

Public Act.

XXIX. 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.

Term of Act.

XXX. And be it further enacted, That this Act shall commence upon the Fifth *Monday* next after the passing of this Act, and shall continue and be in force for Thirty-one Years, and from thence to the End of the then next Session of Parliament.

The

The SCHEDULE referred to by the foregoing Act.

No. on Map.	Description of Property.	Where situated.	Owners.	Occupiers.
111	Orchard -	Borough of Bodmin.	Robert Hawke - - -	Richard Wright.
17	Pasture Lawn	Parish of Cardinham.	Sir Richard Hussey Vivian.	Sir Richard Hussey Vivian.
19	Plantation -	Same Parish -	The same - - -	The same.
20	Plantation -	Same Parish -	The same - - -	The same.
22	Coppice Wood	Same Parish -	The same - - -	The same.
23	Coppice Wood	Parish of Broadoak.	Right Honourable Lady Grenville.	The Right Honourable Lady Grenville.
41	Orchard -	Same Parish -	The same - - -	John Blewett.
42	Wood -	Same Parish -	The same - - -	The same.
46	Orchard -	Same Parish -	The same - - -	Nicholas Davey.
49	Coppice Wood	Same Parish -	The same - - -	The Right Honourable Lady Grenville.
53	Coppice -	Parish of Saint Neot.	Reverend Richard Gerveys Grylls.	Reverend Richard Gerveys Grylls.
53[a]	Wood -	Parish of Broadoak.	Right Honourable Lady Grenville.	The Right Honourable Lady Grenville.
54	Coppice -	Parish of Saint Neot.	Gordon William Francis Gregor, Esquire.	Gordon William Francis Gregor, Esquire
56	Waste Alders	Same Parish -	The same - - -	Thomas Cobbledick.
60	Orchard -	Same Parish -	The same - - -	The same.
63	Parish Road and Coppice.	Same Parish -	The same - - -	Gordon William Francis Gregor, Esquire.
65	Wood -	Same Parish -	Thomas Robins, Esquire	Thomas Robins, Esquire
66	Plantation -	Same Parish -	Edward Coode, Esquire	Samuel Douey.
67	Coppice -	Same Parish -	The same - - -	The same.
69	Wood -	Same Parish -	The same - - -	The same.
71	Wood -	Same Parish -	The same - - -	The same.
73	Wood and Pasture.	Parish of Liskeard.	William Hodge, Esquire	Samuel Phillips.
74	Wood -	Same Parish -	The same - - -	William Hodge, Esquire.
75	Coppice -	Same Parish -	Duke of Cornwall - -	Earl of Saint Germains.
76	Coppice -	Same Parish -	William Hodge, Esquire	William Hodge, Esquire.
95	Orchard -	Same Parish -	William Sowden - -	William Sowden.
98	Orchard -	Same Parish -	Ezekiel Gavid - -	John Wills.
127	Drying-yard	Borough of Bodmin.	Lord De Dunstanville -	Walter Raleigh Gilbert.
128	Rick-yard -	Same Borough	Walter Raleigh Gilbert	The same.
129	Churchyard	Same Borough	Vicar of Bodmin.	
130	Priory Lawn	Same Borough	Walter Raleigh Gilbert	The same.
131	Stables and Cart-shed,	Same Borough	Wright and Sons - -	Wright and Sons.
132	Churchyard	Same Borough	Vicar of Bodmin	

No. on Map.	Description of Property.	Where situated.	Owners.	Occupiers.
133	Shed - -	Borough of Bodmin - -	Corporation of Bodmin.	
134	Churchyard	Same Borough	Vicar of Bodmin.	
135	Water-shut	Same Borough	Corporation of Bodmin.	
136	Cellars -	Same Borough	Honourable Anna Maria Agar.	Wright and Sons.
137	Gig-house -	Same Borough	The same - - -	—— Elliot.

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