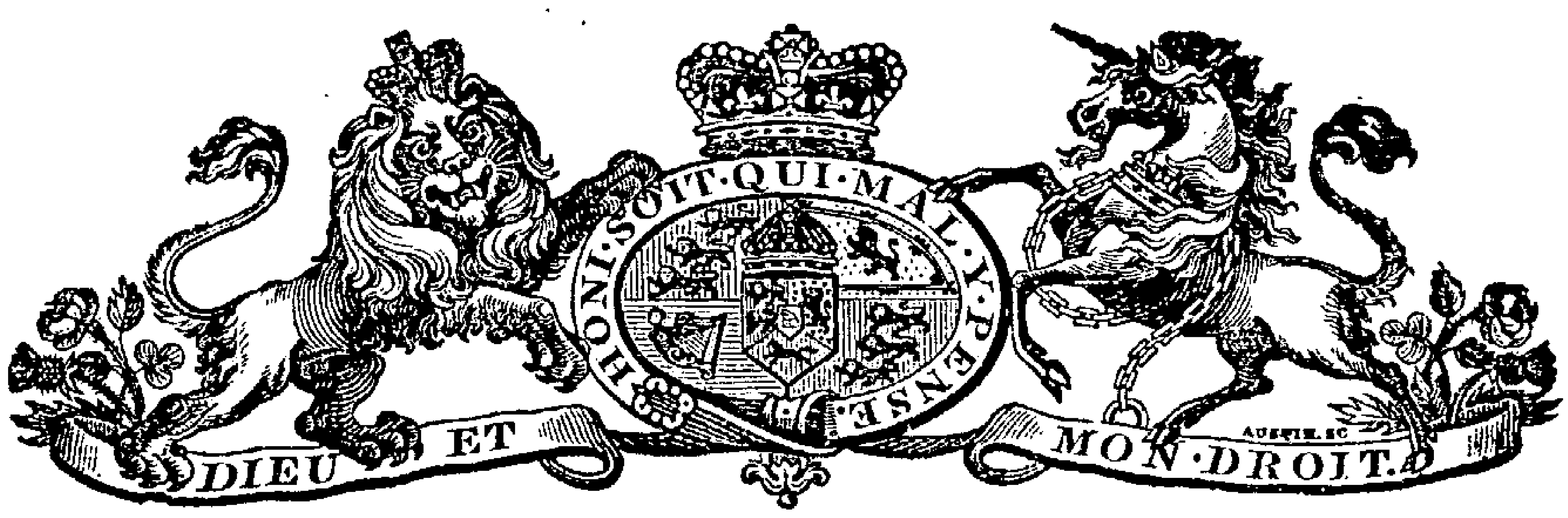


ANNO PRIMO

VICTORIÆ REGINÆ.

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Cap. vi.

An Act for repairing and improving the Road leading from *Haleworthy* in the Parish of *Davidstow* in the County of *Cornwall* to the East End of *Wadebridge*, and from the West End of *Wadebridge* into and through the Borough of *Mitchell* in the said County; and for making and maintaining certain new Roads to communicate therewith. [11th *April* 1838.]

WHEREAS an Act was passed in the Sixth Year of the 6 G. 4. c. 40.
Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving the Road leading from* Haleworthy *in the Parish of* Davidstow *in the County of* Cornwall *to the East End of* Wadebridge, *and from the West End of* Wadebridge *into and through the Borough of* Mitchell, *in the said County:* And whereas a considerable Debt is owing upon the Credit of the Tolls granted by the said recited Act, which cannot be paid off, nor the Interest thereof be discharged, nor can the said Road be kept in repair and effectually improved, unless the Term granted by the said recited Act be continued, and the Powers and Provisons thereof are amended and enlarged, and the Tolls increased or altered: And whereas it is expedient that Powers should be granted for making turnpike, and making, amending, widening, diverting, improving, maintaining, and keeping in repair the several Diversions or new Lines of Road, and for making turnpike, widening, maintain-

ing, and improving the several Highways in the Lines or Directions thereof, and certain new Pieces of Road communicating therewith, herein-after mentioned: And whereas it would facilitate the Execution of the Purposes aforesaid if the said recited Act were repealed, and other Provisions made for the Maintenance and Repair of the said Roads: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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That upon the Day of the Commencement of this Act the said recited Act shall be and the same is hereby declared to be repealed.

The recited Act repealed.

This Act to be put in execution.

II. And be it further enacted, That this Act shall commence and take effect and be put in execution for and during the Term herein-after mentioned, as well for the Purpose of more effectually amending, altering, widening, improving, and keeping in repair the Roads comprehended in the Provisions of the said recited Act, (that is to say,) the present Turnpike Road leading from *Haleworthy* in the Parish of *Davidstow* in the County of *Cornwall* to the East End of *Wadebridge*, and from the West End of *Wadebridge* into and through the Borough of *Mitchell* in the said County, as for the Purpose of making, completing, and maintaining the said intended Diversions, Alterations, new Lines of Road, Improvements, and Extension herein-after mentioned, (that is to say,) a Diversion or new Line of Road between *Wadebridge* and *Camelford*, commencing from or near the Village of *Highway* and terminating at or near to a certain Place called *Pope's Cottage*; also a new Line of Road branching out of the said last-mentioned Road at or near to *Trehannick Bridge* to join the present Turnpike Road from *Wadebridge* to *Camelford* at or near to a certain Place called *Knight's Mill Bridge*; and to make turnpike and place under the Care and Management of the Trustees to be herein-after appointed a Piece of Road or Highway about One Mile in Length, commencing at or near the One Mile Stone from the Town of *Saint Columb Major*, and leading from thence over the new Bridge to the said Town, together with a Piece of Highway diverging from the said Road at or near the new Bridge aforesaid to the Distance of One hundred and fifty Yards or thereabouts, into a Lane called *Trumman's Lane*; also to make turnpike and place under the like Care and Management a common Highway or public Carriage Road about Two hundred Yards in Length, leading out of the present Turnpike Road near the *Saint Columb* old Bridge, and running by the Side of the *Saint Columb* River, into the Road thirdly herein-before described, at or near the *Saint Columb* new Bridge, and to alter, widen, and divert the present Turnpike Road leading from *Wadebridge* to *Camelford*; and also to make an Extension of the present Turnpike Road from the Toll House at the *Saint Columb* old Bridge aforesaid to the Extent of One hundred and fifty Yards or thereabouts into a Lane called *Tolskiddy Lane*; which Diversions, Alterations, or new Lines of Road, Highways, and Extension are intended to be made and to pass from, in, through, or into the Parishes and Townships of *Lantegloss*, by

by *Camelford*, *Michaelstowe*, *Saint Tudy*, *Saint Teath*, *Saint Kew*, and *Saint Columb Major*, or some of them, all in the County of *Cornwall*; and which several Roads, together with the Diversions of Road in this Act mentioned, shall form One entire Trust, and shall from and after the passing of this Act be designated by the Name of "The *Camelford*, *Wadebridge*, and *Saint Columb* Trust;" and that it shall be lawful for the Trustees herein-after named, for the Purposes aforesaid, to take and appropriate all or any of the Roads or Highways now running through the said several Parishes and Townships, or any of them, in the Line or Direction of the said several herein-before mentioned Diversions or new Lines of Road, or any of them; and further, that it shall be lawful for the said Trustees to make Causeways or Footpaths for the Space of One Mile from any Market Town through or to which any of the said Roads lead by the Side of the said Roads, or such of them as shall be thought at a General Meeting of the said Trustees to be held for that Purpose necessary or proper; and the same Causeways or Footpaths shall be kept in repair out of the Tolls hereby directed to be taken or received on the said Roads.

Power to set out and make Diversions of Roads.

III. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered to set out, make, and complete the said Diversions and new Lines of Road herein-before mentioned and described of such Width as they may think proper, not exceeding the Width of Forty-five Feet, together with such Causeways and Footpaths as aforesaid, and such Arches, Bridges, Ditches, Drains, Fences, and other necessary Works adjoining thereto as they may think requisite, and for the Purposes aforesaid to take, pull down, or remove all or any of the Dwelling Houses, Outhouses, Edifices, Buildings, Yards, Gardens, Orchards, and other Hereditaments which are mentioned and set forth in the Schedule to this Act, and also to take and use the several Lands and Hereditaments referred to or specified in the Book of Reference herein-after mentioned, tendering or making Satisfaction for the same to the Owners of the said Hereditaments and Premises and other Persons interested therein, or for the Damage which such Owners or other Persons may respectively sustain thereby; and it shall be lawful for such Trustees, and for their Surveyors and Workmen, from Time to Time to enter upon the said several Lands and Premises, and to stake out the same for the Purposes of this Act, at such Time or Times and in such Manner as the said Trustees, or their Surveyors under their Direction, shall think necessary or expedient, without such Trustees, Surveyors, or Workmen being deemed Trespassers, or being subject or liable to any Fine, Penalty, or Punishment for or by reason of such Entry; and if any Person shall displace, remove, take away, or destroy any Stake or Stakes used in such staking as aforesaid, or any Works used for that Purpose, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Roads to be made according to the Maps de-

IV. And whereas a Map or Plan describing the said Diversions and new Lines of Road herein-before described, and the Lands, Tenements, and Hereditaments through or over which the same are respectively

posited with the Clerk of the Peace.

spectively intended to be made or carried, together with a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, Tenements, and Hereditaments, have been deposited with the Clerk of the Peace for the 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 take Copies thereof or Extracts therefrom, at their Will and Pleasure, paying such 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; and the said Map or Plan or Book of Reference, or either of them, or any Copies thereof respectively, or of any Part thereof respectively, certified by the Clerk of the Peace for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law and Equity: Provided always, that the Trustees acting in the Execution of this Act, in making the said several Diversions and new Lines of Road, or any Part thereof, shall not deviate more than One hundred Yards on either Side from the Lines described in the said Map or Plan, without the Consent in Writing of the Person, or Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

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

V. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said several Diversions and new Lines of Road through, across, or over the Lands of any Person who is or may be Owner 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, or intended so to be, although such Lands, Tenements, and Hereditaments, or the Name of such Person, 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 said County of *Cornwall*, and be certified in Writing under their Hands, that such Omission or Mis-statement happened by Mistake.

Trustees not to pull down Dwelling Houses, &c. without Consent of the Owner, except those specified in the Schedule.

VI. Provided also, and be it further enacted, That the Powers and Authorities hereby given 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 Piece of Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof, or other Person interested therein, first had and obtained, save and except those specified in the Schedule hereunto annexed.

Lands to be purchased in Three Years.

VII. 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 Commencement of this Act, agree for and cause to be valued and paid for, the Buildings, Grounds, and Hereditaments to be purchased for the

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.

In case of Lands purchased by Trustees, Freehold to remain in Owner of Lands.

VIII. And be it further enacted, That in case any Lands or Hereditaments shall 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 shall not, notwithstanding any Provisions in any of the Acts in force for regulating Turnpike Roads in *England*, by means of any such Purchase or any Conveyance made in pursuance thereof, be vested in the said Trustees, but the Freehold and Inheritance of and in the Lands and Hereditaments so purchased shall, notwithstanding such Purchase and Conveyance, remain and be vested in the 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 either of them, be entitled to a perpetual Right of Way in, over, or upon the Lands so purchased by them.

Trustees to have same Powers as if they had purchased the Fee Simple of the Lands.

IX. 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 otherwise using the Lands and Hereditaments taken by them for the Purposes of this Act, and also of erecting any Toll House or other Building, or of building any Bridge 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 of the said Lands and Hereditaments.

If Land not wanted, Freehold of same to be in former Owner.

X. Provided also, and be it further enacted, That if at any Time any Land 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, over, or upon the said Lands or Hereditaments vested in the said Trustees shall cease, determine, and be extinguished, and the Freehold and Inheritance 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.

Power to discharge Trustees from Repairs of old Roads on Completion of new Lines.

XI. And be it further enacted, That from and after the said Diversions intended to be made as herein-before mentioned, or any Part or Parts thereof, shall respectively be completed and open for the Passage of the Public, it shall be lawful for the said Trustees 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 be 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 Turnpike or Toll Gates and Side Bars which shall be then standing on any of the Roads now made or which at the Time of giving such Notice shall have been made and completed by virtue of this Act, at least Fourteen Days before such Meeting, to order that all or any such Parts of the said Roads included

in this Act as shall lie between the Commencement and Termination of the said Diversions, or any of them, by this Act authorized or intended to be made, or of any Parts thereof, and so completed as aforesaid, shall be no longer repaired out of the Monies received by virtue of the said recited Act or to be received by virtue of this Act; and from and immediately after the making of any such Order the Trustees shall be discharged from the Care, Management, and future Repair of all or any such Parts of the said Roads, and such Diversions shall be adopted and be deemed to be in lieu of such last-mentioned Part or Parts of the said Roads respectively.

Trustees Names.

XII. And be it further enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the said County of *Cornwall*, together with *Charles Prideaux Brune*, *Charles Glynn Prideaux Brune*, *John Carpenter*, *Samuel Trehawke Kekewich*, *William Sandys Sandys*, *Thomas John Phillipps*, *Jonathan Phillipps Carpenter* Clerk, *Arscott Ourry Molesworth*, *Francis Alexander Molesworth*, *Philip Carlyon* Clerk, *Thomas Stackhouse Carlyon* Clerk, *Darell Stephens* Clerk, *Henry Darell Stephens*, *William Bond Clements*, *Francis Brown Hambly*, *Joseph Fayrer* Clerk, *John Penberthy Magor*, *Edmund Spettigue* Clerk, *Thomas Richard Avery*, *Robert Avery*, *John Pearse*, *John Clode Braddon*, *Thurston Collins*, *Samuel Symons*, *Richard Symons*, *William Fillis Pearce*, *William Gilbee* Clerk, *George Fox*, *Edmund Hambly*, *Morrish Wilton*, *William Pollard*, *John Glanville* Clerk, *John Samuel Scobell* Clerk, *Richard Hoskin*, *Deeble Peter Hoblyn*, *John Thomas Henry Peter*, *Francis Camborne Paynter*, *William Sloggatt*, *Thomas Pope Rosevear*, *James Rosevear*, *Samuel West*, *Thomas Werry*, *John Hicks*, *Thomas Tremain*, *John Martyn*, *Nicholas Male*, *James Philp*, *Richard Watts*, *Thomas Theophilus Hawkey*, *Richard Blake Hellyar*, *James Paynter*, *William Henry King*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed the Trustees for carrying this Act and the several Acts in force for regulating Turnpike Roads in *England* into full and complete Execution.

Power to appoint additional Trustees.

XIII. And be it further enacted, That it shall be lawful for the said Trustees, at their First or Second Meeting to be holden in pursuance of this Act, to elect and appoint any Number of Persons, not exceeding Three in the whole, being duly qualified, to be Trustees for the Purposes of this Act; and such Persons, when so elected and appointed, shall have the same Powers and Authorities as if they had been nominated and appointed Trustees in and by this Act.

First Meeting of the Trustees.

XIV. And be it further enacted, That the said Trustees shall hold their First Meeting at the *Molesworth Arms* in the Town of *Wadebridge*, or at some other convenient House or Place on the Line of the said Roads, on the Fourth *Tuesday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, and shall then and there proceed to put this Act and the General Turnpike Acts in execution; and shall then and there afterwards adjourn to and meet at such Time or Times, and such

Place

Place or Places on or near to the said Roads, as the said Trustees, or the major Part of them present at any such Meetings, shall think proper and appoint.

Power to continue Toll Gates, &c.

XV. And be it further enacted, That it shall be lawful for the said Trustees to continue all or any of the Toll Gates or Turnpikes, Toll Bars, Toll Houses, Side Bars, Chains, and Weighing Machines now erected upon the said Roads or upon the Sides thereof, and also to erect or build others in lieu thereof or in addition thereto, upon any of the Roads comprised in this Act, or upon any Part or Parts thereof respectively, or upon the Sides thereof, when and where and as they shall judge proper, and from Time to Time to alter or to take down and re-erect or reconstruct or to discontinue and remove the same, or any of them, as they the said Trustees shall think proper: Provided that nothing herein contained shall extend to or be construed to extend to authorize and empower the said Trustees to erect or set up any new or additional Toll Gate, Toll House, Toll Bar, or Side Gate at, upon, across, or by the Side of the said new Line of Road leading from the One Mile Stone to *Saint Columb Bridge*, nor to impose, demand, collect, or receive any additional or increased Toll or Tolls, other than and except such as have been heretofore received under the said recited Act, upon any Part of the said new Line of Road leading from the said One Mile Stone into the said Town of *Saint Columb Major*, for the Space of Eight Years next after the passing of this Act.

Old Tolls to continue payable until the 31st Day of December next.

XVI. And be it further enacted, That all and every the Tolls made payable under or by virtue of the said recited Act, or other the Sums of Money agreed to be paid for or in respect of such Tolls, shall be paid and collected and shall continue to be paid and collected to the Thirty-first Day of *December* inclusive next after the passing of this Act; and the said Trustees, and their Lessees, or any Persons under their Authority respectively, shall be entitled to demand and take, at every Turnpike, Toll Gate, Side Bar, or Chain now erected, or which shall be continued or hereafter be erected or placed by virtue of this Act in, upon, across, or on the Sides of the Road comprised in the said recited Act, or any Part thereof, such Tolls or other Sums of Money as aforesaid, and shall have all and every the same Powers, Remedies, and Means for recovering and enforcing the Payment thereof as they have or had previously to the passing of this Act, but the said Tolls or other Sums of Money shall be applied for such and the same Purposes as are herein expressed and declared with respect to the new Tolls hereby granted or authorized to be received; and so far as relates to such Tolls or Sums of Money now due or to become payable to the Thirty-first Day of *December* next inclusive the said recited Act is not hereby repealed.

Power to take Tolls.

XVII. And be it further enacted, That from and after the Thirty-first Day of *December* next after the passing of this Act it shall be lawful for the said Trustees, or any Persons appointed or continued or to be from Time to Time appointed by them Collectors or Lessees of Tolls or otherwise authorized by them for that Purpose, to demand and take, at each Toll Gate or Turnpike, Toll Bar, Toll House, Side Bar, and

and Chain which now is or hereafter shall be erected or standing across or at the Sides of the said Roads by this Act authorized or directed to be made turnpike, made, amended, widened, diverted, altered, improved, maintained, and kept in repair, on each and every Day, such Day to be computed from Twelve of the Clock on one Night to Twelve of the Clock on the next succeeding Night, before any Horse or any other Beast or Cattle or Carriage shall be permitted to pass through any such Toll Gate, Toll Bar, Turnpike, Side Bar, or Chain, Tolls not exceeding the following; (that is to say,)

Tolls.

For every Horse or other Beast of Draught drawing any Coach, Chariot, Stage Coach, Barouche, Sociable, Phaeton, Break, Diligence, Omnibus, Berlin, Landau, Chaise, Curricle, Calash, Chair, Caravan, Van, Hearse, Litter, Car, Gig, or other such like Carriage, any Sum not exceeding Sixpence:

For every Horse, Mule, Ass, or other Beast, except as next hereinafter mentioned, drawing any Waggon, Wain, Cart, or other such like Carriage, any Sum not exceeding Sixpence:

For every Ox, Bull, or other Head of Neat Cattle, drawing any Waggon, Wain, Cart, or other such like Carriage, any Sum not exceeding Three-pence:

For every Coach, Barouche, Chaise, or other Carriage with Four Wheels affixed to any Waggon or Cart, any Sum not exceeding One Shilling:

For every Carriage with Two Wheels affixed to any Waggon or Cart, any Sum not exceeding Sixpence:

For every Horse or other Beast, if more than One, drawing any Timber Carriage upon Three or Four Wheels of a less Breadth than Six Inches at the Bottom or Soles thereof, any Sum not exceeding Nine-pence:

For ever Horse, Mule, Ass, or other Beast, laden or unladen, and not drawing, any Sum not exceeding One Penny Halfpenny:

For every Drove of Oxen, Cows, or Neat Cattle, any Sum not exceeding One Shilling and Eight-pence *per* Score, and so in proportion for any greater or less Number; and for every Drove of Calves, Goats, Swine, Sheep, or Lambs, any Sum not exceeding Ten-pence *per* Score, and so in proportion for any greater or less Number:

For every Carriage moving or propelled by Steam or Machinery, or by any other Power than Animal Power, any Sum not exceeding Two Shillings:

And in all Cases when there shall be a fractional Part of One Halfpenny in the Calculation or Amount of the Tolls hereby granted, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part:

Which said Tolls shall be and they are hereby vested in the said Trustees, and the same shall be applied in manner by this Act directed.

Only Two Thirds of Tolls to be paid for certain Carriages.

XVIII. And be it further enacted, That for every Horse, Mule, Ass, or other Beast, Ox, Bull, or other Neat Cattle, drawing any Waggon, Wain, Cart, or other such like Carriage having the Fellies and Tires of the Wheels thereof of the Breadth of Six Inches or upwards, Two Thirds

Thirds only of the said Tolls shall be paid, provided the whole Breadth of the Sole or Bottom of the Wheels of such Carriages when rolling on a flat or level Surface shall bear equal 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.

Tolls to be paid but once a Day.

XIX. Provided always, and be it further enacted, That after the respective Tolls shall have been paid for the passing of any Horse, Cattle, Beast, or Carriage through any Toll Gate, Turnpike, or Side Gate to be continued or erected by virtue of this Act, such Horse, Cattle, Beast, or Carriage shall, upon the Production of a Ticket denoting such Payment on that Day, 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, such 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.

Limiting the Number of Tolls.

XX. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered to order and cause One full Toll, and no more, to be demanded and taken on the same Day, such Day to be computed as aforesaid, for all Cattle, Horses, and other Beasts and Carriages passing upon, in, across, or on the Side of that Part of the said Road lying between the Village or Place of *Haleworthy* and the Bridge situate and being at the East End of the Town of *Camelford;* and so in like Manner One full Toll, and no more, to be demanded and taken on the same Day, to be computed as aforesaid, for all Cattle, Horses, and other Beasts and Carriages passing upon, in, or across or on the Side of that Part of the said Road lying between the Town of *Camelford* and the East End of *Wadebridge;* and so in like Manner One full Toll, and no more, to be demanded and taken on the same Day, to be computed as aforesaid, for all Cattle, Horses, and other Beasts and Carriages passing upon, in, or across or on the Side of that Part of the said Road lying between the West End of *Wadebridge* and the Town of *Saint Columb;* and so in like Manner One full Toll, and no more, to be demanded and taken on the same Day, to be computed as aforesaid, for all Cattle, Horses, and other Beasts and Carriages passing upon, in, across, or on the Side of that Part of the said Road lying between the Town of *Saint Columb* and the West End of the Town of *Mitchell.*

Tolls payable on repassing with a different Carriage.

XXI. Provided nevertheless, and be it further enacted, That if any Horse, Beast, or Cattle, or Carriage, for which Toll shall have been paid at any of the said Toll Gates or Toll Bars, shall return drawing another or a different Waggon, Wain, Cart, or other Carriage, such Horse, Beast, or Cattle shall not be permitted to return through the same or any other Toll Gate or Toll Bar on the same Day without Toll being again paid for such Horse, Beast, or Cattle, if in so returning such Horse, Beast, or Cattle shall pass or travel upon any of the said Roads for the Distance of One hundred Yards or more.

Stage Carriages travelling for Hire, &c. to pay each Time of passing and repassing.

XXII. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for every Horse or other Beast drawing any Stage Coach, Omnibus, Car, Caravan, Stage Waggon, or any other Stage Carriage conveying Passengers or Goods for Hire or Reward, for each Time of passing and for each Time of repassing along the said Roads: Provided nevertheless, that no further or additional Toll shall be payable in respect of the Horses or other Beasts drawing any such Stage Coach, Caravan, Stage Waggon, or other Stage Carriage on account only of the Horses drawing the same having been changed.

Post Chaises to pay with each fresh Hiring.

XXIII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for every Horse or other Beast let out to Hire, and drawing any Post Chaise or other Carriage, for each Time of passing and for each Time of repassing along the said Roads, whenever any fresh Hiring thereof shall take place.

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

XXIV. Provided always, and be it further enacted, That from and after the passing of this Act no Exemption from Toll shall be claimed or allowed by virtue of any Law 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.

Tolls not to be laid out in repairing Streets of any Town.

XXV. 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 Act, or to be raised by virtue of this Act, shall be laid out or expended in the Repair, Lighting, or Improvement of any Part of the said Roads in any Town the Streets whereof are directed to be repaired or lighted under the Authority of any Local Act of Parliament.

Application of Tolls and other Monies borrowed.

XXVI. And be it further enacted, That all the Monies which shall arise and be produced by and from the Tolls by the said recited Act hereby repealed and this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof

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.

For preventing Drains, &c. being allowed to run across the Roads.

XXVII. And whereas the Occupiers of adjacent Houses, Buildings, and Lands sometimes, to the great Damage of the Roads, suffer Water, Filth, and other offensive Matter to run or flow from the said Houses, Buildings, and Lands into or upon the said Roads; be it therefore enacted, That in case any Occupier of any House, Building, Erection, Lands, or Premises adjacent to the said Roads shall not, within Three Days after receiving Notice from the said Trustees, their Surveyor or Agent, stop any Water, Filth, Dirt, or other offensive Matter or Thing from running or flowing into or upon the said Roads or Footpaths, he shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and that each Day of the Continuance of such Nuisance after the Expiration of the said Three Days shall be deemed and construed to be a separate Offence, and be punishable accordingly.

Empowering the Surveyor General of the Duchy of Cornwall to contract for the Sale of a Right of Way over Lands belonging to the Duchy of Cornwall.

XXVIII. And whereas Part of the Lands and Hereditaments required for the Purposes of this Act belong to and form Part of the Duchy of *Cornwall*; be it therefore enacted, That it shall and may be lawful for the Surveyor General for the Time being of the said Duchy to contract and agree with the said Trustees for the absolute Sale to them, at the best Prices that can be procured for the same, of a Right of Way over so much and such Parts of any of the Lands and Hereditaments belonging to the Duchy as shall be necessary for the Purpose of forming, making, completing, and keeping up the said intended Diversions, Alterations, new Lines of Road, Improvements, and Extension herein-before mentioned, or any Part of them, or any of them, and to require and receive Compensation for Damages (if any) done to such Lands and Hereditaments as aforesaid by reason of such Sale, or the making such Diversions, Alterations, new Lines of Road, Improvements, and Extension as aforesaid; and in case the said Surveyor General and the said Trustees should not agree as to the Amount or Value to be paid to the said Duchy for such Right to make, complete, and keep up the said intended

Diversions,

Diversions, Alterations, new Lines of Road, Improvements, and Extension as aforesaid, or any Part of them, or for such Compensation or Satisfaction as aforesaid, then such Amount or Value and such Compensation shall be ascertained and settled by Two indifferent Persons, to be chosen, the one by the said Surveyor General, and the other by the said Trustees, and such Two Referees so chosen shall have the Power of appointing an Umpire to decide between them in case of their Disagreement: Provided always, that no such Contracts by the said Surveyor General with the said Trustees shall be good unless the Terms thereof shall be sanctioned by a special Warrant to be issued for that Purpose by the Special Commissioners for the Time being for managing the Affairs of the said Duchy of *Cornwall*, or any Three or more of them.

Monies payable to the Duchy to be paid into the Bank of England.

XXIX. And be it further enacted, That the Monies which shall be agreed or ascertained to be paid to the said Duchy in the Manner herein-before mentioned, for and in respect of such Sale and Compensation or Satisfaction, shall from Time to Time be paid by the said Trustees into the Bank of *England*, to be there received by the Cashiers of the said Bank, and accounted for and invested in the Manner herein-after directed.

Monies received by the Duchy to be carried to their Account at the Bank of England.

XXX. And be it further enacted, That the Governor and Company of the Bank of *England* shall and they are hereby required to carry to the Credit of the Account now open in their Books under the Title of "The Account of the Duchy of *Cornwall*" the several Monies directed as aforesaid to be paid to the Cashiers of the Bank of *England*; and whensoever it shall be agreed and ascertained in manner aforesaid that any Sum of Money is to be paid to the said Duchy by the said Trustees for such Sale as aforesaid, or for such Compensation and Satisfaction as herein-before mentioned, such Surveyor General shall grant unto the said Trustees a Certificate under his Hand, specifying the Amount of the Monies contracted and agreed to be paid to the said Duchy of *Cornwall*, and specifying also the Lands or Hereditaments or Rights of Way in respect of which such Monies are to be paid; and the said Cashiers of the Bank of *England*, or One of them, shall, upon the Production of such Certificate, accept and receive from the said Trustees the Monies therein specified, and at the Foot or on the Back of such Certificate acknowledge the Receipt of such Monies, without Fee or Reward; and the said Certificate and Receipt shall be afterwards brought to the Office of the Auditor of the Duchy of *Cornwall*, and be there forthwith inrolled in proper Books to be provided and kept for that Purpose, separate and apart from the other Business and Proceedings of the said Office; and the Auditor or his lawful Deputy having inrolled the Certificate and Receipt shall attest the same under his Hand, and return the said Certificate and Receipt to the said Trustees; and from and immediately after such Inrolment, and thenceforth during the Continuance of this Act, the said Trustees and their Successors shall by force of this Act be adjudged, deemed, and taken to be in the actual Possession of the Right so by the said Trustees purchased (subject to the existing Leases and to the making Compensation to the Tenants respectively for any Injury done to their Crops), and shall exercise and enjoy the same peaceably and quietly.

XXXI. And

Application of the Monies to be paid into the Bank to the Accoun of the Duchy of Cornwall

XXXI. And be it further enacted, That all and every Sums and Sum of Money which shall be paid into the Bank of *England* under and by virtue of this Act, on account of the Duchy of *Cornwall*, shall from Time to Time be laid out, by Order of the Special Commissioners for managing the Affairs of the said Duchy for the Time being, in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities, in the Name of the Duke of *Cornwall*, in which Name the Governor and Company of the Bank of *England* are hereby required to permit Transfers to be made out of the Annuities so to be purchased, and they are also required to permit such Transfers to be accepted by the Receiver General for the Time being of the Duchy of *Cornwall*, or his Deputy, for or in the Name of the Duke of *Cornwall*, and such Receiver General or his Deputy is hereby required to accept the same accordingly; and all and singular the Annuities so to be purchased and accepted shall remain vested in the Duke of *Cornwall*, and shall not be transferred or transferable to any Person or Persons whomsoever, and all the Dividends thereof shall from Time to Time be paid by the Governor and Company of the Bank of *England* into the Hands of the said Receiver General for the Time being of the Duchy of *Cornwall* or his Deputy, and shall by force and virtue of this Act be deemed and taken by Law to be Part of the Revenues of the said Duchy of *Cornwall*, and shall be from Time to Time answered, accounted for, applied, and appropriated to such and the same Uses and Purposes as the other Revenues of the said Duchy of *Cornwall*.

Saving Mines, &c. belonging to the Duchy of Cornwall

XXXII. Provided always, and be it further enacted, That nothing herein contained shall extend to or prejudice or affect the Right of Her Majesty, Her Heirs and Successors, or the Duke of *Cornwall* for the Time being, to all Mines, Minerals, Stone, Clay, and Quarries, and the whole of the Substrata lying or being in, upon, within, or under the Lands or Grounds, or any of them, so belonging to and Parcel of the said Duchy, and over which such Right of Way as aforesaid shall by virtue hereof be granted, but all such Mines, Minerals, Stone, Clay, and Quarries, and the whole of such Substrata, are and is hereby reserved to Her said Majesty, Her Heirs and Successors, or the Duke of *Cornwall* for the Time being, with full and free Liberty for Her said Majesty, Her Heirs and Successors, or the Duke of *Cornwall* for the Time being, or his, her, and their Agents, Servants, or Workmen, to enter upon and work the said Mines and Quarries and Substrata, and take or carry away all such Minerals, Stone, Clay, and Substrata, or any Part thereof, as shall be gotten in, upon, or under any of such Lands, as fully and effectually as if this Act had not been made or passed: Provided nevertheless, that in working such Mines, Minerals, Stone, Clay, and Quarries, or for such Substrata, no Injury be done to the said intended Diversions, Alterations, new Lines of Road, Improvements, and Extension as aforesaid, or any Part thereof, any thing herein contained to the contrary notwithstanding.

General Saving of Duchy Rights.

XXXIII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to the Alienation of any Soil or Mineral, or to prejudice or derogate from the Estate, Right, Title, Interests, Privileges, or Authority of the Queen's most Excellent

Majesty, Her Heirs and Successors, in right or in respect of Her Duchy of *Cornwall*, or of the Duke of *Cornwall* for the Time being, nor at any Time or Times be admitted in any Court of Law or Equity or otherwise considered as Evidence upon any Occasion to be admitted against or to affect prejudicially in any Manner such Rights of Her Majesty, Her Heirs and Successors, in right or in respect of Her said Duchy of *Cornwall*, or the Duke of *Cornwall* for the Time being, other than the said Right to make the said intended Diversions, Alterations, new Lines of Road, Improvement, and Extension herein-before mentioned.

Rule for Construction of certain Expressions in the Act.

XXXIV. And be it further enacted, That wherever in this Act any Word or Words is or are used importing the Singular Number or the Masculine Gender only, such Word or Words shall extend to and shall be construed to include several Persons or Things as well as One Person or Thing, and Females as well as Males; and any Word or Words importing the Plural Number shall include One Person or Thing as well as several Persons or Things; unless it be otherwise specially directed or provided for.

Public Act.

XXXV. 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.

Commencement and Duration of Act.

XXXVI. And be it further enacted, That this Act shall commence and take effect upon the passing thereof, and shall thenceforth continue and be in force and be executed for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

The SCHEDULE to which the foregoing Act refers.

ROAD FROM THE VILLAGE OF HIGHWAY TO POPE'S COTTAGE.

In the Parish of Saint Kew.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
1	Garden	James Curgenven	- -	Benjamin Lean.
2	Ditto	Ditto	- -	Henry Finnamore.
3	Arable	Ditto	- -	James Curgenven.
4	Ditto	Ditto	- -	Ditto.
5	Ditto	Ditto	- -	Ditto.
6	Ditto	Ditto	- -	Ditto.
7	Ditto	Ditto	- -	Ditto.
8	Ditto	Ditto	- -	Ditto.
9	Lane	Ditto	- -	Ditto.
10	Arable	Ditto	- -	Ditto.
11	Coppice	Ditto	- -	Ditto.
12	Arable	Ditto	- -	Ditto.
13	Coppice	John Penberthy Magor.	- -	John Penberthy Magor.
14	Parish Road	The Public	- -	The Public.
15	Coppice	John Penberthy Magor.	- -	John Penberthy Magor.
16	Plantation	Ditto	- -	Ditto.
17	Lane	Ditto	- -	Ditto.
18	Coppice	Ditto	- -	Ditto.
18a	Barn	Ditto	- -	John Buscombe and William Profit.
19	Orchard	Ditto	- -	Ditto.
20	Nursery	Sir William Molesworth, Baronet,	- -	Henry Derrent.
21	Meadow	Ditto	- -	John Welsh.
22	Ditto	Ditto	- -	Ditto.
23	Road	Public.		
23a	Orchard	John Hawke	- -	Jane Davis.
24	Ditto	Sir William Molesworth, Baronet.	- -	John Welsh.
24a	Arable	Ditto	- -	Ditto.
25	Orchard and Garden.	Ditto	- -	John Welsh and Richard Burton.
26	Ditto	Ditto	- -	Ditto.
27	Garden	Hender Mounsteven	- -	John Toy.
28	Garden and Orchard.	John Penberthy Magor.	- -	William Hodge.
29	Garden	Hender Mounsteven	- -	John Toy.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
30	House	John Penberthy Magor.	- -	William Hodge.
31	Arable	Ditto	- -	Ditto.
32	Ditto	John Cleave	- -	Samuel Cowling.
33	Garden and Orchard.	Hender Mounsteven.	- -	John Welsh.
34	Arable	John Cleave	- -	Samuel Cowling.
35	Coppice	Ditto	- -	Ditto.
36	Orchard	Ditto	- -	Ditto and Thomas Rowe.
37	Ditto	Ditto	- -	Ditto and Anthony May.
38	Arable	Ditto	- -	Ditto.
39	Farm Road.			
40	Coppice	John Cleave	- -	Samuel Cowling.
41	Ditto	Samuel Trehawke Kekewich.	- -	Samuel Trehawke Kekewich.
42	Arable	Ditto	- -	John Clements.
43	Coppice	Ditto	- -	Samuel Trehawke Kekewich.
44	Garden and Orchard.	Ditto	Samuel Cowling	Samuel Cowling.
45	Garden	Sir William Molesworth, Baronet.	- -	Ditto and Charles Hicks.
46	Ditto	Ditto	- -	Ditto and Ditto.
47	Road and Coppice.	Ditto	- -	Sir William Molesworth, Baronet.
49	Coppice	Ditto	- -	Ditto.
50	Garden	Ditto	- -	William Worden and William Scott.
51	Coppice	Ditto	- -	Sir William Molesworth, Baronet.

In the Parish of Saint Teath.

52	Coppice	Lady Grenville	Robert Hawke	Philip Symons.
53	Arable	Ditto	Ditto	Ditto.
54	Marsh	Ditto	Ditto	Ditto.
55	Ditto	Ditto	Ditto	Ditto.
56	Parish Road	The Public	- -	The Public.
57	Willows and River.	Lady Grenville	William Hawke	Ambrose Matthews.

In the Parish of Saint Tudy.

58	Marsh	Lady Grenville	William Hawke	Ambrose Matthews.
59	Ditto	Ditto	Ditto	Ditto.
60	Ditto	Ditto	Ditto	Ditto.
61	Ditto	Ditto	Ditto	Charles Hicks.
62	Arable	Ditto	Ditto	Ditto.
63	Marsh	Ditto	Ditto	Ditto.

In the Parish of Michaelstowe.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
64	Marsh	Duchy of Cornwall	Nicholas Male	John, William, Thomas, and James Moyse.
65	Marsh and Alder's	Ditto	John Seccombe	John Seccombe.
66	Marsh	Ditto	Ditto	Ditto.
67	Ditto	Ditto	Ditto	Ditto.
68	Arable	Ditto	Nicholas Male	John, William, Thomas, and James Moyse.
69	Ditto	Ditto	Ditto	Ditto.
70	Ditto	Ditto	John Seccombe	John Seccombe.
71	Ditto	Ditto	Nicholas Male	John, William, Thomas, and James Moyse.
72	Ditto	Ditto	Ditto	Ditto.
73	Lane	Ditto	Jonathan Nichols	Jonathan Nichols.
74	Arable	Ditto	Nicholas Male	John, William, Thomas, and James Moyse.
75	Ditto	Ditto	Jonathan Nichols	Jonathan Nichols.
76	Mowhay	Ditto	Ditto	Ditto.
77	Arable	Ditto	Edward Symons	Edward Symons.
78	Lane	Ditto	Ditto	Ditto.
79	Arable	Ditto	John Seccombe	John Seccombe.
80	Ditto	Ditto	Ditto	Ditto.
81	Arable and Linhay.	Ditto	George Hocken	John, William, Thomas, and James Moyse.
82	Ditto	Ditto	John Seccombe	John Seccombe.
83	Ditto	Ditto	George Hocken	John, William, Thomas, and James Moyse.
84	Arable	Duchy of Cornwall	George Hocken	John, William, Thomas, and James Moyse.
85	Orchard	Ditto	Ditto	Ditto.
86	Arable	Ditto	William Symons	John Couch.
87	Ditto	Ditto	Joanna Symons	George Hocken.
88	Road	Parish.		
89	Arable	Duchy of Cornwall	George Hocken	John, William, Thomas, and James Moyse.
90	Ditto	Ditto	Elizabeth and Henry Hocken.	John Hawke.
91	Ditto	Ditto	Ditto	Ditto.
92	Ditto	Ditto	Giles Rickard	Giles Rickard.
93	Parish Road	Ditto.		
94	Arable	Ditto	John Seccombe	John Seccombe.
95	Ditto	Ditto	Henry Hocken	Jonathan Nichols.
96	Ditto	Ditto	Ditto	Ditto.
97	Ditto	Ditto	James Barron	Henry Runols.
98	Ditto	Ditto	John Bawden	John Bawden.
99	Ditto	John Bawden	-	Ditto.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
100	Arable	Duchy of Cornwall	John Seccombe	John Seccombe.
101	Ditto	Ditto	Ditto	Ditto.
102	Ditto	Ditto	Sarah Smith	John Gill.
103	Garden	Ditto	Ditto	Sarah Smith.
104	Ditto	Ditto	Ditto	John Gill.
105	Farm Road.			

In the Parish of Lanteglos by Camelford.

106	Arable	Duchy of Cornwall	Richard Jeffery	John Gill.
107	Ditto	Ditto	Ditto	Ditto.
108	Ditto	Ditto	Grace Pope	Ditto.
109	Orchard	Ditto	Ditto	Grace Pope.
110	Arable	Ditto	Edward Seccombe	Edward Seccombe.
111	Garden	Ditto	Grace Pope	Grace Pope.

BRANCH FROM AT OR NEAR TREHANNICK BRIDGE TO KNIGHT'S MILL BRIDGE.

In the Parish of Saint Teath.

54	Marsh	Lady Grenville	Robert Hawke	Philip Symons.
55	Ditto	Ditto	Ditto	Ditto.
56	Parish Road	The Public	- -	The Public.
57	Arable	Nicholas Male	- -	William Hicks.
58	Orchard	Ditto	- -	John Tremain.
59	Plantation	Ditto	- -	Nicholas Male.
60	Pasture	Ditto	- -	William Hicks.
61	Plantation	Ditto	- -	Nicholas Male.
62	Ditto	Ditto	- -	Ditto.
63	Coppice	Ditto	- -	Ditto.
64	Ditto	Ditto	- -	Ditto.
65	Ditto	Ditto	- -	Ditto.
66	Arable	Thomas Henwood	- -	Thomas Henwood.
67	Ditto	Ditto	- -	Ditto.
68	Lane	Ditto	- -	Ditto.
68a	Pasture	Ditto	- -	Ditto.
69	Arable	Ditto	- -	Ditto.
70	Coppice	Ditto	- -	Ditto.
71	Plantation	Ditto	- -	Ditto.

DIVERSION AT HELSTONE.

In the Parish of Lanteglos by Camelford.

1	Carpenter's Shop	Duchy of Cornwall	Ambrose Marshall	John Hocken.
2	Garden	Ditto	Henry Conn	Richard Hawkey.
3	Curtilage and Pig-houses.	Ditto	Ditto	Ditto.
4	Arable	Ditto	Ditto	Ditto.
5	Garden	Ditto	Thomas Brown	Henry Mutton and Joanna Rundle.
6	Waste	Ditto.		
7	Garden	Ditto	Edward Seccombe	Humphry Bate.
8	Dwelling House	Ditto	Ditto	Ditto.

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