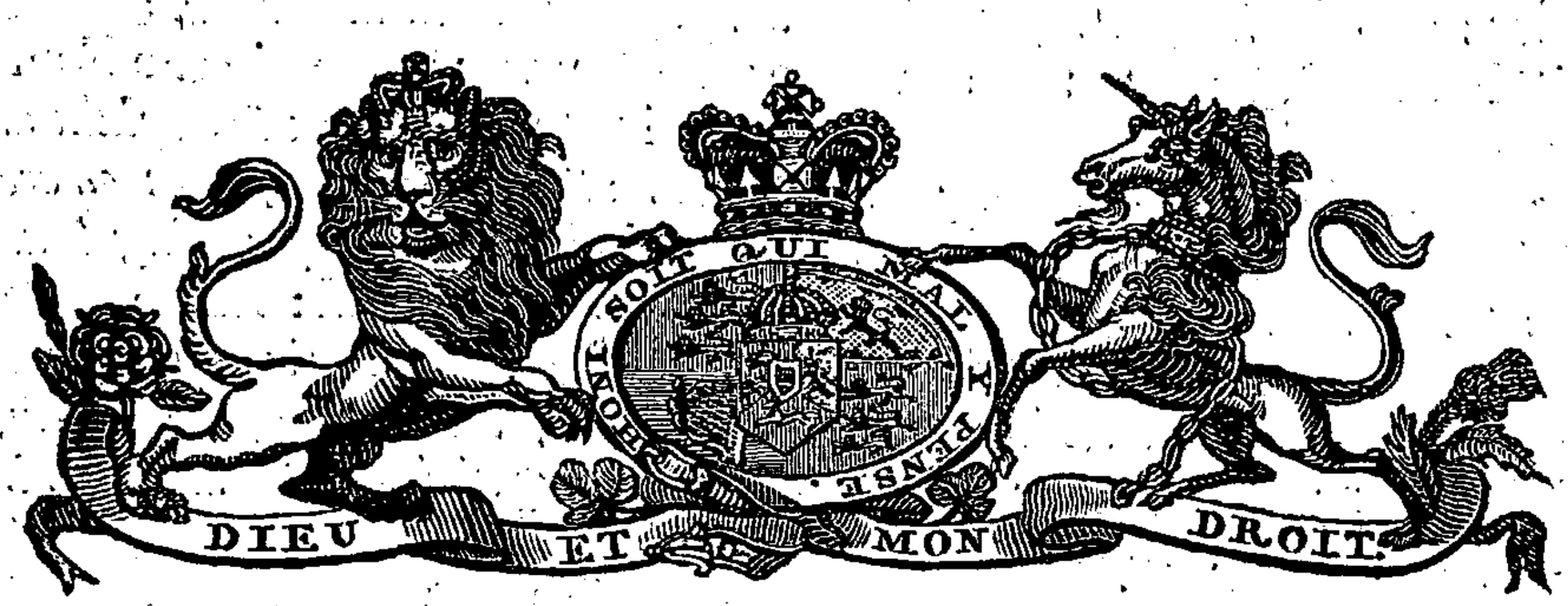


ANNO SEXTO

GEORGII IV. REGIS.

Cap. lxxxiv.

An Act for making and maintaining a Turnpike Road from *Trebarwith Sands* on the Sea Shore, to *Condolden Bridge*, on the Road leading from *Bossiney* to *Camelford*, all in the County of *Cornwall*. [20th *May* 1825.]

WHEREAS the making and maintaining of a Turnpike Road, to commence at *Trebarwith Sands* on the Sea Shore in the County of *Cornwall*, and to extend in an Easterly Direction through the several Parishes of *Tintagel*, *Lanteglos*, and *Minster*, to *Condolden Bridge* on the Road leading from *Bossiney* to *Camelford*, in the said County of *Cornwall*, will be of great Advantage and Convenience to the Inhabitants of the said Towns, and to the Owners and Occupiers of Lands in the Neighbourhood, and will greatly facilitate and render less expensive the Carriage and Conveyance of Sand from the Sea Shore, to be used for Agricultural and other Purposes, and will otherwise be of great public Utility; but the same cannot be effected without the Aid and Authority of Parliament: And whereas an Act was passed in the Third Year of the

3 G. 4. c. 126. 4 G. 4. c. 95. 5 G. 4. c. 69. Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas an Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas an Act was passed in the Fifth Year of the Reign of His said present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all His Majesty's Justices of the Peace for the Time being acting for the said County of *Cornwall*, together with *Mark Milbank*, *Shelden Cradock*, *John Carpenter*, *William Sloggatt*, *Thomas Pope Rosevear*, *Joseph Rounseval*, *William Henry King*, *James Rosevear*, *Edmund Dinham*, *William Rowe*, *John Rowe*, *Thomas Symons*, *John Wallis*, *Edward Marshall*, *John Toms*, *Richard Marshall*, the Reverend *William Pitt Bray*, *Henry Hockin*, *Richard Doidge*, *Abraham Hornby*, and their Successors, being duly qualified according to the Directions of the said recited Acts, shall be and they are hereby appointed the Trustees for making and maintaining a Road to commence at or near certain Sands on the Sea Shore, called *Trebarwith Sands*, in the Parish of *Tintagel* in the County of *Cornwall*, and to extend in an Easterly Direction through the several Parishes of *Tintagel*, *Lanteglos*, and *Minster*, to *Condolden Bridge* on the Road leading from *Bossiney* aforesaid to *Camelford* aforesaid, and for otherwise putting the said recited Acts and this Act into Execution.

Trustees Names.

Power to appoint additional Trustees.

II. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at their First or Second Meeting to be holden in pursuance of this Act, to elect any Number of Persons, duly qualified according to the Provisions and Directions of the said recited Acts, not exceeding Three in the whole, to be Trustees for the Purposes of this and the said recited Acts, in addition to the Trustees hereby appointed; and such Trustees so elected, and being duly qualified, shall be and are hereby invested with the same Powers and Authorities for executing this Act and the said recited Acts, as if they had been herein named and appointed.

Powers of recited Acts extended to this Act.

III. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, or varied, altered, or otherwise provided for by this Act), and also the said recited Acts passed in the Fourth and Fifth Years

of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein respectively contained (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act), shall respectively be as good, valid, and effectual for carrying this Act into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

First Meeting of the Trustees, and Power to appoint Officers.

IV. And be it further enacted, That the First Meeting of the said Trustees shall be held at the House known by the Name or Sign of *The King's Arms*, or at some other convenient House or Place in the Town of *Camelford*, on the Third *Monday* next after the passing of this Act, or as soon after as conveniently may be, at which Meeting the said Trustees shall and may proceed in the Execution of the said recited Acts and this Act, and shall and may, by Writing under their Hands, elect and appoint a Treasurer or Treasurers, and a Clerk or Clerks, and also a Collector or Collectors of the Tolls, and of all Monies to be collected, or which shall or may be due and payable under or by virtue of the said recited Acts and this Act, and shall likewise appoint some fit and proper Person or Persons to be a Surveyor or Surveyors of the said Road, and all such other Officers as they the said Trustees shall think proper; and they the said Trustees shall and may from Time to Time remove all such Treasurers, Clerks, Collectors, Receivers, Surveyors, and other Officers, or any of them, when and as often as they shall see Occasion, and appoint others in their Stead, as to the said Trustees shall seem proper; and the said Trustees shall and may, out of the Tolls and other Monies to be collected and received under or by virtue of the said recited Acts and this Act, make such Allowance, by way of Salaries or otherwise, unto the Treasurers, Clerks, Collectors, Receivers, Surveyors, and other Officers so to be appointed, for or in consideration of the Care and Pains by them respectively taken in the Execution of their respective Offices, and to such other Person or Persons as shall be assisting in and about the Execution of the said recited Acts and this Act, as to the said Trustees shall seem proper.

Treasurer and Clerk not to be the same Person.

V. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person or Persons who may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act; or to appoint any Person or Persons who may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the

Service

Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Power to erect Turnpikes and Toll Gates.

VI. And be it further enacted, That the said Trustees shall and may, and they are hereby authorized to erect or cause to be erected such Toll Gates, Bars, or Turnpikes, and such Weighing Machine or Weighing Machines, in, upon, or across the said Road by this Act authorized to be made, or in, upon, or across any Part or Parts thereof, or upon or near the Side or Sides thereof, and from Time to Time to remove the same or any of them, as they shall think proper, together with such Toll House or Toll Houses and other Conveniences adjoining or near to the said respective Toll Gates, Bars, or Turnpikes, as to them shall seem meet or expedient: And there shall be demanded and taken at all such Toll Gates, Bars, or Turnpikes respectively, before any Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same, the following Sums or Tolls, or such Sum or Sums, not exceeding the following Sums or Tolls respectively, as the said Trustees at any of their Meetings shall from Time to Time appoint or order; that is to say,

Tolls.

For each and every Horse or other Beast drawing any Cart, Waggon, Sledge, or other such Vehicle, the Sum of Three-pence for each Time such Horse or other Beast drawing such Cart, Waggon, Sledge, or other such Vehicle shall pass and repass through the said Turnpikes or Toll Gates:

And for every Horse or other Beast not drawing any Cart, Waggon, Sledge, or other such Vehicle, the Sum of One Penny for each Time such Horse or other Beast shall pass and repass through the said Turnpikes or Toll Gates.

Tolls vested in the Trustees.

Which said Tolls shall be and are hereby vested in the said Trustees, and shall and may be paid, levied, assessed, and recovered in the Manner directed by the said recited Acts and this Act.

Sand, &c. not to be exempt from Toll.

VII. Provided always, and be it further enacted, That all and every Horse and Horses, Beast and Beasts, Cattle and Carriage, passing through the said Toll Gates, Bars, or Turnpikes, carrying or drawing Sand or other Material or Thing for Agricultural Purposes, shall be liable to pay the Sums or Tolls herein-before mentioned; any thing in this or the said recited Acts of the Third, Fourth, and Fifth Years of the

the Reign of His said present Majesty contained to the contrary thereof in anywise notwithstanding.

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

VIII. Provided always, and be it further enacted, That for and in respect of all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike or Toll Gate, the Tolls hereby made payable shall be paid for repassing through such Toll Gate, in like Manner as if no Toll had been before paid; and the Toll hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing or repassing along the said Road on the same Day, whenever a fresh Hiring thereof shall take place.

Application of Tolls.

IX. And be it further enacted, That all the Tolls and other Monies to arise by virtue of the said recited Acts and this Act shall be applied, in the first Place, and in preference to all other Payments whatsoever, in paying and defraying the Charges and Expences incident or in anywise relating to the obtaining and passing of this Act, and then in the Payment of Interest upon the Money to be borrowed for the Purposes thereof, and of the Salaries and Allowances to the Treasurers, Clerks, Collectors, Surveyors, and other Officers and Persons for the Time being employed by the said Trustees, and in erecting and providing Toll Gates, Weighing Machines, and other Works and Conveniences upon the said Road, and in repairing, widening, altering, diverting, or otherwise improving the said Road, and in keeping the same in repair, and in paying and defraying all other Charges, Sums of Money, and Expences to be incurred or occasioned in or relating to the Execution of this and the said recited Acts, and also in repaying the Principal Sum or Sums of Money to be borrowed on the Credit of the Tolls by the said recited Acts and this Act granted, and to and for no other Use or Purpose whatsoever.

Power to set out and make the Road.

X. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered to set out and make the said Road herein-before mentioned and described in such Manner as to them shall seem right and proper, and for that Purpose to take and use any Lands, Grounds, Houses, Erections, Buildings, Tenements, and Hereditaments, they the said Trustees first making Satisfaction to the Owners and Occupiers of such Lands, Grounds, Houses, Erections, Buildings, Tenements, and Hereditaments, or such Part or Parts thereof as they the said Trustees may require for making and constructing the said Road.

A Map or Plan of the Road, deposited with the Clerk of

XI. And whereas a Map or Plan, describing the Line of the said Road, and of the Lands and Premises through which the same is to be made and carried, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers, or reputed Owners and

the Peace, to remain there for the Inspection of the Parties interested, &c.

and Occupiers of such Lands and Premises, have been deposited at the Office of 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 for the said County, to the End that all Persons may, at seasonable Times, have Liberty to inspect and peruse the same, and to have Copies or Extracts thereof (paying the Clerk of the Peace for the Time being the Sum of One Shilling for every such Inspection, and the Sum of Sixpence for every One hundred Words in such Copies or Extracts); and the said Trustees in making the said Road shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent in Writing first had and obtained of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Deviation shall be made.

Trustees to make the Road conformably to such Plan, &c. notwithstanding any Errors or Omissions.

XII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road into, through, across, or over the said Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be Owner or Owners, Occupier or Occupiers of Lands, Grounds, or Premises through or over which the same is set out and described in the said Map or Plan as aforesaid, although such Lands, Grounds, or Premises, or the Name or Names of such Person or Persons, may happen to be erroneously described, omitted, or mis-stated in the said Map or Plan or Book of Reference, in case it shall appear to any Two or more Justices of the Peace of the said County of *Cornwall*, and be certified by Writing under his or their Hands, that such Error or Omission proceeded from Mistake.

Houses, &c. not to be injured.

XIII. Provided also, and be it further enacted, That the Powers and Authorities hereby given shall not extend, or be construed to extend, to empower or authorize the said Trustees, in making or widening the said Road, to take, pull down, injure, or damage any Dwelling House or other Building, or to take in or make use of any Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed 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 first had and obtained; any thing in this or the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty contained to the contrary thereof in anywise notwithstanding.

Application of Compensation exceeding 200*l.*

XIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Acts and this Act, for the Purposes thereof respectively, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Person or Persons under any other Disability or Incapacity whatsoever, as in the said Acts particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds,

with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account, *ex parte* the Trustees for executing this Act, pursuant to the Directions of an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

1 G. 4. c. 35.

Application when Compensation is less than 200*l.* but not less than 20*l.*

XV. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken,

taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Trustees), in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

Where less than 20*l.*

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

In case of not making out a good Title, &c.

XVII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said recited Acts and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account, to the Credit of the Persons interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum and Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order the Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making claim thereunto, and to make such Order in the Premises as to the said Court shall

seem

seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money.

XVIII. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of the said recited Acts and this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said recited Acts and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, and Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Dividends or Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court of Exchequer may order reasonable Expences of Purchases to be paid by Trustees.

XIX. And be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporations, entitled to any Lands, Tenements, Hereditaments, and Premises to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of such last-mentioned Purchases, from Time to Time to be made in pursuance of this Act, or so much thereof as the said Court shall deem reasonable, to be paid by the said Trustees, out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Public Act.

XX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Commencement and Continuance of this Act.

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

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