



ANNO QUARTO

GEORGIIV. REGIS.

Cap. lii.

An Act for more effectually making, repairing, and improving certain Roads leading to and from *Liskeard*, and certain other Roads therein mentioned, in the Counties of *Cornwall* and *Devon*.

[23d May 1823.]

WHEREAS an Act was passed in the First Year of the Reign of His late Majesty King George the Third, intituled *An Act for repairing and widening the Road from the East End of West Taphouse Lane to the Borough of Liskeard, and from thence to Coomb Row House; and also the Road from the said Borough of Liskeard to Crafhole, and from thence to Crimble Passage and Tar Point; and from Crafhole aforesaid to Saint German's Beacon, in the Counties of Cornwall and Devon*: And whereas another Act was passed in the Tenth Year of the Reign of His said late Majesty, intituled *An Act to enlarge the Term and Powers granted by an Act passed in the First Year of the Reign of His present Majesty, for repairing and widening the Road from the East End of West Taphouse Lane to the Borough of Liskeard, and from thence to Coomb Row House; and also the Road from the said Borough of Liskeard to Crafhole, and from thence to Crimble Passage and Tarpoint; and from Crafhole aforesaid to Saint German's Beacon, in the Counties of Cornwall and Devon; and for amending the Roads from Barn Street to Duloe Church, and from Lux Street to Crathick Ford, and from Bull Post to Treworgey Cross, in the County of Cornwall*: And whereas another Act was passed in the Forty-

1G.3.c.25.

10G.3.c.87.

[Local.]

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first

41G.3. c.92. first Year of the Reign of His said late Majesty, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and altering and enlarging the Powers of Two Acts passed in the First and Tenth Years of the Reign of His present Majesty King George the Third, for repairing and widening the Road from the East End of West Taphouse Lane to the Borough of Liskeard, and from thence to Coomb Row House, and several other Roads therein mentioned, in the Counties of Cornwall and Devon; all of which aforesaid Roads branch into or pass through the several Parishes of Broad Oak, Saint Pinnock Liskeard (and Borough of Liskeard), Saint Cleer, Saint Iwe, Saint Keyne, Duloe, Menheniot, Saint Germans, Shevioc, and Antony, in the County of Cornwall; and of Saint Johns and Maker in the Counties of Cornwall and Devon: And whereas the Trustees appointed in and by virtue of the said-recited Acts have widened, repaired, and improved the said respective Roads, and have for that Purpose, in pursuance of the Powers to them thereby given, borrowed considerable Sums of Money on the Credit of the Tolls thereby granted, which are still due and owing, and cannot be paid off, nor can the said Roads be effectually amended, improved, and kept in Repair, unless further Provision be made by Parliament for the amending, improving, and keeping the same in Repair, and for imposing Tolls for that Purpose, and for altering, increasing, and regulating the same: And whereas the Powers, Provisions, and Authorities given by the said before-mentioned Acts, are in many respects insufficient and inconvenient; and it is expedient that the same be altered, amended, and regulated, and the whole of them reduced into One Act, and that the said before-mentioned Acts be repealed: And whereas the present Line of Road between *Tresulgan Lake* and *Trerule Foot* in the Parish of *Saint Germans* is in many Places incommodious, and it will be attended with Convenience to the Public to divert it into a new Line; and it is also expedient that the Turnpike Road from *Barrett's Cross Gate* should be extended for the Space of One hundred and twenty Feet towards *Cold Stile*; but the Purposes aforesaid cannot be effected without the Aid and Authority aforesaid: And whereas an Act was passed in the Third Year*

3G.4. c.126. of His present Majesty's Reign, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: 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 Tenth Day of *June* One thousand eight hundred and twenty-three, the said recited Acts of the First, Tenth, and Forty-first Years of the Reign of His late Majesty King *George* the Third, shall be and the same are hereby declared to be repealed; and instead thereof this Act shall from thenceforth commence and take Effect, and be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually amending, widening, altering, diverting, straightening, improving, and keeping in Repair the aforesaid Turnpike Roads, including the diverting into a new Line the aforesaid Line of Road between *Tresulgan Lake* and *Trerule Foot* in the Parish of *Saint Germans*, which said Line of new Road is to diverge from *Tresulgan Lake*, deviating to the South-west of *Trebrown Hill* to *Tinker's Lake*, and from thence Eastward by *Catchfrench Lodge* and *Slate Quarry*, near *Catchfrench House*, to *Trerule Foot*, where it will join the present

Three first
recited Acts
repealed.

Road, all in the Parish of *Saint Germans*; and also that the present Line of Road may be extended from *Barrett's Cross Gate* towards *Cold Stile*, for the Space of One hundred and twenty Feet, in the Borough and Parish of *Liskeard*.

II. 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 or altered by this Act), shall be as good, valid, and effectual for carrying this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

Powers of
3 G. 4. ex-
tended to
this Act.

III. And be it further enacted, That the Tolls by this Act granted and imposed for the keeping and maintaining the Roads hereby directed to be kept and maintained shall, for and during the Term of this Act, be charged with and made subject to the Payment of all Monies heretofore borrowed for the making and maintaining, or altering and improving any of the Roads directed by the said recited Acts of the First, Tenth, and Forty-first Years of the Reign of His said late Majesty to be made and maintained, and now due and owing upon the Credit or on account of the said recited Acts, or secured upon or made payable out of the Tolls thereby granted, and of all Interest due and to grow due thereon, subject to the Limitations and Provisions herein-after contained, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected; and that all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said recited Acts, which in anywise concern the said Roads, shall be liable to the Payment thereof to the Trustees for executing this Act; and all Bonds, Covenants, Agreements, Contracts, and Securities duly entered into by any Person or Persons to or with the Trustees for executing the said last-mentioned Acts, or either of them, for or concerning any Matters or Things respecting the said Roads, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on account and for the Benefit of the said Roads; and all Contracts and Agreements duly made and entered into by the Trustees for executing the said recited Acts, or either of them, to or with any Person or Persons, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, according to the Terms and Stipulations thereof respectively, notwithstanding the Repeal of the said last-mentioned Acts.

The new
Term and
Tolls liable
to former
Debts, &c.

IV. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Cornwall*, together with the Honourable *William Eliot*, the Right Honourable *Reginald Pole Carew*, Lord Viscount *Valletort*, *Edward Granville Eliot*, Sir *Joseph Copley* Baronet, *Francis Glanville*, *Francis Hearle Rodd*, *John Tillie Coryton*, *Francis Glanville* the younger, *Edmund Carthew*, *William Pedler*, *John Carthew*, *Thomas Robins*, *William Jope*, *Joseph Ede*, *John Glanville* Clerk, *Charles Trelawny* of *Coldrinnick*, *John Burell* of *Burell*, *William Lewis Salisbury Trelawny*, *John Buller* of *Morval*, *Thomas Bond* of *East Looe*, *William Marshall* of *Treworgey*, *John Coryton Roberts* of *Trevol*, *Duke Yonge* the younger, Clerk,
John

Trustees.

John Lloyd Luggier of Freethby, John Boger of Wolsdon, William Rowe Clerk, Hugh Littleton Clerk, Henry Grylls Clerk, Thomas Hoblyn, Abraham Hambly, John Marke, John Jope Clerk, James Carthew, James Glencross, John Carthew the younger, Richard Doidge of Trenodden, John Allen, John Taunton, Richard Couche, John Borrow, James Clogg, Robert Coad, Richard Dyer, Joseph Eales, John Littleton of Trewin, Richard Sobey of Trencreek, Thomas Sobey of Treburgie, William Maynard of Penearth, John Sobey of Trewolland, Thomas Little of Saint Keyne, John Grigg of Tempellow, William Hambly of Molinnick, George Rowe of Trewetha, John Penwarne of Trehawke, Hugh Suell of Treviddo, William Hicks Lord, John Slyman, William Stephens, John Stephens, John Vosper, Arthur Peter, Anthony Pike, Thomas Nattle, William Vallack, Robert Bint, John Martin, Peter Rogers, Peter Vallack, John Hodge, and they and their Successors shall be and are hereby appointed Trustees for amending, widening, altering, straightening, extending, shortening, diverting, improving, and keeping in Repair the said Turnpike Roads by this Act intended to be amended, widened, altered, straightened, extended, shortened, diverted, improved, and kept in Repair, and for otherwise putting into Execution this Act, and such of the Powers and Provisions of the said recited Act of the Third Year of the Reign of His present Majesty, as are not expressly varied, altered, or otherwise provided for by this Act.

Additional
Trustees.

V. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, at their First Meeting hereinafter directed, or any subsequent Meeting to be held for that Purpose (of which subsequent Meeting, and of the Purpose thereof, Fourteen Days Notice shall be given, by Insertion in some public Newspaper or Newspapers, usually circulated in the County of *Cornwall*, and also by affixing such Notice on the Guildhall Door of the said Borough of *Liskeard*, and at or upon the several Turnpike Gates), to elect and appoint any Number of Persons, not exceeding Five, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so to be elected and appointed shall be and are hereby invested with the same Powers and Authorities for executing the said recited Act of the Third Year of the Reign of His present Majesty, and this Act, as if they had been named and appointed by this Act.

Trustees to
be sworn.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee for putting this Act into Execution, unless he shall be qualified in such Manner as in and by the said recited Act, passed in the Third Year of the Reign of His present Majesty, is directed and prescribed, and unless, being so qualified, he shall, before he shall act as a Trustee (except in administering the Oath mentioned in the said last-mentioned Act, and the Oath herein-after mentioned), take and subscribe before One or more of the said Trustees (who is and are hereby empowered to administer the same) the Oath following; (that is to say),

Oath.

‘ I *A. B.* do swear [*or affirm, being one of the People called Quakers*],
 ‘ That I will truly and impartially, according to the best of my Judgment, execute and perform the several Powers, Authorities, and Trusts
 ‘ reposed in me as a Trustee by virtue of an Act passed in the Fourth
 ‘ Year of the Reign of His Majesty King *George* the Fourth, intituled
 ‘ *An Act [here insert the Title of this Act]*, and also an Act passed in
 ‘ the Third Year of the Reign of His said Majesty, intituled *An Act to*
 ‘ *amend*

‘ amend the general Laws now in being for regulating Turnpike Roads in
 ‘ that Part of Great Britain called England. So help me GOD.’

VII. And be it further enacted, That the said Trustees shall meet at the Guildhall, in the Borough of *Liskeard* in the County of *Cornwall*, on the Tenth Day of *June* One thousand eight hundred and twenty-three, or as soon after as conveniently may be, between the Hours of Ten in the Forenoon and Two in the Afternoon, and shall then proceed to carry the said recited Act of the Third Year of the Reign of His present Majesty and this Act into Execution. First Meeting.

VIII. And be it further enacted, That the said Trustees may and they are hereby required, at their First Meeting to be held under this Act, and afterwards as Occasion may require, from Time to Time by Writing under their respective Hands, to appoint a Clerk or Clerks, and a Treasurer or Treasurers, and such Surveyors, Collectors of the Tolls, and other Officers, as they the said Trustees shall think necessary, and from Time to Time to remove such Clerks, Treasurers, Surveyors, Collectors, and other Officers, or any of them; and on the Removal, Death, or Resignation of such Clerk or Clerks, Treasurer or Treasurers, or any of such Surveyors, Collectors, or other Officers, to appoint others in their Stead; and may and are hereby authorized and empowered, out of any Monies arising by virtue of this Act, to allow and pay to the Clerks, Treasurers, and Surveyors, and other Officers, and to such other Person or Persons as shall be assisting them or any of them in or about the Execution of this Act, such Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Services, as the said Trustees shall from Time to Time deem reasonable. Appointing Clerks, Treasurers, and other Officers.

IX. Provided always, and be it further enacted, That every Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers (except the Treasurer) nominated and appointed under or by virtue of the said Acts hereby repealed, or either of them, shall hold and enjoy their several and respective Offices and Employments until he or they shall be removed therefrom respectively by the said Trustees; and every such Clerk, Collector, Surveyor, or other Officer or Officers, shall have the like Powers and Authorities for carrying this Act and the said former recited Acts into Execution, and shall be subject and liable to such Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations, in all Respects whatsoever, as if he or they had been nominated or appointed under and by virtue of this Act. Former Officers may continue until others are appointed.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner 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, the Treasurer or Treasurers for the Purposes of this Act; or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, 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 Treasurer or Clerk not to be the same Person.

[Local.]

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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, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers, shall accept the Office of Clerk in the Execution of this Act, and 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 Fifty 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.

Books, &c.
relative to
former Acts,
to be de-
livered to
Trustees.

XI. And be it further enacted, That all Officers or other Persons who are or have been employed, or who have received or shall receive any Tolls or other Money by virtue or on account of the said Acts hereby repealed, or either of them, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or any Thing relating to the said Roads by the before-recited Acts directed to be improved and repaired, or either of them, shall account for and pay and deliver over the same, and every Part thereof, to the Trustees hereby appointed, in like Manner, and under the like Pains and Penalties, and with the like Powers to the Trustees for enforcing the Recovery thereof, as the several Collectors and other Persons receiving any Money by virtue of the said last-mentioned Act of the Third Year of the Reign of His present Majesty King *George* the Fourth, and this Act, are required to pay or account for the same.

Books used
under former
Acts to be
Evidence.

XII. And be it further enacted, That all and every Book and Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts, or containing any Orders or Agreements made or entered into by them, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

Power to
continue and
erect Toll
Gates, &c.

XIII. And be it further enacted, That for the Purpose of collecting and receiving the Tolls hereby granted, the Trustees appointed or to be appointed in or by virtue of this Act, shall and may, and they are hereby authorized and empowered, to continue all or any of the Toll Gates and Toll Houses erected by virtue of the said recited Acts hereby repealed, and shall and may erect, or cause to be erected, such and so many other Toll Gates and Weighing Engines, in, upon, or across such Parts of the said Turnpike Roads by this Act directed to be maintained and kept in Repair, and also such and so many Toll Gates on the Side of either of the said Turnpike Roads, and in, upon, or across any Lane or Highway that does or shall lead into or out of the same, as they the said Trustees shall think proper and expedient, subject nevertheless to such Regulations, Restrictions, and Directions as in this Act, or in the said Act of the Third Year of the Reign of His present Majesty are laid down, mentioned, or contained, concerning the placing or erecting of such Toll Gates or Weighing Engines; and also shall and may erect and provide

a Toll House, with such suitable Buildings and other Conveniences, as to such Trustees may seem proper.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, and they are hereby empowered from Time to Time, when and as often as they shall think proper, to cause any of the Toll Gates erected by the Authority of the said several Acts hereby repealed, or either of them, or which shall be continued or erected by virtue of this Act, or the said Act of the Third Year of the Reign of His present Majesty, in, upon, or across any of the said Turnpike Roads, or on the Side or Sides of any Part thereof respectively, or across any Lane or Way leading into or out of the same, to be removed to and erected in, upon, or across, or on the Side or Sides of such other Part or Parts of the said Turnpike Roads hereby directed to be maintained and kept in Repair, or otherwise to be wholly removed and taken away, as the said Trustees, or any Three or more of them, shall from Time to Time order and direct; provided that none of the said Toll Gates shall be removed or taken away as aforesaid, unless Notice in Writing of the Intention to remove or take away the same shall have been fixed upon the Guildhall Door in the aforesaid Borough of *Liskeard*, and upon all the Toll Gates then standing upon the said Turnpike Roads, nor unless such Notice shall have been advertised in some Newspaper published in the said County of *Cornwall*, Fourteen Days at least previous to such Order being made.

Power to remove Toll Gates, &c.

XV. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell or otherwise dispose of any Toll House or Toll Houses, or Building or Buildings heretofore purchased, erected, or intended for the Purpose of a Toll House or Toll Houses, by virtue of the said Acts hereby repealed, or either of them, or hereafter to be erected or purchased by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, which shall be considered by the Trustees as useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or by private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same; and to convey, assign, and surrender the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same, according to the Nature and Tenure of the Estate by which the same may be holden; and the Person or Persons who shall purchase the same, his, her, or their Heirs, Executors, Administrators, or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, according to the Nature or Tenure thereof, discharged from all Trusts, and free from all Incumbrances whatsoever, and shall not be answerable for the Application of his, her, or their Purchase Money: Provided always, that such Preference of Purchase shall be given to the Person or Persons from whom any Land on which any Toll Houses may have been erected was purchased, leased, or taken in Exchange, or to the Person or Persons whose Lands shall adjoin thereto, as is by the said Act of the Third Year of the Reign of His present Majesty directed to be given where any Piece or Pieces of Ground, not

Power to sell the present, or any future Toll Houses.

wanted

wanted for the Purposes of any Turnpike Road is or are authorized to be sold and disposed of.

Power to
take Tolls.

XVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons appointed by virtue of this Act Collector or Collectors as aforesaid, and they are hereby authorized and required to demand and take (subject to the Restrictions and Exemptions herein-after mentioned), at each and every of the respective Toll Gates and Side Gates which shall be continued or erected by virtue of this Act, in, upon, or across any of the said Turnpike Roads, or any Lane or Highway leading into the same, before any Horse, Beast, or other Cattle, or any Coach, Chaise, Waggon, Cart, or other Carriage, shall be permitted to pass through the same, the several Tolls following; (that is to say),

Tolls.

For every Horse or other Beast, (Oxen and Asses excepted) drawing any Carriage whatever, any Sum not exceeding Nine-pence:
For every Horse or other Beast of Burden, laden or unladen, and not drawing, any Sum not exceeding Two-pence:
For every Ox drawing any Carriage whatever, any Sum not exceeding Four-pence Halfpenny:
For every Ass drawing any Carriage whatever, any Sum not exceeding Two-pence:
For every Drove of Oxen, Cows, or Neat Cattle, any Sum not exceeding Twenty-pence *per* Score, and so in proportion for any greater or less Number:
For every Drove of Calves, Swine, Sheep, or Lambs, any Sum not exceeding Ten-pence *per* Score, and so in proportion for any greater or less Number.

Double Tolls shall be paid on Sundays, until after the 29th Day of September 1823.

XVII. And be it further enacted, That Double the Amount of Toll hereby authorized to be taken, may be demanded and taken at the respective Gates on each *Sunday*, until the Twenty-ninth Day of *September* One thousand eight hundred and twenty-three, after which Day it shall not be lawful to demand or take any greater Toll on a *Sunday* than the Toll hereby authorized to be taken on any other Day.

Two full Tolls to be taken between the East End of West Taphouse Lane and Coombe Row House, and between Liskeard and Crimble and Tarpoint Passages.

XVIII. 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 Two full Tolls, and no more, to be demanded and taken in the same Day, for all Cattle, Horses, Beasts, and Carriages passing on that Part of the said Roads which lies between the East End of *West Taphouse Lane* and *Coombe Row House* aforesaid; and also Two full Tolls, and no more, shall be demanded and taken in the same Day for any Horse, Cattle, Beast, or Carriage passing on that Part of the said Road which lies between *Liskeard* and *Crimble* and *Tarpoint* Passages aforesaid; any thing contained in the said recited Act of the Third Year of the Reign of His present Majesty, or in this Act notwithstanding.

Tolls vested in Trustees.

XIX. And be it further enacted, That all and every the Tolls by the said recited Act of the Third Year of the Reign of His present Majesty and by this Act authorized to be taken, and all and every Sum and Sums of Money which shall arise and be produced therefrom, shall be vested in the said Trustees for the Time being.

XX. Pro-

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

Exemptions
for agricul-
tural Pro-
duce.

XXI. Provided always, and be it further enacted, That after the First Day of *January* One thousand eight hundred and twenty-six, no such Exemption from Toll shall be claimed or allowed (save and except all Carriages attending on or belonging to His Majesty, or any of the Royal Family, and all Carriages carrying any Military Stores or Baggage, or Soldiers on their March), unless the Tires of the Wheels of the Carts, Wains, Waggon, or other Carriages, employed in carrying or conveying Lime, Dung, Soil, Compost, or Manure for improving Lands, with Two Wheels, be of the Breadth of Three Inches or more, if drawn by One Horse, Beast, or other Cattle; or of the Breadth of Four Inches and a Half or more, if drawn by Two Horses, Beasts, or other Cattle; or of the Breadth of Six Inches or more, if drawn by 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 Three Inches or more, if drawn by Two Horses, Beasts, or other Cattle; or of the Breadth of Four Inches and a Half or more, if drawn by Four Horses, Beasts, or other Cattle; or of the Breadth of Six Inches or more, if drawn by Five Horses, Beasts, or other Cattle; nor unless 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 above the Surface of such Tires when new and fresh driven, nor unless the Wheels of such Carts, Waggon, Wain, or other such Carriages, be in all other respects constructed in conformity to the Regulations of the said recited Act of the Third Year of His present Majesty's Reign.

After January
1826, Ex-
emptions not
to be allowed
in certain
Cases.

XXII. And be it further provided and enacted, That none of the Tolls made payable by this Act shall be demanded or taken for any Carriage, Horse, or Beast carrying any Corn or Grain, ground or to be ground at *Bodgara* Mills, in the aforesaid Borough of *Liskeard*.

Exemption of
Corn ground
at *Bodgara*
Mills.

XXIII. And be it further enacted, That no Person who shall have paid Toll for passing through any Gate erected upon or by the Side of any of

Tolls to be
paid but Once
in the same
the Day.

[*Local.*]

the said Turnpike Roads, with any Horse or other Beast or Beasts or Cattle drawing, or laden or unladen, shall be subject or liable to the Payment of any Toll for passing, returning, or repassing through the same Toll Gate on the same Day before Twelve of the Clock at Night, with the same Horse, Beast or Beasts, or Cattle, but shall pass, return, or repass Toll-free; provided that nothing herein contained shall extend or be construed to extend to take away or reduce the Exemption given by the last recited Act of the Third Year of the Reign of His present Majesty, in respect to Horses travelling for Hire, under the Post Horse Duties Acts, and returning within certain Hours with the same Carriage empty or without a Carriage.

Stage
Coaches to
pay every
Time of pas-
sing and re-
passing.

XXIV. 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, or Caravan, or other Stage Carriage, 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 that the Toll shall be payable 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 and repassing along the said Roads on the same Day, with a Ticket denoting a fresh Hiring.

Not to extend
to the Streets
of *Liskeard*.

XXV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to empower the said Trustees to lay out or apply any of the Money raised by the Tolls hereby granted, or borrowed on the Credit thereof, in paving or repairing the Streets of the Town of *Liskeard*.

No Money to
be borrowed
without pub-
lic Notices.

XXVI. Provided always, and be it enacted, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls hereby granted, unless Notice for that Purpose in Writing under the Hand of the Clerk or Treasurer to the said Trustees, be by Order of such Trustees or any Five or more of them, affixed upon the Guildhall or other public Place within the Borough of *Liskeard*, and likewise at or upon all the Gates or Turnpikes, and in some Newspaper or Newspapers, published in the said County of *Cornwall*, of the Time or Times of borrowing such Monies, and of the Sums intended to be borrowed, at least Fourteen Days before borrowing the same.

Road to be
made accord-
ing to Plan.

XXVII. And whereas Maps or Plans, describing the Lines of the several new Pieces of Road herein-before mentioned, and the Lands through which the same are to be carried, together with a Book of Reference containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited with the Clerks of the Peace for the Counties of *Cornwall* and *Devon* respectively; be it therefore enacted, That the said Maps or Plans, and Book of Reference, shall remain in the Custody of the Clerks of the Peace for the said Counties respectively, to the End that all Persons may, at all seasonable Times, have Liberty to inspect and peruse the same, and take Copies and Extracts therefrom, at their Will and Pleasure, paying to such Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts.

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees to make the said Pieces of new Road into, through, across, or over the several Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be the Owner or Owners, or Occupier or Occupiers of Lands or Premises over which the same, or any Part thereof, is or are set forth and described in the said Maps or Plans or Lists as aforesaid, although such Lands or Premises, or the Name or Names of such Person or Persons, may happen to be erroneously described, omitted, or misstated in the said Maps or Plans or Lists, in case it shall appear to any Two or more Justices of the Peace for the said County of *Cornwall*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake, or was not wilful, and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County: Provided always, that the said Trustees, in making such respective new Roads, shall not deviate more than One hundred Yards from the Lines described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviations shall be made.

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

Trustees not to deviate more than 100 Yards.

XXIX. Provided also, and be it enacted, That the Powers and Authorities hereby given shall not in any Case be construed to extend to empower or authorize the said Trustees to take or pull down 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 Proprietors thereof first had and obtained, other than and except so much and such Part of such Dwelling Houses, or other Buildings, Gardens, Yards, Parks, Paddocks, planted Walks, Avenues, and Nurseries for Trees as are described in the said Map or Plan, and Book of Reference as aforesaid.

Trustees restrained from pulling down Dwelling Houses without Consent of the Owners.

XXX. And be it further enacted, That it shall be lawful for the said Trustees, and their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Premises through which or whereupon the said new Pieces of Road hereby authorized to be made and maintained, or any Alteration or Deviation thereof, is intended to pass, and also upon any adjoining Lands or Grounds, and to stake out the said new Pieces of Road, and cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part thereof, and to make a temporary Way or Ways through or over any Lands or Grounds adjoining to the Parts of the Road hereby directed to be amended, widened, and improved, to be made use of as a public Highway, whilst the narrow or ruinous Parts of the said Road are being widened or altered, and until the said Road shall be made safe and convenient for the Passage of Travellers and Carriages, in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively, for any of the Purposes of this Act, making Satisfaction to the Owners and Occupiers of such Lands and Grounds for the Damages that shall be thereby occasioned,

Power to enter Lands to make Road.

occasioned, such Damage to be ascertained and settled, in case of Dispute concerning the same, in the same Manner as the Value of Lands to be purchased or used by virtue of this Act is directed by the said last recited Act to be ascertained and settled in case of Dispute; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out any Part of the Road hereby directed to be made, amended, widened, improved, and maintained, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Trustees to fence the new Road.

XXXI. And be it further enacted, That in all Cases where the said Trustees shall, by virtue of this Act, make any Part of the said new Pieces of Road over and through any private Grounds, or shall take away any Fence for widening, diverting, or turning any Road already made, the said Trustees shall make or cause to be made proper Fences or Stone Walls on both Sides of such new made Road, or on the Side upon which such Fence shall be so removed as aforesaid, so as effectually to guard and fence off the Lands adjoining to such Road, and also proper Gates or Bridges and Arches where necessary, out of the said Roads, into the Lands adjoining, and shall keep such Fences so to be made in good Order and Repair for and during the Term of Three Years from the Time that such Fences shall have been made or set up.

Trustees may contract for Repairs, or other Works.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to contract and agree with any Person or Persons for widening, altering, diverting, improving, or repairing the said Roads, or any Part thereof, or erecting Arches or Bridges upon the same, or for doing any other Work, in pursuance or Execution of the said Act of the Third Year of the Reign of His present Majesty, and this Act, in such Manner, and for such Sum or Sums of Money annually, or for a Term of Years or otherwise, as the said Trustees shall think proper.

Application of the Money.

XXXIII. 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 and this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, shall be vested in the said Trustees for the Time being, and be applied 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 which have been incurred or incidental to or attending the applying for and obtaining and passing of this Act; in the Second Place, in defraying the Expences of purchasing Land which may be necessary for the making and widening of the said intended Road, and erecting and keeping in repair the necessary Toll Gates and Toll Houses thereon; in the Third Place, in paying the Interest due upon the several principal Sums of Money which have been borrowed and secured in pursuance of the said recited Acts hereby repealed, and accruing from Time to Time upon the several principal Sums of Money which shall from Time to Time be borrowed and secured in pursuance of this Act; in the Fourth Place, in keeping the said Road in repair; and lastly, in discharging the several principal Sums of Money which have been borrowed and secured in pursuance

suance of and for the Purposes of the said recited Acts hereby repealed, and the several Sums of Money which may hereafter be borrowed and secured by virtue of this Act.

XXXIV. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of the said recited Act of the Third Year of the Reign of His present Majesty or this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Fourteen Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer or Treasurers for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money, as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain, after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees, or to their Treasurer or Treasurers for the Time being, as the Case may be: Provided always, that every such Treasurer or Treasurers shall and may retain, out of any Monies which may come into his or their Hands, in pursuance of this Act or the said last recited Act, all such Sum or Sums of Money, Costs, and Expences, as he or they shall pay, bear, or be put unto by reason of such Order to be made by such Justice or Justices as aforesaid.

In case of Non-payment of Compensation for Materials, Damages, or Injury done by the said Trustees, &c. the same to be levied by Distress of the Goods of such Trustees or their Treasurer.

XXXV. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereunto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said County, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors, by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, or Places liable thereto, or in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in

Regulations as to Performance of Statute Work.

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lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees or to their Treasurer or Treasurers; and in order thereto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons, either personally or by leaving the same at his or their Dwelling House or Dwelling Houses), of the Names of the several Persons who within such Parish, Township, or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways, and out of such Lists such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest) and on such Parts of the said Roads, as the said Trustees, or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Surveyor or Surveyors of such respective Parishes, Townships, or Places, to pay over to the said Trustees, or their Treasurer or Treasurers, such Proportion of the Composition for Statute Work as aforesaid as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had refused or neglected to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such

such Composition Money or any Part thereof in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hand and Seals of any Two Justices of the Peace for the County in which such Highways shall be situate, on Complaint made to such Justices by the Surveyor of the said respective Trustees.

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

XXXVII. And be it further enacted, That this Act shall commence on the Tenth Day of *June* One thousand eight hundred and twenty-three, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commence-
ment and
Continuance
of Act.

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