



ANNO TRICESIMO

# VICTORIÆ REGINÆ.

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## Cap. xxxiv.

An Act to repeal an Act passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for more effectually repairing the Launceston Turnpike Roads, and making certain additional Roads*, and to make other Provisions in lieu thereof; and for other Purposes. [31st May 1867.]

**W**HEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for more effectually repairing the Launceston Turnpike Roads, and making certain additional Roads*, whereby the previous Acts relating to the *Launceston Turnpike Roads* were repealed, and Provisions were made for the making, Improvement, Maintenance, and Management of the Roads in the recited Act mentioned: And whereas the Term granted by the recited Act will, unless renewed, expire at the End of the Session of Parliament which shall next follow the Third Day of *July* One thousand eight hundred and sixty-six: And whereas the Trustees, acting by virtue of the recited Act, have proceeded to put the same  
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into execution, and considerable Sums of Money have been borrowed on the Credit of the Tolls authorized to be taken by the recited Act and the previous Acts relating to the said Roads, and have been expended for the Purposes of those Acts: And whereas there is now due and owing on the Credit of the Tolls authorized to be taken by the recited Act the Sum of Nine thousand four hundred and fifty Pounds for Principal, the Particulars of which are set forth in the First Schedule to this Act: And whereas the said Sum of Nine thousand four hundred and fifty Pounds cannot be paid off unless a further Term be granted, and additional Powers are conferred on the Trustees, as by this Act provided: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: 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, as follows; (that is to say,)

## Short Title.

1. This Act may be cited for all Purposes as "The *Launceston Turnpike Roads Act, 1867*;" and the Roads comprised in this Act may be styled "the *Launceston Turnpike Roads*," and the Trustees for executing this Act may be styled "the Trustees of the *Launceston Turnpike Roads*."

## Interpretation of Terms.

2. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Trustees" shall mean the Trustees for the Time being for executing this Act:

The Expression "the Roads" shall mean and include all the several Roads to which this Act applies:

The Expression "Toll Gate" or "Toll Gates" shall mean any Toll Gate, Turnpike, Side Gate, Side Bar, or Chain from Time to Time continued or set up upon across, or by the Side of the Roads, or across any Highway or other Carriageway or Bridleway communicating with the Roads.

## Recited Act repealed.

3. Upon the Commencement of this Act the recited Act is by this Act repealed.

## All Arrears of Tolls and Monies due under recited Act vested in Trustees under this Act.

4. All Rents, Arrears of Rents, Tolls, Arrears of Tolls, and other Monies due or reserved or belonging to, and all Monies, Property, and Choses in Action vested in, the Trustees under the Act hereby repealed, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, and such last-mentioned



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mentioned Trustees may sue for and recover the same and act in respect thereof as effectually as if the same had been due or reserved, belonging to, or vested in them under the said repealed Act, and they shall be liable to the Payment of all Sums of Money, Debts, and Demands now due and owing on the Credit or Security of the said repealed Act, and all Interest due and to grow due on the same respectively, and to all the Engagements to which the Trustees under the repealed Act were liable at the Repeal thereof, save and except in so far as such Debts, Liabilities, and Interest are by this Act altered, varied, or extinguished.

5. Subject to the Provisions of this Act, all Bonds, Conveyances, Covenants, Agreements, Contracts, and Securities made or entered into by any Person or Persons to or with the Trustees for executing the said repealed Act, or the several Acts therein recited, or with any of them, shall remain in full Force and Effect and be and continue available in all Courts of Law and in Equity until the same be fully satisfied and performed on account and for the Benefit of the Trusts under this Act; and all Bonds, Mortgages, Bargains, Contracts, Agreements, or Notices made, entered into, or given by the Trustees for executing the said repealed Act, or the Acts therein recited, with or to any Person or Persons for any Purpose relating to the existing Roads therein comprised, or to the Execution of either of the said Acts, shall, except so far as the same are varied, altered, or otherwise provided for by this Act, remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Bonds, Mortgages, Contracts, Agreements, or Notices, according to the Terms, Stipulations, and to the true and equitable Intent and Meaning thereof; and all Powers and Authorities vested in the Trustees acting under the said repealed Act shall and may be executed by the same Trustees until the First Meeting of the Trustees appointed by this Act, notwithstanding the Repeal of the said Act.

Conveyances,  
&c. under  
former Act  
to continue  
in force.

6. All and every the Books and Book of Proceedings which have been kept by the Trustees acting in execution of the Act hereby repealed, or of the Acts therein recited, or by their Treasurer or Clerk under their Direction, according to the Provisions of such Acts, and made Evidence thereby, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Former  
Books to be  
Evidence.

7. The Clerk, Treasurer, Surveyor, and all other Officers and Servants who have been appointed by virtue of and acting under the recited Act shall respectively continue to exercise their Offices under this Act until they respectively shall die, resign, or be removed by the Trustees, or be incapable of executing such Offices, and be subject to the

Officers to be  
continued.



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the like Rules and Regulations in all respects whatsoever as if they had been appointed under this Act.

8. All Her Majesty's Justices of the Peace for the Time being acting for the Counties of *Devon* and *Cornwall*, the Mayor for the Time being of the Borough of *Launceston*, and his Predecessor in Office, together with the Reverend *Henry Thomas May*, the Reverend *Henry Addington Simcoe*, the Reverend *Charles Rodd*, the Reverend *William Waddon Martyn*, the Reverend *George Buckmaster Gibbons*, the Reverend *John Biddise Woolcombe*, *Henry Martin Harvey*, Esquire, *William Richard Dery* Gentleman, *John Ching* Gentleman, *Henry Badoock* Gentleman, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for putting this Act into execution.

9. The Trustees from Time to Time at any Meeting under this Act may elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act in addition to the Trustees by this Act appointed, and the Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been appointed by this Act.

10. The Trustees shall hold their First Meeting at the Central Subscription Rooms in *Launceston* in the County of *Cornwall*, or at some other convenient Place in the Neighbourhood of the Roads, on the Second *Tuesday* next after the Commencement of this Act, between the Hours of Eleven of the Clock in the Forenoon and Four of the Clock in the Afternoon, and shall then and from Time to Time thereafter adjourn to and meet at such Times and at such Places in the Neighbourhood of the Roads as the Trustees shall think proper.

11. The Trustees may appoint Committees out of their own Number to take the Care and Management of the whole or any particular Part or Parts of the Roads subject to this Act, or to execute any of the other Purposes of this Act according to such Instructions and Regulations as shall be laid down by the Trustees at any General or adjourned Meeting, and the said Committees and the Officers of the Trust may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

12. This Act shall be put in execution for the Purposes herein-after mentioned; (that is to say,)  
 For the Purpose of discharging, in accordance with the Provisions of this Act, the Monies now or hereafter due and owing on the  
 Credit

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Credit of the Tolls arising on the Roads, and the Interest thereon, not exceeding the Rate prescribed by this Act :

For managing, improving, maintaining, and keeping in repair the several existing Roads herein-after mentioned ; (that is to say,)

The Road leading from *Coombe Bow Bridge* in the Parish of *Thrushelton* through the several Parishes of *Thrushelton* aforesaid, *Lewtrenchard*, *Maristowe*, *Stowford*, and *Lifton*, in the County of *Devon*, *Lawhitton* and *Saint Mary Magdalen*, to the Town of *Launceston* aforesaid in the County of *Cornwall*, and from the Town of *Launceston* aforesaid through the Hamlet of *Saint Thomas* and the said Parish of *Saint Mary Magdalen* and the Parishes of *Saint Thomas the Apostle*, *South Petherwin*, *Trewenn*, *Laneast*, *Treneglos*, and *Davidstowe*, to *Halworthy* in the said Parish of *Davidstowe* in the County of *Cornwall* ;

The Road leading from a certain Place called *Pennygillam Cross Roads* in the Parishes of *Saint Mary Magdalen* and *Saint Thomas the Apostle* aforesaid through the several Parishes of *Saint Mary Magdalen* and *South Petherwin* aforesaid to a certain Place called *Trekelland Bridge* in the said Parish of *South Petherwin* in the County of *Cornwall* ;

The Road leading from the Town of *Launceston* aforesaid, in the Road aforesaid, through the several Parishes of *Saint Mary Magdalen* and *Lawhitton* aforesaid and *Lezant*, to *Greystone Bridge* in the said Parish of *Lezant* and County of *Cornwall* ;

The Road from a certain Place called *Page's Cross* in the said Parish of *Saint Mary Magdalen* to a certain Place called *Hurdon Water* in *Saint Mary Magdalen* aforesaid ;

The Road leading from the Town of *Launceston* aforesaid through the several Parishes of *Saint Mary Magdalen*, the Hamlet of *Saint Thomas*, *Saint Stephen's-by-Launceston*, in the County of *Cornwall*, and *Werrington* in the County of *Devon*, to the Village of *Bennacott* in the Parish of *Boyton* in the said County of *Cornwall* ;

The Road leading from the Town of *Launceston* aforesaid through the several Parishes of *Saint Mary Magdalen*, the Hamlet of *Saint Thomas*, *Saint Stephen's-by-Launceston*, in the County of *Cornwall*, and *Werrington* and *Saint Giles-in-the-Heath* in the County of *Devon*, to the Road Entrance to *Sittacott Farms* in the said Parish of *Saint Giles-in-the-Heath* in the County of *Devon* ;

The Road leading from the Town of *Launceston* aforesaid through the several Parishes of *Saint Mary Magdalen*, the Hamlet of *Saint Thomas*, *Saint Stephen's-by-Launceston*, and *Egloskerry*, to the Village of *Egloskerry* in the County of *Cornwall* ;



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The Road leading from the *South Gate* under *Madford* via *West Gate* and the *Western Subscription Rooms* in the Parish of *Saint Mary Magdalen* aforesaid to the Junction with the *Western Road* near a House occupied by *Simon Adams* in the said Hamlet of *Saint Thomas* through the said Parish of *Saint Mary Magdalen* and Hamlet of *Saint Thomas* aforesaid ;

The Road leading from at or near the old *Workhouse* in the said Parish of *Saint Mary Magdalen* by *Dockacre* to the *North Gate* in the Hamlet of *Saint Thomas* aforesaid, and thence to the existing Turnpike Road leading from *Launceston* to *Saint Thomas Bridge* in the said Hamlet of *Saint Thomas* ;

The Road leading out of and from the said Turnpike Road from *Coombe Bow Bridge* to *Launceston* in the Village of *Lifton*, near the House at present occupied by *William Reinfred Arundell Harris Arundell Esquire*, to the County Boundary Stone of *Tinney Old Bridge* in the Parish of *Lifton* in the County of *Devon* ;

The Road leading from the existing Turnpike Road from *Launceston* to *Halworthy*, near the Entrance to a certain Dwelling House and Premises called "*Hendra*" in the Parish of *Saint Mary Magdalen*, through the said Parish of *Saint Mary Magdalen*, and the Hamlet of *Saint Thomas*, and the Parish of *Saint Thomas the Apostle*, in the County of *Cornwall*, to the Stream under the Road at *Chapel* near *Chapel Stopgate* in the said Parishes of *Saint Mary Magdalen* and *Saint Thomas the Apostle* ;

The Road leading from the Junction with the *West Gate Road*, near a House occupied by *Simon Adams* in the *Western Road*, to *Broad Street* in *Launceston*, near the "*Little White Hart*" Inn in the Parish of *Saint Mary Magdalen* and the Hamlet of *Saint Thomas* in the County of *Cornwall* ;

The Road leading from the Junction with the *New Tavistock Road* to *Stourscombe Lane End* near *Gregory's House* in the Parish of *Lawhitton* in the County of *Cornwall* ;

The Road leading from the *Tavistock Road*, near the "*Bennett Arms*" Inn, to the *Blacksmith's Shop* occupied by *William Barriball* in the Parish of *Lawhitton* in the County of *Cornwall* ;

The Road leading out of and from the aforesaid Road from *Launceston* to *Greystone Bridge* at a Place called *Callington Cross*, near the Mile Post indicating Two Miles from *Launceston*, to a Bridge over the River *Inney* called *Wooda Bridge* in the Parishes of *Lawhitton* and *Lezant* in the County of *Cornwall* ;

And for other the Purposes of this Act.



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13. The several Toll Gates and Toll Houses now standing or being upon the Roads or on the Sides thereof, or any Gates in connexion with the Roads, shall be continued until removed by an Order of the Trustees; and it shall be lawful for the Trustees, subject to the Provisions of this Act, and of an Act of the Ninth Year of the Reign of King George the Fourth, Chapter Seventy-seven, to order and cause to be erected, built, and set up upon, in, or across the Roads, or in and upon the Sides thereof, or any Part thereof respectively, any Toll Gates and Toll Houses and Weighing Machines, with Out-houses and Conveniences suitable thereto at or near each such Toll Gates and Weighing Machines, as the Trustees may think necessary, and from Time to Time to remove, alter, or discontinue the present or any future Toll Gates or Toll Houses or Weighing Machines as they shall think proper.

For continu-  
ing the pre-  
sent Toll  
Gates and  
Toll Houses,  
removing  
same, and  
erecting  
new ones.

14. Notwithstanding the Repeal of the recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates to be continued or erected on or on the Sides of the Roads until Twelve of the Clock at Night on the Thirty-first Day of *December* One thousand eight hundred and sixty-seven.

Present  
Tolls con-  
tinued until  
new Tolls  
appointed.

15. On and after the First Day of *January* One thousand eight hundred and sixty-eight it shall be lawful for the Trustees to demand and take or cause to be demanded and taken at their several Toll Gates on the Roads such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

New Tolls-  
on Roads.

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

Tolls.

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, any Sum not exceeding Sixpence, except when employed in carrying or conveying Fuel or Lime as herein-after mentioned:

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 the Sum of Ninepence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, any Sum not exceeding Three Halfpence:

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For every Drove of Oxen, Cows, or Neat Cattle, any Sum not exceeding One Shilling and Threepence *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 Tenpence *per* Score, and so in proportion for any greater or less Number:

For every Horse, Mule, or other Beast, except as next herein-after mentioned, drawing any Carriage, laden or unladen, when solely employed in carrying or conveying Coals, Wood for Fuel, or Fuel of any other Kind, any Sum not exceeding the Sum of Threepence:

For every Yoke of Oxen drawing any Waggon, Cart, or other Carriage, when solely employed as last aforesaid, any Sum not exceeding the Sum of Fourpence:

For every Horse, Mule, or other Beast drawing any Carriage laden or unladen, when solely employed in carrying or conveying Lime to be used for Manure, if the Fellies of the Wheels of such Carriage shall be of less Breadth than Four and a Half Inches, any Sum not exceeding the Sum of One Penny:

For every Waggon, Wain, Cart, or other such like Carriage having the Nails of the Tire of the Wheels thereof projecting more than One Quarter of an Inch above such Tire, any Sum not exceeding the Sum of Ten Shillings.

Respecting Fractions of One Half-penny.

16. In all Cases where there shall be a fractional Part of a Half-penny in the Amount of the Tolls to be paid, the Sum of One Half-penny shall be paid in lieu of such fractional Part.

Limitation of Number of Tolls.

17. No more than Two full Tolls shall be demanded or taken from any Person or Persons for passing and repassing during the same Day with the same Horses, Cattle, or Carriages respectively through all the Toll Gates or Toll Bars to be continued or erected by virtue of this Act upon the whole Extent of the Roads.

Persons having paid Toll to return free.

18. Except as in this Act is otherwise provided, all Horses, Carriages, Animals, and Things in respect of which Tolls shall have been paid at any Toll Gate shall, upon a Ticket being produced denoting such Payment, be permitted to pass Toll-free in going and returning once during the same Day through the same and every other Toll Gate (if any) as the Ticket for such Payment shall free.

Horses, &c. drawing different Carriages to be again subject to Toll.

19. Provided always, that, in case the Toll in this Act mentioned shall have been paid in respect of any Horse or other Animal drawing any Waggon, Cart, Dray, or other such Carriage of any Description for passing through all or any of the Toll Gates on any of the Roads, and any such Horse or other Animal shall be afterwards employed on the Roads during the same Day in drawing a different laden Waggon, Cart, Dray, or other such Carriage from that which they were employed



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employed in drawing when such Payment was made, every such Horse or other Animal so drawing shall be again liable to Toll, in respect of being employed in drawing such different laden Waggon, Cart, Dray, or other such Carriage.

20. Provided also, that the Tolls hereby made payable for or in respect of Horses or Animals drawing any Stage Coach, Omnibus, Waggonette, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage or Cart kept and ordinarily used for conveying Passengers or Goods for Pay, Hire, or Reward, shall be payable and paid every Time of passing, whether loaded or empty, through the Toll Gates or any of them on the Roads, or any Part thereof: Provided also, nevertheless, that no further or additional Toll shall be payable in respect of any Horses or Animals drawing any Stage Coach, Omnibus, Waggonette, Diligence, Van, Caravan, Stage Waggon, or other Stage Carriage or Cart on account only of the Horses or Animals drawing the same having been changed.

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

21. Provided also, that the Tolls hereby made payable for or in respect of Horses or Animals let out to Hire for riding or for drawing any Postchaise or other Carriage shall be payable and paid every Time of passing through any of the Toll Gates whenever any new Hiring thereof shall take place.

Postchaises, &c. to pay on every new Hiring.

22. The Provisions of "The Locomotive Act, 1861," with reference to Tolls and otherwise, shall apply to this Act.

24 & 25 Vict. c. 70. to apply to Roads.

23. No Toll shall be demanded or taken by virtue of this Act for any Horse or other Beast drawing any Carriage, laden or unladen, when solely employed in carrying or conveying Lime to be used as a Manure, provided the Fellies of the Wheels of such Carriage shall be of a Breadth not less than Four and a Half Inches, nor shall any Toll be demanded or taken by virtue of this Act for any Horse or other Beast drawing any Carriage, laden or unladen, when solely employed in carrying or conveying any Furze, Peats, Turves, or Heaths for Fuel not sold or for Sale, nor when solely employed in carrying or conveying any Sea Sand to be used as Manure.

Exemption from Tolls.

24. All Monies and Tolls which shall be in the Hands of the Trustees at the Time of the Commencement of this Act, and all Monies and Tolls received by the Trustees under this Act, shall be applied as follows; (that is to say,)

Application of Monies and Tolls.

First, in paying and discharging the Costs and Expenses of and incident to the applying for, obtaining, and passing this Act;

Second, in paying the Salaries from Time to Time of the Clerks, Surveyor, and other Officers, and in defraying the necessary Expenses of Management of the Trust and Roads, and of

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repairing and maintaining Toll Gates and Toll Houses, not exceeding in the whole One hundred and seventy Pounds a Year, exclusive of the Wages of Toll Collectors, and Expenses of erecting and removing Toll Gates and Toll Houses, and with respect to Actions at Law and Indictments or Proceedings before Magistrates:

Third, in paying the Cost and Expenses, not exceeding One hundred Pounds, of erecting a new Toll House in lieu of the present Toll House near *Polson Bridge*, or of repairing such present Toll House:

Fourth, in paying Interest not exceeding the Rate of Three Pounds Ten Shillings *per Centum per Annum* on the Principal Sums, amounting to the Sum of Nine thousand four hundred and fifty Pounds, now due and owing on the Credit of the Tolls under the recited Act, or on so much thereof as shall from Time to Time be due and owing:

Fifth, in paying and applying, subject to the Provisions of this Act, yearly a Sum not exceeding Eight hundred Pounds in maintaining and repairing the Roads for the Time being belonging to the Trust:

Sixth, in paying off and discharging in the Manner herein-after mentioned the said Principal Sum of Nine thousand four hundred and fifty Pounds, or so much thereof as for the Time being shall be due and owing on the Credit of the Tolls.

Interest not to accrue until Expenses of Act have been paid.

25. Provided always, that no Interest shall accrue or be payable upon the said Principal Sum of Nine thousand four hundred and fifty Pounds until the Expenses of obtaining and passing this Act, and incidental thereto, be fully paid and satisfied.

Weight for single Horse Carts limited.

26. The Weight to be allowed to Carts or other such Carriages drawn by One Horse or Beast shall never exceed the following; (that is to say,) from the First Day of *May* to the Thirty-first Day of *October*, both Days inclusive, One Ton and Ten Hundredweight for each such Carriage and the Lading thereof, and from the First Day of *November* to the Thirtieth Day of *April*, both Days inclusive, One Ton and Five Hundredweight for each such Carriage and the Lading thereof.

One Horse Carts, &c. may be weighed.

27. All Carts or other such Carriages passing along the Roads drawn by only One Horse or Beast may be weighed at any Weighing Machine on the Roads, and the like additional Tolls may be demanded and recovered for the Overweight thereof as are by Law payable in respect of the Overweight of Carts or other Carriages drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Carts or other Carriages drawn by Two or more Horses shall be applicable to Carts or other such Carriages passing on the Roads drawn by only One Horse or Beast, and to the Owners and Drivers thereof respectively.

28. And



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**28.** And whereas great Injury may be done to the Roads by the Farmers or Renters of the Tolls accepting an inadequate Composition for the Tolls of Carriages by Law liable to be weighed and to be charged in respect of Overweight: Be it therefore enacted, That if any Lessee, Farmer, or Renter shall make any Composition by the Year or otherwise with any Person or Persons whomsoever for or in lieu of the Tolls of any Waggon, Wain, Cart, or other Carriage by Law liable to be weighed and charged for or in respect of the Overweight thereof, every such Lessee, Farmer, or Renter, Deputy or Agent, shall, on Conviction thereof by Confession, or upon the Oath of any Witness before any of Her Majesty's Justices of the Peace for either of the Counties through which the Roads may pass, forfeit and pay, besides the Costs and Charges attending the Conviction, a Sum of Money not exceeding Ten Pounds, and shall also forfeit his or her Contract or Lease for renting the Tolls if the Trustees shall think proper to order that the same shall be thereupon made void; and every such Composition shall be and the same is hereby declared to be null and void, and a Moiety of every such Penalty shall be paid to the Informer, and the Remainder thereof to the Surveyor or Treasurer of the Roads, to be employed towards the Repair thereof.

Penalties on Renters of Tolls compounding for Overweight.

**29.** Where any Pit or Shaft shall have been sunk or made for the Purpose of working any Mines, Quarries, or other Works within the Distance of Two hundred Yards of any Part of the Roads, it shall be lawful for the Trustees, and for such other Person or Persons as they shall appoint, and they are hereby respectively empowered, when and as often as they shall think necessary, to enter upon the Land or Ground where such Pits or Shafts shall be so sunk or made as aforesaid, and to descend into the Mines, Quarries, and Works within or under the same, and for that Purpose to have the free Use of all or any of the Shafts, Windlasses, Ropes, Engines, Gins, Machinery, and other Things then in use within, about, or belonging to the said Mines, Quarries, and Works, both in descending into the said Mines, Quarries, and Works respectively, and in ascending from the same, or any of them, for the Purpose of inspecting the said Mines, Quarries, and Works, as the Trustees or other Person or Persons as aforesaid shall think necessary; and if any Person or Persons as aforesaid shall wilfully obstruct or molest the Trustees or other Person as aforesaid in the Inspection of any such Mine, Quarry, or Work, such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Power to enter Mines within 200 Yards of Road.

**30.** All Penalties and Forfeitures imposed by this Act shall and may be recovered, levied, and applied in such and the same Manner as any Penalty or Forfeiture for any Offence on any Turnpike Road may by any Law or Statute relating to Turnpike Roads be recovered, levied, and applied.

General Clause as to Penalties.

**31.** And



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Extinguish-  
ment of  
Arrears of  
Interest on  
Principal  
Sum men-  
tioned in  
Second  
Schedule.

31. And whereas Arrears of Interest have accumulated in respect of the Principal Sum mentioned in the Second Schedule to this Act annexed owing to the Neglect or Omission of the Person entitled thereto to apply for the same, and it is expedient that the said Arrears of Interest should, if not claimed (as herein-after provided), be extinguished: Therefore the Trustees shall, within One Calendar Month after the passing of this Act, give Notice to the Person named in the Second Schedule to this Act by Letter sent by Post addressed to him at his last known Place of Abode (if known), or if not known then the Trustees shall publish a Notice once in the *London* daily *Times* Newspaper, and once in a Newspaper circulated in the County of *Cornwall*, to the effect that unless the Person claiming to be entitled to the Arrears of Interest shall, on or before the Expiration of Three Calendar Months from the posting of such Letter or of the Publication of such Notice, deliver to the Clerk for the Time being of the Trustees Notice in Writing claiming those Arrears of Interest, and shall within Three Calendar Months after the Delivery of such Notice satisfactorily prove his Right to receive such Arrears, the same will be wholly barred and extinguished, and the said Arrears of Interest are in such Case of Default of Notice and Proof of Title as aforesaid hereby declared to be wholly barred and extinguished accordingly: Provided always, that the Person who shall give such Notice, and satisfactorily prove his Title to such Arrears of Interest, shall be entitled to receive the same.

Mortgagees  
to take pos-  
session for  
Interest  
only.

32. Whenever and so long as the Interest upon the Mortgages for the Time being charged upon the Tolls of the said Roads shall be duly paid at the Rate by this Act authorized within Three Calendar Months next after the same shall become due, no Holder of any such Mortgage or Security shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Roads, or any of them, or the Sides thereof, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any letting of such Toll Gates and every Mortgagee entering into possession of such Toll Gates and Houses or Buildings, or into the Receipt of such Tolls or Rents, shall pay the Interest from Time to Time becoming due at the Rate by this Act authorized upon all the then existing Mortgages and Securities, and may also reimburse himself any Costs to which he may be entitled; and every Mortgagee so being in possession as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such existing Mortgages shall be payable, render to the Clerk to the Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same, and if it shall appear by any such Account that the Interest due at the Rate by this Act authorized on such Mortgages up to the last of such half-yearly Days, and



*The Launceston Turnpike Roads Act, 1867.*

and all such Costs as aforesaid, have been fully paid and satisfied, such Mortgagee shall, when required by the Trustees, pay over to the Treasurer, the Balance (if any) remaining in his Hands, and deliver up Possession of the said Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls and of any such Rent as aforesaid, to the Trustees, or any Persons appointed by them to receive the same, anything in this Act or in any Statute or Law in force relating to Turnpike Roads in *England* to the contrary notwithstanding.

33. When and so often as the Sum applicable to the Discharge of any Part of the Principal Sums for the Time being due on the Credit of the said Tolls shall amount to the Sum of One hundred Pounds the Trustees shall at any General Annual or other Meeting apply such Sum in the Payment of a proportionate Part of the said Principal Monies to the Persons entitled thereto, and shall, Twenty-eight Days at least before such General Annual or other Meeting, cause Notice to be given of such Meeting, and of the Objects or Purposes thereof, so far as the same shall relate to the Application of such Sum, in some Newspaper published in the County of *Cornwall*, or if there shall be no Newspaper published therein, then in some Newspaper published in an adjoining County, and also by Letter sent by Post to each Mortgagee, or, as the Case may be, Subscription Creditor, directed to his usual Place of Residence or last known Place of Abode; and at such Meeting the Trustees shall apply such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of Monies owing in respect of the said Debts or Sums to the Creditor who shall, by Proposal in Writing transmitted to the Clerk of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Monies, and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sums, or a Portion thereof, (as the Case may require,) in or towards the Payment of the other Monies owing on the Security of the said Tolls to the Creditor who, by Proposal as aforesaid, shall have offered to accept the next lowest Composition in respect of the Principal Monies due to him, and so in like Manner until the Sum applicable to such Payment shall be exhausted; and if and whenever Two or more Creditors, by such Proposal as aforesaid, shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees shall think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments after applying the same so far as may be necessary in or towards the Discharge of the Monies to which such Proposals as aforesaid relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof, (as the Case

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*The Launceston Turnpike Roads Act, 1867.*

may be,) rateably amongst the Creditors on the said Tolls according to the Priorities established by this Act, or may pay the same to such of them as may be determined by Lot, as the Trustees shall think fit.

Tolls not to be laid out on specified Portions of Road.

34. Provided always, that notwithstanding anything in this Act contained, none of the Tolls authorized by this Act to be taken upon the Roads, nor any of the Monies raised by virtue of the recited Act, shall be paid, laid out, or expended in the Repair or Improvement of any Street, Highway, or Place within the Municipal Borough of *Launceston* which has not hitherto been repaired or improved by the Trustees, or in the Repair or Improvement of the following Portions of the Roads; (that is to say,)

The Road or Street leading from the Point where the Road to *Lifton* joins the Road to *Greystone Bridge* (which Point of Junction is near the old Workhouse in the Parish of *Saint Mary Magdalene* in the Borough of *Launceston*) to the *South Gate* in the said Parish;

The Road, commonly called *Madford Lane*, from the said *South Gate* to the Junction of that Lane with *Westgate Street*;

So much of the Road as lies between the Point where the last-mentioned Lane joins *Westgate Street* and the Point near a House occupied by *Simon Adams* where such Road joins the *New Western Road* leading from *Launceston* to *Pennygillam Turnpike Gate*; and

So much of the said *New Western Road* as lies between the last-mentioned Point and the Point where that Road joins *Broad Street* near the *Little White Hart Inn* in *Launceston*, nor shall any Tolls be collected thereon:

Provided always, that nothing in this Act contained shall extend or be construed to extend to prohibit the Trustees from taking Toll at any Turnpike or Toll Gate as has been erected within the Municipal Borough of *Launceston* previous to the First Day of *January One thousand eight hundred and sixty-seven*.

Roads not exempt from General Acts.

35. Nothing herein contained shall be deemed to exempt the said Roads from the Provisions of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads, which may pass during the present or any future Session of Parliament.

Provision with respect to Local Board and Highway Boards taking upon themselves Repair of Roads.

36. If at any Time after the passing of this Act the *Launceston* Local Board of Health and the Highway Boards of the respective Districts in which the Roads are situate shall together consent to take upon themselves the Cost of maintaining and repairing so much and such Parts of the Roads as shall be situate within their respective Districts, and shall give Notice in Writing under their respective Common Seals to the Trustees of their Willingness to take upon themselves



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themselves the Cost of such Maintenance and Repair, then from and after the Expiration of Twelve Months from the Thirty-first Day of *December* which shall first happen after the giving of the Notice it shall not be lawful for the Trustees to pay and apply any Monies in the Maintenance and Repair of the Roads, but thenceforth the Provisions of the Act passed in the Fifth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to authorize for One Year, and until the End of the then next Session of Parliament, the Application of a Portion of the Highway Rates to Turnpike Roads in certain Cases*, shall become applicable as if the Funds of the Trust were insufficient for the Repairs of the Turnpike Roads within the Meaning of the First Section of the last-mentioned Act; and all Monies which would by virtue of this Act have been applicable to the Maintenance and Repairs of the Roads if the same had continued to be maintained and repaired by and at the Cost of the Trustees shall be applied by the Trustees in further reducing, paying off, and discharging the Principal Sums of Money for the Time being due and owing on the Credit of the Tolls.

4 & 5 Vict.  
c. 59.  
(Public.)

**37.** This Act shall commence on the First Day of *January* One thousand eight hundred and sixty-eight, and shall continue in force for the Term of Fourteen Years, and from thence to the End of the Session of Parliament which shall then next follow: Provided always, that when and as soon as the whole of the Principal Sums mentioned in the Schedules hereto shall have been paid off or discharged according to the Provisions of this Act, the Trustees shall not collect nor (except as herein-after is provided) lay out any Money on the Roads; and the Trustees shall within a Period of Six Months after the said Principal Sums shall have been so paid off or discharged cause to be pulled down the Toll Houses of the Trustees, and shall sell and dispose of the Materials of the same and other Property belonging to or vested in them as such Trustees, and shall apply the net Proceeds arising from such Sale or Disposition in repairing, maintaining, and improving the Roads; and from and after the Payment or Discharge of such Principal Sums the Roads shall cease to be Turnpike Roads, and shall be repaired as public Highways in such and the same Manner as public Highways are repairable by Law: Provided always, that if any of such Toll Houses shall be situate on Land adjoining to the Roads, so that the same do not encroach upon the general Width of the Roads between the Fences at the Place in question, the Trustees may, if they shall think fit, offer to sell the same to the Person owning the Frontage of the Land immediately adjoining such Toll House, and if such Person refuse to purchase the same the Trustees shall then cause the same to be pulled down and disposed of as herein-before provided.

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Act.

Provision as  
to the Dis-  
continuance  
of Tolls and  
Disposition  
of Property  
of the Trust.

The



*The Launceston Turnpike Roads Act, 1867.*The **FIRST SCHEDULE** referred to in the foregoing Act.

Name of Mortgagees	Amount of Debt.	Rate of Interest.
Christopher M <sup>c</sup> Adam	£350	4 per Cent.
John Ching	100	4 "
Executrix of the late Wilmot Causey	950	4 "
Miss Elrington	250	4 "
Alexander Duncan	50	4 "
John Ching, Treasurer, Friendly Society	200	4 "
John Hender	200	4 "
Edward Pethybridge	50	5 "
Henry Essery and Mary Lobb	150	4 "
J. C. C. Delb and F. J. Cotton, Executors of Rev. William Grylls.	3,000	4½ "
Executors of the late James Green	50	4 "
Robert T. Garden	100	4 "
Bartholomew Irish	100	4 "
Executors of the late J. K. Lethbridge, 5 per Cent. on 100l.	250	4 and 5 "
Ditto ditto ditto	350	4 and 5 "
Launceston Charity Trustees	250	4 "
Jane Martin	150	4 "
Mary Palmer, 5 per Cent. on 500l.	700	4 and 5 "
John Huxham	500	5 "
Richard Rowe and John Stephens	650	4 "
Mrs. Robins	300	4 "
White, Smith, and Cowlard	50	5 "
Miss Maria Spettigue, 5 per Cent. on 500l.	650	4 and 5 "
Miss Sleeman	50	4 "
Total	£9,450	

The **SECOND SCHEDULE** referred to in the foregoing Act.

Name of Mortgagee.	Amount of Debt.
John Ching	£100

LONDON.

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