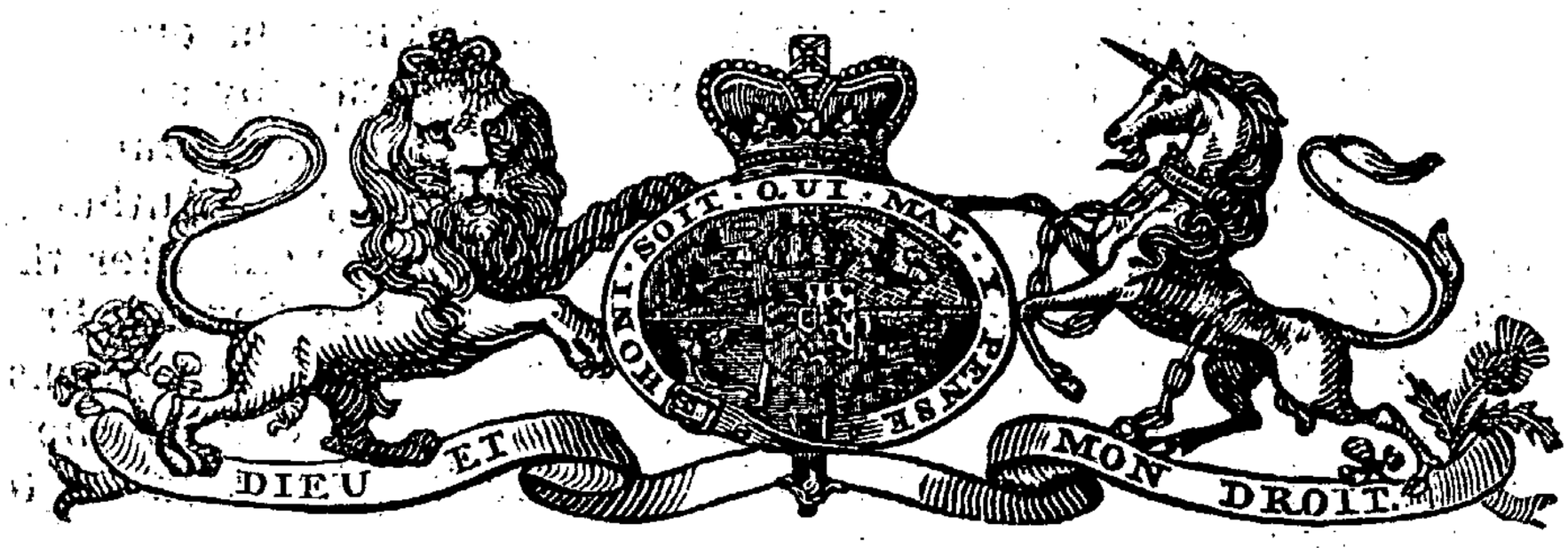

ANNO TERTIO

GULIELMI IV. REGIS.

Cap. lxxxix.

An Act for amending an Act of His late Majesty King *George* the Fourth, for more effectually making and repairing certain Roads leading to and from *Bodmin*, and other Roads therein mentioned, in the County of *Cornwall*, and for making and maintaining a new Road communicating therewith. [10th *June* 1833.]

10 G.4.c.19.

WHEREAS an Act was passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually making and repairing certain Roads leading to and from* Bodmin, *and certain other Roads therein mentioned, in the County of* Cornwall: And whereas it is expedient that the said recited Act should be amended, and further Powers granted for the Purpose of making and maintaining a new Line of Road from the present Line of Road herein-after mentioned; (that is to say,) a new Line of Road commencing at or from the present Turnpike Road near *Townend* Turnpike Gate in the Borough of *Bodmin* in the said County of *Cornwall*, passing by or through *Laveddon*, *Laninval*, *Forda*, *Saint Bennett's*, and other Grounds, and terminating at or beyond *Colbiggen Corner*, near the Five Mile Stone on the present Turnpike Roads towards *Truro*: But inasmuch as the same cannot be effected without the Aid and Authority of Parlia-

ment, 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 Third *Monday* next after the passing of this Act, the said recited Act, and all the Powers, Provisions, Provisoes, Pains, Penalties, Forfeitures, Tolls, Exemptions, Matters, and Things therein contained shall, save and except where the same are by this Act altered, varied, or repealed, be extended to the new Line of Road herein-before described, and referred to in the Plan and Book of Reference herein-after mentioned, and generally to this Act, and be construed therewith in as full and ample a Manner to all Intents and Purposes as if the same had been repeated and re-enacted in this Act and made Part thereof.

Powers of recited Act extended to this Act.

Power to make Roads.

II. And be it further enacted, That it shall be lawful for the Trustees acting under the said recited Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth, and their Successors, and they are hereby fully authorized and empowered, to set about, make, and complete the said new Line of Road herein-before described and referred to in the Plan and Book of Reference herein-after mentioned, in such Manner as they shall think proper for the Convenience and Benefit of the Public.

Map deposited with the Clerk of the Peace to remain there, and be open to Inspection.

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

Restricting Deviation from Plan

Lands marked in the Plan may be used, although erroneously stated in Book of Reference.

IV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said several new Lines of Road through, across, or over the Lands of any Person or Persons who is or are or may be Owner or Owners of the Lands, Tenements, and Hereditaments through or over which the same are respectively set out and described in the said Map or Plan and Book of Reference, although

although such Lands, Tenements, and Hereditaments, or the Name or Names of such Person or Persons, may be erroneously described, omitted, or mis-stated in the said Map or Plan and Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the County in which the Lands, Tenements, and Hereditaments shall be situate, and be certified in Writing under their Hands, that such Omission or Mis-statement happened by Mistake.

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

V. Provided also, and be it further enacted, That the Powers and Authorities hereby given for making the said Road herein-before described shall not extend or be construed to extend to authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Curtilage, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk, or Avenue to a House, or any inclosed Grounds planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof or other Person interested therein, first had and obtained, save and except those specified in the Schedule hereunto annexed.

Limiting the Time within which the Property, &c. is to be purchased.

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

Power to make Roads mentioned in 10 G. 4. within Four Years.

VII. And whereas by the said recited Act it is enacted, that if the said Trustees shall not within the Space of Five Years from the passing of the said Act, agree for and cause to be valued the Buildings, Grounds, and Hereditaments which they were empowered to purchase for the Purposes of the said recited Act, then and from thenceforth it should not be lawful for the said Trustees to take or use any such Buildings, Grounds, or Hereditaments, without the Consent in Writing of the Owners thereof first had and obtained: And whereas Plans of the said several Roads, and Books of Reference thereto, were deposited with the Clerk of the Peace for the County of *Cornwall:* And whereas the said Trustees have made several of the said Roads comprised in the said recited Act, but have not been able to complete the whole of them, and it would be very beneficial to the Public that the new Pieces or Lines of Road in the said recited Act mentioned and herein-after described should be made and completed; (that is to say,) a new Piece of Road commencing at the *Brewery Lane* in the said Borough, through *Prior's Barn Lane*, and through certain Inclosures adjoining the said Lane, to and over *Cooksland Common*, to join the present Turnpike Road at or near to the One Mile Stone from *Bodmin* to *Launceston;* a new Piece of Road diverging from the present Turnpike Road near *Carminow's Cross*, over the Common near to *Black Pool*, and down the Valley under or near *Dreeson Ball* to *Resprin Bridge*, to join the present Turnpike Road from *Bodmin* to *Liskeard;* a new Piece of Road commencing at

at the Place where *Polmawgan Lane* joins the present *Bodmin* Turnpike Road, and through the said Lane to some Inclosures in the Possession of *James Stephens* and others, and from thence over the Common to join the present Turnpike Road at or near the Five Mile Stone from *Bodmin* to *Liskeard;* a new Piece of Road diverging from the present Turnpike Road near *Townend* Turnpike Gate, through *Dark Lane*, to join the present Turnpike Road to *Dunmeer* at or near the One Mile Stone from *Bodmin* (being Part of a new Piece of Road in the said recited Act comprised); and also a new Branch from the said new Piece of Road before described from *Bodmin Townend* Turnpike to *Dunmeer* aforesaid, commencing at the Western End of *Dark Lane* aforesaid, through and over certain Inclosures then in the Possession of *James Webb*, to a Lane or Highway leading from the Town of *Bodmin* to *Tanwood*, and from thence through the said Lane to the County Gaol in *Bodmin* aforesaid; be it further enacted, That the Powers granted to the Trustees by the said recited Act to purchase the several Buildings, Grounds, and Hereditaments necessary for making and completing the before-mentioned new Pieces or Lines of Road, which they were empowered to purchase by the said recited Act, shall be revived, and the same shall continue in force for the Space of Four Years from the Day of the passing of this Act.

Power to discharge Trustees from Repairs of old Road on Completion of new Line.

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

Power to take Tolls.

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

Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Chaise, Chaise Marine, Curricle, Calash, Car, Chair, Caravan,

Hearse, Phaeton, Barouche, or other such Carriage or Taxed Cart, the Sum of Sixpence:

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

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

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

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

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

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

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

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

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

And that the whole Breadth of the Sole or Bottom of the Wheels of such Waggon, Wain, Butt, Cart, Dray, or other such Carriage, when rolling on a flat Surface, shall bear equally on such flat or level Surface, and the Nails of the Tires of such Wheels shall be in all such Cases countersunk so as not to project more than One Quarter of an Inch beyond the Surface of such Tires.

Exemption for Three Horses drawing Carts with Two Wheels of Four and a Half Inch Tires.

X. And whereas by the said recited Act it is provided that from and after the First Day of *January* One thousand eight hundred and thirty no Exemption from Toll shall be claimed or allowed, by virtue of any Law then in being for regulating Turnpike Roads, for or in respect of any Horse, Beast, or other Cattle drawing any Waggon, Wain, Cart, or other such Carriage, and employed in carrying or conveying any Corn or Grain in the Straw, Hay, Straw, Fodder, Dung, Lime, or Sand for the Improvement of Land, or other Manure, or any Plough, Harrow, or Implements of Husbandry, unless the Tires of the Wheels of such Waggons, Carts, Wains, or other Carriages with Two Wheels shall be of the Breadth of Four Inches and a Half or more if drawn by One or Two Horses, Beasts, or other Cattle, or of the Breadth of Six Inches or more if drawn by Three or more Horses,

Beasts, or other Cattle: And whereas the public Roads in the Neighbourhood of *Bodmin* are in many Parts steep and difficult of ascent, and the Horses, Beasts, and Cattle used in Husbandry in the said Neighbourhood are of much less Size than the Horses, Beasts, and Cattle employed in Husbandry in most Parts of *England*, and Waggons, Wains, Carts, and other such Carriages with Two Wheels of the Breadth of Four Inches and a Half cannot conveniently be drawn by Two only of such Horses, Beasts, or other Cattle; be it therefore further enacted, That from and after the First Day of *January* One thousand eight hundred and thirty-four no such Exemption from Toll as aforesaid shall be claimed or allowed by virtue of any Law now in being for regulating Turnpike Roads unless the Tires of the Wheels of such Waggons, Carts, Wains, or other Carriages with Two Wheels shall be of the Breadth of Four Inches and a Half or more if drawn by One, Two, or Three Horses, Beasts, or other Cattle, or of the Breadth of Six Inches or more if drawn by more than Three Horses, Beasts, or other Cattle, nor unless the whole Breadth of the Sole or Bottom of such Wheels, when rolling on a flat Surface, shall bear equally on such flat or level Surface, and the Nails of the Tires of such Wheels be in all such Cases countersunk so as not to project more than One Quarter of an Inch beyond the Surface of such Tires.

Trustees may borrow Money to defray Expences of Act.

XI. And be it further enacted, That for the Purpose of defraying the Costs, Charges, and Expences of obtaining and passing this Act, and of every Matter and Thing in anywise relating thereto, it shall and may be lawful for the said Trustees to borrow and take up at Interest, upon the Credit of the Tolls by the said recited Act or this Act authorized to be taken or levied, such Sum or Sums of Money as may be required for this Purpose, and to charge and make chargeable therewith the said Tolls.

Application of the Tolls and Money borrowed.

XII. And be it further enacted, That all the Monies which shall arise and be produced by and from the Tolls by the several Acts by the said recited Act repealed, and by the said recited Act or 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 incident to and attending the applying for and obtaining and passing this Act; secondly, in paying the Interest due upon the several Principal Sums of Money which have been borrowed and secured in pursuance of the former Acts by the said recited Act repealed, or of the said recited Act, or which shall from Time to Time be borrowed and secured in pursuance of this Act; thirdly, in keeping in repair the Roads already made, and in defraying the Expences of making, completing, and keeping in repair the Roads by this Act and by the said recited Act authorized to be made and completed, and in erecting and repairing Toll Gates and Toll Houses, and in otherwise carrying this Act and the said recited Act into execution; and lastly, in discharging the several Principal Sums of Money which have been borrowed and secured in pursuance of and for the Purposes

of the several Acts by the said recited Act repealed, and of the said recited Act, and which may be hereafter borrowed and secured by virtue of this Act.

XIII. 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. Public Act.

XIV. And be it further enacted, That the Term granted by the said recited Act shall from and after the Third *Monday* next after the passing of this Act cease and determine; and the said Act and this Act shall from thenceforth continue and be in force and be executed for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament. Term of Act.

The SCHEDULE to which the aforegoing Act refers.

No. on Map.	Description of Property.	Parishes where situate.	Owners.	Occupiers.
28	Garden -	Lanivet -	Richard Coom -	Richard Marshall.
31	Ditto -	Ditto -	S. Kekewich Esq. and William Marshall -	Thomas Rowe.
40	Wood -	Ditto -	Mrs. Cole - -	Samuel Gellard.
41	Ditto -	Ditto -	Nicholas Grose -	Nicholas Grose.

LONDON: Printed by George Eyre and Andrew Spottiswoode, Printers to the King's most Excellent Majesty. 1833.