



ANNO SECUNDO

VICTORIÆ REGINÆ.

Cap. xii.

An Act for making a Turnpike Road from the Town of *Redruth* in the County of *Cornwall* to and through the Village of *Hayle* in the Parish of *Phillack* in the same County.

[14th May 1839.]

WHEREAS the present Road from the Western End of the Town of *Redruth* to and through the Village of *Hayle* is not only narrow and inconvenient, but hilly and circuitous, and it would be of great public Utility if the same were made Turnpike, and widened, diverted, altered, and improved, under the Care and Management of the Trustees to be appointed by virtue of this Act; but the same 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, That this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of making and maintaining a Turnpike Road from the Western End of the Town of *Redruth* in the Parish of *Redruth* in the County of *Cornwall*, and into and through the Village of *Hayle* in the Parish of

Act to be put in execution for the Purposes herein mentioned.

[Local.]

4 A

Phillack

Phillack in the same County, to join the Causeway and Turnpike Road at or near the *Standard Inn*, which said Road is intended to pass from, in, through, or into the several Parishes of *Redruth, Illogan, Camborne, Gwinear, Gwithian*, and *Phillack*, all in the County of *Cornwall*.

Appointment
of Trustees.

II. And be it further enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Cornwall*, together with *John Basset, John Solomon Bickford, William Bolitho, John Budge, Stephen Davey, Richard Davey, Thomas Davey, Henry Harvey, Alfred Jenkin, Edwin Ley, William Tyringham Praed, William Reynolds, Edward Hearle Rodd, Henry Lewis Stephens, George Smith, William Mansell Tweedy, Joseph Vivian of Roseworthy, John Vivian, Michael Williams, John Williams the younger*, and their Successors, being duly qualified according to the Provisions and Directions of the several Acts for regulating Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying the several Acts for regulating Turnpike Roads in *England* and this Act into execution.

Power to ap-
point Three
additional
Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time at any of their Meetings (of which respective Meetings and of the Purposes thereof at least Ten Days previous Notice shall be given in manner directed by an Act passed in the Third Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, with respect to Meetings for the Appointment of Trustees on Vacancies,) to elect and appoint any Number of Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees herein named; and such additional Trustees so elected, and being duly qualified, shall have the same Powers and Authorities for executing this Act as if they had been herein named.

First Meet-
ing of Trus-
tees.

IV. And be it further enacted, That the said Trustees for executing this Act shall hold their First Meeting at *Camborne* in the County of *Cornwall*, or at some other convenient Place in the Neighbourhood of the said intended Road, on the Third *Tuesday* next after the Commencement of this Act, or as soon afterwards as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times and Places in the Neighbourhood of the said Road as the said Trustees, or the major Part of them present at such respective Meetings, shall agree and determine.

Width of
Road, &c.

V. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered to set out, make, and complete the said new Line of Road herein-before mentioned of such Width as they may think proper, not exceeding Forty Feet nor less than Twenty Feet, together with such Arches, Bridges,
Embark-

Embankments, Cuttings, Ditches, Drains, Fences, and other Works as they may think requisite; and for the Purposes aforesaid to take, pull down, or remove all or any of the Dwelling Houses, Outhouses, Edifices, or Buildings, and to use and appropriate the Yards, Gardens, Orchards, and other Hereditaments mentioned and set forth in the Schedule to this Act annexed, and to take, pull down, and remove any Buildings which may have been erected on any of the Lands specified in the said Schedule since the Thirtieth Day of *November* last, tendering and making Satisfaction for the same to the Owners of the said Hereditaments and Premises and other Persons interested therein, and for the Damage which such Owners and other Persons may respectively sustain thereby, and also to take and appropriate all or any of the Road or Roads, Highway or Highways, now running or passing through the several Parishes aforesaid, or any or either of them, in the Line or Direction of the herein-before mentioned new Line of Road.

VI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Trustees, and such Person and Persons as he and they shall direct or appoint, from Time to Time to enter into any Quarry, and to take and carry away the Chipping and Rubbish thereof, and also to take and carry away Attal, Halvans, and Rubbish from the Burrows of any Tin, Copper, or Lead Mine, without paying or making any Compensation or Satisfaction for the same, such Rubbish being actually of no Value to the Owner or Owners for Sale, or for his, her, or their own Use, the Owner or Occupier of such Quarry, or some Person appointed by him, and the Adventurers in such Tin, Copper, or Lead Mine, or the Captain or Captains thereof, or some Person or Persons appointed by him or them, being present, on Three full Days Notice at the least being given to such Owner or Occupier of such Quarry, or his known Agent or Servant, and to such Adventurers in such Tin, Copper, or Lead Mine, or the Captain or Captains thereof, or left at his or their usual Place of Abode, before such taking and carrying away respectively; but in case any Damage shall be sustained or any Compensation claimed by such Owner or Occupier or Adventurer, the same shall be ascertained and estimated in the Manner directed by the Acts for regulating Turnpike Roads in *England* with respect to Compensation for Materials.

Power to obtain Materials.

VII. And whereas a Plan describing the new Line of Road herein-before mentioned, and the Lands, Tenements, and Hereditaments through or over which the same is intended to be made or carried, together with a Section and also a Book of Reference thereto containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, Tenements, and Hereditaments, have been deposited at the Office of the Clerk of the Peace for the County of *Cornwall*; be it therefore enacted, That the said Plan, Section, 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 reasonable Times have Liberty to inspect the same, and to take Copies thereof and Extracts therefrom, paying to the said Clerk the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every

Plan, Section, &c. deposited with the Clerk of the Peace to remain there and be open to Inspection.

One

Trustees not to deviate from Plan without Consent.

One hundred Words of such Copies or Extracts ; and the said Plan, Section, and Book of Reference, or any Copy thereof respectively, certified by the said Clerk of the Peace for the Time being to be a true Copy, shall be good Evidence in all Courts of Law and elsewhere ; and the said Trustees in making such Roads shall not deviate from the Lines described on the said Plan without the Consent in Writing of the Party or Parties upon, in, over, or through whose Lands, Tenements, and Hereditaments any such Deviation shall be made.

Road may be made, notwithstanding Errors in the Plan or Book of Reference.

VIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Line 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 is set out and described in the said Map or Plan and Book of Reference, or intended so to be, although such Lands, Tenements, and Hereditaments, or the Name or Names of such Person or Persons, may be erroneously described in the said Map or Plan and Book of Reference, or altogether omitted, in case it shall appear to any Two or more Justices of the Peace for the County of *Cornwall*, and be certified in Writing under their Hands, that such Description was erroneous, or that such Omission happened by Mistake.

Houses, &c. not to be taken without Consent, unless specified in the Schedule.

IX. Provided also, and be it further enacted, That the Powers and Authorities hereby given for making the new Line of 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 Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, other than and except those specified in the Schedule hereunder written, and other than and except any Buildings which may have been erected on any of the Lands specified in the said Schedule since the Thirtieth Day of *November* One thousand eight hundred and thirty-eight, without having first obtained such Consent as is herein-before required to be obtained in the Case of a Deviation from the Line of the said new Road so laid down on the said Map or Plan.

Property to be purchased within Three Years.

X. Provided also, and be it further enacted, That if the said Trustees shall not within the Space of Three Years, to be computed from the Commencement of this Act, agree for and cause to be paid for the Buildings, Lands, and Hereditaments authorized 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, Lands, or Hereditaments as shall not then have been paid for, without the Consent in Writing of the Owners thereof, or other the Person or Persons hereby authorized to give such Consent as aforesaid, first had and obtained.

XI. Pro-

XI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed, construed, or taken to extend, to authorize or empower the said Trustees, their Surveyors, Agents, or Workmen, to enter into or upon, or take Possession of or interfere with, or to set out and appropriate, for any of the Purposes of this Act, the Property of Mrs. *Mary Hartley*, situate in the Parish of *Gwinear* in the County of *Cornwall*, or any Part or Parts thereof, without the express Licence and Authority of the said Mrs. *Mary Hartley*, or the Owner thereof for the Time being, in Writing first had and obtained.

Property belonging to Mrs. *Mary Hartley* not to be taken without Consent.

XII. And be it further enacted, That in case any Lands or Hereditaments shall be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the same, in case the same shall be of Freehold Tenure, or in case the same shall be of any other Tenure the Estate and Interest in the same, shall not (notwithstanding any Provisions in this Act or in any of the Acts now in force for regulating Turnpike Roads in *England*) by means of any such Purchase, or any Conveyance to be made in pursuance thereof, be vested in the said Trustees, but the Freehold and Inheritance of and in the said Lands and Hereditaments so purchased, in case the same shall be of Freehold Tenure, and, in case such Lands shall be of any other Tenure, the Estate and Interest in such Lands, shall, notwithstanding such Purchase and Conveyance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees, and the said Trustees shall by means of such Purchase and Conveyance be entitled only to a perpetual Right of Way in, over, or upon the Lands so to be purchased by them as aforesaid.

Freehold of Land purchased to remain in former Owners.

XIII. Provided always, and be it further enacted, That the said Trustees shall have such and the same Powers and Authorities of cutting and digging and otherwise using the Lands and Hereditaments to be taken or purchased by them for the Purposes of this Act in all respects as they would have had in case they had purchased the Fee Simple thereof or other Estate and Interest therein.

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

XIV. Provided also, and be it further enacted, That if at any Time any of the Lands or Hereditaments purchased by the said Trustees for the Purposes of this Act shall not be wanted for the same, then and in such Case the Right of Way, and all other Rights in, over, or upon such Lands or Hereditaments vested in the said Trustees under this Act, shall cease, determine, and be extinguished, and the Freehold and Inheritance of the said Lands, in case the same shall be of Freehold Tenure, and the Estate and Interest in such Lands in case the same shall be of any other Tenure, shall be and remain in the Person or Persons then entitled to the same, freed and discharged of and from such Right of Way.

If the Land purchased should not be wanted for the Road, the Right of Way and other Rights vested in the Trustees to cease.

[*Local.*]

4 B

XV. And

Power to
erect Toll
Houses.

XV. And be it further enacted, That it shall be lawful for the said Trustees to erect or build on the said Road or any Part thereof, or upon the Sides thereof or any Part thereof, when, where, and as they shall judge proper, any Toll Gates or Toll Bars, Turnpikes, Toll Houses, and Weighing Machines, with Outhouses and Conveniences thereto, and to take in and inclose suitable Garden Spots for such Toll Houses, not exceeding One Eighth Part of a Statute Acre to each Toll House, as they shall think necessary, and from Time to Time to alter, take down, and rebuild, or to discontinue and to remove the same or any of them, as they shall think proper.

Tolls.

XVI. And be it further enacted, That the respective Tolls following shall be demanded and taken at the Toll Gates or Turnpikes, Toll Bars, Toll Houses, Side Bars, Chains, and Weighing Machines continued or to be erected by virtue of this Act, by such Person or Persons as the said Trustees shall from Time to Time appoint, before any Horse, Mule, Ass, or other Beast, or any Coal Waggon, Cart, or other Carriage, shall be permitted to, pass over or along the said Turnpike Roads or any Part thereof; (that is to say,)

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

For every Ox or other Beast, the Sum of One Halfpenny :

For Mules, the Sum of Eight-pence *per* Score, and so in proportion for any Number not less than Ten Mules ; but for any less Number than Ten, for every Mule One Halfpenny :

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

For every Drove of Sheep, Lambs, Swine, or Goats, the Sum of Six-pence *per* Score, and so in proportion for any less Number than a Score :

For every Horse or other Beast drawing any Coach, Stage Coach, Van, Caravan, Hearse, Chariot, Chaise, Berlin, Landau, or Phaeton, and every other Carriage hung on Springs, with Four or Three Wheels, the Sum of Three-pence :

For every Horse or other Beast (except Asses) drawing any Gig, Whiskey, Chair, or such like Carriage, with Two Wheels, the Sum of Three-pence ; and if drawn by One or more Ass or Asses, the Sum of One Penny for each Ass drawing the same :

For every Horse or other Beast of Draught drawing any Waggon, Timber Carriage, Cart, Wain, Butt, Dray, Truck, or other such like Carriages, if drawn by any Number of Horses or Beasts of Draught exceeding One, the Sum of Two-pence ; and if drawn by One Horse or Beast of Draught only, the Sum of Three-pence : Provided always, that in case such Waggon, Timber Carriage, Cart, Wain, Butt, Dray, Truck, or other such like Carriage shall be drawn by Oxen or other such Beasts, or by Asses, either with or without Horses, then Two Oxen or other such Beasts shall be deemed equivalent to One Horse, and be paid for as such ; and if drawn by Asses, either with or without Horses, such Asses shall be paid for at the Rate of One Penny for the first or only Ass which shall be so used or employed in drawing the same ;

same; and if more than One Ass shall be so used, the Sum of One Halfpenny each for such other Asses as shall be so employed:

And for every Coach, Vehicle, or other Carriage, of whatever Description, propelled or drawn wholly or in part by Steam, Gas, or Machinery, or otherwise than by Animal Power, the Sum of Two Shillings:

And for every Dog drawing any Truck or other Carriage, the Sum of Three-pence.

XVII. Provided always, and be it further enacted, That in case the Toll shall have been paid for or in respect of any Horse, Beast, Cattle, or Carriage, for passing through any Toll Gate, Turnpike, Toll Bar, Side Bar, or Chain to be continued or erected by virtue of this Act, such Horse, Beast, Cattle, or Carriage shall, upon a Ticket being produced denoting such Payment on that Day, be permitted to pass Toll-free through the same, and also through such other Toll Gate, Turnpike, Toll Bar, Side Bar, or Chain, if any, as shall be expressed to be freed by the Ticket for such Payment, at any Time or Times during the same Day, such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Tolls to be paid but once a Day.

XVIII. Provided also, and be it further enacted, That no more than Two full Tolls (except as herein provided to the contrary) shall be demanded or taken in any One Day, to be computed in manner aforesaid, for or in respect of any Horse, Cattle, or Carriage whatsoever, passing and repassing through all the Toll Gates, Turnpikes, Toll Bars, Side Bars, or Chains to be continued or erected by virtue of this Act upon the whole Extent of the said Road.

Limiting the Number of Tolls to be taken on the whole Line.

XIX. And be it further enacted, That no Horse or Horses or other Beast or Beasts of Draught for which Toll shall have been paid at any of the said Turnpikes or Toll Gates or Side Bars, returning the same Day through the same Turnpike or Toll Gate or Side Bar, drawing another or different Waggon, Cart, or such like Carriages, shall be permitted to repass through the same Turnpikes or Toll Gates or Side Bars the same Day without again paying Toll; any thing herein contained to the contrary thereof in anywise notwithstanding.

Horses, &c. drawing different Carriages liable to Toll for each Time of passing.

XX. And be it further enacted, That for and in respect of all Horses drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which the Tolls by this Act granted shall have been paid, and which shall return on the same Day through the same Toll Gate or Turnpike, the said Tolls shall be paid for every Time of passing and repassing through such Toll Gate or Turnpike as if no Toll had been before paid thereat: Provided nevertheless, that no further or additional Toll shall be payable in respect of Horses drawing any such Stage Coach, Stage Waggon, Van, Caravan, or other Stage Carriage, on account only of the Horses drawing the same having been changed.

Tolls to be paid for Horses drawing Stage Carriages every Time of passing and repassing. Proviso.

XXI. And

Tolls to be paid for Horses drawing Post Chaises, &c. on each fresh Hiring.

XXI. And be it further enacted, That for and in respect of all Horses let out to Hire, and drawing any Post Chaise or other Carriage, the Tolls by this Act granted shall be paid for each Time of passing and repassing through any Toll Gate, Turnpike, Toll Bar, Side Bar, or Chain continued or to be erected by virtue of this Act whenever any fresh Hiring thereof shall have taken place.

Tires of the Wheels to be of a certain Breadth in order to obtain Exemption from Tolls for Horses drawing Corn, Manure, &c.

XXII. Provided always, and be it further enacted, That no Exemption from Toll shall be claimed or allowed by virtue of any Law now in being for regulating Turnpike Roads, for or in respect of any Horse, Ass, Mule, Beast, or other Cattle drawing any Waggon, Wain, Cart, or any 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 Waggon, Carts, Wains, or other Carriages with Two Wheels shall be of the Breadth of Four Inches and a Half or more if drawn by One, Two, or Three Horses, Beasts, or other Cattle, or of the Breadth of Six Inches or more if drawn by more than Three Horses, Beasts, or other Cattle, nor unless the Tires of the Wheels of such Waggon, Wain, or other such Carriage with Four Wheels be of the Breadth of Four Inches and a Half or more if drawn by Two or Three Horses, Beasts, or other Cattle, or of the Breadth of Six Inches or more if drawn by Four or more Horses, Beasts, or other Cattle, nor unless the whole Breadth of the Sole or Bottom of such Wheels when rolling on a flat Surface shall bear equally on such flat or level Surface, and the Nails of the Tires of such Wheels be in all such Cases countersunk so as not to project more than One Eighth of an Inch beyond the Surface of such Tires.

Turnpike Road to be public on Payment of Toll.

XXIII. And be it further enacted, That the said Turnpike Road shall be and remain a public Turnpike Road, and all Persons, Horses, Cattle, and Carriages shall have free Liberty (upon Payment of the respective Tolls by this Act granted) to pass over the same without any Hindrance or Interruption of or by any Person or Persons whomsoever.

Trustees may take Materials from Lands under the same Regulations as provided by the General Turnpike Act.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees to dig, take, and carry away any Furze, Heath, Sand, Flints, and Stones, for repairing the said Turnpike Road, or for building or repairing any Toll House or Toll Houses, or erecting any Fence, Wall, or Fence Wall, in such and the same Manner and under the like Regulations as they are or shall be authorized to take Stone or other Materials for repairing the said Road by virtue of any general Law relating to Turnpike Roads in *England*; and the Road or Way and Footpaths over the said Turnpike Road shall be and are hereby declared to be a Turnpike Road to all Intents and Purposes whatsoever.

XXV. And

XXV. And be it further enacted, That if any Person, after having travelled with Horses, Carts, or Carriages upon the said Road or any Part thereof, shall quit the same, and again enter upon and use the said Turnpike Road for any Distance exceeding One hundred Yards, without paying the Toll authorized to be collected by virtue of this Act, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings, one Moiety whereof shall be paid to the Informer, and the other Moiety to the Treasurer of the said Trustees, to be applied to the Purposes of this Act. Penalty for evading Tolls.

XXVI. And be it further enacted, That all the Monies already received, or which shall be received under the Powers or Authorities of this Act, shall be vested in the said Trustees, and be applied to and for the several Uses, Intents, and Purposes, and in the Manner following; (that is to say,) in the first place, in Payment of the Costs, Charges, and Expences incidental to or attending the applying for and passing of this Act; in the second place, in defraying the Expences of purchasing Lands and Hereditaments for making, improving, and completing the said Road; and in erecting the necessary Toll Gates and Toll Houses thereon; in the third place, in paying the Interest accruing from Time to Time upon the several Principal Sums of Money for the Time being due on the Security of this Act; in the fourth place, in keeping in repair the said Turnpike Road, and all necessary Toll Gates and Toll Houses; and, lastly, in discharging the several Principal Sums of Money from Time to Time due and owing on the Credit of this Act. Application of Tolls and other Monies.

XXVII. 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.

XXVIII. And be it further enacted, That this Act shall commence on the passing thereof, and shall thenceforth continue and be in force for the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament. Commencement and Continuance of Act.

SCHEDULE to which this Act refers.

Reference to Map.	Parish.	Description.	Owners.	Lessees for Lives.	Occupiers.
14	Illogan	Garden	Lady Basset	Ann Carthew	Jane Dunkin.
15	Ditto	Ditto	Ditto	Mary Hocking	Mary Hocking.
16	Ditto	Ditto	Ditto	Richard George	Richard George.
23	Ditto	Copper Ore Floor	Ditto and J. P. Praed, Esquire, Executors.	William Reynolds, Esquire.	Advs of Wheal Crofty.
25	Ditto	Ditto and Reservoir.	Ditto and Ditto	Ditto	Ditto.
26	Ditto	Shed	Ditto and Ditto	Ditto	Ditto.
31	Ditto	Stable	Lady Basset	Cath. Burrell	Richard Pearce.
43	Camborne	Garden	John Vivian, Esquire.	John Rowe	John Thomas.
87	Gwithian	Fold	John Glasson	-	John Gellard.
129	Phillack	Projecting Parts of Foundry.	Sir John St. Aubyn, Cornish Copper Company.	Cornish Copper Company.	Cornish Copper Company.
138	Ditto	Timber Pond	Cornish Copper Company.	-	Cornish Copper Company.

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