ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

****

Cap. cx.

An Act to enable the *Hayle* Railway Company to make certain Alterations in the Lines of such Railway, and for other Purposes relating thereto.

[4th *July* 1836.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Railway from* Hayle *in the Parish of* Saint Erth *in the County of* Cornwall *to* Tresavean Mine *in the Parish of* Gwennap *in the said County, with several Branches therefrom,* and by the said Act several Persons were incorporated by the Name and Style of the *Hayle* Railway Company, for carrying into execution the said Undertaking: And whereas considerable Progress has been made in the Works authorized to be executed by virtue of the said Act, but it is expedient that certain Parts of the Line of the said Railway and Branches as originally proposed should be altered, and that some of the Powers and Provisions contained in the said recited Act should be amended and enlarged, and that additional Powers should be granted to the said Company: And whereas the several Purposes aforesaid cannot be carried into execution without the Authority of Parliament: 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

4 W. 4. c. 68.

Powers of recited Act to extend to this Act, except as hereby altered.

of the same, That all the Powers, Authorities, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Clauses, Matters, and Things contained in the said recited Act (except such of them or such Parts thereof respectively as are by this Act expressly repealed, altered, or otherwise provided for,) shall extend and be construed to extend to this Act, and to the several Works and Things hereby authorized or required to be made and done, and shall operate and be in force, in respect to the Objects and Purposes of this Act, and of the said recited Act as altered and amended by this Act, as fully and effectually to all Intents and Purposes whatsoever as if the same Powers, Authorities, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Clauses, Matters, and Things were repeated and re-enacted in this Act.

Company empowered to make certain Alterations in the Line of Railway.

II. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to make the Alterations herein-after mentioned of or in the Lines of the said Railway and Branches as authorized by the said recited Act, and to make and maintain the said Railway and Branches and Works in the Lines or Course, and upon, across, under, or over the Lands delineated on the Plan and described in the Book of Reference deposited as herein-after mentioned with the Clerk of the Peace for the said County of *Cornwall;* the First of such Alterations commencing near the Gateway leading to *Riviere House* in the Parish of *Phillack* in the said County at the Point marked No. 16 on the said Plan, and passing North of the original Line to rejoin the same at or near *Ventonleage Bridge* in the said Parish of *Phillack* at the Point marked No. 27 on the said Plan; the Second of such Alterations commencing in *Carwyn Moor* in the said Parish of *Phillack* at the Point marked No. 38 on the said Plan, and passing North of the said original Line to rejoin the same at or near the Road marked No. 113 on the said Plan, leading from *Connor Downs* to *Carnhell* in the Parish of *Gwinear* in the said County; the Third of such Alterations commencing in a Field marked No. 129 on the said Plan, in *Roseworthy* in the said Parish of *Gwinear*, and passing South of the said original Line to rejoin the same in a Moor marked No. 158 on the said Plan, in *Penpons* in the Parish of *Camborne* in the said County; the Fourth of such Alterations commencing in the aforesaid Moor in *Penpons* marked No. 158, and passing North of the said original Line, and through the Grounds at and near *Penpons* Village to rejoin the said original Line at or near a certain Road at *Camborne Veor* in the said Parish of *Camborne*, marked No. 221 on the said Plan; the Fifth of such Alterations commencing in a Field at *Camborne Vean* in the said Parish of *Camborne*, marked No. 234 on the said Plan, and passing South of the said original Line to cross it in a Field in *Pengiggan* in the said Parish of *Camborne*, marked No. 240 on the said Plan, and from thence passing North of the said original Line to rejoin the same at or near *Tin Croft Mine* in the Parish of *Illogan* in the said County, marked No. 274 a. on the said Plan; the Sixth of such Alterations commencing in a Field at *Tregajorran* in the said Parish of *Illogan*, and marked No. 278 on the said Plan, and passing South of the original Line to cross it in a Field in *Barncoose* in the said Parish of *Illogan*, marked No. 298 on the said Plan, and afterwards passing North of the said original Line to rejoin it in a Field in *Trevingey* in the Parish of *Redruth* in the said County, marked No. 318 on the said Plan; the Seventh of such Alterations commencing in the aforesaid

aforesaid Field in *Trevingey*, marked No. 318, and passing South-west of the said original Line and near *Wheal Uny* in the said Parish of *Redruth* to rejoin the said original Line in a Waste at *Wheal Beauchamp* in the Parish of *Gwennap* in the said County, marked No. 378 on the said Plan; the Eighth of such Alterations commencing in a Field at *Rough Street* in the said Parish of *Gwennap*, marked No. 398 on the said Plan, and to pass North-east of the said original Line to *Tresavean Mine* in the said Parish of *Gwennap;* the Ninth of such Alterations being a Branch to diverge from the Main Line of the said Railway at or near *Camborne Vean* aforesaid, and to extend into the Town of *Camborne* in the said County; the Tenth of such Alterations being in the Branch authorized to be made by the said recited Act from the said Main Line of Railway to the Mines of *Roskear* in the said Parish of *Camborne;* the Eleventh of such Alterations being in the Branch authorized to be made by the said recited Act from the said Main Line of Railway to the Mine of *Wheal Crofty* in the said Parish of *Illogan;* the Twelfth of such Alterations being a Branch to diverge from the Main Line of the said Railway near the Poorhouse of the said Parish of *Illogan*, and passing by or near *Wheal Agar*, to extend to the Village of *Portreath* in the said Parish of *Illogan*, and which said last-mentioned Branch is intended to be made in lieu of the original Branch to the said Village of *Portreath* as authorized to be made by the said recited Act; and the Thirteenth of such Alterations being a Branch from the said Main Line of Railway to extend to the Town of *Redruth* in the said County, in lieu of the Branch authorized to be made by the said recited Act; and the said Company are hereby authorized to abandon such Parts of the said original Lines of Railway and Branches as by reason of any of the Alterations by this Act authorized to be made will be rendered useless and unnecessary; and all the Powers, Authorities, Privileges, and Directions which by the said recited Act are given for making and maintaining the Portions of the said original Lines of Railway and Branches by this Act authorized to be abandoned shall from and immediately after the making of the Alterations herein mentioned cease and determine.

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

III. And whereas a Plan describing the Lines of the proposed Alterations of the said Railway and Branches, and the Lands in and through which the same are intended to be carried, together with a Book of Reference to such Plan, containing the Names of the Owners or reputed Owners and of the Occupiers of such Lands, have been deposited in the Office of the Clerk of the Peace for the County of *Cornwall;* be it therefore enacted, That the Plan and Book of Reference so deposited shall remain with and be kept by the said Clerk of the Peace, and all Persons interested in such Lands shall at all seasonable Times have Liberty to inspect and take Copies of the same or Extracts therefrom, paying to the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words copied therefrom; and the said Plan and Book of Reference, or true Copies thereof, or of so much thereof as shall relate to any Matter in question, shall be and are hereby declared to be good Evidence in all Courts of Law and elsewhere.

Errors or Omissions in the Act or Book of Re-

IV. Provided always, and be it further enacted, That it shall be lawful for the said Company to make the said Alterations and other Works in the Line or Course and in or through the Lands delineated on the said Plan,

ference not to obstruct the making of the Railway.

Plan, although such Lands or any of them, or the Situation thereof respectively, or the Names of the Owners or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in this Act or in the Schedule hereto, or in the Book of Reference to the said Plan, if it shall appear to any Justice of the Peace for the County of *Cornwall* (in case of any Dispute about the same), and be by him certified in Writing, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake or Inadvertence; and the Certificate of such Justice shall be deposited with and be kept by the Clerk of the Peace for the said County, and shall be sufficient for all the Purposes of this Act.

Houses and Gardens not to be taken without Consent, unless specified in the Schedule.

V. Provided also, and be it further enacted, That nothing herein contained shall authorize the said Company or any other Person to take, injure, or damage, for the Purposes of this Act, any House or other Building which was erected on or before the First Day of *November* One thousand eight hundred and thirty-five, or any Ground which was then set apart and used as a Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk or Avenue to a House, or any Ground then inclosed and planted as an Ornament or Shelter to a House, or as a Nursery for Trees, other than such as are specified in the Schedule to this Act annexed, without the Consent in Writing of the Owner thereof, unless the Omission thereof in such Schedule shall have proceeded from Mistake or Inadvertence, and it shall be so certified in manner herein-before mentioned.

Power to deviate from the Line delineated on the Plan, under certain Limitations.

VI. And be it further enacted, That the said Company, in making the Railway and Branches and other Works by this Act and the said recited Act authorized, shall have full Power to deviate from the Lines of the said Railway and Branches and other Works as delineated on the Plans deposited with the Clerk of the Peace as herein-before and in the said recited Act mentioned: Provided nevertheless, that no Deviation hereafter to be made shall extend to a greater Distance than One hundred Yards from the Lines so delineated on the said Plans, nor shall any Deviation extend into the Lands of any Person whose Name is not mentioned in the said Book of Reference, unless the Name of such Person shall have been omitted by Mistake or Inadvertence, and the Fact that such Omission proceeded from Mistake or Inadvertence be certified in manner herein-before provided in Cases of unintentional Errors in the said Book of Reference.

Time enlarged for completing the Railway.

VII. And be it further enacted, That the Time by the said recited Act limited for completing the said Railway and Branches shall be extended and enlarged for the further Term of Five Years, to be computed from the Day of the passing of this Act.

Court of Exchequer may order reasonable Expences of Purchases and Costs to be paid by theCompany.

VIII. And be it further enacted, That where, by reason of any Disability or Incapacity of any Person or Corporation entitled to any Lands or Hereditaments to be purchased, taken, or used under the Authority of the said recited Act or of this Act, or from any other Cause, the Purchase Money for any Lands or Hereditaments, or any Money to be paid by way of Recompence or Compensation for any Damage or Injury done to the same, shall be required to be paid into the Bank of *England*, it shall be lawful for the Court of Exchequer to order the reasonable Costs, Charges, and

Expences attending any such Purchase, taking, or using of Land, or which may be incurred in consequence thereof, and also all the Costs, Charges, and Expences of the Investment of such Purchase or Compensation Money in Government or Real Securities, and of the Re-investment of the same, or the Government or Real Securities purchased therewith, in the Purchase of other Lands and Hereditaments, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders and of all other Proceedings for such Purposes, and for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Purchase or Compensation Money may be invested, and for the Payment out of Court of the Principal of such Purchase or Compensation Money, or of the Government or Real Securities aforesaid, to be paid by the said Company; and the said Company shall from Time to Time pay such Sums of Money for the Costs, Charges, and Expences herein-before mentioned as the said Court shall direct.

Expences of Titles to be paid by the Company.

IX. And be it further enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as the Purchaser, of all Conveyances and Assurances of any Lands which shall be purchased or taken by the said Company for the Purposes of this Act, and of deducing, evidencing, and verifying such Title as the said Company may require to the said Lands, and of making out and furnishing such Abstracts and such attested Copies as the said Company may require, and all Expences whatsoever incident to the Investigation, Deduction, and Verification of such Title, shall be exclusively borne and paid by the said Company; and the said Company, before entering into Possession of the Lands so purchased or taken, shall pay the Amount of such Costs, Charges, and Expences, or in case there shall be any Dispute about the same shall obtain such Order as herein-after mentioned, and shall deposit for the Purpose of paying the same in such Manner as herein-after mentioned the Amount of the Costs, Charges, and Expences claimed by the Party or Parties from whom the Lands shall be purchased or taken: Provided always, that the said Company shall not be prevented from entering into Possession of the Lands so purchased by reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason of the Order herein-before mentioned not having been obtained, or the Deposit herein mentioned not having been made, unless the Party or Parties from whom such Lands shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to them by the said Company, deliver a Bill of their said Costs, Charges, and Expences to the said Company.

How such Costs are to be ascertained.

X. And be it further enacted, That if the said Company and the Party or Parties aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences, the same shall be ascertained by the said Court of Exchequer, and it shall be lawful for the said Court, on Petition to be presented by the said Company, to order and direct that such Costs, Charges, and Expences shall be referred to One of the Masters of the said Court, to be taxed, in the usual Manner, and such Order shall be served on the Party or Parties aforesaid, who shall be at liberty to proceed under the same, and after Taxation thereof it shall be lawful for the said Court to order and direct the Amount of such Costs, Charges, and Expences so taxed, together with the Costs, Charges, and Expences attending the Taxation thereof,

thereof, or so much of the same as shall be payable by the said Company to the Person or Persons from whom such Lands shall have been purchased or taken, to be paid to the Person or Persons aforesaid: Provided always, that the said Company shall not be at liberty to enter into Possession of the Lands so purchased or taken until an Order shall have been made for the Taxation of the said Costs, Charges, and Expences, and shall have been served on the Party or Parties aforesaid, and the said Company shall have deposited in the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there *ex parte* "The *Hayle* Railway Company," pursuant to the Method prescribed by the Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth for the better securing Monies and Effects paid into the Court of Exchequer at *Westminster* on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes, the Amount claimed for such Costs, Charges, and Expences; which Sums shall be applied, under the Order of the said Court, in payment of the said Costs, Charges, and Expences: Provided always, that the Expence of determining such Costs, Charges, and Expences as aforesaid, and of obtaining the Order or Orders referring the same to be taxed, shall be paid and borne by the said Company, unless the Sixth of the said Costs, Charges, and Expences shall be disallowed, in which Case the said Expence shall be paid and borne by the Person or Persons from whom the said Lands were purchased or taken, and the Amount thereof may then be paid to the said Company out of the said Sums so deposited by them as aforesaid.

Regulations as to Railway crossing Footpaths, &c.

XI. And be it further enacted, That the said Railway shall not be made across any Street or Highway, or public Bridleway or Footpath, on the Level, without the previous Consent in Writing of some Two Justices of the Peace for the County acting for the Division within which the Street, Highway, Bridleway, or Footpath so to be crossed shall be situate; and where the said Railway shall cross any public Bridleway or Footpath in any other Manner than on the Level the said Company shall make and maintain convenient Ascents and Descents, as the Case may be, to such Bridleway or Footpath: Provided nevertheless, that the said Company and all other Persons and Corporations who may think themselves aggrieved by any Determination, Consent, or Refusal of Consent of the said Justices herein, shall have Power to appeal to the Court of Quarter Sessions for the County in which such Street, Highway, Bridleway, or Footpath shall be situate; and the said Court of Quarter Sessions shall have such Power and Authority to determine such Appeal, and award such Costs to be paid by the Appellant or Respondent in such Appeal, as the said Court shall think fit; and such Determination of the said Court of Quarter Sessions shall be final and binding.

Railway not to be exempt from the Operation of any General Act for the Regulation of Railroads.

XII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed, deemed, or taken to extend, to exempt the Railroad to be formed under or by virtue of the Powers in and by this Act contained and given, or any Branch thereof, from the Provisions of any General Act or General Acts for the Regulation of Railroads which may be passed before the Expiration of One Year from the passing of this Act, if Parliament shall be sitting at the Expiration of such

Period

Period of One Year, or (if Parliament shall not then be sitting) before the End of the then next Session of Parliament.

For defraying Expences of the Act.

XIII. And be it further enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, and of making the Surveys, Plans, and Estimates, and all other Costs, Charges, and Expences in any way incident thereto, shall be paid and defrayed by the said Company out of the Money already raised and received, or out of the first Money to be raised or received by virtue of the said recited Act or this Act, in preference to any other Payment whatever.

General Saving of Rights of the Duchy of Cornwall.

XIV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Estate, Right, Title, Interest, Privileges, or Authority of the King's most Excellent Majesty, His Heirs and Successors, in right or in respect of His Duchy of *Cornwall*, or of the Duke of *Cornwall* for the Time being, nor at any Time or Times be admitted in any Court of Law or Equity, or otherwise considered as Evidence upon any Occasion to affect in any Manner such Rights of His Majesty, His Heirs and Successors, in right or in respect of His said Duchy of *Cornwall*, or of the Duke of *Cornwall* for the Time being.

Public Act.

XV. 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.

The SCHEDULE to which this Act refers.

No. in Red Ink on the Plan.	Parish.	Owners or reputed Owners.	Lessees for Lives.	Occupiers.	Description of Property.
26 a.	Phillack -	Sir John St. Aubyn, Bart. and Cornish Copper Company.	- - - -	Hayle Railway Company. - -	Garden.
26 b.	Ditto	Ditto -	- - - -	Ditto - -	Ditto.
26 c.	Ditto	Ditto -	- - - -	Ditto - -	Ditto.
54.	Ditto	Josiah Glasson	- - - -	Josiah Glasson -	Ditto.
59.	Gwinear -	Paul Burall	- - - -	Paul Burall - -	Plantation.
76.	Ditto	Sir S. T. Spry -	- - - -	John Andrew -	Garden.
149.	Ditto	Mrs. Hartley -	- - - -	Mrs. Hartley - -	Plantation.
166.	Camborne	Sir John St. Aubyn, Bart.	James Williams -	Margery Williams	Garden.
169.	Ditto	Ditto -	Ralph Michell - -	John Glasson - -	Garden and Outhouse.
171 a.	Ditto	Ditto -	Samuel Martin -	Samuel Martin -	Cottage, Garden, and Waste.

No. in Red Ink on the Plan.	Parish.	Owners or reputed Owners.	Lessees for Lives.	Occupiers.	Description of Property.
			Branch from the Main Line to the Town of Camborne.		
229.	Camborne	Sir Richard R. Vyvyan, Bart.	- - - -	- - - -	Spot for building.
230.			John Retallack -	James Tyrrel - -	Garden.
231.			James Penrose -	James Penrose -	Ditto.
232.			Maria Pascoe -	Maria Pascoe -	Ditto.
233.			William Dunstan -	William Dunstan -	Ditto.
235.			John Trevithick -	John Thomas -	Ditto.
236.			Nancy Nicholls -	William Odgers -	Ditto.
237.			Samuel Goldsworthy	Samuel Goldsworthy	Ditto.
239.			William Thomas - and John Temby - -	William Thomas and John Temby	Ditto.
240.			Thomas Richards -	Thomas Richards	Ditto.
241.			William Trevail -	William Trevail -	Ditto.
242.			John Williams -	John Williams -	Ditto.
243.			William Rowe -	William Rowe -	Ditto.
244.			Charles West - -	James Temby -	Ditto.
245.			Mr. Hocking - -	Susanna Quintrell	Ditto.
246.			Edward Morris - -	Edward Thomas -	Ditto.
247.			Ditto - -	William Prideaux	Ditto.
249.			John Temby - -	John Michell - and John Dabb - -	Ditto.
250.			Mr. Repper - -	William Glasson -	Ditto.
251.			Mrs. Bennett -	John Davies - and William West -	Ditto.
			Branch from the Main Line to Portreath.		
914.	Illogan	Hon. Mrs. Agar	Executors of Edward Gilbert.	William Gilbert -	Garden.
922.		Ditto	Thomas Berry -	Thomas Berry -	Ditto.
949.		Lady Basset -	Thomas Hitchens -	Thomas Hitchens -	Plantation.
969.		Ditto	Elizabeth Rogers -	Edward Carthew -	Garden.
970.		Ditto	Ditto - -	Ditto - -	Cottage and Shed.
972.		Ditto	Ditto - -	Ditto - -	Shed.
973.		Ditto	John Adams - -	Matthew Martin -	Garden.
974.		Ditto	Ditto - -	Ditto - -	Cottage and Plot.
974 a.		Ditto	Ditto - -	William Davies -	Ditto.
977.		Ditto	George Reynolds -	John Ivey - -	Garden.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1836.