ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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## *Cap.* xliv.

An Act for consolidating the Trusts of the *Truro* Turnpike Roads and the *Penryn* and *Redruth* Turnpike Roads in the County of *Cornwall*, and for making a new Turnpike Road from *Bosvigo Bridge* to the Turnpike Road from *Truro* to *Redruth*, and for making the Road or Highway from *Ferris Town* to *Bosvigo Bridge* a Turnpike Road, and for maintaining all such Roads; and for other Purposes. [13th *July* 1849.]

WHEREAS an Act was passed in the Eighth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually amending and widening the Roads from* Penryn *to* Redruth *in the County of* Cornwall, *and for building a Bridge over* Penryn *River*: And whereas an Act was passed in the Twelfth Year of the Reign of Her present Majesty the Queen, intituled *An Act for repealing an Act of the Ninth Year of the Reign of His Majesty King* George *the Fourth, intituled 'An 'Act for making, repairing, and improving certain Roads leading to*

7 & 8 G. 4. c. 18.

11 & 12 Vict. c. 51.

'*and from* Truro *in the County of* Cornwall,' *and for making other Provisions in lieu thereof; for forming, vesting, and improving certain Roads; and for continuing and extending the* Truro *Turnpike Trust*: And whereas the Trustees for executing the first-recited Act have put the same into execution, and have for the Purposes thereof borrowed divers Sums of Money, which still remain on the Security of the Tolls thereby granted: And whereas the Trustees for executing the secondly-recited Act have put the same in execution, and have begun some of the Works thereby authorized, and divers Sums of Money have been borrowed, which are due on the Security of the Tolls thereby granted: And whereas it would be of public Advantage if the Trusts of such several Turnpike Roads were consolidated by committing the Care and Management thereof to One Body of Trustees, and if such Trustees were enabled to complete the Works authorized by the secondly-recited Act, and to make a new Turnpike Road commencing at or near *Bosvigo Bridge* in the Parish of *Kenwyn* in the County of *Cornwall*, and terminating in or near the Turnpike Road leading from *Truro* to *Redruth* between the Third and Fourth Mile Stones, and adjoining to certain Houses in the several Occupations of *William Pearse*, *Thomas Seymour*, *Sampson Webb*, *John Webb*, and *Edward Merrifield*, situate at or near a Place commonly called *Green Bottom* in the Parish of *Kenwyn*, and also if a certain Road or Highway commencing at *Ferris Town* in the Parish of *Kenwyn* at or near certain Messuages and Hereditaments in the several Occupations of *William Douglas Clinton*, *Elizabeth Snow*, and *Elizabeth Linney* and *William M'William*, and extending therefrom to or near *Bosvigo Bridge*, were vested in such Trustees and made a Turnpike Road, and they were enabled to alter, widen, and improve such last-mentioned Road or Highway, and if further Provisions were made with reference to such Roads, and the first-recited Act were repealed, and other Provisions made in lieu thereof, and the Provisions of the secondly-recited Act were amended; 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 commence and take effect on and from the Expiration of One Calendar Month next after the passing thereof, and shall continue and be in force for Twenty-one Years, and thenceforth to the End of the then next Session of Parliament.

Commencement and Continuance of Act.

Short Title.

II. And be it enacted, That in citing this Act for any Purpose whatsoever, it shall be sufficient to use the Expression "The *Truro* and *Redruth* Turnpike Roads Act, 1849."

Interpretation of Terms.

III. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,)

Words importing the Singular Number shall include the Plural Number:

Words

Words importing the Plural Number shall include the Singular Number:
Words importing the Masculine Gender shall include Females:
The Word "Lands" shall include Messuages, Lands, Tenements, and Hereditaments, of whatsoever Tenure:
The Expression "the Trustees" shall mean the Trustees for putting this Act into execution:
The Expression "the Roads" shall mean the several Roads to which this Act relates:
The Expression "Turnpike Gate" shall include Turnpike Gates, Toll Bars, Side Gates, Side Bars, and Toll Chains.

Recited Act 7 & 8 G. 4. c. 18. repealed.

IV. And be it enacted, That from and after the Commencement of this Act the first-recited Act shall be and the same is hereby repealed, but the Repeal thereof shall not revive any of the Acts thereby repealed.

Certain Sections of 11 & 12 Vict. c. 51. repealed

V. And be it enacted, That from and after the Commencement of this Act the several Sections of the secondly-recited Act numbered respectively 3, 4, 6, 55, 62, and 67 in the Copies of that Act printed by Her Majesty's Printers shall be and the same are hereby repealed.

11 & 12 Vict. c. 51. and this Act to be One Act.

VI. And be it enacted, That the secondly-recited Act, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Remedies, Matters, and Things therein contained or expressed, save and except so much and such Parts thereof as are expressly repealed, varied, altered, or otherwise provided for by this Act, shall respectively be as good, valid, and effectual with reference to the Purposes of and for executing this Act as if the same respectively had been repeated and re-enacted in this Act; and the secondly-recited Act so repealed, varied, altered, or otherwise provided for and this Act shall accordingly be and be executed as One Act.

Monies due and Property held under the recited Acts vested in the Trustees under this Act, and existing Bonds and Contracts to be good.

VII. And be it enacted, That all Monies due to, and all Property and Choses in Action vested in, the several Trustees for executing the recited Acts respectively, or any of them, shall, immediately on the Commencement of this Act, be vested in the Trustees, and they may use, sue for, and recover the same, and act as effectually in respect thereof, as if the same had been vested in them under the recited Acts respectively, and they shall be liable to all the Debts and Engagements to which the several Trustees for executing the recited Acts respectively, or any of them, were liable at the Commencement of this Act; and all Bonds, Covenants, Securities, and Contracts made or entered into under the Powers and Provisions of the recited Acts respectively, to, by, or with any Persons and the several Trustees for executing the recited Acts respectively, or any of them, shall, until the same be fully satisfied or performed, be and continue available to and in favour of such Persons and the Trustees respectively in all Courts of Law and Equity.

VIII. And

New Tolls liable to existing Debts.

VIII. And be it enacted, That the Tolls by this Act granted shall be and are hereby made liable to the Payment of all Monies borrowed, and which on the Commencement of this Act are due, on the Security of the several Tolls by the recited Acts respectively granted, and of all Interest due and to grow due thereon, as if such Monies had been borrowed and were due on the Security of the Tolls by this Act granted.

New Bonds for existing Debts may be given.

IX. And be it enacted, That the Trustees may from Time to Time, if and when they shall think fit, give in lieu of and by way of Substitution for any existing Bonds or other Securities for any such Monies, new Bonds or Securities on the Tolls by this Act granted for the Payment of such Monies, with Interest thereon after such Rate, not exceeding the Rate by such existing Bonds and Securities respectively secured, as may be agreed on between the Trustees and the Holders of such existing Bonds and Securities respectively.

Appointment of Trustees.

X. And be it enacted, That the several Persons who at the Commencement of this Act shall be Trustees under and by virtue of the recited Acts respectively, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, and being duly appointed in that Behalf, shall be Trustees for executing this Act.

First Meeting of Trustees, whereat they may qualify.

XI. And be it enacted, That the Trustees shall, within Three Calendar Months after the Commencement of this Act, hold their First Meeting at the Town Hall in the Borough of *Truro* in the County of *Cornwall*, or at some other convenient Place in the Neighbourhood of the Roads, whereat the Trustees may qualify, and shall then and from Time to Time thereafter adjourn to and meet at such Place in the Neighbourhood of the Roads as they shall think proper.

Roads to which this Act is applicable.

XII. And be it enacted, That this Act shall relate to and be executed for more effectually improving, maintaining, and keeping in repair the several Turnpike Roads, Bridges, and Works by the secondly-recited Act authorized to be respectively made, improved, maintained, and kept in repair, and also the Turnpike Roads leading from *New Street* and *Pig Street* in *Penryn* in the County of *Cornwall* to *Redruth* in the same County, and from the Bottom of *New Street* to and over *Sowell's Quay* in the Borough of *Penryn* in the same County, and also the Bridge built under the Authority of the first-recited Act over and across a Branch of the *Penryn* River at or near *Sowell's Quay* aforesaid to the opposite Side in the Parish of *Budock* in the same County, and also the several Roads and Works by this Act authorized to be respectively made and improved.

Power to make new Roads.

XIII. And whereas Maps or Plans and Sections describing the Lines, Situations, and Levels of such Road, commencing at or near *Bosvigo Bridge* aforesaid, and terminating at or near the Turnpike Road leading from *Truro* to *Redruth* aforesaid, intended to be made as aforesaid, and of such existing Road or Highway commencing at *Ferris Town* aforesaid, and extending therefrom to or near *Bosvigo Bridge*

*Bridge* aforesaid, intended to be widened and improved as aforesaid, and the Lands proposed to be taken for the Purposes thereof respectively, together with Books of Reference to such Plans, containing the Names of the reputed Owners and Lessees and of the Occupiers of such Lands, have been deposited with the Clerk of the Peace for the County of *Cornwall*: Be it enacted, That the Trustees may set out, make, and complete such intended Turnpike Road, and widen and improve such existing Road or Highway respectively, in the Lines and through the Lands respectively delineated and described in such Maps or Plans and Books of Reference, and may make such Roads respectively of such Width as they may think proper, not exceeding Sixty Feet, together with such Footpaths, Bridges, Embankments, Ditches, Drains, Fences, and other necessary Works upon or near thereto, as they may think requisite, and for the Purposes aforesaid may take possession of the Lands delineated and described in such Maps or Plans and Books of Reference, making Satisfaction for the same to the Owners thereof, and other Persons interested therein.

Bridge over Penryn River to be public on Payment of Toll.

XIV. And be it enacted, That such Bridge over such Branch of the *Penryn* River shall for ever be and remain a public Bridge, and all Persons, Horses, Cattle, and Carriages shall have free Liberty (upon Payment of the Tolls by this Act granted) to pass over the same without any Hindrance or Interruption whatsoever; and the Road or Way and the Footways and Causeways upon and over such Bridge shall be and the same are hereby declared to be a Turnpike Road to all Intents and Purposes whatsoever; and all Materials of and for the Road or Way, Footways and Causeways, upon or over such Bridge shall be deemed Materials gotten, dug, or gathered for the Repair or Use of the Roads, to all Intents and Purposes whatsoever.

Period for compulsory Purchase of Lands limited.

XV. Provided always, and be it enacted, That all the Powers by this Act or any other Act granted in relation to the taking of Lands for the Purposes of Turnpike Roads shall, so far as such Powers relate to the compulsory taking of Lands by this Act authorized to be taken for the Purposes thereof, cease and be utterly void at the Expiration of Three Years from the Time of the Commencement of this Act: Provided also, that the preceding Enactment shall not extend the Period by the secondly-recited Act limited for the compulsory taking of Lands for the Purposes thereof.

Existing Tolls to be taken till 31st December 1849.

XVI. Provided always, and be it enacted, That upon and from the Commencement of this Act, and thenceforth until the Thirty-first Day of *December* One thousand eight hundred and forty-nine inclusive, and notwithstanding the Repeal of the first-recited Act, or any of the Provisions of this Act, the Trustees may demand and take at the Turnpike Gates erected or continued on or on the Sides of the Roads and Bridge to which such first-recited Act relates the several Sums of Money or Tolls thereby authorized to be taken, and may demand and take at the Turnpike Gates erected or continued on or on the Sides of the Roads to which the secondly-recited Act relates

relates the several Tolls or Sums of Money thereby authorized to be taken; and the several Provisions of the same Acts respectively in that Behalf shall accordingly, until the Thirty-first Day of *December* One thousand eight hundred and forty-nine inclusive, remain in full Force, and be applicable and have effect as if the Trustees had been the Trustees for carrying the same Acts respectively into execution.

Power to take Tolls.

XVII. And be it enacted, That upon and after the First Day of *January* One thousand eight hundred and fifty the Trustees may demand and take at the several Turnpike Gates which are or shall be upon or at the Sides of the Roads such Sums of Money or Tolls for Horses, Mules, Asses, and other Beasts of Burden, Oxen, Cows, and Neat Cattle, Calves, Swine, Sheep, and Lambs, and Carriages of whatsoever Sort, as the Trustees shall at any of their Meetings from Time to Time direct, not exceeding the several Sums of Money or Tolls which by the secondly-recited Act the Trustees for executing the same were thereby empowered to demand and take for such Animals and Carriages respectively;

And also for every Foot Passenger or Person on foot (except the Driver of any Waggon, Wain, Cart, or other Carriage) who shall pass any Turnpike Gate erected upon the Roads within Twenty Yards of such Bridge over such Branch of the *Penryn* River, any Sum not exceeding One Halfpenny, whether he shall travel or go more or less than Twenty Yards on such Roads, any Law or Statute to the contrary notwithstanding; and a like Sum at such Turnpike Gate for every Person who shall ride in or upon any Waggon, Wain, Cart, or other like Carriage (not being a Cart or Carriage usually employed for the Conveyance of Passengers for Hire), or who shall ride upon any Horse or Beast drawing any such Waggon, Wain, Cart, or other like Carriage, whether such Waggon, Wain, Cart, or Carriage shall travel or go more or less than Twenty Yards on such Roads; and upon Payment of such Toll on any Foot Passenger, the Collector shall deliver *gratis* to such Foot Passenger a Note or Ticket denoting such Payment.

Tolls to be taken before passing Turnpike Gates.

XVIII. And be it enacted, That such several Sums of Money or Tolls shall be demanded and taken before any such Person, Animal, or Carriage shall be permitted to pass through any Turnpike Gate erected, placed, or continued by virtue of this Act, and such respective Tolls shall be and are hereby vested in the Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

Not more than Three full Tolls to be paid.

XIX. Provided always, and be it enacted, That more than Three full Tolls shall not in any Case be taken for the passing and repassing in any one and the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night) of the same Animal or Carriage through all or any of the



Turnpike

Turnpike Gates (exclusive of the Turnpike Gate within Twenty Yards of such Bridge) erected, placed, or continued on the Roads.

Only One Toll to be taken in Ten Miles.

XX. Provided also, and be it enacted, That when the Toll for any Animal or Carriage shall have been paid at any Turnpike Gate (exclusive of the Turnpike Gate within Twenty Yards of such Bridge) erected, placed, or continued on the Roads, the Toll shall not be payable for the passing or repassing in any one and the same Day (to be so computed) of the same Animal or Carriage through any Turnpike Gate within Ten Miles (to be computed by Measurement along the Centre of the Roads) of the Turnpike Gate at which such Toll was paid.

Full Toll to be taken once a Day for passing the Bridge.

XXI. Provided also, and be it enacted, That One full Toll only shall be payable at the Turnpike Gate to be erected within Twenty Yards of such Bridge, for the passing and repassing in any one and the same Day (to be so computed) of the same Foot Passenger, Animal, or Carriage through such Turnpike Gate; and, as regards any such Animal or Carriage, such One full Toll shall be payable, notwithstanding any Toll or Tolls may have been paid for the passing or repassing thereof through any of the other Turnpike Gates erected, placed, or continued upon the Roads, and distant less than Ten Miles from such Turnpike Gate within Twenty Yards of such Bridge.

Penalty on Evasion of Tolls by Foot Passengers.

XXII. And be it enacted, That if any Foot Passenger or Person on foot shall fraudulently or forcibly pass through any Turnpike Gate erected upon the Roads within Twenty Yards of such Bridge without paying the Toll hereby imposed, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and such Penalty shall be levied and recovered (together with the necessary Costs and Charges of levying the same) by the same Ways and Means and in like Manner as any Penalty or Forfeiture for fraudulently or collusively claiming or taking the Benefit of any Exemption from Toll or other Exemption on any Turnpike Road may by Law be levied or recovered, and one Moiety of such Penalty shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer of the Trustees, and applied for the Purposes of this Act: Provided that the Penalty hereby imposed shall not be deemed or construed to abolish or affect any Penalty imposed by or leviable under any Law in force relative to Turnpike Roads in *England*.

Application of Tolls.

XXIII. And be it enacted, That all the Monies which shall be received by the Trustees by virtue of this Act upon or in respect of the Roads shall be applied as follows; (that is to say,)

First, In paying and discharging the Expenses of obtaining and passing this Act or incident thereto:

Secondly, In paying and discharging any Interest which is for the Time being owing in respect of any Money borrowed, and at the

the Commencement of this Act owing, on the Security of the several Tolls by the recited Acts respectively granted:

Thirdly, In paying and discharging the Expenses of making, improving, maintaining, and keeping in repair respectively the several Roads, Bridges, and Works respectively by this Act authorized to be made, improved, maintained, and kept in repair respectively:

Fourthly, In paying and discharging any Interest which is for the Time being owing in respect of any Money borrowed after the Commencement of this Act for the Purposes last aforesaid on the Security of the several Tolls by this Act granted:

Fifthly, In reducing, paying off, and discharging according to the Provisions of this Act the several Principal Sums borrowed, and at the Commencement of this Act owing, on the Security of the several Tolls by the recited Acts respectively granted:

Sixthly, In reducing, paying off, and discharging according to the Provisions of this Act the several Principal Sums borrowed after the Commencement of this Act for the Purposes aforesaid on the Security of the several Tolls by this Act granted.

For paying off the Sum of 500*l.* yearly as a Composition for certain Securities on the Tolls.

XXIV. Provided always, and be it enacted, That the Trustees may and they are hereby required to pay yearly out of the Monies and Tolls collected and received by virtue of this Act such Sums of Money as are agreed to be accepted by any Persons being Creditors upon the Tolls as a Composition on and in satisfaction of their Securities, to the Amount of Five hundred Pounds, according to the Stipulation after mentioned; (that is to say,) the Trustees shall Twenty-one Days at least before the General Meeting in each Year cause public Notice to be given in some One or more Newspaper or Newspapers circulated in the County of *Cornwall*, that a Composition will be paid for Five Mortgages, Bonds, or Debentures for One hundred Pounds each to such Creditors on the Tolls as shall be willing to accept the smallest Composition for their Claims, and requiring such Creditors to transmit Proposals in Writing, sealed up, to the Trustees at such Meetings, specifying therein the lowest Rate *per Centum* which such Creditors will accept and take for every Mortgage, Bond, or Debenture for One hundred Pounds, not exceeding Five, which they may have due and owing on the Tolls (which Proposals shall, as soon after the Hour of One of the Clock in the Afternoon of the Day of such Meeting as convenient, be publicly opened by the Clerk to the Trustees at such Meeting); and the Creditors whose Proposals shall specify the lowest Rate *per Centum* which they will accept and take for all or any of such Mortgages, Bonds, or Debentures of One hundred Pounds intended to be paid off shall have the Preference and be paid such Sums of Money as they are willing to accept for the same by the Treasurer to the Trustees at the Expiration of One Calendar Month next after such Meeting, with all Interest then due for the same; and if Two or more of such Creditors shall deliver in Proposals at the same Meeting for accepting a Composition for any such Mortgages, Bonds, or Debentures at an equal Rate *per Centum*, then and in such Case it shall forthwith be determined by Lot, to be fairly drawn

drawn by the Clerk to the Trustees, to which of such Creditors Preference shall be given in Payment of such Composition, and the Creditor having the casting Lot shall be paid his Composition at the Time and in manner herein-before mentioned; but if there shall not be any Proposal delivered in at any such annual Meetings by any Creditor, or, being such, the Proposals shall not be for accepting any such Composition on the full Amount of Five hundred Pounds, then and in any such Case, but not otherwise, the Trustees shall and may, and they are hereby required, in every Year in which such Event shall happen, to set apart out of such Monies and Tolls the full Sum of Five hundred Pounds, or such Part thereof as shall not be required for such Composition, to be applied towards Payment of the other Principal Monies then due and owing on the Tolls, and the Trustees shall then cause the Numbers of the Mortgages, Bonds, or Debentures in respect whereof such Composition has not been accepted, and the several Sums for which they are given, to be separately set down in Writing, and put together into a Box or Wheel, and out of such Box or Wheel immediately afterwards cause to be drawn the Numbers of so many of such Mortgages, Bonds, or Debentures as shall be equal in Value or Amount to the Sum so set apart and intended to be paid off; and in One Calendar Month next after such Numbers shall be respectively drawn, the Treasurer to the Trustees shall pay to the Persons entitled to the Mortgages, Bonds, or Debentures the Numbers of which shall be so drawn, or to the Trustees or Guardians of such of them as are under Age, such Sums of Money as shall be due by virtue thereof, which they are hereby required to accept and take accordingly in discharge of such Mortgages, Bonds, or Debentures, or of such Part of the same as shall be thereby satisfied and paid.

**Power to pay off in the first instance the Debts carrying the highest Rate of Interest.**

XXV. And whereas some of the several Principal Sums borrowed and now owing on the Security of the several Tolls by the recited Acts respectively granted carry a higher Rate of Interest than others of such Principal Sums, and it would therefore improve the Security for such Principal Sums bearing the lower Rate of Interest if such Principal Sums bearing the higher Rate of Interest were paid off and discharged: Be it enacted, That the Trustees may from Time to Time pay off and discharge at such Times as they shall think fit, but in manner provided by the general Acts for regulating Turnpike Roads in *England*, all or any of such Principal Sums which shall for the Time being carry a higher Rate of Interest than any others of such Principal Sums, unless the Parties holding Securities bearing the higher Rate of Interest shall consent to accept the lower Rate of Interest on such Securities, anything in this Act and the recited Acts, or any of them, to the contrary thereof in anywise notwithstanding.

**Roads not to be exempt from Provisions of future general Acts.**

XXVI. And be it enacted, That nothing herein contained shall be deemed to exempt the Roads comprised in this Act 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.

Public Act.

XXVII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice as such.

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