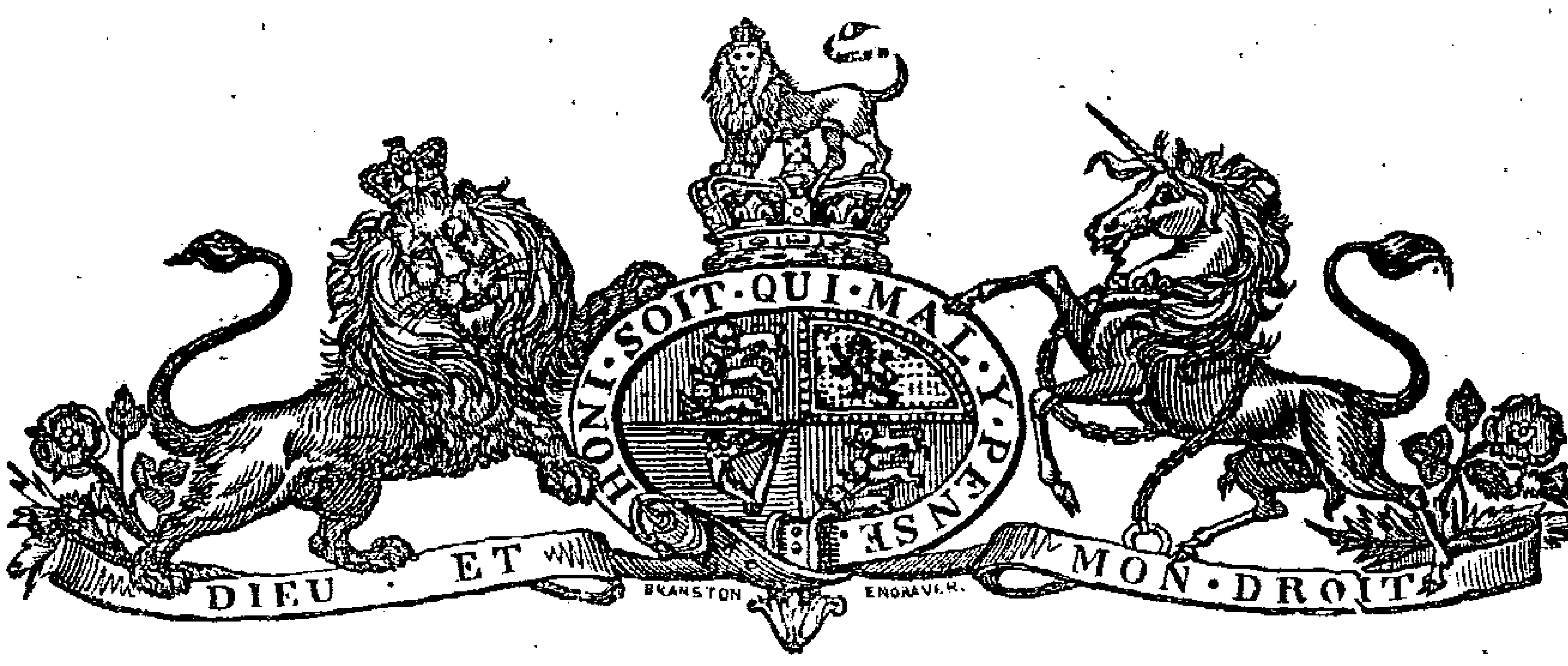



ANNO UNDECIMO & DUODECIMO

# VICTORIÆ REGINÆ.

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## *Cap.* li.

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 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. [22d *July* 1848.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making, repairing, and improving certain* 9 G. 4. c. 3.
*Roads leading to and from* Truro *in the County of* Cornwall: And whereas, in pursuance of the said Act, the Trustees acting by virtue thereof have made and completed the Roads and Works thereby authorized to be made and improved respectively, with the Exception of Two small Pieces of Road which became unnecessary subsequently to the passing of the said Act: And whereas it would be of public

Utility if the Trustees were empowered to make and construct a Bridge or Viaduct over the *Truro River* or *Truro Creek*, with Approaches thereto, commencing from the present Turnpike Road leading from *Truro* aforesaid to and through *Grampound* at or near certain Messuages in the Parish of *Saint Clement*, and in the Occupations of *Edward Wright*, *Philippa Cock*, and *Richard Edgcombe* respectively, and terminating in *Princes Street* in the Parish of *Saint Mary*: And whereas it would also be of public Utility if the said Trustees were empowered to adopt and make Turnpike a certain public Road or Highway situate in the Parish of *Saint Clement*, which diverges from the Turnpike Road leading from *Truro* to *Mitchell* at or near the First Milestone thereon at a Place called *Buck's Head*, and extends from the said Point of Divergence to the Place where it falls into and joins the Turnpike Road leading from *Truro* to *Grampound* near the First Milestone on the said last-mentioned Road: And whereas such Portion of the old Turnpike Road leading from *Truro* to *Grampound* as extends from or near to *Trewithen Bar* in the Parish of *Probus* to the River *Fal* at *Grampound* has ceased to be used, and it is desirable that the same should vest in the Owner or Owners of the adjoining Lands: And whereas it is expedient that the said recited Act should be repealed, and that Powers should be granted for the several Purposes aforesaid, and for maintaining and repairing the existing Roads vested in the said Trustees, and that the Term of the said Act should be further continued: 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,

Short Title.

That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Truro* Turnpike Roads Act, 1848."

Recited Act repealed, and this Act to be put in force.

II. And be it enacted, That as from the First Day of *August* One thousand eight hundred and forty-eight the recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth shall be repealed, and this Act shall thereafter be put in execution during the Term and for the Purposes herein-after mentioned.

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

III. And be it enacted, That all Monies due to, and all Property, and all Choses in Action, vested in the Trustees under the Act hereby repealed, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof, as effectually as if the same had been vested in them under the recited Act, and such Act had remained in force; and that the Tolls hereby granted and continued shall be liable to all the Debts and Engagements to which the Trustees under the recited Act, or the Term and Tolls thereby granted, were liable at the Repeal thereof.

Appointment of Trustees.

IV. And be it enacted, That all the several Persons who at the passing of this Act shall be Trustees under and by virtue of the said recited Act, and their Successors, being duly qualified to act as



Trustees

Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

V. And be it enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified as directed by the Acts of the Third and Fourth and Seventh and Eighth Years of the Reign of His late Majesty King *William* the Fourth, not exceeding Three in the whole, in addition to the Trustees herein-before named, to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

First Meeting of Trustees.

VI. And be it enacted, That the Trustees shall within Three Months after the First Day of *August* One thousand eight hundred and forty-eight hold their First Meeting at the Town Hall in the Borough of *Truro*, or at some other convenient Place in the Neighbourhood of the said Roads, whereat the Trustees may qualify, and shall then, and from Time to Time thereafter, adjourn to and meet at such Times, and at such Places in the Neighbourhood of the said Roads, as they shall think proper.

Power to appoint Committees.

VII. And be it enacted, That the Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part of the said Roads, or to execute any of the other Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the Trustees at any General Meeting; and the Committees and their Surveyors may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made,

Act to be put in execution for repairing Roads herein mentioned.

VIII. And be it enacted, That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the Turnpike Roads herein-after mentioned; (that is to say,)

The Turnpike Roads leading from *Truro* to *Redruth*, and the Turnpike Road leading from near the present Third Milestone on the last-mentioned Road to a Place called the *Three Burrows* in the Parish of *Kenwyn*, and from the *Three Burrows* aforesaid to the Site of *Saint Agnes* Old Almshouse:

The Turnpike Roads leading from *Truro* to and towards *Penryn*:

The Turnpike Road branching out of the Turnpike Road from *Truro* to *Penryn* at *Killaganoon*, and leading to a certain Stream of Water at *Perranwell* in the Parish of *Perranarworthal*:

The Turnpike Road leading from *Truro* to *Short Lane's-end* in the Parish of *Kenwyn*, and from thence to the Cross Road leading from a Place called *Marasanvose* to a Place called *Zelah* in the Parish of *Saint Allen*:

The Turnpike Roads leading from *Truro* to *Mitchell Downs*:

The Turnpike Road leading from *Truro* to and through *Grampound*, together with the Bridge and other Works herein-after mentioned,

mentioned, and the Turnpike Road leading from the said last-mentioned Road at or near the Foot of *Truck Hill* in the Parish of *Probus*, and joining the Road leading from *Truro* through *Penhale* to *Bodmin* at *Penhale* aforesaid, and the Turnpike Road branching out of the said Road to and through *Grampound* and leading to *Malpas*; and also for widening, altering, and improving, keeping in repair and making Turnpike, a certain public Road or Highway situate in the Parish of *Saint Clement*, which diverges from the Turnpike Road from *Truro* to *Mitchell* at or near the First Milestone thereon at a Place called *Buck's Head*, and extends from the said Point of Divergence to the Place where it falls into and joins the Turnpike Road from *Truro* to and through *Grampound* near the First Milestone on the said last-mentioned Road.

Power to widen, &c. certain Roads according to deposited Plan, &c.

IX. And whereas a Map or Plan describing the Line of the said public Road or Highway from the *Truro and Mitchell* Turnpike Road to the *Truro and Grampound* Turnpike Road in the Parish of *Saint Clement*, and the Lands in or through which the same is intended to be altered or improved and to pass respectively, together with a Book of Reference thereto containing a List of the Names of the Owners and reputed Owners, Lessees and reputed Lessees, and of the Occupiers of such Lands, has been deposited with the Clerk of the Peace for the County of *Cornwall*; be it enacted, That it shall be lawful for the said Trustees to set out, make, and complete the several Alterations of such public Road or Highway in the Line and through the Lands delineated and described in such Map or Plan and Book of Reference, and to make such Road or Highway 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 to take possession of the Lands delineated and described in such Map or Plan and Book of Reference, making satisfaction for the same to the Owners thereof and other Persons interested therein.

A Bridge or Viaduct to be constructed over Truro Creek.

X. And whereas Plans and Sections of a Bridge or Viaduct over the *Truro River* or *Truro Creek*, with Approaches thereto, being a Continuation of the said Turnpike Road from *Truro* to *Grampound* commencing near to certain Messuages and Hereditaments in the Occupation of *Edward Wright*, *Philippa Cock*, and *Richard Edgcombe* respectively, in the Parish of *Saint Clement*, and terminating in *Princes Street* in the said Parish of *Saint Mary*, and also a Book of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees and of the Occupiers of the Lands through or over which the same are intended to be made, have been deposited with the Clerk of the Peace for the County of *Cornwall*; be it enacted, That it shall be lawful for the said Trustees to make and construct the said Bridge or Viaduct, and Approaches thereto, in the Lines and upon the Lands delineated on the said Plans, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose, making satisfaction for the same to the Owners thereof and other Persons interested therein.

XI. And

Road to be carried over Truro Creek by a Bridge or Viaduct.

XI. And be it enacted, That the said Road shall be carried across *Truro Creek* by a Bridge or Viaduct, to be constructed in such Manner and upon such Plan as the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral of *Great Britain* and *Ireland*, shall approve of, and so as to secure the free Flow of the Tides, and free Access for Vessels to the Wharfs and Landing-places above such Bridge or Viaduct.

Line of Bridge not to be altered without Consent of Admiralty.

XII. And be it enacted, That, notwithstanding anything in this Act contained, the Line of the said Bridge or Viaduct, as shown on the Plan deposited at the Admiralty Office, shall not be deviated from without the Consent of the said Lord High Admiral or the said Commissioners first obtained in Writing for that Purpose, under the Hand of the Secretary of the Admiralty,

As to Construction of Bridge.

XIII. And be it enacted, That the said Bridge or Viaduct shall be constructed on Piles or Piers, with Girder Beams, with Bays or Spans between each Two Piers of not less than Thirty Feet wide, and with an entire Waterway of not less than One hundred and sixty Feet wide, and a clear Headway of not less than Five Feet under the Soffit of the Bridge at the Time of High Water of ordinary Spring Tides.

Plan, &c. to be deposited at Admiralty Office.

XIV. And be it enacted, That previously to the Trustees commencing the Construction of the said Bridge or Viaduct, or any of the Works connected therewith, they shall deposit at the Admiralty Office, *Whitehall*, a Plan, and also working Drawings of the said Bridge or Viaduct, and Works connected therewith, showing on such Plans the Depth of the Foundations thereof.

As to Compensation to Parties prejudiced by Construction of Bridge.

XV. And be it enacted, That in case the said Bridge or Viaduct shall be constructed as a fixed Bridge, or shall not have a sufficient opening Arch, any Person whose Property shall be thereby prejudicially affected shall be entitled to Compensation for the Damage or Injury he may thereby sustain; and that the Amount of such Compensation shall be ascertained and recovered in the same Manner as is provided in the Case of Purchase Money for Land to be taken by the said Trustees for the Purposes of this Act.

Power to Admiralty to order local Survey, &c.

XVI. And be it enacted, That if, after working Drawings of the Works hereby authorized shall have been submitted to the Lord High Admiral of the United Kingdom or to the Commissioners for executing the Office of Lord High Admiral, it shall be deemed expedient by him or them to order a local Survey and Examination of such Works, or of the intended Site thereof, the Trustees shall defray the Costs of such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Trustees, and if not paid, upon Demand, may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Trustees.

If any Bridge abandoned, &c., Com-

XVII. And be it enacted, That if any Bridge or Viaduct to be constructed by the Trustees in or across any tidal Water or navigable River,

missioners of Admiralty may remove the same.

River, or if any Portion of the Bridge or Viaduct which affects any such Water or River or Access thereto shall be abandoned, or suffered to fall into Disuse or Decay by the Trustees, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Trustees, and the Amount thereof shall be a Debt due from the Trustees to the Crown, and be recoverable accordingly.

Deposited Map or Plan to remain in Custody of Clerk of the Peace, and be open to Inspection.

XVIII. And be it enacted, That such Maps or Plans, Sections, and Book of Reference respectively shall remain in the Custody of the Clerk of the Peace for the same County, to the end that all Persons may at all seasonable Times inspect and peruse the same, and have Copies thereof or Extracts therefrom, paying to such 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; and such Map or Plan and Book of Reference, or any Copy thereof respectively, or of any Part thereof respectively, certified by such Clerk of the Peace or his Deputy for the Time being to be a true Copy thereof or of any Part thereof respectively, shall be good Evidence in all Courts of Law and elsewhere.

Trustees empowered to deviate from Plan to an Extent not exceeding One hundred Yards.

XIX. And be it enacted, That it shall be lawful for the Trustees, in making and completing any of the Roads and Works hereby authorized to be made, widened, and completed, to deviate from the Line delineated upon the Map or Plan to the Extent shown upon the said Map or Plan: Provided always, that no such Deviation shall extend to a greater Distance than One hundred Yards, or within the Town of *Truro* to a greater Distance than Ten Yards, from such Line, or into any Lands not delineated or described in such Map or Plan or Book of Reference, without the Consent in Writing of the Party in or through whose Lands any such Deviation shall be proposed to be made.

Lands marked on the Plan may be used notwithstanding Errors in the Plan or Book of Reference.

XX. And be it enacted, That it shall be lawful for the Trustees to make such Road and Bridge, and such Alterations and Deviations of the said Roads or Highways respectively, in or through the Lands delineated in such Maps or Plans respectively, although such Lands, or the Situation thereof, or the Names of the Owners or Occupiers thereof, may happen to be omitted, mis-stated, or erroneously described in such respective Maps or Plans or Books of Reference, in case it shall appear to any Two or more Justices of the Peace for the County of *Cornwall* in Petty Sessions assembled, and be certified by Writing under their Hands, that such Omission or Mis-statement proceeded from Mistake; and the Certificate of such Justices shall be deposited with and remain in the Custody of the Clerk of the Peace for the County of *Cornwall*: Provided nevertheless, that Ten Days Notice in Writing be given to or left at the usual or last known Place of Abode of the Owners, Lessees, and Occupiers whose Lands are affected by such erroneous Description, of the Time and Place where the Justices will hear the Case, and on Proof of the Notice being

being duly served the Justices may adjudicate thereon in the Absence of the Parties.

Amount of Compensation, in case of Parties under Disability, to be ascertained by Valuation.

XXI. And be it enacted, That the Purchase Money or Compensation to be paid for any Lands to be purchased or taken from any Party under any Disability or Incapacity, and not having Power to sell or convey such Lands, except under the Provisions of this Act, or any general Act relating to Turnpike Roads, and the Compensation to be paid for any permanent Damage or Injury to any such Lands, shall not, except where the same shall have been determined by the Verdict of a Jury, or by Arbitration, or by the Valuation of a Surveyor appointed by Two Justices under the Provision herein-after contained, be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Trustees, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall, upon Application of either Party, after Notice to the other Party for that Purpose, nominate; and each of such Two Surveyors, if they agree, or if not then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration in Writing, subscribed by them or him, of the Correctness thereof; and all such Purchase Money or Compensation shall be deposited in the Bank, for the Benefit of the Parties interested, in manner herein-after mentioned.

Purchase Money to be paid into the Bank.

Disputes as to Compensation not exceeding 50*l.* to be settled by Two Justices.

XXII. And be it enacted, That if no Agreement be come to between the Trustees and the Owners of or Parties enabled to sell and convey any Lands taken or required for the Purposes of this Act, or any Interest in such Lands, as to the Value of such Lands, or of any Interest therein, or as to the Compensation to be made in respect thereof, and if in any such Case the Compensation claimed or offered shall not exceed Fifty Pounds, the same shall be settled by Two Justices.

Compensation exceeding 50*l.* may be settled by Arbitration, if desired by the Party claiming.

XXIII. And be it enacted, That if the Compensation claimed or offered in any such Case shall exceed Fifty Pounds, and if the Party claiming Compensation desire to have the same settled by Arbitration, and signify such Desire by Notice in Writing to the Trustees, before they have issued their Warrant to the Sheriff to summon a Jury in respect of such Lands, stating in such Notice the Nature of the Interest in respect of which such Party claims Compensation, and the Amount of the Compensation so claimed, the same shall be so settled accordingly; but unless the Party claiming Compensation shall as aforesaid signify his Desire to have the Question of such Compensation settled by Arbitration, or if when the Matter shall have been referred to Arbitration the Arbitrators or their Umpire shall for Three Months have failed to make their or his Award, or if no final Award shall be made, the Question of such Compensation shall be settled by the Verdict of a Jury.

In Questions of disputed Compensation, Justice

XXIV. And be it enacted, That it shall be lawful for any Justice, upon the Application of either Party with respect to any Question of disputed Compensation by this Act, or any general Act relating to

may determine the same.

to Turnpike Roads, authorized to be settled by Two Justices, to summon the other Party to appear before Two Justices at a Time and Place to be named in the Summons, and upon the Appearance of such Parties, or in the Absence of any of them, upon Proof of due Service of the Summons, it shall be lawful for such Justices to hear and determine such Question, and for that Purpose to examine such Parties or any of them, and their Witnesses, upon Oath; and the Costs of every such Inquiry shall be in the Discretion of such Justices, and they shall settle the Amount thereof.

Questions of disputed Compensation may be settled by Arbitration, each Party to appoint an Arbitrator.

XXV. And be it enacted, That when any Question of disputed Compensation authorized or required to be settled by Arbitration shall have arisen, then, unless both Parties shall concur in the Appointment of a single Arbitrator, each Party, on the Request of the other Party, shall nominate and appoint an Arbitrator to whom such Dispute shall be referred; and every Appointment of an Arbitrator shall be made on the Part of the Trustees under the Hands of the said Trustees or any Two of them, or of their Clerk, and on the Part of any other Party under the Hand of such Party, or if such Party be a Corporation Aggregate, under the Common Seal of such Corporation; and such Appointment shall be delivered to the Arbitrator, and shall be deemed a Submission to Arbitration on the Part of the Party by whom the same shall be made; and after any such Appointment shall have been made neither Party shall have Power to revoke the same without the Consent of the other, nor shall the Death of either Party operate as a Revocation; and if for the Space of Fourteen Days after any such Dispute shall have arisen, and after a Request in Writing, in which shall be stated the Matter so required to be referred to Arbitration, shall have been served by the one Party on the other Party, to appoint an Arbitrator, such last-mentioned Party fail to appoint such Arbitrator, then upon such Failure the Party making the Request, and having himself appointed an Arbitrator, may appoint such Arbitrator to act on behalf of both Parties, and such Arbitrator may proceed to hear and determine the Matters which shall be in dispute, and in such Case the Award or Determination of such single Arbitrator shall be final.

After Appointment neither Party to revoke without Consent.

On Failure of one Party, the other may appoint Arbitrator to act on behalf of both.

If Arbitrator die, &c., another may be appointed.

XXVI. And be it enacted, That if before the Matters so referred shall be determined any Arbitrator appointed by either Party die or become incapable, the Party by whom such Arbitrator was appointed may nominate and appoint in Writing some other Person to act in his Place; and if for the Space of Seven Days after Notice in Writing from the other Party for that Purpose he fail to do so the remaining or other Arbitrator may proceed *ex parte;* and every Arbitrator so to be substituted as aforesaid shall have the same Powers and Authorities as were vested in the former Arbitrator at the Time of such his Death or Disability as aforesaid.

On Failure to appoint the other may proceed.

Arbitrators to appoint Umpire.

XXVII. And be it enacted, That where more than One Arbitrator shall have been appointed such Arbitrators shall, before they enter upon the Matters referred to them, nominate and appoint, by Writing under their Hands, an Umpire to decide on any such Matters on which they shall differ or which shall be referred to him; and if such

Umpire

Umpire shall die or become incapable to act, they shall forthwith after such Death or Incapacity appoint another Umpire in his Place, and the Decision of every such Umpire on the Matters so referred to him shall be final.

If Umpire die, &c., another to be appointed.

XXVIII. And be it enacted, That if in either of the Cases aforesaid the said Arbitrators shall refuse, or shall, for Seven Days after Request of either Party to such Arbitration, neglect to appoint an Umpire, Two Justices shall, on the Application of either Party to such Arbitration, appoint an Umpire, and the Decision of such Umpire on the Matters on which the Arbitrators shall differ, or which shall be referred to him, shall be final.

Two Justices may appoint an Umpire on Neglect of the Arbitrators.

XXIX. And be it enacted, That if when a single Arbitrator shall have been appointed such Arbitrator shall die or become incapable to act before he shall have made his Award, the Matters referred to him shall be determined by Arbitration in the same Manner as if such Arbitrator had not been appointed.

If single Arbitrator die, &c., the Matter to begin de novo.

XXX. And be it enacted, That if, where more than One Arbitrator shall have been appointed, either of the Arbitrators refuse or for Seven Days neglect to act, the other Arbitrator may proceed *ex parte*, and the Decision of such other Arbitrator shall be as effectual as if he had been the single Arbitrator appointed by both Parties.

If either Arbitrator refuse to act, the other to proceed.

XXXI. And be it enacted, That if, where more than One Arbitrator shall have been appointed, and where neither of them shall refuse or neglect to act as aforesaid, such Arbitrators shall fail to make their Award within Twenty-one Days after the Day on which the last of such Arbitrators shall have been appointed, or within such extended Time (if any) as shall have been appointed for that Purpose by both such Arbitrators under their Hands, the Matters referred to them shall be determined by the Umpire to be appointed as aforesaid.

If Arbitrators fail to make their Award within 21 Days, Umpire to decide.

XXXII. And be it enacted, That the said Arbitrators or their Umpire may call for the Production of any Documents in the Possession or Power of either Party which they or he may think necessary for determining the Question in dispute, and may examine the Parties or their Witnesses on Oath, and administer the Oaths necessary for that Purpose.

Arbitrators may call for Documents, and administer Oaths.

XXXIII. And be it enacted, That before any Arbitrator or Umpire shall enter into the Consideration of any Matters referred to him, he shall, in the Presence of a Justice, make and subscribe the following Declaration; (that is to say,)

Arbitrator and Umpire to make and subscribe Declaration.

'I *A. B.* do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my Skill and Ability, hear and determine the Matters referred to me under the Provisions of the "*Truro* Turnpike Roads Act, 1848." *A. B.*'

'Made and subscribed in the Presence of '

Declaration to be annexed to Award.

And such Declaration shall be annexed to the Award when made; and if any Arbitrator or Umpire, having made such Declaration, shall wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

Costs of Arbitration.

XXXIV. And be it enacted, That all the Costs of any such Arbitration and incident thereto, to be settled by the Arbitrators, shall be borne by the Trustees, unless the Arbitrators shall award the same or a less Sum than shall have been offered by the Trustees, in which Case each Party shall bear his own Costs incident to the Arbitration, and the Costs of the Arbitrators shall be borne by the Parties in equal Proportions.

Arbitrators to deliver their Award to Trustees.

XXXV. And be it enacted, That the Arbitrators shall deliver their Award in Writing to the Trustees, and the said Trustees shall retain the same, and shall forthwith, on Demand, at their own Expense, furnish a Copy thereof to the other Party to the Arbitration, and shall at all Times, on Demand, produce the said Award, and allow the same to be inspected or examined by such Party, or any Person appointed by him for that Purpose.

Submission to Award.

XXXVI. And be it enacted, That the Submission to any such Arbitration may be made a Rule of any of the Superior Courts, on the Application of either of the Parties.

Award not to be set aside.

XXXVII. And be it enacted, That no Award made with respect to any Question referred to Arbitration under the Provisions of this Act shall be set aside for Irregularity or Error in Matter of Form.

Compensation to absent Parties to be determined by a Surveyor appointed by Two Justices.

XXXVIII. And be it enacted, That the Purchase Money or Compensation to be paid for any Lands to be purchased or taken by the Trustees from any Party who by reason of Absence from the Kingdom is prevented from treating, or who cannot after diligent Inquiry be found, or who shall not appear at the Time appointed for the Inquiry before a Jury, after due Notice thereof, and the Compensation to be paid for any permanent Injury to such Lands, shall be such as shall be determined by the Valuation of such able practical Surveyor as Two Justices shall nominate for that Purpose, as hereinafter mentioned.

Upon Application of Trustees, Two Justices to nominate a Surveyor.

XXXIX. And be it enacted, That upon Application by the Trustees to Two Justices, and upon such Proof as shall be satisfactory to them that any such Party is by reason of Absence from the Kingdom prevented from treating, or cannot after diligent Inquiry be found, or that any such Party failed to appear on such Inquiry before a Jury as aforesaid, after due Notice to him for that Purpose, such Justices shall, by Writing under their Hands, nominate an able practical Surveyor for determining such Compensation as aforesaid; and such Surveyor shall determine the same accordingly, and shall annex to his Valuation a Declaration in Writing, subscribed by him, of the Correctness thereof.

Surveyor to make and subscribe Declaration.

XL. And be it enacted, That before such Surveyor shall enter upon the Duty of making such Valuation as aforesaid he shall, in the Presence

Presence of such Justices or One of them, make and subscribe the Declaration following at the Foot of such Nomination; (that is to say,)

'I *A. B.* do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute the Duty of making the Valuation hereby referred to me. *A. B.*'

'Made and subscribed in the Presence of

And if any Surveyor shall corruptly make such Declaration, or having made such Declaration shall wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

Nomination and Declaration to be annexed to Valuation.

XLI. And be it enacted, That the said Nomination and Declaration shall be annexed to the Valuation to be made by such Surveyor, and shall be preserved together therewith by the Trustees, and they shall at all Times produce the said Valuation and other Documents, on Demand, to the Owner of the Lands comprised in such Valuation, and to all other Parties interested therein.

Expenses to be borne by Trustees.

XLII. And be it enacted, That all the Expenses of and incident to every such Valuation shall be borne by the Trustees.

In estimating Purchase Money and Compensation, regard to be had to Damage by Severance of Lands.

XLIII. And be it enacted, That in estimating the Purchase Money or Compensation to be paid by the Trustees, in any of the Cases aforesaid, regard shall be had by the Justices, Arbitrators, or Surveyors, as the Case may be, not only to the Value of the Land to be purchased or taken by the Trustees, but also to the Damage, if any, to be sustained by the Owner of the Lands by reason of the severing of the Lands taken from the other Lands of such Owner, or otherwise injuriously affecting such other Lands by the Exercise of the Powers of this Act, or any general Act relating to Turnpike Roads.

Conveyances of Lands to be according to Forms in Schedule or by Deed, which shall vest Lands thereby conveyed in Trustees, &c.

XLIV. And be it enacted, That Conveyances of Lands to be purchased under the Provisions of this Act, or any general Act relating to Turnpike Roads, may be according to the Form in the Schedule (A.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit, or by Deed in any other Form which the said Trustees may think fit; and all Conveyances made according to the Form in the said Schedule, or as near thereto as the Circumstances of the Case will admit, shall be effectual to vest the Lands thereby conveyed in the Trustees, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and to destroy all Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever, of and in the Lands comprised in such Conveyances which shall have been purchased or compensated for by the Consideration therein mentioned; but although Terms of Years be thereby merged they shall in Equity afford the same Protection as if they had been kept on Foot and assigned to a Trustee for the Trustees of this Act to attend the Reversion and Inheritance.

XLV. And

The Freehold and Inheritance of Lands purchased to remain and be vested in the Persons of whom they are purchased.

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

The Right of Way to cease when Lands are not wanted.

XLVI. Provided always, and be it enacted, That if at any Time any Land purchased by the Trustees under the Authority of this Act shall not be wanted for the Purposes thereof, and the Road for which the same was purchased shall cease to be a Highway, then the Right of Way in or over such Lands shall cease and be extinguished, and the Freehold and Inheritance in such 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 Persons then entitled to the same, freed and discharged from such Right of Way.

Trustees to have same Power of cutting, &c. as if they had purchased Fee Simple.

XLVII. Provided also, and be it enacted, That the Trustees shall have the same Power and Authority of cutting, digging, and using the Lands taken by them for the Purposes of this Act as the Trustees would have had in case they had purchased the Fee Simple or the whole Estate and Interest in such Lands.

Rubbish, &c. may be taken from Quarries and Mines for repairing the Roads.

XLVIII. And be it enacted, That it shall and may be lawful for the Surveyor or Surveyors, 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 Attel, Heneways, and Rubbish from the Burrow 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 Purser, Captain, or principal Agent thereof, or some Person or Persons appointed by him or them, being present, or 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 Purser, Captain, or principal Agent thereof, or left at his or their usual Place of Abode or Business, 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 Avdenturer, the same shall be ascertained and settled by Two Justices in manner herein-before mentioned.



XLIX. And

Mode of ascertaining Compensation for Stone taken from Quarries.

XLIX. And be it enacted, That in case of any Difference between the Trustees acting in execution of this Act, and the Owners, Occupiers, or Proprietors of any Quarries, concerning the Amount of Payment to be made for any Stone or Materials taken from such Quarries for any of the Purposes of this Act, any Two or more Justices of the Peace for the said County of *Cornwall* before whom Complaint shall be made respecting the Matters aforesaid shall in deciding such Difference take into their Consideration what such Stone or other Materials might have been sold for if the same had not been taken by the said Trustees, and all other Circumstances fairly connected with the Value of such Stone or Materials, and shall estimate the same so that a full and fair Compensation for such Stone or Materials, and for all Damages done to the Lands from whence the same shall be dug or taken, or over which the same shall be carried, may be made to the Owners, Occupiers, and Proprietors of the same respectively.

Ditches and Drains may be made.

L. And be it enacted, That Ditches, Drains, or Watercourses, of a sufficient Depth and Breadth for keeping the said present and intended Roads dry, and conveying the Water from the same, shall be made by the said Trustees or their Surveyor or other Officer on the Sides thereof, and also, where necessary, into or through any Fields, Lands, or Grounds adjoining to or lying near the said Roads, (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House,) at the Expense of the said Trustees, out of the Monies to be received by virtue of this Act, and sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats shall be made by the said Trustees, or their Surveyor or other Officer, where any Carriageways or Footways lead into or out of or across the said Roads, also at the Expense of the said Trustees, out of the Monies aforesaid, any Law or Statute to the contrary notwithstanding.

Powers for compulsory Purchase of Lands limited.

LI. Provided also, and be it enacted, That all the Powers by this Act or by 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 the Lands by this Act authorized to be taken for the Purposes thereof, cease and be utterly void after the Expiration of Three Years from the Time of the Commencement of this Act.

Part of the old Road from Truro to Grampound to vest in Owners, &c.

LII. And be it enacted, That so much of the old Turnpike Road leading from *Truro* to *Grampound* as extends from or near to the *Trewithen Bar* in the Parish of *Probus* to the River *Fal* at *Grampound* shall vest in the Owner or Owners of the adjoining Lands.

Present Tolls continued till 1st August 1848.

LIII. And be it enacted, That, notwithstanding the Repeal of the said recited Act, the several Tolls by the said recited Act granted and made payable shall continue to be paid at the Toll Gates or Toll Bars to be continued or erected on or on the Sides of the said Roads until the First Day of *August* One thousand eight hundred and forty-eight.

Power to take the following Tolls.

LIV. And be it enacted, That upon and after the First Day of *August* One thousand eight hundred and forty-eight it shall be lawful for the Trustees to demand and take, at the several and respective Toll Gates or Toll Bars which are or shall be upon or on the Sides of the said Roads, such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse or other Beast drawing any Coach, Stage Coach, Diligence, Sociable, Berlin, Landau, Chariot, Vis-à-vis, Barouche, Phaeton, Chaise Marine, Calash, Chaise, Curricle, Gig, Chair, Taxed Cart, Caravan, Van, Hearse, Litter, or other like Carriage, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Butt, Dray, or other like Carriage, having the Soles or Bottoms of the Fellies of each Wheel thereof of the Breadth of Nine Inches or more, and carrying Ores of any Description, or having the Soles or Bottoms of the Fellies of each Wheel thereof of the Breadth of Six Inches or more, and not carrying Ores, the Sum of Three-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Butt, Dray, or other like Carriage, having the Soles or Bottoms of the Fellies of any of the Wheels thereof of less Breadth than Nine Inches, but all being of the Breadth of Six Inches or more, and carrying Ores of any Description, or having the Soles or Bottoms of the Fellies of any of the Wheels of less Breadth than Six Inches, all being of the Breadth of Four Inches and a Half or more, and not carrying Ores, the Sum of Four-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Butt, Dray, or other like Carriage, having the Soles or Bottoms of the Fellies of any of the Wheels thereof of less Breadth than Six Inches, and carrying Ores of any Description, or having the Soles or Bottoms of the Fellies of any of the Wheels thereof of less Breadth than Four Inches and a Half, and not carrying Ores, the Sum of Eight-pence, except in Cases where any such Carriage shall be drawn by One Horse only, in which Cases the Sixpence shall be demanded and taken:

For every Carriage of any of the several Descriptions comprised in the said First Class, or any like Description, or of any other Description, used wholly or principally for the Conveyance of Passengers or Travellers, and not drawn by any Horse or other Beast, by whatever other Means propelled or moved, for every Wheel whereon the same shall run the Sum of Sixpence:

For every Carriage of any of the several Descriptions comprised in the said Second Class, or of any like Description, or of any other Description, not used wholly or principally for the Conveyance of Passengers or Travellers, and not drawn by any Horse or other Beast, by whatever other Means propelled or moved, having the Soles or Bottoms of the Fellies of each Wheel thereof of the Breadth of Nine Inches or more, and carrying Ores of any Description, or having the Soles or Bottoms of the Fellies of each Wheel thereof of the Breadth of Six Inches or more, and not carrying Ores, the Sum of Three-pence for every Wheel whereon the same shall run:

For every Carriage of any of the several Descriptions comprised in the said Sixth Class, and not drawn by any Horse or other Beast, by whatever other Means propelled or moved, having the Soles or Bottoms of the Fellies of any of the Wheels thereof of less Breadth than Nine Inches, all being of the Breadth of Six Inches or more, and carrying Ores of any Description, or having the Soles or Bottoms of the Fellies of any of the Wheels thereof of less Breadth than Six Inches, all being of the Breadth of Four Inches and a Half or more, and not carrying Ores, the Sum of Four-pence for every Wheel whereon the same shall run:

For every Carriage of any of the several Descriptions comprised in the said Sixth Class, and not drawn by any Horse or other Beast, by whatever other Means propelled or moved, having the Soles or Bottoms of the Fellies of any of the Wheels thereof of the Breadth of less than Six Inches at the Bottoms or Soles thereof, and carrying Ores of any Description, or having the Soles or Bottoms of any of the Fellies of the Wheels thereof of the Breadth of less than Four Inches and a Half at the Bottoms or Soles thereof, and not carrying Ores, the Sum of Eight-pence for every Wheel whereon the same shall run:

For every Horse, Mule, Ass, or other Beast of Burthen, laden or unladen, and not drawing, the Sum of Two-pence:

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

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

And in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of any of the Tolls hereby granted the Sum of One Halfpenny shall be demanded and paid in lieu of such fractional Part:

Which said respective Tolls or Sums of Money shall be demanded and paid before any Horse, Mule, Ass, Beast, or Cattle, or any Carriage, shall be permitted to pass through any Turnpike or Toll Gate, Side Gate, Bar, or Chain which shall be continued, erected, or set up by virtue of this Act, (subject to the Provisions herein-after contained,) and such Tolls shall be and are hereby vested in the said Trustees, to be by them applied in manner herein-after mentioned.

Only One Toll to be paid for a less Distance than Ten Miles.

LV. And be it enacted, That no more than One full Toll shall be taken for passing and repassing once only in the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night), with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty, through all the Toll Gates erected or to be erected or continued on the said Roads, unless such Horse, Beast, Cattle, or other Animal or Thing shall have passed on the same Day through a Toll Gate distant Ten Miles at least from the Toll Gate through which it may be proposed to pass, nor in that Case more than Two full Tolls.

Persons having paid Toll to return

LVI. And be it enacted, That all Horses and Cattle (except Horses or Cattle drawing any Stage Carriage as herein-after mentioned,)

Toll-free the same Day.

tioned), in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar on any of the said Roads or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted, in returning through the same Toll Gate or Toll Bar, and in going and returning through such other Gate or Bar (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Post Chaises to pay every Time of passing with fresh Hiring.

LVII. Provided always, and be it enacted, That the Tolls hereby made payable shall be paid for all Horses or Cattle drawing any Post Chaise or other Carriage travelling for Hire as often as a new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or Cattle had been made on the same Day.

Regulations as to Stage Coaches, &c.

LVIII. And be it enacted, That all Horses and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, and any Carriage propelled or drawn by Steam or any other Power than Animal Power, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Gate or Bar which such Ticket would free in the Case of Horses or Cattle drawing any other Carriage; and no further or additional Toll shall be payable in respect of any Stage Coach or other such Carriage at any Toll Gate or Bar the Payment at which shall be freed by such Ticket, on account only of their conveying other Passengers, or of Horses or Cattle drawing the same having been changed.

Between 1st Nov. and 1st April, extra Weight to pay Double Toll.

LIX. And be it enacted, That between the First Day of *November* inclusive in every Year and the First Day of *April* exclusive in the next succeeding Year it shall be lawful for the Trustees to demand at every Toll Gate Double the Toll hereby made payable for every Horse, Mule, Ass, or other Beast of Draught drawing any Waggon or other Carriage the Weight of which and of the Loading thereof shall exceed Two Tons.

As to Exemptions from Toll in certain Cases.

LX. Provided always, and be it further enacted, That no Exemption from Toll shall from and after the Commencement of this Act be claimed or allowed in respect of any Horse, Beast, or other Cattle or Carriage employed in conveying or carrying any Dung, Soil, Compost, Lime, or other Manure, or any Ploughs, Harrows, or Implements of Husbandry, or any agricultural Produce, unless the Fellies of each Wheel of any such Carriage shall be of the Breadth of Six Inches or more at the Bottoms or Soles thereof.

Respecting Toll Gates.

LXI. And be it enacted, That the several Toll Gates, Bars, and Toll Houses now standing or being upon the said Turnpike Roads or on the Sides thereof shall be continued until removed by any Order of the Trustees; and it shall be lawful for the Trustees to order and cause to be set up in or across the said present Turnpike Roads, and also in or across the said Roads and Highways hereby authorized

to

to be altered and completed, respectively, and on the Sides thereof respectively, any Toll Gate or Bar, and to remove any present or any future Toll Gate or Bar, as they shall think proper.

Application of Tolls, &c.

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

Firstly, in paying and discharging the Expenses of obtaining and passing this Act or incident thereto:

Secondly, in paying and discharging any Interest which may from Time to Time be owing in respect of any Money which may have been borrowed on the Credit of the Tolls authorized to be taken by the said Act hereby repealed:

Thirdly, in paying the Expenses of improving, maintaining, and keeping in repair such Roads, and of making and maintaining the said new Road commencing in the *Truro and Grampound* Turnpike Road in the said Parish of *Saint Clement*, and terminating on the *Truro* Town Quay, with the Bridge or Viaduct over the *Truro River* or *Truro Creek*, and in putting this Act into execution with reference thereto, and to the other Roads and Works hereby authorized to be made Turnpike and improved respectively:

Fourthly, in paying and discharging any Interest which may from Time to Time become due and be owing in respect of any Money which may hereafter be borrowed upon the Credit of the Tolls under this Act for the Purposes last aforesaid:

Fifthly, in reducing, paying off, and discharging the several Principal Sums which have been borrowed on the Credit of the Tolls authorized to be taken by the said former Act hereby repealed:

Sixthly, in reducing, paying off, and discharging any Principal Sums of Money which may be borrowed for the Purposes aforesaid.

Money arising from Tolls taken on Roads not to be laid out in Towns.

LXIII. And be it enacted, That no Money arising from the Tolls taken on any Turnpike Road mentioned in this Act shall be laid out on any Road vested in or under the Control or Management of Commissioners acting under any Act of Parliament passed for the Improvement of any Town, save and except in making and constructing the Bridge or Viaduct over the *Truro River* or *Truro Creek*, with the Approaches thereto, being a Continuation of the said Turnpike Road from *Truro* to *Grampound*, commencing near to certain Messuages and Hereditaments in the Occupation of *Edward Wright*, *Philippa Cock*, and *Richard Edgecombe* respectively, in the Parish of *Saint Clement*, and terminating in *Princes Street* in the said Parish of *Saint Mary*, as shown in the said Plan and Section thereof, nor shall any Money be collected within the Limits aforesaid, or in any of the Towns following, (that is to say,) the Town of *Truro*.

No more Money to be laid out on any Road than taken thereon.

LXIV. And be it enacted, That no more Money shall be expended in the Repair of any Road comprised in this Act than shall be collected on such Road, or borrowed on the Credit of the Tolls collected thereon.

Roads not exempt from Provisions of any general Act.

LXV. 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 Arrangements of Turnpike Roads which may pass during the present or any future Session of Parliament.

Saving the Rights of the Crown.

LXVI. And be it enacted, That nothing contained in this Act, or in the Acts herein recited or referred to, shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners, or any Two of them, are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Term of Act.

LXVII. And be it enacted, That this Act shall commence on the First Day of *August* One thousand eight hundred and forty-eight, and shall continue in force for the Term of Twenty-one Years, and if Parliament shall then be sitting until the End of the Session of Parliament which shall then next follow.

Interpretation of Act.

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

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

The Word "Person" shall be understood to include Corporation:

Words importing the Masculine Gender shall include Females:

The Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments.

Public Act.

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

SCHE-

## SCHEDULE referred to in the foregoing Act.

### SCHEDULE (A.)

*Form of Conveyance.*

I of in consideration of the Sum of paid to me [*or, as the Case may be*, into the Bank of England], in the Name and with the Privity of the Accountant General of the Court of Chancery, ex parte "The Trustees of the Truro Turnpike Roads," or to *A. B.* of and *C. D.* of Two Trustees appointed to receive the same pursuant to the "Truro Turnpike Roads Act, 1848," by the Trustees constituted by the said Act, do hereby convey to the said Trustees, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by the said Act, or any general Act relating to Turnpike Roads, empowered to convey, to hold the Premises to the said Trustees, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal, the Day of in the Year of our Lord

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