

Extending
Provisions of
recited Act
to this Act.

Power to
make a Tram
Road, with
Branches
therefrom.

Power to
purchase
Lands.

construct such Tram Roads: And whereas the Objects aforesaid 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 all the Powers, Authorities, Provisions, Matters, and Things contained in the said recited Act (except such of them or such Parts thereof respectively as are by this Act repealed, altered, or otherwise provided for,) shall extend to this Act, and to the several Works and Things hereby authorized or required to be made and done, and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, as fully and effectually, to all Intents and Purposes, as if the same Powers, Authorities, Provisions, Matters, and Things were repeated and re-enacted in this Act, and had formed Part thereof.

II. And be it enacted, That it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, subject to the Provisions herein-after contained, to make and maintain a Tram Road, with all proper Works and Conveniences connected therewith, commencing at or near *Towan Head* in the Parish of *Saint Columb Minor* in the County of *Cornwall*, adjoining the said *Newquay Harbour*, and passing from, through, or into the several Parishes of *Saint Columb Minor*, *Colan*, *Saint Columb Major*, and *Saint Dennis*, or some of them, and terminating in a Field, No. 76. on the Plans herein-after mentioned, at or near *Gonnamaroes* in the Parish of *Saint Stephen's*, all in the said County; also to make and maintain a Branch Tram Road out of the said last-described Tram Road, commencing at or near *Groze* in the said Parish of *Saint Columb Major*, passing from, through, or into the several Parishes of *Saint Columb Major* and *Saint Enoder* and the Borough of *Mitchell*, and terminating on the *Newlyn Downs*, at or near *East Wheal Rose Mine* in the Parish of *Newlyn*, all in the said County of *Cornwall*; also to make and maintain another Branch Tram Road out of the said last-described Branch Tram Road, commencing at or near the Village of *Summercourt* in the Parish of *Saint Enoder*, and terminating at or near the Village of *Ladock* in the Parish of *Ladock*, all in the said County; and for such Purposes to enter upon, take, and use such of the Lands delineated on the Plans and referred to in the Books of Reference deposited therewith and herein-after mentioned as shall be necessary for making the said Tram Roads and Works.

III. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, to agree with the Owners of the Lands which he or they are hereby authorized to enter into and take for the Purposes of the said Tram Road and Works for the absolute Purchase, for a Consideration in Money, of any such Lands, or such Parts thereof as he or they shall think proper, and of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all commonable or other Rights to which

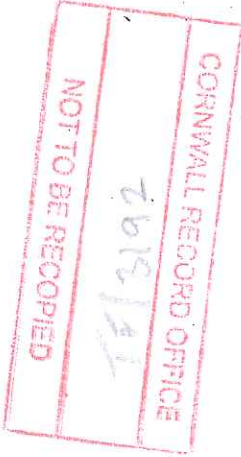
which such Lands may be subject, and all other Estates or Interests in such Lands, of what Kind soever.

IV. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispose of and convey or release the same to the said *Joseph Thomas Treffry*, his Heirs and Assigns, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in Trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found; and as to such Married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability; and as to such Trustees, Executors, and Administrators on behalf of their Cestuisque Trust, whether Infants, Issue unborn, Lunatics, Femes Coverts, or other Persons, and that to the same Extent as such Cestuisque Trust respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

V. And be it enacted, That the Power to release Lands from any Rent, Payment, Charge, or Incumbrance, and to agree for the Apportionment of any such Rent, Charge, or Incumbrance, shall extend to and may lawfully be exercised by every Party herein-before enabled to sell and dispose of or convey and release Lands to the said *Joseph Thomas Treffry*, his Heirs and Assigns.

VI. And be it enacted, That, except as herein-after mentioned, the Consideration to be paid for the Purchase of any such Lands, or for any Damage done thereto, shall be in a gross Sum.

VII. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept Satisfaction for the Value of such Lands, or any Interest therein to which such Party shall be entitled; and in addition to Compensation for the Value of such Lands, or of the Interest therein to be so conveyed, such Parties shall be entitled to and may in like Manner accept Compensation for any Damage by them sustained by reason of the severing or dividing of such Lands,



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Lands, or otherwise owing to the Exercise of the Powers of this Act.

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

VIII. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not, except where the same shall have been determined by the Verdict of a Jury, 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 said *Joseph Thomas Treffry*, his Heirs or Assigns, 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 for that Purpose nominate; and each of such Two Surveyors, if they agree, and if not, then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Compensation to absent Parties to be ascertained by Valuation.

IX. And with respect to the Compensation Money to be paid for any Lands to be purchased from any Party who by reason of Absence or from any other Incapacity or Accident is prevented from treating, or cannot be found, and the Compensation Money to be paid for any permanent Injury to such Lands, be it enacted, That such Consideration or Compensation shall not be less than shall be determined by the Valuation of such able practical Surveyor as Two Justices shall nominate for that Purpose; and such Surveyor shall annex to the Valuation a Declaration of the Correctness thereof.

Purchase of Lands on chief Rents.

X. And be it enacted, That if any Person seised in Fee of, or entitled to dispose of absolutely for his own Benefit, any Lands authorized to be purchased for the Purposes of this Act shall be willing to sell such Lands for a perpetual annual Rent-charge in lieu of a Sum in gross, such Person may lawfully sell and convey such Land, or any Part thereof, unto the said *Joseph Thomas Treffry*, his Heirs and Assigns, in consideration of an annual Rent-charge payable by the said *Joseph Thomas Treffry*, his Heirs and Assigns, to the Person so selling and conveying, and to his Heirs and Assigns.

Payment of Rents to be charged on Tolls.

XI. And be it enacted, That the yearly Rent-charge reserved by any such Conveyance shall be charged on the Tolls payable under this Act, and shall be paid by the said *Joseph Thomas Treffry*, his Heirs and Assigns, as such Rents become payable; and if at any Time any such Rents be not paid within Thirty Days after they so become payable, and after Demand thereof in Writing, the Person to whom any such Rent shall be payable may either recover the same from the said *Joseph Thomas Treffry*, his Heirs and Assigns, with Costs of Suit, by Action of Debt in any of the Superior Courts, or it shall be lawful for him to levy the same by Distress of the

the Goods and Chattels of the said *Joseph Thomas Treffry*, his Heirs and Assigns.

XII. And be it enacted, That all Conveyances of Lands so to be purchased as aforesaid may be according to the Forms in the Schedules (A.) and (B.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed in the said *Joseph Thomas Treffry*, his Heirs and Assigns, 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 such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands comprised in such Conveyances as 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 said *Joseph Thomas Treffry*, his Heirs and Assigns, to attend the Reversion and Inheritance.

XIII. And with respect to the Costs of the Conveyance of any such Lands purchased or taken by the said *Joseph Thomas Treffry*, his Heirs and Assigns, be it enacted, That all such Costs shall be borne by the said *Joseph Thomas Treffry*, his Heirs and Assigns; and such Costs shall include all Charges and Expences incurred on the Part as well of the Seller as of the Purchaser of all Conveyances and Assurances of any such Lands, and of any outstanding Terms or Interests therein, and of deducing, evidencing, and verifying the Title to such Lands, Terms, or Interests, and of making out and furnishing such Abstracts and attested Copies as the said *Joseph Thomas Treffry*, his Heirs and Assigns, may require, and all other Expences incident to the Investigation, Deduction, and Verification of such Title; and before the said *Joseph Thomas Treffry*, his Heirs and Assigns, enter into Possession of the Lands so purchased or taken they shall pay the Amount of such Costs; and if there be any Dispute about the same they shall obtain an Order for the Taxation thereof, as herein-after provided; nevertheless, if within Seven Days after Notice in Writing from the said *Joseph Thomas Treffry*, his Heirs and Assigns, the Parties from whom such Lands shall have been purchased do not deliver a Bill of their Costs to the said *Joseph Thomas Treffry*, his Heirs and Assigns, then the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall not be prevented from entering into the Possession of such Lands by reason of the Non-payment of such Costs, or by reason of such Order for Taxation thereof not having been obtained.

XIV. And be it enacted, That if the said *Joseph Thomas Treffry*, his Heirs and Assigns, and the Party entitled to any such Costs, shall not agree as to the Amount thereof, such Costs shall be ascertained by the Court of Chancery, and for that Purpose either Party may apply to the Court by Petition, and thereupon the Court shall order such Costs to be referred to One of the Masters, to be taxed [Local.] 8 Y in

in the usual Manner; and upon Proof of such Service the Master shall proceed to tax such Costs accordingly, Notice of such Taxation being given to the other Party; and after Taxation thereof it shall be lawful for the Court to order the Amount at which the same shall have been so taxed, together with the Costs of Taxation, or so much of the same as shall be payable by the said *Joseph Thomas Treffry*, his Heirs and Assigns, to be paid to the Party entitled thereto, and the same shall be paid accordingly; and the Expence of taxing such Costs, and of obtaining the Order referring the same to be taxed, shall be borne by the said *Joseph Thomas Treffry*, his Heirs and Assigns, unless on the Taxation One Sixth Part of the Costs be disallowed, in which Case the Expence shall be borne by the Party from whom the Lands shall have been purchased or taken.

Purchase Money payable to Parties under Disability amounting to 200% to be deposited in Bank of England.

12G.1.c.32.

12G.2.c.24.

Application of Monies deposited.

XV. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall, under the Powers of this Act, be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England* in the Name and with the Privity of the Accountant-General of the Court of Chancery, to be placed to his Account there *ex parte* "The *Newquay* Harbour and Tram Road," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds and Indorsements thereon, as likewise Indorsements on South Sea Bonds*, and pursuant to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out upon proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of England belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Office of the Accountant General of the said Court*; and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner

Manner as the Lands in respect of which such Money shall have been paid stood settled; or,

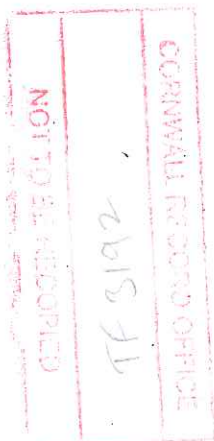
If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

XVI. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the said Court of Chancery, made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold or converted into Money for the Purposes aforesaid the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands; and the Order for such Investment, and Application of the Interest, Dividends, and annual Proceeds thereof, may be made on the like Petition.

XVII. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the said *Joseph Thomas Treffry*, his Heirs and Assigns, approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under his Hand and Seal; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

XVIII. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiocy, Lunacy, or other Incapacity of any such



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such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Where Parties refuse to convey, or do not show Title, the Purchase Money to be deposited.

XIX. And for the Purpose of providing for the Payment and Application, in certain Cases, of the Purchase Money or Compensation to be paid in respect of any such Lands not belonging to Parties under Disability, be it enacted, That in the following Cases, (that is to say,) if the Owner of any such Lands, or of any Interest therein, on Tender of the Purchase Money or Compensation either agreed or awarded to be paid, refuse to accept the same, or if any such Person fail to make out a Title to the Lands in respect whereof such Purchase Money or Compensation shall be payable, or to the Interest therein claimed by him, to the Satisfaction of the said *Joseph Thomas Treffry*, his Heirs and Assigns, or if such Owner be gone out of the Kingdom, or cannot be found, or be not known, or refuse to convey or release such Lands as directed by the said *Joseph Thomas Treffry*, his Heirs and Assigns, it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, to deposit the Purchase Money or Compensation payable in respect of such Lands, or any Interest therein, in the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there to the Credit of the Parties interested in such Lands (describing them, so far as the said *Joseph Thomas Treffry*, his Heirs and Assigns, can do), subject to the Control and Disposition of the said Court; and upon Receipt of such Money the Cashier of such Bank shall give to the said *Joseph Thomas Treffry*, his Heirs and Assigns, or to the Party paying in such Money, a Receipt for such Money, specifying therein for what and for whose Use (described as aforesaid) the same shall have been received, and in respect of what Purchase the same shall have been paid in; and thereupon all the Interest in such Lands in respect whereof such Purchase Money or Compensation shall have been deposited shall vest absolutely in the said *Joseph Thomas Treffry*, his Heirs and Assigns.

Application of Monies deposited.

XX. And be it enacted, That upon the Application by Petition of any Party making claim to the Money so deposited as last aforesaid, or any Part thereof, or to the Lands purchased or taken by the said *Joseph Thomas Treffry*, his Heirs and Assigns, or any Part thereof, or any Interest in the same, the said Court of Chancery may, in a summary Way, as to such Court shall seem fit, order such Money to be laid out or invested in the Public Funds, or may order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Parties making claim to such Money or Lands, or any Part thereof, and may make such other Order in the Premises as to such Court shall seem fit.

Court of Chancery may direct Investment or Payment of Money in

XXI. Provided always, and be it enacted, That where any Purchase Money or Compensation paid into the Court of Chancery under the Provisions of this Act shall have been paid in respect of any Lease for Lives or Years, or any Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependent on any such Lease or

or Estate, it shall be lawful for the Court of Chancery, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

respect of Leases for Lives, Years, &c., or Reversions, as they may think just.

XXII. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in Possession or Receipt of the Rents of such Lands at the Time of such Lands being purchased or taken shall be deemed to have been lawfully entitled to such Lands, until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid the Parties so in Possession, and all Parties claiming under them, or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Party in Possession deemed the Owner.

XXIII. And with respect to Costs in Cases of Monies deposited in the Bank of *England*, be it enacted, That the Court of Chancery may in all such Cases, except where Monies shall have been so deposited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to convey or release the Lands in respect whereof the same shall be payable, order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the said *Joseph Thomas Treffry*, his Heirs and Assigns; (that is to say,) the Costs of the Purchase or of the taking or using of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies in Government or Real Securities, and of the Reinvestment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Costs in Cases of Money deposited.

XXIV. And be it enacted, That the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall not, except by Consent of the Owner and Occupier, enter upon any Lands which shall be required to be purchased or permanently used for the Purposes of this Act until he or they shall either have paid to every Party having any Interest in such Lands, or deposited in the Bank of *England* in the Manner herein mentioned, the Purchase Money or Compensation agreed or awarded to be paid to such Parties respectively for their respective Interests therein: Provided always, that for the Purpose merely of

Payment of Price to be made previous to Entry, except to survey, &c.

surveying and taking Levels of such Lands it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, to enter upon the same without the previous Consent of the Owners, making Compensation for any Damage thereby occasioned to the Owners and Occupiers of such Lands.

Penalty on Joseph Thomas Treffry, his Heirs and Assigns, entering upon Lands, without Consent, before Payment of the Purchase Money.

XXV. And be it enacted, That if the said *Joseph Thomas Treffry*, his Heirs and Assigns, or any of their Contractors, shall, except as aforesaid, wilfully enter upon and take possession of any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, without such Consent as aforesaid, or without having made such Payment or Deposit as aforesaid, the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall forfeit to the Party in Possession of such Lands the Sum of Ten Pounds, over and above the Amount of any Damage done to such Lands by reason of such Entry and taking possession as aforesaid, such Penalty and Damage respectively to be recovered before Two Justices; and if the said *Joseph Thomas Treffry*, his Heirs and Assigns, or his or their Contractors, shall, after Conviction in such Penalty as aforesaid, or after Notice from the Party in Possession of such Lands, continue in unlawful Possession of any such Lands, the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall be liable to forfeit the Sum of Twenty-five Pounds for every Day he or they, or his or their Contractors, shall so remain in Possession as aforesaid, such Penalty to be recoverable by the Party in Possession of such Lands, with full Costs of Suit, in any of the Superior Courts: Provided always, that nothing herein contained shall be held to subject the said *Joseph Thomas Treffry*, his Heirs and Assigns, to the Payment of any such Penalties as aforesaid, if he or they shall *bonâ fide* and without Collusion have paid or deposited the Compensation agreed or awarded to be paid in respect of the said Lands to any Person whom the said *Joseph Thomas Treffry*, his Heirs and Assigns, may have reasonably believed to be entitled thereto, although such Person may not have been legally entitled thereto.

Decision of Justices not conclusive as to J. T. Treffry's Right.

XXVI. And be it enacted, That on the Trial of any Action for any such Penalty as aforesaid the Decision of the Justices under the Provision herein-before contained shall not be held conclusive as to the Right of Entry on any such Lands by the said *Joseph Thomas Treffry*, his Heirs and Assigns.

Notice of Intention to take Land.

XXVII. And be it enacted, That when the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall require to purchase any of the Lands which by this Act they are authorized to purchase or take, he or they shall give Notice thereof to all the Parties interested in such Lands, or enabled by this Act to sell and convey or release the same, or such of them as shall be known to the said *Joseph Thomas Treffry*, his Heirs and Assigns, and by such Notice shall demand from such Parties the Particulars of their Estate and Interest in such Lands, and of the Claims made by them in respect thereof; and every such Notice shall be in Writing, and shall state the Particulars of the Lands so required, and shall state that the said *Joseph Thomas Treffry*, his Heirs and Assigns, are willing to treat for the Purchase

Purchase of the Interest of such Party in such Lands, and as to the Compensation to be made for the Damage that may be sustained by him by reason of the Execution of the Works by this Act authorized.

XXVIII. And be it enacted, That if for One Month after the Receipt of such Notice any such Party shall fail to state the Particulars of his Claim in respect of any such Land, or to treat with the said *Joseph Thomas Treffry*, his Heirs and Assigns, in respect of his Interest therein, or if such Party and the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall differ as to the Amount of the Compensation to be paid to such Party for any such Interest, or for any Damage that may be sustained by him by reason of the Execution of the Works by this Act authorized, the Amount of such Compensation shall be settled in the Manner herein-after provided for settling Cases of disputed Compensation.

Parties interested in Lands to state their Claims.

XXIX. And be it enacted, That where, according to the Provisions of this Act, the said *Joseph Thomas Treffry*, his Heirs and Assigns, are authorized to enter upon and take possession of any Lands required for the Purposes of this Act, if the Owner or Occupier of any such Lands, or any other Person, refuse to give up the Possession thereof, or hinder the said *Joseph Thomas Treffry*, his Heirs and Assigns, from entering upon or taking possession of the same, it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, to issue his or their Precept under his or their Hand or Hands to the Sheriff to deliver Possession of the same to the Person appointed in such Precept to receive the same, and upon the Receipt of such Precept the Sheriff shall deliver Possession of any such Lands accordingly; and the Costs accruing by reason of the Issuing and Execution of such Precept, to be settled by the Sheriff, shall be paid by the Persons refusing to give Possession; and such Costs, if not paid on Demand, shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly.

Proceedings in case of Refusal to deliver Possession of Lands.

XXX. And for the Purpose of making Provision for settling Cases of disputed Compensation arising under this Act, be it enacted, That if any Difference shall arise or if no Agreement can be come to between the said *Joseph Thomas Treffry*, his Heirs and Assigns, and the Owners of any Lands, or of any Interest in any such Lands, taken or required for or injuriously affected by the Execution of the Works by this Act authorized (including among such Owners all Parties by this Act enabled to sell or convey Lands), as to the Value of such Lands, or of any Interest therein, or as to the Compensation to be made in respect thereof; or if by reason of Absence any such Owner be prevented from treating; or if any such Owner fail to disclose or prove his Title to any such Lands or any Interest therein; or if by reason of any Impediment or Disability any such Owner be incapable of making any Agreement, Conveyance, or Release necessary for enabling the said *Joseph Thomas Treffry*, his Heirs and Assigns, to take such Lands, or to proceed in the Execution of the Works by this Act authorized; or if any such Difference arise as to the Amount of the Damages occasioned to any Lands in exercise of the Powers given by this Act, and for which any Party may be entitled to demand

Dispute as to Compensation to be settled by Jury.

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mand Compensation, according to the Provisions of this Act, the Amount of Compensation to be paid by the said *Joseph Thomas Treffry*, his Heirs and Assigns, in every such Case, shall be settled by the Verdict of a Jury in manner herein-after mentioned.

Claims not exceeding 50*l.* to be settled by Two Justices.

XXXI. Provided always, and be it enacted, That if any Compensation claimed under the Provisions of this Act shall not exceed Fifty Pounds the same shall be settled by Two Justices.

Notice of Intention to have a Jury summoned.

XXXII. And be it enacted, That where it shall be necessary to refer any such Question to the Determination of a Jury, by reason of any such Difference as aforesaid, then, One Month at the least before issuing their Warrant for summoning a Jury, as herein-after provided, the said *Joseph Thomas Treffrey*, his Heirs and Assigns, shall give Notice in Writing to the Party with whom such Difference shall have arisen of their Intention to cause such Jury to be summoned; and in such Notice the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall state what Sum of Money he or they are willing to give such Party for his Interest in such Lands, and for the Damage to be sustained by him by the Execution of the said Works.

Requisition by Party claiming Compensation to have a Jury summoned.

XXXIII. And be it enacted, That if any Party who shall be entitled to any Compensation in respect of any Lands, or of any Interest therein, taken for or injuriously affected by the Execution of the Powers of this Act, shall desire the Amount of such Compensation to be determined by a Jury, it shall be lawful for such Party to give Notice in Writing to the said *Joseph Thomas Treffry*, his Heirs and Assigns, of such his Desire, and he shall in such Notice state the Nature of the Interest claimed by him in such Lands, and the Amount of the Compensation claimed by him in respect thereof; and unless the said *Joseph Thomas Treffry*, his Heirs and Assigns, be willing to pay the Amount of Compensation so claimed, and shall enter into a written Agreement for that Purpose, then, within Twenty-one Days after the Receipt of any such Notice from any Party so entitled, he or they shall issue his or their Warrant to the Sheriff to summon a Jury accordingly, in manner herein mentioned.

Warrant for summoning Jury to be addressed to the Sheriff.

XXXIV. And be it enacted, That in every Case in which any such Question of disputed Compensation shall be required to be determined by the Verdict of a Jury the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall issue his or their Warrant to the Sheriff, under his or their Hand or Hands, requiring him to summon a Jury for that Purpose; and if such Sheriff be interested in the Matter in dispute such Application shall be made to some Coroner of the County in which the Lands in question, or some Part thereof, shall be situate; and if all the Coroners of such County be so interested, such Application may be made to some Person, having filled the Office of Sheriff or Coroner in such County, and who shall be then living there, and who shall not be interested in the Matter in dispute; and with respect to the Persons last mentioned Preference shall be given to one who shall have most recently served either of the said Offices.

XXXV. And

XXXV. And be it enacted, That throughout the Enactments contained in this Act relating to the Reference to a Jury, where the Term "Sheriff" is used, the Provisions applicable thereto shall be held to apply to every Coroner or other Person lawfully acting in his Place; and in every Case in which any such Warrant shall have been directed to any other Person than the Sheriff such Sheriff shall, immediately on receiving Notice of the Delivery of the Warrant, deliver over, on Application Notice of that Purpose, to the Person to whom the same shall have been directed, or to any Person appointed by him to receive the same, the Jurors Book belonging to the County where the Lands in question shall be situate.

Provisions applicable to Sheriff to apply to Coroner.

XXXVI. And be it enacted, That upon the Receipt of such Warrant the Sheriff shall summon a Jury of Twenty-four indifferent Persons, duly qualified to act as Common Jurymen in the Superior Courts, to meet at the Time and Place named in the Warrant for that Purpose.

Summoning of Jurymen.

XXXVII. And be it enacted, That out of the Jurors appearing upon such Summons a Jury of Twelve Persons shall be drawn by the Sheriff in such Manner as Juries for Trials of Issues joined in the Superior Courts are by Law required to be drawn; and if a sufficient Number of Jurymen do not appear in obedience to such Summons the Sheriff shall return other indifferent Men, duly qualified as aforesaid, of the Bystanders or others that can speedily be procured, to make up the Jury to the Number aforesaid; and all Parties concerned may have their lawful Challenges against any of the Jurymen, but no such Party shall challenge the Array.

Impanneling of Jury.

XXXVIII. And be it enacted, That Fourteen Days Notice of the Time and Place of the Inquiry shall be given in Writing by the said *Joseph Thomas Treffry*, his Heirs and Assigns, to the other Party.

Notice of Inquiry.

XXXIX. And be it enacted, That the Sheriff shall preside on the said Inquiry, and the Party claiming Compensation shall be deemed the Plaintiff, and shall have all such Rights and Privileges as the Plaintiff is entitled to in the Trial of Actions at Law; and if either Party so request, in Writing, the Sheriff shall summon before him any Person considered necessary to be examined as a Witness touching the Matters in question; and on the like Request the Sheriff shall order the Jury, or any Six or more of them, to view the Place or Matter in controversy, in like Manner as Views may be had in the Trial of Actions in the Superior Courts.

Sheriff to preside.

Witnesses to be summoned.

XL. And be it enacted, That before the Jury proceed to inquire of and assess the Compensation or Damage in respect of which their Verdict is to be given they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage; and the Sheriff shall administer such Oaths, as well as the Oaths of all Persons called upon to give Evidence.

Oath of Jurymen.

XLI. And be it enacted, That such Jury shall deliver their Verdict for the Sum of Money to be paid for the Purchase of the Lands required for the Purposes of this Act, or of any Interest therein, belonging to the Land and

Verdict of Jury to be for the Purchase of Land and

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for Damage, assessed separately.

belonging to the Party with whom such Questions of disputed Compensation shall so have arisen, and also the Sum of Money to be paid for the Injury done to the Lands of any such Party by the Severance from such Lands of the Lands required by the said *Joseph Thomas Treffry*, his Heirs and Assigns, and also the Sum of Money to be paid by way of Compensation for the Damage occasioned to any such Lands by the Execution of the Works by this Act authorized, whether it be for Damage sustained before the Time of the Inquiry, or for future Damage, either temporary or permanent, or for any recurring Damage of which the Cause is then only in part obviated, and which cannot or will not be further obviated by the said *Joseph Thomas Treffry*, his Heirs and Assigns; and the Sums of Money to be paid for the Injury done by any such Severance as aforesaid, or by way of Compensation for any such Damage as aforesaid, shall in every Case be assessed separately from the Value of the Lands, or the Sum to be paid for the Purchase thereof or of any Interest therein.

Value of Interests previously purchased to be deducted.

XLII. And be it enacted, That in assessing the Sum of Money to be paid for the Purchase of any such Lands the Value of any Interest in such Lands as shall have been theretofore rightfully purchased by the said *Joseph Thomas Treffry*, his Heirs or Assigns, shall be first deducted,

Verdict and Judgment to be recorded.

XLIII. And be it enacted, That the Sheriff before whom such Inquiry shall be held shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and the said Verdict and Judgment shall be signed by the Sheriff, and being so signed shall be kept by the Clerk of the Peace among the Records of the Quarter Sessions of the County in which the Lands or any Part thereof shall be situate in respect of which such Purchase Money or Compensation shall have been awarded; and such Verdicts and Judgments shall be deemed Records, and the same or true Copies thereof shall be good Evidence in all Courts and elsewhere; and all Persons may inspect the said Verdicts and Judgments, and may have Copies thereof or Extracts therefrom, on paying for each Inspection thereof One Shilling, and for every One hundred Words copied or extracted therefrom Sixpence.

Costs of the Inquiry.

XLIV. And be it enacted, That on every such Inquiry before a Jury, where the Verdict of the Jury shall be given for the same or a greater Sum than the Sum previously offered by the said *Joseph Thomas Treffry*, his Heirs and Assigns, all the Costs of such Inquiry shall be borne by the said *Joseph Thomas Treffry*, his Heirs and Assigns; but if the Verdict of the Jury be given for a less Sum than the Sum previously offered by the said *Joseph Thomas Treffry*, his Heirs and Assigns, one Half of the Costs shall be defrayed by the Owner of the Lands, and the other Half by the said *Joseph Thomas Treffry*, his Heirs and Assigns: Provided always, that in every Case where by reason of Absence in Foreign Parts or of any Disability the Owner of the Land shall have been prevented from treating with the said *Joseph Thomas Treffry*, his Heirs and Assigns, all the Costs shall be borne by the said *Joseph Thomas Treffry*, his Heirs and Assigns.

XLV. And

XLV. And be it enacted, That such Costs shall be settled by the Sheriff, and such Costs shall include all reasonable Costs, Charges, and Expences incurred in summoning, impanelling, and returning the Jury, taking the Inquiry, the Attendance of Witnesses, the Employment of Counsel, recording the Verdict and Judgment thereon, and otherwise incident to such Inquiry, and also the Expences of the Bond (if any) given by the Party at whose Instance the Inquiry shall have been taken, for prosecuting his Claim, and securing the Costs of such Inquiry; and with respect to any such Costs payable by the said *Joseph Thomas Treffry*, his Heirs and Assigns, if within Seven Days after Demand such Costs be not paid to the Party entitled to receive the same, the same shall be recoverable by Distress, and on Application to any Justice he shall give his Warrant accordingly; and with respect to any such Costs payable by the Owner of the Lands, or of any Interest therein, the same may be deducted out of any Money awarded by the Jury to be paid to such Owner, as so much Money advanced for his Use, and the Payment of the Remainder of such Money shall be a good Payment and Satisfaction of the whole thereof.

Particulars of the Costs.

XLVI. And be it enacted, That if the Sheriff make default in any of the Matters herein-before required to be done by him in relation to any such Trial or Inquiry he shall forfeit Fifty Pounds for every such Offence; and if any Person summoned and returned upon any Jury under this Act do not appear, or appear but refuse to make Oath, or in any Manner unlawfully neglect his Duty, he shall, unless he show reasonable Excuse to the Satisfaction of the Sheriff, forfeit a Sum not exceeding Ten Pounds; and every such Penalty payable by a Sheriff or Juryman shall be applied in satisfaction of the Costs of the Inquiry, so far as the same will extend; and in addition to the Penalty hereby imposed every such Juryman shall be subject to the same Regulations, Pains, and Penalties as if such Jury had been returned for the Trial of any Issue joined in any of the Superior Courts.

Penalty on Sheriff and Jury for Default.

XLVII. And be it enacted, That if any Person duly summoned to give Evidence upon any such Inquiry, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time and Place specified in the Summons, without sufficient Cause, or if any Person, whether summoned or not, who shall appear as a Witness, refuse to be examined on Oath touching the Subject Matter in question, every Person so offending shall forfeit a Sum not exceeding Ten Pounds.

Penalty on Witnesses making default.

XLVIII. And with respect to any such Question of disputed Compensation, or other Matter of Difference by this Act authorized to be referred to the Determination of Two Justices, be it enacted, That either Party may apply to such Justices in respect to any such Matter; and thereupon such Justices, in Presence of the Parties, or such of them as shall appear, being duly summoned for that Purpose, shall examine into the Matter in dispute, and shall award such an Amount of Compensation, or shall make such Determination in respect of the Matter so referred to them, as to them shall seem fit; and the Costs of

Reference of Dispute as to Compensation to Justices.

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of every such Inquiry shall be in the Discretion of such Justices, and they shall settle the Amount thereof; and in default of Payment of such Costs as directed by such Justices the same shall be levied by Distress, and the said Justices shall issue their Warrant accordingly.

Joseph Thomas Treffry, his Heirs and Assigns, empowered to purchase the Interest in Lands the Purchase whereof may have been omitted by Mistake.

XLIX. And be it enacted, That if at any Time after the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall have entered upon any Lands which under the Provisions of this Act he or they is or are authorized to purchase, and which shall be permanently required for the Purposes of this Act, any Party shall appear to be entitled to any Estate, Right, or Interest in or Charge affecting such Lands, which the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall have failed or omitted duly to purchase or to pay Compensation for, then, whether the Period granted for the Purchase of Lands shall have expired or not, the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall remain in the undisturbed Possession of such Lands; provided within Six Calendar Months after Notice of such Estate, Right, Interest, or Charge, in case the same shall not be disputed by the said *Joseph Thomas Treffry*, his Heirs and Assigns, or in case the same shall be disputed then within Six Calendar Months after the Right thereto shall have been finally established by Law in favour of the Party claiming the same, the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall purchase or pay Compensation for the same, and shall also pay to such Party, or to any other Party who may establish a Right thereto, full Compensation for the mesne Profits or Interest which would have accrued to such Parties respectively in respect thereof during the Interval between the Entry of the said *Joseph Thomas Treffry*, his Heirs and Assigns, thereon, and the Time of the Payment of such Purchase Money or Compensation by the said *Joseph Thomas Treffry*, his Heirs and Assigns, so far as such mesne Profits or Interest may be recoverable in Law or Equity; and such Purchase Money or Compensation shall be agreed on or awarded and paid in like Manner as, according to the Provisions of this Act, the same respectively would have been agreed on or awarded and paid in case the said *Joseph Thomas Treffry*, his Heirs and Assigns, had purchased such Estate, Right, Interest, or Charge before their entering upon such Lands, or as near thereto as Circumstances will admit.

How Value of such Lands to be estimated.

L. And be it enacted, That in estimating any Compensation to be given for any such last-mentioned Lands, or any Estate or Interest in the same, or for any mesne Profits thereon, the Jury shall assess the same at such Price as they shall find to be the Value of such Lands, Estate or Interest, and Profits, without regard to any Improvements or Works made in the said Lands by the said *Joseph Thomas Treffry*, his Heirs and Assigns, and as though such Works had not been constructed.

Joseph Thomas Treffry, his Heirs and Assigns, to pay the

LI. And be it enacted, That in addition to the said Purchase Money, Compensation, or Satisfaction, and before the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall become absolutely entitled to any such Estate, Interest, or Charge, or to have the same merged or extinguished

extinguished for their Benefit, they shall, when the Right to any such Estate, Interest, or Charge shall be disputed, pay the full Costs and Expences of any Proceedings at Law or in Equity for the Recovery of the same, to the Parties with whom any Litigation in respect thereof shall have taken place; and such Costs and Expences shall, in case the same shall be disputed, be settled by the proper Officer of the Court in which such Litigation took place.

Costs of Litigation as to such Lands.

LII. And with respect to any Mines of Coal, Iron, Stone, Lime, Slate, or other Minerals under any Lands purchased by the said *Joseph Thomas Treffry*, his Heirs and Assigns, be it enacted, That the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall not be entitled to any such Mines or Minerals, except only such Parts thereof as shall be necessary to be dug or carried away or used in the Construction of the Railway or Tram Road, unless the same shall have been expressly purchased; and all such Mines, excepting as aforesaid, shall be deemed to be excepted out of the Conveyance of such Lands, unless they shall have been expressly named therein, and be thereby conveyed.

Joseph Thomas Treffry not to be entitled to Minerals.

LIII. And with respect to any such Lands which shall be so cut through and divided by the said Tram Road or Works as to leave, either on both Sides or on one Side thereof, a less Quantity of Land than Half a Statute Acre, be it enacted, That if the Owner of any such Land, not being situate in a City or Town or built upon, require the said *Joseph Thomas Treffry*, his Heirs or Assigns, to purchase any such small Parcel of Land along with the other Land required for the Purposes of this Act, the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall purchase the same accordingly, unless the Owner thereof have other Land adjoining to that so left into which the same can be thrown; and if such Owner have any other Land so adjoining he may require the said *Joseph Thomas Treffry*, his Heirs and Assigns, at their own Expence, to throw the Piece of Land so left into such adjoining Land by removing the Fences and leveling the Sites thereof, and by soiling the same in a sufficient and workmanlike Manner.

Power to Owners of intersected Lands to insist on Sale.

LIV. And be it enacted, That if any such Land shall be so cut through and divided as to leave on either Side of the Works a Piece of Land of less Extent than Half a Statute Acre, or of less Value than the Expence of making a Bridge, Culvert, or such other Communication between the Land so divided, as the said *Joseph Thomas Treffry*, his Heirs and Assigns, are under the Provisions of this Act compellable to make, and if the Owner of such Lands have not other Lands adjoining such Piece of Land, and require the said *Joseph Thomas Treffry*, his Heirs and Assigns, to make such Communication, then the said *Joseph Thomas Treffry*, his Heirs and Assigns, may require such Owner to sell to them such Piece of Land; and any Dispute as to the Value of such Piece of Land, or as to what would be the Expence of making such Communication, shall be ascertained by a Jury as herein provided for Cases of disputed Compensation; and on the Occasion of ascertaining the Value of the Lands required to be taken for the Purposes of the Tram Road or

Power of Joseph Thomas Treffry to insist on Purchase where Expence of Bridges, &c., exceeds the Value.

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Works, the Jury shall, if required by either Party, ascertain by their Verdict the Value of any such severed Piece of Land, and also what would be the Expence of making such Communication.

Parties not to be required to sell Part of a House.

LV. And be it enacted, That no Party shall at any Time be required to sell or convey to the said *Joseph Thomas Treffry*, his Heirs and Assigns, a Part only of any House or other Building or Manufactory if such Party be willing to sell and convey the whole thereof.

Power to redeem Mortgages.

LVI. And with respect to any such Lands which shall be subject to any Mortgage, be it enacted, That the said *Joseph Thomas Treffry*, his Heirs and Assigns, may purchase or redeem the Interest of the Mortgagee of such Lands, and that whether he or they shall have previously purchased the Equity of Redemption of such Lands or not, and whether the Mortgagee thereof be entitled thereto in his own Right or in Trust for any other Party, and whether he be in possession of such Lands by virtue of such Mortgage or not, and whether such Mortgage affect such Lands solely, or jointly with any other Lands not required for the Purposes of this Act; and in order thereto the said *Joseph Thomas Treffry*, his Heirs and Assigns, may pay or tender to such Mortgagee the Principal and Interest due on such Mortgage, together with his Costs and Charges (if any), and also Six Months additional Interest, and thereupon such Mortgagee shall immediately convey his Interest in the Lands comprised in such Mortgage to the said *Joseph Thomas Treffry*, his Heirs and Assigns, or as he or they shall direct, or the said *Joseph Thomas Treffry*, his Heirs and Assigns, may give Notice in Writing to such Mortgagee that he or they will pay off the Principal and Interest due on such Mortgage at the End of Six Months, computed from the Day of giving such Notice; and if he or they shall have given any such Notice, or if the Party entitled to the Equity of Redemption of any such Lands shall have given Six Months Notice of his or their Intention to redeem the same, then at the Expiration of either of such Notices, or at any intermediate Period, upon Payment or Tender by the said *Joseph Thomas Treffry*, his Heirs and Assigns, to the Mortgagee, of the Principal Money due on such Mortgage, and the Interest which would become due at the End of Six Months from the Time of giving either of such Notices, together with his Costs and Expences (if any), such Mortgagee shall convey or release his Interest in the Land comprised in such Mortgage to the said *Joseph Thomas Treffry*, his Heirs and Assigns, or as he or they shall direct.

Deposit of Mortgage Money on Refusal to accept Redemption.

LVII. And be it enacted, That if in either of the Cases aforesaid, upon such Payment or Tender, any Mortgagee shall fail to convey or release his Interest in such Mortgage, as directed by the said *Joseph Thomas Treffry*, his Heirs and Assigns, or if he fail to adduce a good Title thereto to his or their Satisfaction, then it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, at any Time after such Failure, to pay into the Bank of *England*, in the Manner provided by this Act in Cases of Money directed to be deposited in such Bank, the Principal and Interest, together with the Costs (if any) due on such Mortgage, and also, if such Payment be made before

before the Expiration of Six Months Notice as aforesaid, such further Interest as would at that Time become due; and thereupon, as well as upon such Conveyance by the Mortgagee, if any such be made, all the Estate and Interest of such Mortgagee, and of all Persons in Trust for him, or for whom he may be a Trustee in such Lands, shall vest in the said *Joseph Thomas Treffry*, his Heirs and Assigns, and he or they shall be deemed to be in the actual Possession thereof, in case such Mortgagee were himself entitled to such Possession.

LVIII. And with respect to any such mortgaged Lands which shall be of less Value than the Principal, Interest, and Costs secured thereon; be it enacted, That the Value of such Lands, or the Compensation to be made by the said *Joseph Thomas Treffry*, his Heirs and Assigns, in respect thereof, shall be settled by Agreement between the Mortgagee of such Lands and the Party entitled to the Equity of Redemption thereof, on the one Part, and the said *Joseph Thomas Treffry*, his Heirs and Assigns, on the other Part; and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation, the same shall be determined as in other Cases of disputed Compensation, and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the said *Joseph Thomas Treffry*, his Heirs and Assigns, to the Mortgagee, in satisfaction of his Mortgage Debt, so far as the same will extend; and upon Payment or Tender thereof the Mortgagee shall convey or release all his Interest in such mortgaged Land to the said *Joseph Thomas Treffry*, his Heirs and Assigns, or as he or they shall direct.

Sum to be paid when Mortgage exceeds the Value of the Lands.

LIX. And be it enacted, That if upon such Payment or Tender as aforesaid being made any such Mortgagee fail so to convey his Interest in such Mortgage, or to adduce a Title thereto to the Satisfaction of the said *Joseph Thomas Treffry*, his Heirs and Assigns, then he or they may pay the Amount of such Value or Compensation into the Bank of *England*, in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank; and every such Payment or Deposit shall be accepted by the Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of such mortgaged Lands from all Money due thereon; and thereupon such Lands, as to all such Estate and Interest as were then vested in the Mortgagee, or any Person in Trust for him, shall become absolutely vested in the said *Joseph Thomas Treffry*, his Heirs and Assigns, and he and they shall be deemed to be in the actual Possession thereof, in case such Mortgagee were himself entitled to the Possession thereof; nevertheless all Rights and Remedies possessed by the Mortgagee against the Mortgagor, by virtue of any Bond or Covenant or other Obligation other than the Right to such Lands, shall remain in force in respect of so much of the Mortgage Debt as shall not have been satisfied by such Payment or Deposit.

Deposit of Money when refused on Tender.

LX. And with respect to any such mortgaged Lands of which only a Part shall be required for the Purposes of this Act, be it enacted, That if the Part so required be of less Value than the Principal Money,

Sum to be paid where Part only of mortgaged Lands taken.

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Money, Interest, and Costs secured on such Lands, and the Mortgagee shall not consider the remaining Part of such Lands a sufficient Security for the Money charged thereon, or be not willing to release the Part so required, then the Value of such Part, and also the Compensation (if any) to be paid in respect of the Severance thereof, or otherwise, shall be settled by Agreement between the Mortgagee and the Party entitled to the Equity of Redemption of such Land on the one Part, and the said *Joseph Thomas Treffry*, his Heirs and Assigns, on the other; and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the said *Joseph Thomas Treffry*, his Heirs and Assigns, to such Mortgagee, in satisfaction of his Mortgage Debt, so far as the same will extend, and thereupon such Mortgagee shall convey or release to him or them, or as he or they shall direct, all his Interest in such mortgaged Lands the Value whereof shall have been so paid, and a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage, and shall be signed by the Mortgagee; and a Copy of such Memorandum shall at the same Time (if required) be furnished by the said *Joseph Thomas Treffry*, his Heirs and Assigns, at his or their Expence, to the Party entitled to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

Deposit of such Money when refused on Tender.

LXI. And be it enacted, That if, upon Payment or Tender to any such Mortgagee of the Amount of the Value or Compensation so agreed upon or determined, such Mortgagee shall fail to convey or release to the said *Joseph Thomas Treffry*, his Heirs and Assigns, or as he or they shall direct, his Interest in the Lands in respect of which such Compensation shall so have been paid or tendered, or if he shall fail to adduce a good Title thereto to the Satisfaction of the said *Joseph Thomas Treffry*, his Heirs and Assigns, it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, to pay the Amount of such Value or Compensation into the Bank of *England*, in the Manner provided by this Act in the case of Monies required to be deposited in such Bank, and such Payment or Deposit shall be accepted by such Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of the Portion of the mortgaged Lands so required from all Money due thereon; and thereupon such Lands shall become absolutely vested in the said *Joseph Thomas Treffry*, his Heirs and Assigns, as to all such Estate and Interest as were then vested in the Mortgagee or any Person in Trust for him, and in case such Mortgagee were himself entitled to such Possession they shall be deemed to be in the actual Possession thereof; nevertheless every such Mortgagee shall have the same Powers and Remedies for recovering or compelling Payment of the Mortgage Money, or the Residue thereof, (as the Case may be,) and the Interest thereof respectively, upon and out of the Residue of such mortgaged Lands, or the Portion thereof not required for the Purposes of this Act, as he would otherwise have had or been entitled

titled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally comprised in such Mortgage.

LXII. And with respect to any such Lands which shall be charged with any Rent Service, Rent-charge, or chief or other Rent, or other Payment or Incumbrance, be it enacted, That if any Difference shall arise between the said *Joseph Thomas Treffry*, his Heirs and Assigns, and the Party entitled to any such Charge, respecting the Consideration to be paid for the Release of such Lands therefrom, or from the Portion thereof affecting the Lands required for the Purposes of this Act, the same shall be determined as in other Cases of disputed Compensation.

Release of Lands from Rent-charges.

LXIII. And be it enacted, That if Part only of the Lands charged with any such Rent Service, Rent-charge, chief or other Rent, Payment, or Incumbrance, be required to be taken for the Purposes of this Act, the Apportionment of any such Charge may be settled by Agreement between the Party entitled to such Charge and the Owner of the Lands on the one Part, and the said *Joseph Thomas Treffry*, his Heirs and Assigns, on the other Part; and if such Apportionment be not so settled by Agreement the same shall be settled by Two Justices; but if the remaining Part of the Lands so jointly subject be a sufficient Security for such Charge, then, with Consent of the Owner of the Lands so jointly subject, such Owner not being under legal Disability or Incapacity, the Party entitled to such Charge may release therefrom the Lands required, on condition or in consideration of such other Lands remaining exclusively subject to the whole thereof.

Release of Part of Lands from Charge.

LXIV. And be it enacted, That upon Payment or Tender of the Compensation so agreed upon or determined to the Party entitled to any such Charge as aforesaid such Party shall execute to the said *Joseph Thomas Treffry*, his Heirs and Assigns, a Release of such Charge; and if he fail so to do, or if he fail to adduce a good Title to such Charge to the Satisfaction of the said *Joseph Thomas Treffry*, his Heirs and Assigns, he or they shall pay the Amount of such Compensation into the Bank of *England* in the Manner provided by this Act in the like Cases of Monies required to be deposited in such Bank; and thereupon the Rent Service, Rent-charge, chief or other Rent, Payment, or Incumbrance, or the Portion thereof in respect whereof such Compensation shall so have been paid, shall cease and be extinguished.

Deposit in case of Refusal to release.

LXV. And be it enacted, That if any such Lands be so released from any such Charge or Incumbrance, or Portion thereof, to which they were subject jointly with other Lands, such last-mentioned Lands shall alone be charged with the whole of such Charge, or with the Remainder thereof, (as the Case may be,) and the Party entitled to the Charge shall have all the same Rights and Remedies over such last-mentioned Lands for the whole or for the Remainder of the Charge (as the Case may be) as he had previously over the whole of the Lands subject to such Charge; and if, upon any such Charge or Portion of Charge being so released, the Deed

Charge to continue on Lands not taken.

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or Instrument creating or transferring such Charge be tendered to the said *Joseph Thomas Treffry*, his Heirs and Assigns, for the Purpose, he or they shall affix his or their Hand and Seal to a Memorandum of such Release indorsed on such Deed or Instrument, declaring what Part of the Lands originally subject to such Charge shall have been purchased by virtue of this Act, and if the Lands be released from Part of such Charge, what Proportion of such Charge shall have been released, and how much thereof continues payable, or if the Lands so required shall have been released from the whole of such Charge, then that the remaining Lands are thenceforward to remain exclusively charged therewith; and such Memorandum shall be made and executed at the Expence of the said *Joseph Thomas Treffry*, his Heirs and Assigns, and shall be Evidence in all Courts and elsewhere of the Facts therein stated, but not so as to exclude any other Evidence of the same Facts.

Where Part only of Lands under Lease taken, the Rent to be apportioned.

LXVI. And with respect to any such Lands which shall be comprised in a Lease for a Term of Years unexpired, Part only of which Lands shall be required for the Purposes of this Act, be it enacted, That the Rent payable in respect of the Lands comprised in such Lease shall be apportioned between the Lands so required and the Residue of such Lands; and such Apportionment may be settled by Agreement between the Lessor and Lessee of such Lands on the one Part, and the said *Joseph Thomas Treffry*, his Heirs and Assigns, on the other Part; and if such Apportionment be not so settled by Agreement between the Parties such Apportionment shall be settled by Two Justices; and after such Apportionment the Lessee of such Lands shall, as to all future accruing Rent, be liable only to so much of the Rent as shall be so apportioned in respect of the Lands not required for the Purposes of this Act; and the Lessor shall have all the same Rights and Remedies for the Recovery of such Rent as previously to such Apportionment he had for the Recovery of the whole Rent reserved by such Lease; and all the Covenants, Conditions, and Agreements of such Lease, except as to the Amount of Rent to be paid, shall remain in force with regard to that Part of the Land which shall not be required for the Purposes of this Act in the same Manner as they would have done in case such Part of the Land had been included in the Lease.

Tenants to be compensated.

LXVII. And be it enacted, That every such Lessee as last aforesaid shall be entitled to receive from the said *Joseph Thomas Treffry*, his Heirs and Assigns, Compensation for the Damage done to him in his Tenancy by reason of the Severance of the Lands required from those not required, or otherwise by reason of the Execution of any such Works.

Tenants at Will, or from Year to Year, to cede Possession, on Six Months Notice.

LXVIII. And with respect to any such Lands which shall be in the Possession of any Person having no greater Interest therein than as Tenant at Will, or Lessee for a Year, or from Year to Year, be it enacted, That at the Expiration of Six Months after receiving Notice to that Effect from the said *Joseph Thomas Treffry*, his Heirs and Assigns, or at any other Time, when required, after the Expiration of such Period, all such Persons shall respectively deliver up

up to the said *Joseph Thomas Treffry*, his Heirs or Assigns, or to the Person appointed by him or them to take possession thereof, any such Lands in their Possession required for the Purposes of this Act; and any such Notice shall be effectual, whether it be given with reference to the Time of the Commencement of such Tenant's Holding or not, and whether such Notice be given before or after the Purchase of such Lands by the said *Joseph Thomas Treffry*, his Heirs and Assigns.

LXIX. Provided always, and be it enacted, That if any such Person as last aforesaid be required to give up Possession of any Lands so occupied by him before the Expiration of his Term or Interest therein he shall be entitled to Compensation for the Value of his unexpired Term or Interest in such Lands, or if a Part only of such Lands be required Compensation for the Damage done to him in his Tenancy by the Severance of the Lands required from those not required; and the Amount of such Compensation shall be determined by Two Justices, in case the Parties differ about the same. Compensation to such Tenants.

LXX. And be it enacted, That if any such Person refuse to give up such Possession it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, after making Payment or Tender of such Compensation as herein-before mentioned, but not otherwise, to issue his or their Precept, with his or their Signature to the same, to the Sheriff, to deliver up Possession of such Lands to the Person in such Precept nominated to receive the same, and upon the Receipt of such Precept the Sheriff shall deliver Possession of such Lands in obedience thereto; and the Party so refusing to give up Possession shall pay the Costs incurred in the issuing or Execution of such Precept, to be settled by the Sheriff; and if on Demand he fail to pay the same, they shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly. On Refusal, Sheriff to give Possession.

LXXI. And be it enacted, That if any Party claim Compensation in respect of any unexpired Term or Interest under any Lease or Grant of any such Lands, the said *Joseph Thomas Treffry*, his Heirs and Assigns, may require such Party to produce the Lease or Grant in respect of which such Claim shall be made, or the best Evidence thereof in his Power, and if after Demand made in Writing by the said *Joseph Thomas Treffry*, his Heirs and Assigns, such Lease or Grant, or the best Evidence thereof, be not produced within a reasonable Time, the Party so claiming Compensation shall be considered as a Tenant holding only from Year to Year, and be entitled to Compensation accordingly. Production of Leases.

LXXII. And be it enacted, That the Powers of the said *Joseph Thomas Treffry*, his Heirs and Assigns, for the compulsory Purchase or taking of Lands for the Purposes of this Act, shall not be exercised after the Expiration of Four Years from the passing thereof. Compulsory Purchase limited for Four Years.

LXXIII. And be it enacted, That before any of such Powers shall be put in force the Sum of Ninety-four thousand seven hundred and fifteen Pounds, being the Amount of the estimated Expence of Amount of Estimate to be subscribed for of

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before Power for Purchase of Lands exercised.

of the said Tram Roads, shall be subscribed under Contract binding the Party thereto, his Heirs, Executors, and Administrators, for the Payment of the Sum by him subscribed; and a Certificate under the Hands of Two Justices, certifying that the whole of the said Sum has been subscribed, shall be sufficient Evidence thereof; and on the Application of the said *Joseph Thomas Treffry*, his Heirs and Assigns, and the Production of such Evidence as such Justices shall think proper and sufficient, such Justices shall grant such Certificate accordingly.

Lands not wanted to be sold.

LXXIV. And for the Purpose of making Provision respecting the Sale of Lands acquired by the said *Joseph Thomas Treffry*, his Heirs and Assigns, under the Provisions of this Act, but which shall not be required for the Purposes thereof, be it enacted, That the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall sell all such superfluous Lands in such Manner as they may deem most advantageous, and convey the same to the Purchasers thereof, by Deed under the Hand and Seal or Hands and Seals of the said *Joseph Thomas Treffry*, his Heirs and Assigns; and a Receipt under the Hand or Hands of the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and such Sales and Conveyances shall take place within Ten Years after the passing of this Act.

Lands not so sold to vest in Owners of adjoining Lands.

LXXV. And be it enacted, That if the said *Joseph Thomas Treffry*, his Heirs and Assigns, do not sell such superfluous Lands within the Period aforesaid, then such Lands remaining unsold at the Expiration of such Period shall thereupon vest in and become the Property of the Owners of the Lands adjoining thereto, in proportion to the Extent of their Lands respectively adjoining the same.

Lands to be offered to adjoining Owners.

LXXVI. Provided always, and be it enacted, That before the said *Joseph Thomas Treffry*, his Heirs and Assigns, dispose of any such superfluous Lands, they shall first offer to sell the same to the Person then entitled to the Lands (if any) from which the same were originally severed; or if such Person refuse to purchase the same, or cannot be found, then the like Offer shall be made to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, such Persons being capable of entering into a Contract for the Purchase of such Lands; and where more than One such Person shall be entitled to such Right of Pre-emption such Offer shall be made to such Persons in succession one after another, in such Order as the said *Joseph Thomas Treffry*, his Heirs or Assigns, shall think fit.

Right of Pre-emption to be claimed within Sixty Days.

LXXVII. And be it enacted, That if such respective Persons be desirous of purchasing such Land, then within Sixty Days after such Offer of Sale they shall signify their Desire in that Behalf to the said *Joseph Thomas Treffry*, his Heirs and Assigns; or if they decline such Offer, or if for Sixty Days they neglect to signify their Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included

in such Offer shall cease; and thereupon a Declaration in Writing made before a Justice by some Person not interested in the Matter in question, stating that the Person or all the Persons entitled to the Right of Pre-emption were out of the Country, or could not be found, or were not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made and was refused, or not accepted within Sixty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence of the Facts therein stated.

LXXVIII. And be it enacted, That if any Person entitled to such Pre-emption be desirous of purchasing any such Lands, and such Person and the said *Joseph Thomas Treffry*, his Heirs or Assigns, do not agree as to the Price thereof, then such Price shall be ascertained as in other Cases of disputed Compensation; and upon Payment or Tender to the said *Joseph Thomas Treffry*, his Heirs and Assigns, of the Purchase Money so agreed upon or determined, he or they shall convey such Lands to the Party so entitled to purchase the same; and every such Conveyance shall be effectual for vesting the Lands comprised therein in the Purchaser thereof, for the Estate which shall so have been purchased by him; and the Money produced by the Sale of such Lands shall be applied by the said *Joseph Thomas Treffry*, his Heirs and Assigns, for the Purposes of the Works.

Differences as to Price to be settled as in other Cases.

LXXIX. And be it enacted, That in every Conveyance of Lands to be made by the said *Joseph Thomas Treffry*, his Heirs and Assigns, under this Act, the Word "grant" shall operate as express Covenants by the said *Joseph Thomas Treffry*, his Heirs and Assigns, for himself and themselves, and his and their Successors, with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, and Assigns of such Grantees, according to the Quality or Nature of such Grants, and of the Estate or Interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by expressed Words contained in any such Conveyance; (that is to say,)

Effect of "grant" in Conveyances.

A Covenant that, notwithstanding any Act or Default done by the said *Joseph Thomas Treffry*, his Heirs and Assigns, he or they were, at the Time of the Execution of such Conveyance, seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them:

A Covenant that the Grantee of such Land, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the said *Joseph Thomas Treffry*, his Heirs and Assigns, and his or their Successors, and all other Persons claiming under him or them, and be indemnified and saved harmless by the said *Joseph Thomas Treffry*, his Heirs and Assigns, and his or their Successors, from all Incumbrances created by the said *Joseph Thomas Treffry*, his Heirs and Assigns:

A Covenant for further Assurance of such Lands, at the Expence of [Local.] 9 D such

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such Grantee, his Heirs, Successors, Executors, Administrators or Assigns, (as the Case may be,) by the said *Joseph Thomas Treffry*, his Heirs and Assigns, or his or their Successors, and all other Persons claiming under him or them :

And all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest in such Conveyance expressed to be conveyed, may, in all Actions brought by them, assign Breaches of Covenants, as they might do if such Covenants were expressly inserted in such Conveyances.

Power to purchase Land required for additional Stations, &c.

LXXX. And be it enacted, That for any of the following Purposes it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, in addition to the Lands authorized to be compulsorily taken by them as aforesaid, to contract with any Party willing to sell the same for the Purchase of any Land adjoining or near to the Tram Road, not exceeding in the whole Twenty Acres; (that is to say,)

For the Purpose of making and providing additional Stations, Yards, Wharfs, and Places for the Accommodation of Passengers, and for receiving, depositing, and loading or unloading Goods or Cattle to be conveyed upon the Tram Road, and for the Erection of Weighing Machines, Toll Houses, Offices, Warehouses, and other Buildings and Conveniences :

For the Purpose of making convenient Roads or Ways to the Tram Road, or any other Purpose which may be requisite or convenient for the Formation or Use of the Tram Road :

And it shall be lawful for all Parties who under the Provisions herein-before contained would be enabled to sell and convey Lands required for the Tram Road to sell and convey Lands required for any such additional Purposes as aforesaid.

Restraint on Purchase from incapacitated Persons.

LXXXI. And be it enacted, That the said *Joseph Thomas Treffry*, his Heirs or Assigns, shall not by virtue of the Power to purchase Land for additional Purposes purchase more than Twenty Acres from any Party under legal Disability, or who would not be able to sell and convey such Lands, except under the Powers of this Act; and if the said *Joseph Thomas Treffry*, his Heirs or Assigns, purchase the said Quantity of Land from any Party under such legal Disability, and afterwards sell the Whole or any Part of the Land so purchased, it shall not be lawful for any Party, being under legal Disability, to sell to the Company any other Lands in lieu of the Land so sold or disposed of by the said *Joseph Thomas Treffry*, his Heirs or Assigns.

Plans and Sections deposited with the Clerk of the Peace to remain open for Inspection.

LXXXII. And whereas Plans and Sections, describing the Lines, Levels, and Situation of the said Tram Road, and of the Lands upon or through which the same are intended to be made, and of the Property that may be required for the Purposes of this Act, and a Book of Reference, containing a List of the Owners, Lessees, and Occupiers of such Lands and Property, have been deposited with the Clerk of the Peace of the said County of *Cornwall*; be it enacted, That the Clerk of the Peace of the said County of *Cornwall* for the Time being shall keep the said Plans, Sections, and Book of Reference,

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ence, and shall permit all Persons to inspect the same at seasonable Times, and shall make out Copies or Extracts therefrom for all Persons requiring the same, on being paid One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of any such Copy or Extract; and a Copy or Extract from such Plan, Section, or Book of Reference, certified by the said Clerk of the Peace, shall be received in Evidence in all Courts of Justice.

LXXXIII. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description of any Lands, or of the Owners, Lessees, or Occupiers of any Lands described on the said Plans or in the said Books of Reference, be it enacted, That the Correction of any such Matter may be referred by the said *Joseph Thomas Treffry*, his Heirs and Assigns, to the Determination of Two Justices; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly; and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace of the said County of *Cornwall*, and Copies or Extracts thereof with the Clerk of the Parish in which the Lands affected thereby shall be situate; and such Certificate, and such Extracts or Copies respectively, shall be kept by such Clerk of the Peace and Clerk of the Parish respectively along with the Documents to which they relate; and thereupon such Document shall be deemed to be corrected according to such Certificate; and it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, to make the said Tram Road and Works in accordance with such Certificate.

Errors and Omissions to be corrected.

LXXXIV. And be it enacted, That Copies of such Plans and Books of Reference or of any Correction thereof, or Extracts therefrom, certified by such Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Copies of Plans, &c. to be Evidence.

LXXXV. And be it enacted, That it shall not be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, to proceed in the Execution of the said Tram Road and Works herein-before authorized to be made, unless the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall have previously to the Commencement of such Works deposited with the Clerk of the Peace of the said County of *Cornwall* a Plan and Section of all such Alterations from the original Plan and Section as shall have been approved of by Parliament, on the same Scale and containing the same Particulars as the original Plan and Section of the said Tram Road and Works, and also with the Clerks of the several Parishes in or through which such Alterations shall be authorized to be made Copies or Extracts of or from such Plans and Sections as shall relate to such Parishes respectively; and all Persons interested shall have Liberty to inspect and make Extracts from or Copies of the said Plans and Sections or Extracts or Copies thereof, paying to the

If any Alterations, Tram Road not to be proceeded with till certain Plans, showing Alterations, &c. deposited

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the Officer having the Custody of such Plan and Section, or of such Extract or Copy, the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words copied therefrom.

Not to deviate from Plan.

LXXXVI. And be it enacted, That it shall not be lawful for the said *Joseph Thomas Treffry*, his Heirs or Assigns, in making the Tram Road herein-before authorized to be made, to make any lateral Deviations from the Line delineated on the Plans so deposited, without the previous Consent in Writing of the Owners and Occupiers of the Lands into which such Deviation is proposed to extend.

Houses and inclosed Grounds not to be taken unless specified in Schedule.

LXXXVII. And be it enacted, That the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall not take or injure any Property of the following Kinds, except such as shall be specified in Schedule (C.) to this Act, without the Consent in Writing of the Owners and Occupiers thereof, unless the Omission in such Schedule be certified, according to the Provisions herein-before contained, to have proceeded from Mistake; (that is to say,) any House or Building erected on or before the Thirtieth Day of *November* One thousand eight hundred and forty-three, or any Ground on or before that Day inclosed or set apart and used as a Garden, Orchard, Nursery Ground, Yard, Paddock, Plantation, planted Walk, or Avenue to a House.

Works to be executed.

LXXXVIII. And be it enacted, That, subject to the Provisions and Restrictions contained in this Act, it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, for the Purpose of constructing the Tram Road, to execute any of the following Works; (that is to say,)

They may make or construct, in, upon, across, under or over any Lands, Streets, Hills, Valleys, Roads, Railroads, or Tram Roads, Rivers, Canals, Brooks, Streams, or other Waters, described in the said Plans or mentioned in the said Books of Reference, or any Correction thereof, such temporary or permanent inclined Planes, Embankments, Aqueducts, Bridges, Roads, Ways, Passages, Conduits, Drains, Piers, Cuttings, and Fences, as they think proper; They may alter the Course of any Rivers not navigable, Canals, Brooks, Streams, or Watercourses, not being themselves navigable, if necessary, for constructing and maintaining Tunnels, Bridges, Passages, or other Works over or under the same, and divert or alter, as well temporarily as permanently, the Course of any such Rivers or Streams of Water, Roads, Streets, or Ways, or raise or sink the Level of any such Rivers or Streams, Roads, Streets, or Ways, in order the more conveniently to carry the same over or under or by the Side of the Tram Road, as they may think proper;

They may make Drains and Conduits into, through, or under any Lands adjoining the Tram Road, for the Purpose of conveying the Water from or to the Tram Road;

They may erect and construct such Houses, Warehouses, Offices, and other Buildings, Yards, Stations, Wharfs, Engines, Machinery, Apparatus,

Apparatus, and other Works and Conveniences as they think proper;

They may from Time to Time alter, repair, or discontinue the before-mentioned Works, or any of them, and substitute others in their Stead; and

They may do all other Acts necessary for making, maintaining, altering, or repairing and using the Tram Road:

Provided always, that in the Exercise of the Powers hereby granted the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall do as little Damage as can be, and shall make full Satisfaction, in manner herein provided, to all Parties interested, for all Damages by them sustained by reason of the Exercise of such Powers.

LXXXIX. And be it enacted, That the Land to be taken for the Line of the Tram Road shall not exceed the Breadth of Ten Yards, without the Consent in Writing of the Owners and Occupiers of such Land, except in the following Cases; (that is to say,)

Breadth of Land for the Tram Road.

Except at or near the Termination of the Tram Road:

Except on Commons, Downs, Moors, or uninclosed Waste Grounds:

And except where a greater Breadth shall be required for the following Purposes; (that is to say,)

For Carriages to wait, load, or unload, and to turn or pass each other:

For raising Embankments or Viaducts:

For Cuttings:

For the Erection and Establishment of any fixed or permanent Machinery, Toll Houses, Warehouses, Depôts, Stations, Wharfs, Erections, Buildings, and other Works necessary for the Formation, Maintenance, and Use of the said Tram Road:

For the Purpose of any Side Road for agricultural or general Purposes:

And in any of the Cases aforesaid it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, to take and use a greater Breadth of Land than Ten Yards; but in no Case shall the Breadth of Land so taken exceed Fifty Yards, except for Cuttings and Embankments, or any Depôt or Station connected with the Tram Road.

XC. And be it enacted, That it shall be lawful for the Owners of all Mines, Ores, Metals and Minerals within or under the Lands to be purchased for the Purposes of this Act to work, search for, and raise such Ores, Metals and Minerals: Provided always, that in the Exercise of such Powers they shall not interfere with, impede, or obstruct the Tram Road, or the Buildings, Erections, or Works connected therewith.

Mines under the Tram Road may be worked by Owners.

XCI. And be it enacted, That every Bridge to be erected for the Purpose of carrying the Tram Road over any Road shall be built in conformity with the following Regulations; (that is to say,)

Bridges over Roads.

The Width of the Arch shall be such as to leave thereunder a clear Space of not less than Thirty-five Feet if the Arch be over a [Local.] Turnpike

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Turnpike Road, and Twenty-five Feet if over a public Carriage Road, and of Twelve Feet if over a private Road :
The clear Height of the Arch from the Surface of the Road shall be not less than Sixteen Feet for a Space of Twelve Feet if the Arch be over a Turnpike Road, and Fifteen Feet for a Space of Ten Feet if over a public Carriage Road ; and in each of such Cases the clear Height at the springing of the Arch shall not be less than Twelve Feet :
The clear Height of the Arch for a Space of Nine Feet shall not be less than Fourteen Feet over a private Carriage Road :
The Descent under the Bridge shall not exceed One Foot in Thirty Feet if the Bridge be over a Turupike Road, One Foot in Twenty Feet if over a public Carriage Road, and One Foot in Sixteen Feet if over a private Carriage Road or Occupation Way.

Bridges over Tram Road.

XCII. And be it enacted, That every Bridge erected for carrying any Road over the Tram Road shall be built in conformity with the following Regulations ; (that is to say,) There shall be a good and sufficient Fence on each Side of the Bridge of not less than Four Feet :
The Road over the Bridge shall have a clear Space between the Fences thereof of Thirty-five Feet if the Road be a Turnpike Road, and Twenty-five Feet if a public Carriage Road, and Twelve Feet if a private Road :
The Ascent shall not be more than One Foot in Thirty Feet if the Road be a Turnpike Road, One Foot in Twenty Feet if it be a public Carriage Road, and One Foot in Sixteen Feet if it be a private Carriage Road.

Width of the Bridges need not exceed the Width of Road in certain Cases.

XCIII. Provided always, and be it enacted, That in all Cases where the average available Width for the Passage of Carriages of any existing Roads within Fifty Yards of the Points of crossing the same is less than the Width herein-before prescribed for Bridges over or under the said Tram Road, then and in such Case the Width of such Bridges need not be greater than such average available Width of such Roads ; but so nevertheless that such Bridges be not of less Width in the Case of a Turnpike Road or public Highway than Twenty Feet : Provided also, that if, at any Time after the Construction of the said Tram Road, the average available Width of any such Turnpike Road or public Highway shall for the Distance aforesaid be increased beyond the Width of any such Bridge on each Side thereof, it shall be lawful for the Persons having the Care and Management of such Road to apply to Two Justices of the Peace, who, after summoning the said *Joseph Thomas Treffry*, his Heirs and Assigns, to appear before them, shall determine whether such Bridge shall be widened, and if so to what Extent not exceeding the Width of such Road as altered ; and in case the said Justices shall determine that such Bridge shall be widened, the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall be bound, at their own Expence, to widen the same accordingly : Provided nevertheless, that nothing herein contained shall require the said *Joseph Thomas Treffry*, his Heirs and Assigns, to increase the Width of any such Bridge

Bridge to an Extent exceeding the maximum Width herein-before prescribed for Bridges over or under the Tram Road.

XCIV. Provided also, and be it enacted, That in all Cases where the mesne Inclinations of any Road within Two hundred and fifty Yards of the Point of crossing the same, or the Inclinations of such Portion of any Road as may require to be altered, or for which another Road shall be substituted, shall be steeper than the Inclinations herein-before required to be preserved by the said *Joseph Thomas Treffry*, his Heirs and Assigns, then the said *Joseph Thomas Treffry*, his Heirs and Assigns, may carry any such Road over or under the Tram Road, or may construct such altered Road or such substituted Road according to the same or not steeper Inclinations than the mesne Inclination of the Road so to be crossed, or of the Road to be abandoned, within the respective Distances aforesaid.

Present Inclinations of Roads crossed or diverted need not be improved.

XCv. And be it enacted, That if in the Exercise of the Powers by this Act granted any Part of any Road, whether Carriage Road, Horse Road, Tram Road, or Railway, either public or private, be found necessary to be gone across, cut through, raised, sunk, or taken, so that it will be so much injured thereby as to be impassable for or dangerous to Travellers, Passengers, or Carriages, or to the Persons entitled to the Use thereof, the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall, before the Commencement of any such Operations, cause a sufficient Road to be made instead of the Road to be interfered with ; and such substituted Road shall, at the Expence of the said *Joseph Thomas Treffry*, his Heirs and Assigns, be made and maintained in a State as convenient for Passengers and Carriages as the Road so interfered with, or as nearly so as can be.

Before Roads be interfered with others to be substituted.

XCvI. And be it enacted, That if the said *Joseph Thomas Treffry*, his Heirs and Assigns, do not cause another sufficient Road to be so made before they interfere with any such existing Road as aforesaid, they shall forfeit Twenty Pounds for every Day during which such substituted Road shall not be made after the existing Road shall have been interrupted ; and such Penalty shall be paid to the Trustees, Commissioners, Surveyor, or other Person having the Management of such Road, if a public Road, or in case of a private Road to the Owner thereof, and when paid in respect of any public Road shall be applied for the Purposes thereof.

Penalty for not substituting a Road.

XCvII. And be it enacted, That if such former Road as aforesaid cannot be restored compatibly with the Formation and Use of the Tram Road, the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall cause such new Road, or some other sufficient substituted Road, to be put into a permanently substantial Condition, equally convenient as the Road or Railway for which the same is substituted, or as near thereto as Circumstances will allow ; and if such former Road can be restored compatibly with the Formation and Use of the Tram Road, such Restoration shall be made, and the former Road shall be restored, or the substituted Road shall be put into such Condition as aforesaid, (as the Case may be,) within the following Periods after the first Operation on the former Road shall

Period for Restoration of Roads interfered with.

shall have been commenced, unless the Trustees or Parties having Charge of the Road to be restored by Writing under their Hands consent to an Extension of the Period, and in such Case within such extended Period; (that is to say,) if the Road be a Turnpike Road within Six Months, and if the Road be not a Turnpike Road within Twelve Months.

Penalty for failing to restore Road.

XCVIII. And be it enacted, That if any such Road be not restored or the substituted Road be not completed within the Periods hereinbefore fixed for that Purpose, the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall forfeit Ten Pounds for every Day after the Expiration of such Periods respectively during which such Road shall not be so restored or the substituted Road be not completed in such Condition as aforesaid; and such Penalty shall be paid to the Trustees, Commissioners, Surveyor, or other Person having the Management of the Road interfered with by the said *Joseph Thomas Treffry*, his Heirs and Assigns, if a public Road, and be applied for the Purposes of such Road, or if a private Road the same shall be paid to the Owner thereof; and every such Penalty shall be recoverable by Action in any of the Superior Courts.

Not to use Locomotives on the Tram Road.

XCIX. And be it enacted, That it shall not be lawful for the said *Joseph Thomas Treffry*, his Heirs or Assigns, or any other Person or Persons, to use or employ any Locomotive Engine upon the said Tram Road.

Roads to be crossed on a Level.

C. And be it enacted, That it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, in making the said Tram Road, to cross any Turnpike or other Road or Way upon the Level thereof.

Regulating Ledge of Tram Road across Roads.

CI. And be it enacted, That where the said Tram Road shall cross any Turnpike Road or public Carriage Road on a Level, the Ledge or Flanch of such Tram Road for the Purpose of guiding the Wheels of the Carriages thereupon shall not rise upon or sink below the Level of such Road more than One Inch and a Half.

Crossing of Footways.

CII. And be it enacted, That the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall make convenient Ascents and Descents where required for every Footway crossed by the said Tram Road.

Works to be erected by *Joseph Thomas Treffry* for the Protection and Accommodation of adjoining Lands.

CIII. And for the Purpose of making Provision respecting Works required for the Accommodation of the Owners and Occupiers of Lands adjoining the Tram Road, be it enacted, That after the Tram Road shall have been formed, and during the Construction thereof, the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall make the following Works at the Times herein-after mentioned; (that is to say,)

Such and so many convenient Gates upon or adjoining the Tram Road as shall be necessary for the Purpose of making good any Interruptions caused by the Tram Road to the Use of the Lands through which the Tram Road shall be made, and protecting such Lands from Trespass, or the Cattle of the Owners or Occupiers

piers thereof from straying thereout, by reason of the Tram Road; and also such and so many Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages over, under, or by the Sides of or leading to or from the Tram Road as shall be necessary for the above Purposes; and such Works shall be made forthwith after the Part of the Tram Road passing over such Lands shall have been laid out or formed:

Also sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences for separating the Land taken for the Use of the Tram Road from the adjoining Lands not taken, with all necessary Gates, made to open towards such adjoining Lands, and not towards the Tram Road, and all necessary Stiles; and such Works shall be made forthwith after the taking of any such Lands, if the Owners thereof shall so require:

Also all necessary Arches, Tunnels, Culverts, Drains, or other Passages, either over or under or by the Sides of the Tram Road, of such Breadth, Depth, and Dimensions as will be sufficient at all Times to convey the Water as clearly from the Lands lying near to the Tram Road as before the making of the Tram Road; and such Works shall be made from Time to Time:

Also proper Watering Places for Cattle where by reason of the Tram Road the Cattle of any Person occupying any Lands lying near thereto shall be deprived of Access to their former Watering Places; and such Watering Places shall be so made as to be at all Times as sufficiently supplied with Water as theretofore, and as if such Tram Road had not been made; and for that Purpose the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall make Watercourses and Drains by the Side of, along, or under the Tram Road, or in, through, or over or across any Lands thereto adjoining, of sufficient Number and Dimensions, and in a sufficient Manner, and with proper and convenient Bridges over and Tunnels under the same respectively, for the Purpose of conveying Water to the said Watering Places:

Provided always, that it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, to make such Accommodation Works in such a Manner as will not prevent or obstruct the working or using of the Tram Road.

CIV. And be it enacted, That all Accommodation Works to be made as aforesaid shall be made at the Expence of the said *Joseph Thomas Treffry*, his Heirs and Assigns, and at all Times thereafter the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall at their own Expence maintain in sufficient Repair and in proper Condition the Works so made by them; and for the Purpose of enabling the said *Joseph Thomas Treffry*, his Heirs and Assigns, to execute such Works and to keep them in repair, it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, and their Agents or Workmen, to enter into any Lands adjoining or near to the Tram Road, and load and carry the requisite Materials, in Carts and otherwise, upon and over such Lands, doing as little Damage as can be, and making full Compensation for any Damage done to the Owner or Occupier of such Lands.

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Differences as to Accommodation Works to be settled by Justices.

CV. And be it enacted, That if any Difference arise respecting the Kind of any such Accommodation Works required, or the Number of each Kind, or the Dimensions of the Works, or the Manner of executing them, or respecting the maintaining thereof, the same shall be determined by Two Justices, on the Application of any Owner or Occupier of Lands intersected or otherwise affected by the Tram Road, or of any other Person having a Right of Way interrupted thereby, and such Justices shall also appoint the Time within which such Works shall be executed by the said *Joseph Thomas Treffry*, his Heirs and Assigns.

Execution of Works by Owners on default of the said *Joseph Thomas Treffry*.

CVI. And be it enacted, That if for Twenty Days next after the Time appointed by such Justices for the Execution or Repair (as the Case may be) of any such Accommodation Works the said *Joseph Thomas Treffry*, his Heirs and Assigns, fail to execute or to repair (as the Case may be) any such Accommodation Works, it shall be lawful for the Owners or Occupiers of the adjoining Lands aggrieved by such Failure themselves to execute such Works or Repairs; and the reasonable Expences of executing or repairing such Accommodation Works shall be repaid by the said *Joseph Thomas Treffry*, his Heirs and Assigns, to the Owners or Occupiers by whom the same shall have been executed or repaired; and if there be any Dispute about such Expences the same shall be settled by Two Justices, and if such Expences be not repaid within Five Days after the same shall have been settled by such Justices, and after an Account thereof shall have been delivered to the said *Joseph Thomas Treffry*, his Heirs and Assigns, and Demand thereof made upon the said *Joseph Thomas Treffry*, his Heirs and Assigns, the same may be levied by Distress, and such Justices shall issue their Warrant accordingly: Provided always, that no such Owner or Occupier shall obstruct or injure the Tram Road, or any of the Works connected therewith, for a longer Time nor use them in any other Manner than is unavoidably necessary for the Execution or Repair of such Accommodation Works.

Power to Owners of Lands to make additional Accommodation Works.

CVII. And be it enacted, That if any of the Owners or Occupiers of Lands affected by such Tram Road shall consider the Accommodation Works made by the said *Joseph Thomas Treffry*, his Heirs and Assigns, or directed by such Justices to be made by the said *Joseph Thomas Treffry*, his Heirs and Assigns, insufficient for the commodious Use of their respective Lands, it shall be lawful for any such Owner or Occupier to make Works for that Purpose, but such Works shall not be executed without the Consent of the said *Joseph Thomas Treffry*, his Heirs and Assigns, or, if such Consent be withheld, without the Authority of Two Justices; and for the Purpose of obtaining such Consent such Owner or Occupier shall make a Request in Writing to the said *Joseph Thomas Treffry*, his Heirs and Assigns, and if the said *Joseph Thomas Treffry*, his Heirs and Assigns, refuse, or for Ten Days after such Request delay to give such Consent, it shall be lawful for such Owner or Occupier to make Application to such Justices, and thereupon, after hearing the said *Joseph Thomas Treffry*, his Heirs and Assigns, or without hearing them if no Person attend on their Behalf after Notice for that

that Purpose, such Justices may either give or withhold their Authority for such Works being made as they shall think fit.

CVIII. And be it enacted, That, if the said *Joseph Thomas Treffry*, his Heirs and Assigns, so desire, all such last-mentioned Accommodation Works shall be constructed under the Superintendence of their Engineer, and according to Plans and Specifications to be submitted to and approved by such Engineer; nevertheless the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall not be entitled to require either that Plans should be adopted which would involve a greater Expence than that incurred in the Execution of similar Works by the said *Joseph Thomas Treffry*, his Heirs and Assigns, or that the Plans selected should be executed in a more expensive Manner than that adopted in similar Cases by the said *Joseph Thomas Treffry*, his Heirs and Assigns.

Works to be constructed under the Superintendence of the Engineer of *Joseph Thomas Treffry*.

CIX. And be it enacted, That if on the Application by the Owner or Occupier of Lands to any Two Justices respecting the Execution of any such Accommodation Works such Justices decide in favour of such Owner or Occupier, they may also award such reasonable Costs to such Owner or Occupier for his Loss of Time, Trouble, and Expence in making such Application as to such Justices shall seem proper and the Circumstances of the Case shall warrant; and such Costs shall be recoverable by the Party entitled thereto as Damages to a small Amount are herein made recoverable.

Costs of Application to Justices.

CX. And be it enacted, That the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall not be compelled to make any further or additional Accommodation Works for the Use of Owners and Occupiers of Land adjoining the Tram Road after Ten Years from the passing of this Act.

Accommodation Works not to be required after Ten Years.

CXI. And be it enacted, That nothing herein contained shall extend to prevent the Owner or Owners or Lessee or Lessees of any Land or Ground lying adjoining or near to the said Tram Road from making any common Road or Watercourse to, from, or across the said Tram Road hereby authorized to be made, and to use such common Road or Watercourse for the Benefit of themselves and of all and every other Person and Persons to whom they may from Time to Time give Leave, and in such Way and for such Purposes as they may require, so that such common Road or Watercourse do no Injury to and do not prevent the free Passage over, upon, and along the said Tram Road hereby authorized to be made by the said *Joseph Thomas Treffry*, his Heirs and Assigns; and the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall not receive any Tonnage for the passing of any Goods or other Things along such common Road so to be made across the Tram Road hereby directed to be made.

Roads may be made across the Tram Road by Owners of adjoining Lands.

CXII. And be it enacted, That until the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall have made the Bridges or other proper Communications required to be made by them between Lands intersected by the Tram Road, and no longer, the Owners

Owners to be allowed to cross until Accommodation Works made.

and Occupiers of such Lands, and any other Persons whose Right of Way shall be affected by the Want of such Communication, and their respective Servants, may at all Times freely pass and repass, and lead and conduct any Horse or other Animal directly (but not otherwise) across the Part of the Tram Road made in or through their respective Lands, solely for the Purpose of occupying the same Lands, or for the Exercise of such Right of Way, and so as not to obstruct the Passage along the Tram Road, or to damage the same; nevertheless, if the Owner of any such Lands have in his Arrangements with the said *Joseph Thomas Treffry*, his Heirs and Assigns, received or agreed to receive Compensation for or on account of any such Communications, instead of the same being formed, such Owner, or those claiming under him, shall not cross the Tram Road from one Part to the other Part of the Lands so severed, otherwise than by a Bridge, Arch, or Culvert erected at the Charge of such Owner or those claiming under him.

Compensation in lieu of Gates, Bridges, &c.

CXIII. Provided always, and be it enacted, That in every Case in which the Owner of any Lands, or other Person by this Act capacitated to convey, shall in their Arrangements with the said *Joseph Thomas Treffry*, his Heirs and Assigns, have received or agreed to receive Compensation for Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, or Passages, instead of the same being erected or formed by the said *Joseph Thomas Treffry*, his Heirs and Assigns, for the Purpose of facilitating the Passage to or from either Side of the Lands severed or divided by the said Tram Road, it shall not be lawful for such Owners, or those claiming under them, to pass, and they shall for ever be prevented from passing or crossing, the said Tram Road from one Part to the other Part of their Lands so severed and divided, otherwise than by a Bridge, Arch, or Culvert, to be erected at the Charge of such Owners.

Power to Parties to make private Branch Tram Road communicating with the Tram Road.

CXIV. And be it enacted, That it shall be lawful for the Owners or Occupiers of Lands adjoining to the Tram Road, or any other Persons, to lay down, either upon their own Lands, or upon the Lands of other Persons with the Consent of such Persons (who are hereby fully authorized and empowered to give such Consent, and to convey the Lands necessary for that Purpose, as they or others are authorized to convey Lands for any of the other Purposes of this Act), any collateral Branches of Tram Road from their respective Lands to communicate with the Tram Road for the Purpose of bringing Carriages to or from or upon such Tram Road; and the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall, if required, at the Expence of such Owners and Occupiers and other Persons, make Openings in the Ledges or Flanches of the Tram Road for effecting such Communication in such Places where the Communication can be made without Injury to the Tram Road, and without Inconvenience to the Traffic thereon; and the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall not take any Rate or Toll or other Monies for the passing of any Passengers, Goods, or other Things along any Branch so to be made by any such Owner or Occupier or other Person, except on so much of such collateral Branches as shall be laid down by the said *Joseph Thomas Treffry*, his

his Heirs and Assigns; but this Enactment shall be subject to the following Restrictions and Conditions; (that is to say,)

No such Branch Tram Road shall run parallel to the Tram Road; The said *Joseph Thomas Treffry*, his Heirs and Assigns, shall not be bound to make any such Openings in any Place which they shall have set apart for any specific Purpose with which such Communication would interfere, nor upon any Inclined Plane, or Bridge, nor in any Tunnel; Restrictions and Conditions.

The Persons making or using such Branch Tram Roads shall be subject to all Bye Laws and Regulations of the said *Joseph Thomas Treffry*, his Heirs and Assigns, from Time to Time made with respect to passing upon or crossing the Tram Road, and otherwise; and

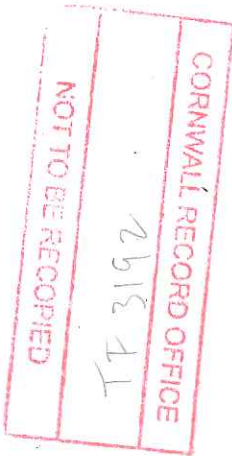
The Persons making or using such Branch Tram Roads shall be bound to construct, and from Time to Time, as Need may require, to renew the Offset Plates and Switches according to the most approved Plan adopted by the said *Joseph Thomas Treffry*, his Heirs and Assigns, under the Direction of his or their Engineer.

CXV. And for preventing any Obstruction to the Construction of the Tram Road, be it enacted, That if any Person wilfully obstruct any Person acting under the Authority of the said *Joseph Thomas Treffry*, his Heirs and Assigns, in setting out the Line of the Tram Road, or pull up or remove any Poles or Stakes driven into the Ground for the Purpose of setting out the Line of the Tram Road, or deface or destroy any Marks made for the same Purpose, he shall forfeit Five Pounds for every such Offence. Penalty for obstructing Construction of Tram Road.

CXVI. And be it enacted, That during the Execution of any Contract made with the said *Joseph Thomas Treffry*, his Heirs and Assigns, the Works in course of being done under such Contract, and all the Materials of every Description brought upon or near such Works for the Purpose of being used in the Execution of such Contract, shall in all Indictments or other criminal Proceedings instituted by them for the Purpose of protecting the same be held to be the Property of the said *Joseph Thomas Treffry*, his Heirs and Assigns. Materials to vest in the said *Joseph Thomas Treffry* for Purposes of Prosecution.

CXVII. And for the Purpose of providing against Deficiencies in the Assessments for Land Tax or Poor's Rate occasioned by the making of the Tram Road in the several Parishes wherein the same or any Part thereof may be situate, be it enacted, That if the said *Joseph Thomas Treffry*, his Heirs and Assigns, become possessed by virtue of this Act of any Lands charged with the Land Tax, or liable to be assessed to the Poor's Rate, the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall from Time to Time, until the Tram Road shall be completed and assessed to such Land Tax and Poor's Rate, be liable to make good the Deficiency in the several Assessments for Land Tax and Poor's Rate arising within such Parishes by reason of such Lands having being taken or used for the Purposes of the Tram Road; and such Deficiency shall be computed according to the Rental at which such Lands, with any Building thereon, were valued or rated at the Time of the [Local.] 9 G the

Land Tax and Poor's Rate to be made good.



the passing of this Act; and on Demand of such Deficiency the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall pay all such Deficiencies to the Collector of the said Assessments respectively; nevertheless, if at any Time the said *Joseph Thomas Treffry*, his Heirs and Assigns, think fit to redeem such Land Tax, they may do so, in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax.

Tram Road to be completed in Ten Years.

CXVIII. And be it enacted, That after the Expiration of Ten Years from the passing of this Act all the Powers hereby granted to the said *Joseph Thomas Treffry*, his Heirs and Assigns, for executing the Tram Road, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Tram Road as shall then be completed, and except such Powers as shall hereby be declared to be continued for a longer Period.

Tonnage of Articles of Merchandise.

CXIX. And with respect to the Tolls to be levied for the Use of the Tram Road, be it enacted, That the said *Joseph Thomas Treffry*, his Heirs and Assigns, may lawfully demand any Tolls not exceeding the following; (that is to say,)

For all Copper Ore, Tin Ore, Lead Ore, Iron, Antimony, Manganese, and all other Ores (except Iron Ore), Minerals, and Semi-Metals, Wrought and Cast Iron, Bricks, Tiles, Slate, Timber and Deals, the Sum of Four-pence *per Ton per Mile*, and so in proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

For all Lime, Limestone, Culm, Coal, Oarweed, Dung, Compost for Manure, Building Stone, Freestone, Granite, Clay, Sand (except for Manure), Stones for making Roads, and Iron Ore, the Sum of Three-pence *per Ton per Mile*, and so in proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

For all Sand for Manure the Sum of Two-pence *per Ton per Mile*, and so in proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

For all Copper, Tin, Lead, and other Metals (except Iron), Grain, Corn, Flour, Meal, and Potatoes, Hay and Straw, Seeds, Vetches, Peas, Salt, and all other Goods, Wares, Merchandise, and other Articles, Matters, or Things whatsoever, the Sum of Sixpence *per Ton per Mile*, and so in proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

For any of the Articles or Things above enumerated which shall pass over or along or use any Inclined Plane connecting the said Tram Road with the Harbour of *Newquay*, or the Wharfs, Quays, or Piers adjoining the same, Two-pence *per Ton*, in addition to the before-mentioned Tolls.

Additional Toll on Branch Lines.

CXX. Provided always, and be it enacted, That the said *Joseph Thomas Treffry*, his Heirs and Assigns, may lawfully demand, upon and in respect of the Branch Lines of Tram Road by this Act authorized to be made, a Sum not exceeding One Penny *per Ton per*

per Mile for every Mile travelled over such Branch Lines, in addition to the Tolls herein-before authorized to be taken.

CXXI. And be it enacted, That it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, to demand, receive, and recover, to and for his Use and Benefit, for or in respect of Passengers, Beasts, Cattle, and Animals conveyed in Carriages upon the said Tram Road, any Tolls not exceeding the following; (that is to say,)

For every Person conveyed in or upon any such Carriages, the Sum of Two-pence *per Mile*:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any such Carriages, the Sum of Three Halfpence *per Mile*:

For every Calf or Pig conveyed in or upon any such Carriages, the Sum of One Halfpenny *per Mile*:

For every Sheep, Lamb, or other small Animal conveyed in or upon such Carriage, the Sum of One Halfpenny *per Mile*:

For every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, the Sum of Four-pence *per Ton per Mile*, and so in proportion for every Fraction of a Ton, such Fraction to be computed in the Manner herein-after provided:

For any Passenger, and for every Animal or Carriage, which shall pass over or along or use any Inclined Plane connecting the said Tram Road with the Harbour of *Newquay*, or the Wharfs, Quays, or Piers adjoining the same, the like Tolls as are charged upon any Passenger, Animal, or Carriage travelling for One Mile on the said Tram Road, in addition to the before-mentioned Tolls.

CXXII. And be it enacted, That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For a Fraction of a Mile the said *Joseph Thomas Treffry*, his Heirs and Assigns, may demand Tolls for such Fraction in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile:

For a Fraction of a Ton the said *Joseph Thomas Treffry*, his Heirs and Assigns, may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles (except Stone and Timber), the Weight shall be determined according to the usual Avoirdupois Weight: With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, Ash, or Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

CXXIII. And with respect to small Packages and single Articles of great Weight, be it enacted, That the said *Joseph Thomas Treffry*, his

Tolls to be taken for Carriages conveying Passengers or Cattle upon the Tram Road.

Regulations as to the Tolls.

Tolls for small Parcels and

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great Weights.

his Heirs and Assigns, may lawfully demand not exceeding the Tolls following; (that is to say,)

For the Carriage of small Parcels (that is to say, Parcels not exceeding Five hundred Pounds Weight each), the said *Joseph Thomas Treffry*, his Heirs and Assigns, may demand any Sum which they think fit; provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, Bob, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the said *Joseph Thomas Treffry*, his Heirs and Assigns, may demand such Sum as they from Time to Time may think fit, not exceeding One Shilling *per Ton per Mile*:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the said *Joseph Thomas Treffry*, his Heirs and Assigns, may demand such Sum as they think fit.

Passengers Luggage.

CXXIV. And be it enacted, That every Passenger travelling upon the Tram Road may take with him his ordinary Luggage, not exceeding Sixty Pounds in Weight or Six Cubic Feet in Dimensions, without any Charge being made for the Carriage thereof.

Limits of Weight to be carried on Tram Road.

CXXV. And be it enacted, That no Carriage shall carry or bear at any One Time upon the Tram Road, including the Weight of such Carriage, more than the Weight of Four Tons, except any One Boiler, Cylinder, Bob, or Piece of Machinery, or any One Piece of Timber or Stone, or any other single Article; and no such excepted Article, the Weight of which, including the Carriage, shall exceed Eight Tons, shall be carried upon any Part of the Tram Road without the special Licence of the said *Joseph Thomas Treffry*, his Heirs and Assigns.

Power to reduce Tolls.

CXXVI. And be it enacted, That it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, from Time to Time to lessen and reduce all or any of the said Tolls for or in respect of all or any of the Passengers, Animals, Goods, Articles, or Things herein-before specified or mentioned which shall be conveyed upon the Tram Road, and afterwards from Time to Time again to raise, advance, and vary the same or any of them, so as not at any Time to exceed the Amount herein-before set forth and authorized to be collected, subject to the Regulations in this Act contained relating to the same.

Tolls to be charged equally.

CXXVII. And be it enacted, That all Tolls for the Use of the Tram Road shall be at all Times charged equally to all Persons, and after the same Rate, whether *per Mile*, or *per Ton per Mile*, or otherwise, in respect of all Passengers, and all Goods, Animals, or Carriages of a like Description, passing on the same Portion of the Line of Tram

Tram Road under the like Circumstances; and no Reduction or Advance in any such Tolls for the Use of the Tram Road, by the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall be made either directly or indirectly in favour of or against any particular Company or Person travelling upon or using the same Portion of the Tram Road.

CXXVIII. And be it enacted, That neither the said *Joseph Thomas Treffry*, his Heirs and Assigns, nor any Person using the Tram Road as a Carrier, shall at any Time demand or take a greater Amount of Toll than the said *Joseph Thomas Treffry*, his Heirs and Assigns, are by this Act authorized to demand; and upon Payment of the Tolls from Time to Time demandable all Persons shall be entitled to use the Tram Road, with Carriages properly constructed as by this Act directed, subject nevertheless to the Regulations to be from Time to Time made by the said *Joseph Thomas Treffry*, his Heirs and Assigns, by virtue of the Powers in that Behalf herein conferred upon them.

CXXIX. And with respect to the Collection of such Tolls, be it enacted, That such Tolls shall be paid to such Persons, and at such Places upon or near to the Tram Road, and in such Manner and under such Regulations, as the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall by Notice to be annexed to the Account or List of Tolls appoint; and if on Demand any Person fail to pay the Tolls due in respect of any Goods it shall be lawful for the Collector to detain and sell all or any Part of such Goods, and out of the Monies thence arising retain the Tolls payable in respect of such Goods, and all Charges and Expences of such Detention and Sale; and such Collector shall, upon Demand, render the Overplus (if any) of the Monies arising by such Sale, and such of the Goods as shall remain unsold, to the Person entitled thereto; and if such Goods happen to be removed before the Tolls payable in respect of the same be paid, then the said *Joseph Thomas Treffry*, his Heirs and Assigns, may recover such Tolls by Action at Law.

CXXX. And be it enacted, That every Person, being the Owner or having the Care of any Carriage passing or being upon the Tram Road, shall give to the Collector of the Toll at the Places where he attends for the Purpose of collecting Tolls for the Part of the Tram Road on which such Carriage may have travelled or be about to travel, if the same shall be required, an exact Account in Writing signed by him of the Number or Quantity of Articles conveyed by any such Carriage, and of the Point on the Tram Road from which such Carriage may have or may be about to set out, and at what Point the same is intended to be unloaded or taken off the Tram Road; and if the Articles conveyed by any such Carriage be liable to the Payment of different Tolls, then such Owner or other Person shall specify the respective Numbers or Quantities thereof liable to each or any of such Tolls; and if any such Owner or other such Person fail to give and deliver such Account, or to produce his Bill of Lading to such Collector demanding the same, or if he give a false

Tram Road to be free on Payment of Tolls.

Taking and Recovery of Tolls.

Account of Lading, &c. to be given.

Penalty for not giving Account of Lading.

Account, or if he leave or deliver out or take off any Part of his Lading or Goods at any other Place than shall be mentioned in such Account, with Intent to avoid the Payment of any Tolls payable by him, he shall for every such Offence forfeit to the said *Joseph Thomas Treffry*, his Heirs and Assigns, a Sum not exceeding Forty Shillings for every Ton of Goods, or for any Parcel not exceeding One Hundred Weight, and so in proportion for any less Quantity of Goods than One Ton, or for any Parcel exceeding One Hundred Weight, (as the Case may be,) which shall be upon any such Carriage; and such Penalty shall be in addition to the Toll to which such Goods or Things may be liable.

Disputes as to Amount of Tolls chargeable.

CXXXI. And be it enacted, That if any Dispute arise concerning the Amount of the Tolls due to the said *Joseph Thomas Treffry*, his Heirs and Assigns, or concerning the Charges occasioned by any Distress levied with reference thereto, the Collector or Person distraining may detain the Goods distrained, or (if the Case so require) the Proceeds of the Sale thereof, until the Amount of the Tolls due, or until such Tolls, and the Amount of the Costs of such Distress, have been ascertained by some Justice; and upon Application made to any such Justice for that Purpose he shall examine the Matter upon Oath of the Parties or Witnesses, and determine the Amount of the Tolls due, and also the Amount of the Costs; and it shall be lawful for such Justice to award such Costs to be paid by either of the Parties to the other of them as he shall think reasonable; and if on Demand thereof such Costs be not paid by the Party ordered to pay the same they shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Differences as to Weights, &c.

CXXXII. And be it enacted, That if any Difference arise between any Toll Collector or other Officer or Servant of the said *Joseph Thomas Treffry*, his Heirs and Assigns, and any Owner or Person having the Charge of any Carriage passing or being upon the Tram Road, or of any Articles conveyed by such Carriage, respecting the Weight, Quantity, or Nature of such Articles, such Collector or other Officer may lawfully detain such Carriage, and examine, weigh, gauge, or otherwise measure such Carriage, and all Articles conveyed thereby; and if upon such measuring such Articles appear to be of greater Weight or Quantity or of other Nature than shall have been stated in the Account given thereof, then the Person who shall have given such Account shall pay, and the Owner of such Carriage or the respective Owners of such Articles shall also, at the Option of the said *Joseph Thomas Treffry*, his Heirs and Assigns, be liable to pay the Costs of such measuring; but if such Articles appear to be of the same or less Weight or Quantity than shall have been stated in such Account, then the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall pay such Costs, and they shall also pay to such Owner or Person having Charge of such Carriage, and to the respective Owners of such Articles, such Damage (if any) as shall appear to any Justice, on a summary Application to him for that Purpose, to have arisen from such Detention.

CXXXIII. And

CXXXIII. And in order to ascertain Distances with greater Precision and Facility, be it enacted, That the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall cause the Length of the Tram Road to be measured, and Posts or other conspicuous Objects to be set up and maintained along the whole Line thereof at the Distance of One Quarter of a Mile from each other, with Numbers or Marks inscribed thereon denoting such Distances.

CXXXIV. And be it enacted, That a List of all the Tolls authorized by this Act to be taken, and which shall be exacted by the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall be published by the same being painted upon One Toll Board or more, in distinct Black Letters on a White Ground, or White Letters on a Black Ground, and by such Board being exhibited in some conspicuous Place on the Toll Gates or Toll Houses or Places where such Tolls shall be payable.

List of Tolls to be exhibited on a Board.

CXXXV. And be it enacted, That no Tolls shall be demanded or taken by the said *Joseph Thomas Treffry*, his Heirs and Assigns, for the Use of the Tram Road, during any Time at which the Boards herein-before directed to be exhibited shall not be so exhibited, or at which the Milestones herein-before directed to be set up and maintained shall not be so set up and maintained; and if any Person wilfully pull down, deface, or destroy any such Board or Milestone he shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Tolls to be taken only whilst Board exhibited and Milestones set up.

CXXXVI. And for the Purpose of facilitating the proper rating of the Tram Road to the Relief of the Poor, be it enacted, That the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall keep an Account of the whole Tolls and of any other Profits received by them which may be necessary to be taken into account for the proper rating of the said Tram Road for the Relief of the Poor, showing the gross Amount of the monthly Receipts in respect of such Tolls and Profits in every Year, and the Amount and Particulars of the Expenditure in every such Year on account of any Expences the probable annual average Costs of which is to be taken into account in ascertaining the net annual Value of the Tram Road for the Purpose of rating the same for the Relief of the Poor; and if the said *Joseph Thomas Treffry*, his Heirs and Assigns, carry for their own Benefit any Passengers, Cattle or other Animals, Goods or other Matters, they shall keep a separate Account showing the Amount of Tolls and Profits which would have been received by the said *Joseph Thomas Treffry*, his Heirs and Assigns, in every such Year, for the Use of the Tram Road, in respect of such Passengers, Cattle, Goods, or other Matters, if the same had been carried by any other Party, and the Amount of Tolls or Sums which shall have been actually received by the said *Joseph Thomas Treffry*, his Heirs and Assigns, for the Carriage of the same: Provided always, that nothing in this Act shall alter or affect the Principle or Mode on which the said *Joseph Thomas Treffry*, his Heirs and Assigns, ought according to Law to be rated to the Relief of the Poor in respect of the Tram Road.

CXXXVII. And

Accounts of Tolls rateable to the Poor to be kept.

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Power to
Overseers of
Poor to in-
spect Ac-
counts.

CXXXVII. And be it enacted, That at any Time during the first Fourteen Days in the Months of *February* and *August* in each Year it shall be lawful for the Overseers of the Poor of the several Parishes through which the Tram Road shall pass to inspect such Accounts; and if the said *Joseph Thomas Treffry*, his Heirs and Assigns, fail to keep such Accounts, or to permit such Inspection thereof, they shall forfeit to each Overseer who shall demand the said Accounts, or who shall be refused the Inspection of such Accounts or either of them, for every such Failure to keep such Accounts Thirty Pounds, and for every Day during which the Refusal to permit such Inspection may continue the Sum of Ten Pounds *per Day*; and such Penalties shall be recoverable by Action of Debt or on the Case in any of the Superior Courts, and shall be applied for the Benefit of the Poor of the Parish within which such Failure may occur.

Regulations
as to Toll
Collectors.

CXXXVIII. And with respect to the Collectors of such Tolls, be it enacted, That every such Toll Collector shall place in the Front or on some other conspicuous Part of the Toll House or other Building where he shall be on Duty his Christian and Surname in legible Characters; and each of the Letters of such Names shall be at least Two Inches in Height, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or in Black Letters on a White Ground; and he shall continue the same so placed during the whole Time he is upon Duty.

Penalties on
Toll Collec-
tors.

CXXXIX. And be it enacted, That every such Collector who shall commit any of the following Offences shall forfeit a Sum not exceeding Ten Pounds for each Offence; (that is to say,)

If he do not place such Board, and keep the same in its Place during the whole Time he is on Duty:

If he either refuse to permit any Person to read or in any way hinder any Person from reading the Inscription on such Board:

If he refuse to tell his Christian Name and Surname to any Person demanding the same who shall have paid or tendered the Tolls demanded of him, or if he give a false Name to any such Person:

If he demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act, and of the Orders of the said *Joseph Thomas Treffry*, his Heirs and Assigns, made in pursuance thereof:

If upon the legal Toll being paid or tendered he do unnecessarily detain or wilfully hinder any Carriage or any Person from passing upon the Tram Road:

If he make use of any scurrilous or abusive Language to any Passenger upon or to any Person lawfully using the Tram Road.

Toll Col-
lectors to
be liable for
wrongful
Detention
of Goods.

CXL. And be it enacted, That if at any Time it be made to appear to any Justice, upon the Complaint of the said *Joseph Thomas Treffry*, his Heirs and Assigns, that any such Detention and measuring of any Carriage or Goods as herein-before mentioned was without reasonable Ground, or that it was vexatious on the Part of such Collector or other Officer, then the Collector or other Officer shall himself pay the Costs of such Detention and measuring, and the

the Damage occasioned thereby; and in default of immediate Payment of any such Costs or Damage the same may be recovered by Distress of the Goods of such Collector, and such Justice shall issue his Warrant accordingly.

CXLI. And be it enacted, That if any such Collector of Tolls be discharged or suspended from his Office, or die, abscond, or absent himself, and if such Collector so discharged or suspended, or the Wife, Widow, or any of the Family or Representatives of any such Collector so discharged or suspended, or who shall have died, absconded, or absented himself, refuse or neglect, after Seven Days Notice in Writing for that Purpose, to deliver up to the said *Joseph Thomas Treffry*, his Heirs and Assigns, or to any Person appointed by them for that Purpose, any Toll House, Dwelling House, Office, or other Building, with its Appurtenances, or any Books, Papers, or other Matters belonging to the said *Joseph Thomas Treffry*, his Heirs and Assigns, in the Possession or Custody of any such Collector at the Occurrence of any such Event as aforesaid, in right of his Appointment as Toll Collector, then, upon Application being made by the said *Joseph Thomas Treffry*, his Heirs and Assigns, to any Justice, it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon such Toll House or other Building, and to remove any Person found therein, and to take possession thereof, and of any such Books, Papers, or other Matters, and to deliver the same to the said *Joseph Thomas Treffry*, his Heirs and Assigns, or any Person appointed by them for that Purpose.

Delivery of
Matters in
Possession
or Custody
of Toll Col-
lector at
Removal.

CXLII. And be it enacted, That it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, to make Bye Laws for the Regulation of the said Tram Road, and from Time to Time to repeal or alter such Bye Laws, and make others, provided that such Bye Laws be not repugnant to the Laws of *England* or the Provisions of this Act; and such Bye Laws shall be reduced into Writing, and shall be signed by the said *Joseph Thomas Treffry*, his Heirs and Assigns; and any Person offending against any such Bye Law shall forfeit for every such Offence any Sum not exceeding Five Pounds, to be imposed by the said *Joseph Thomas Treffry*, his Heirs and Assigns, in such Bye Laws, as a Penalty for any such Offence; and if the Infraction or Non-observance of any such Bye Law or other such Regulation as aforesaid be attended with Danger or Annoyance to the Public, or Hindrance to the said *Joseph Thomas Treffry*, his Heirs and Assigns, in the lawful Use of the Tram Road, it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, summarily to interfere to obviate or remove such Danger, Annoyance, or Hindrance, and that without Prejudice to any Penalty incurred by the Infraction of any such Bye Law.

Power to
alter Bye
Laws.

CXLIII. And be it enacted, That no Carriage shall pass along or be upon the Tram Road (except in directly crossing the same, as herein authorized, for the Occupation of the respective Lands through which such Tram Road may be laid, or in passing along any Carriage Road crossing the Tram Road,) unless such Carriage

Carriages to
be con-
structed ac-
cording to
Regulations.

be at all Times, so long as it shall be used or remain on the Tram Road, of the Construction and in the Condition which the Regulations of the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall require; and if any Dispute arise between the said *Joseph Thomas Treffry*, his Heirs and Assigns, and the Owner of any such Carriage, as to the Condition thereof, in reference to the then existing Regulations of the said *Joseph Thomas Treffry*, his Heirs and Assigns, such Dispute shall be settled by Arbitration.

Regulations to apply to all Carriages.

CXLIV. And be it enacted, That the Regulations from Time to Time to be made by the said *Joseph Thomas Treffry*, his Heirs and Assigns, respecting the Carriages to be used on the Tram Road, shall be drawn up in Writing, and be authenticated by the Signature of the said *Joseph Thomas Treffry*, his Heirs and Assigns, and shall be applicable alike to the Carriages of the said *Joseph Thomas Treffry*, his Heirs and Assigns, and to the Carriages of Companies or Persons using the Tram Road; and a Copy of such Regulations shall, on Demand, be furnished by the said *Joseph Thomas Treffry*, his Heirs and Assigns, to any Person applying for the same.

Penalty for using improper Carriages.

CXLV. And be it enacted, That if any Carriage, not in the Condition which the Regulations of the said *Joseph Thomas Treffry*, his Heirs and Assigns, for the Time being, require, be made to pass or be upon any Part of the Tram Road (except as aforesaid), the Owner thereof, or any Person having for the Time the Charge of such Carriage, shall forfeit a Sum not exceeding Ten Pounds for every such Offence.

Owner's Name, &c. to be registered, and exhibited on Carriages.

CXLVI. And be it enacted, That the respective Owners of Carriages using the Tram Road, and carrying Goods for Hire, shall cause to be given to the said *Joseph Thomas Treffry*, his Heirs and Assigns, or some Officer appointed for that Purpose, the Names and Places of Abode of the Owners of such Carriages respectively, and the Numbers, Weights, and Gauges of their respective Carriages; and such Owners shall also cause the same Particulars to be painted, and to remain so painted, in large White Capital Letters and Figures on a Black Ground, or Black Capital Letters and Figures on a White Ground, Two Inches in Height at the least, and of a suitable Breadth, on some conspicuous Part of the Outside of every such Carriage, so as the same may be always open to View; and whenever required by the said *Joseph Thomas Treffry*, his Heirs and Assigns, or by any Person appointed by them for that Purpose, every such Owner shall permit his Carriage to be weighed, measured, or gauged at the Expence of the said *Joseph Thomas Treffry*, his Heirs and Assigns.

Penalties with respect to Carriages.

CXLVII. And be it enacted, That if any Person offend in any of the following Particulars he shall forfeit a Sum not exceeding Forty Shillings for every such Offence; (that is to say,)

If any Person bring any such Carriage upon the Tram Road, without having such Carriage previously weighed, measured, and gauged, and without having given to the said *Joseph Thomas Treffry*, his Heirs and Assigns, or some Officer appointed for that

that Purpose, the Weight, Measure, and Gauge thereof, with the Number thereof, and also the Name and Place of Abode of the Owner thereof;

If any Person bring on the Tram Road any Carriage without having such Name, Place of Abode, Number, Weight, and Gauge marked thereon in the manner herein-before directed; or if any Person alter, erase, deface, or hide such Name, Place of Abode, Number, Weight, or Gauge, or any of them, or any Part thereof;

If any Person bring on the Tram Road any Carriage having a false Name, Place of Abode, Number, Weight, or Gauge marked thereon; or

If any Person refuse to permit or do not permit any such Carriage to be weighed, measured, or gauged as aforesaid.

CXLVIII. And for preventing any Collision between the Carriages travelling on the Tram Road, or any Obstruction to the Use of the Tram Road, be it enacted, That if the Loading of any Carriage using the Tram Road extend more than Twenty-four Inches beyond the Flanch of any Wheel thereof, and the Person having the Care of such Carriage do not forthwith remove such Loading, upon Request made to him for the Purpose by some Officer appointed by the said *Joseph Thomas Treffry*, his Heirs or Assigns, or if any Person having the Care of any Carriage, or of any Goods or Things, upon the Tram Road, suffer the same or any Part thereof to remain on the Tram Road so as to obstruct the Passage or working thereof, every such Person shall forfeit for every such Offence a Sum not exceeding Five Pounds for every Hour during which such Obstruction shall continue after the making of such Request, and so in proportion for any less Period than an Hour; and every such Penalty shall be imposed without prejudice to any other Provision in this Act contained.

Penalty for Obstructions by improperly loading Carriages.

CXLIX. And be it enacted, That it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, to cause any such Carriage, Goods, or Things improperly loaded or improperly placed to be unloaded, if necessary, and to be removed in any Manner proper for preventing such Collision or removing such Obstruction, and to detain such Carriage, Goods, or Things, or any Part thereof, until the Expences occasioned by such unloading, Removal, or Detention be paid; and the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall not, nor shall any Agent or Officer of the said *Joseph Thomas Treffry*, his Heirs and Assigns, be liable for any Damage or Loss occasioned by any such unloading, Removal, or Detention, or for any Delay occasioned thereby, or in any other Way relating thereto, except for Damage wilfully or negligently done to any Carriage, Goods, or Things so unloaded, removed, or detained, nor shall they be liable for the safe Custody of any such Carriage, or any Goods or Things so detained, unless the same be wrongfully detained by the said *Joseph Thomas Treffry*, his Heirs and Assigns, or by such Agent or Officer, and then only for so long a Time as the same shall have been so wrongfully detained.

Removal of Obstructions.

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Owners liable for Damage by Servants.

CL. And be it enacted, That the respective Owners of Carriages passing or being upon the Tram Road shall be answerable for any Trespass or Damage done by their Carriages, or by any of the Servants or other Persons belonging to or employed by them, to or upon the Tram Road, or the Machinery or Works belonging thereto, or to or upon the Property of any other Person; and every such Servant or other Person may lawfully be convicted of such Trespass or Damage before any Justice of the Peace, either by the Confession of the Party offending, or upon the Oath of some credible Witness; and upon such Conviction every such Owner shall pay to the said *Joseph Thomas Treffry*, his Heirs and Assigns, or to the Person injured, (as the Case may be,) the Damage, to be ascertained by such Justice, so that the same do not exceed Fifty Pounds.

Owners to recover from Servants.

CLI. And be it enacted, That it shall be lawful for any Owner of a Carriage who shall pay the Amount of any Damage caused by the Misfeasance or Negligence of any Servant or other Person employed by him to recover the Amount so paid by him from such Servant or other Person by the same Means as the said *Joseph Thomas Treffry*, his Heirs and Assigns, are enabled to recover the Amount of such Damage from the Owner of any Carriage.

Penalty for bringing dangerous Goods on Tram Road.

CLII. And be it enacted, That no Person shall be entitled to carry, or to require the said *Joseph Thomas Treffry*, his Heirs and Assigns, to carry upon the Tram Road, any Aquafortis, Oil of Vitriol, Gunpowder, or any other Goods which may be of a dangerous Nature; and if any Person send by the Tram Road any such Goods without distinctly marking their Nature on the Outside of the Package containing the same, or otherwise giving Notice in Writing to the Book-keeper or other Servant of the said *Joseph Thomas Treffry*, his Heirs and Assigns, with whom the same are left, at the Time of so sending, he shall forfeit Ten Pounds for every such Offence.

Damage to be made good.

CLIII. And be it enacted, That if, through any Act, Neglect, or Default on account whereof any Person shall have incurred any Penalty imposed by this Act, any Damage to the Property of the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall have been committed by such Person, he shall be liable to make good such Damage, as well as to pay such Penalty.

Penalty on Persons omitting to fasten Gates.

CLIV. And be it enacted, That if any Person omit to shut and fasten any Gate set up across or at either Side of the Tram Road, as soon as he, and the Carriage, Cattle, or other Animal under his Care, have passed through the same, he shall forfeit for every such Offence a Sum not exceeding Forty Shillings.

Tonnage Rates for Harbour.

CLV. And be it enacted, That it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, or any Person or Persons appointed by him or them for that Purpose, to receive, ask, demand, take, collect, recover, and levy, for all Ships, Boats, or other Vessels which shall enter within the Limits of the said Harbour, any Sum not exceeding the several Tolls, Rates, or Dues specified in the Schedule (D.) hereto annexed, and so in proportion for any fractional Part

Part of the same respectively, instead of the Tolls specified in Schedule (A.) referred to in the said recited Act.

CLVI. And be it enacted, That nothing in this Act contained shall extend to any of Her Majesty's Ships of War, or any Vessel employed in the Service of Her Majesty, or of the Ordnance, Customs, or Excise, or of Her Majesty's Postmaster General, or of the Corporation of *Trinity House of Deptford Strond*.

Not to extend to Ships or Vessels in the Service of Her Majesty, &c.

CLVII. And be it enacted, That, over and above the Tolls, Rates, or Dues herein-before authorized to be taken on Ships, Vessels, or Boats, it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, to demand and receive, on all Goods, Wares, Merchandize, or other Commodities or Things which shall be landed or shipped within the Limits of the said Harbour, or be there exported or imported in such Ships, Vessels, or Boats, any Sums not exceeding the several Rates or Duties specified in Schedule (E.) hereunto annexed, instead of the Rates or Duties specified in Schedule (B.), referred to in the said recited Act.

Rates of Duties.

CLVIII. And be it enacted, That Double the Tolls, Rates, Dues, Duties, or Charges which from Time to Time shall be imposed by virtue of this Act in respect of *British* Vessels shall be payable in respect of Foreign Vessels, and also in respect of all Goods or Articles imported or exported in such Foreign Vessels; and every Vessel shall be deemed a Foreign Vessel within the Meaning of this Act which shall not be entitled to the Privileges of a *British*-built Vessel by virtue of an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Encouragement of British Shipping and Navigation*.

Duties to be paid in respect of Foreign Vessels.

CLIX. Provided always, and be it enacted, That any Tolls, Rates, Dues, Duties, or Charges chargeable by this Act upon Vessels not entitled to the Privileges of a *British* Ship, or upon Goods imported or exported in such Vessels, shall not be applicable to Vessels belonging to Countries in which Treaties of Reciprocity have been concluded or may hereafter be concluded, so long as such Treaties shall continue in force, nor to the Goods imported or exported therein, but the same Tolls, Rates, Dues, Duties, or Charges shall be levied upon the Vessels of such Countries during such Period as aforesaid, and upon the Goods imported or exported therein, as may be from Time to Time payable by this Act upon Vessels entitled to the Privileges of *British* Ships, or upon Goods imported or exported in such Vessels.

Rates on Foreign Vessels to be reduced to the Rates on *British* Ships where Reciprocity Treaties shall be entered into with Foreign Countries.

CLX. And be it enacted, That the several Rates or Dues authorized to be taken by this Act in respect of the said Harbour shall at all Times be charged equally and after the same Rate in respect of the same Description of Vessel and Goods.

Rates to be charged equally.

CLXI. Provided always, and be it enacted, That nothing herein or in the said recited Act contained shall authorize the said *Joseph Thomas* [Local.] 9 K

No Rates to be taken for Ships not using the Harbour.

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Thomas Treffry, his Heirs and Assigns, to take any Toll, Rate, or Due for any Ship, Boat, or other Vessel which shall not come within any Pier, or make use of any of the Works or Conveniences within the Limits of the said Harbour.

Further Allowance for Goods remaining upon Wharfs above a certain Time.

CLXII. And be it enacted, That if any Goods, Wares, Merchandize, or Commodities shall remain upon any Wharf or other Place which is not a Place of Deposit belonging to the said Harbour for a longer Period than Twenty-four Hours, then and in every such Case it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, to levy a Sum not exceeding Double the Amount of the Rates and Duties by this Act imposed upon the said Goods, Wares, Merchandize, or Commodities, upon the landing or shipping thereof, and to demand and take the said additional Rates and Duties for each and every additional and successive Period of Twenty-four Hours during which the said Goods, Wares, Merchandize, or Commodities shall remain on the said Wharf or other Place.

Goods remaining on the Quays more than Six Days may be removed into Warehouses.

CLXIII. And be it enacted, That the said *Joseph Thomas Treffry*, his Heirs and Assigns, or the Harbour Master for the Time being, shall and they are hereby authorized and empowered to remove all such Goods, Wares, Merchandize, and Commodities as shall have remained upon the Quays, Wharfs, Piers, and other Places belonging to the said Harbour above the Space of Six Days, and to carry the same to any Warehouse, Yard, or other Place of Safety, and there to detain and keep the same until Payment of the Rates and Duties leviabie under this Act, and the Charges incurred by such Removal and Detention, shall have been paid and satisfied.

Cranes, Weighing Machines, &c.

CLXIV. And be it enacted, That it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, to erect or provide such Cranes, Weighing and other Machines, Conveniences, Weights, and Measures, upon the Piers, Quays, and Wharfs connected with the said Harbour, as they may think necessary for loading, unloading, measuring, and weighing any Goods, Articles, or Things exported from or imported into the said Harbour.

Rates for Cranes and Weighing Machines.

CLXV. And be it enacted, That it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, to demand and take, for the Use of any Cranes and Weighing Machines erected by the said *Joseph Thomas Treffry*, his Heirs and Assigns, of and from the Owner or Person having the Charge of any Goods, Articles, or Things loaded or unloaded, weighed or measured, by means of the same, such reasonable Rates as shall be fixed by the said *Joseph Thomas Treffry*, his Heirs and Assigns, by any Bye Law to be from Time to Time made for that Purpose.

Proper Places to be provided for depositing Ballast.

CLXVI. And be it enacted, That it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, to appoint and appropriate a proper and convenient Place within or near to the said Harbour at or upon which all Ballast discharged from any Ship or Vessel coming into or being within the said Harbour shall be thrown, laid, or deposited; and such Place or Places shall be properly walled, em-
banked,

banked, or secured so as to prevent the said Ballast from falling into the said Harbour.

CLXVII. And be it enacted, That if any Person shall throw or put any Ballast, Stone, Shingle, Rubbish, Earth, or other Matter into the said Harbour, within the Limits thereof, or do any Injury to the same, he shall for every such Offence forfeit a Sum not exceeding Ten Pounds, together with all Costs and Expences of removing all such Ballast, Stone, Shingle, Rubbish, Earth, or other Matter.

To prevent Ballast, &c. being thrown into the Harbour.

CLXVIII. And be it enacted, That it shall not be lawful for the Master or Commander of any Ship or Vessel to take Ballast out of the said Harbour, except with the Consent of the said *Joseph Thomas Treffry*, his Heirs and Assigns, and then only in such Manner and from such Place and at such Times as the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall specify and direct; and if any Person shall take any Ballast from any Part of the said Harbour without Permission of the said *Joseph Thomas Treffry*, his Heirs and Assigns, or the Harbour Master for the Time being, or in any other Manner or at any other Time than shall be so directed as aforesaid, he shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Ballast not to be taken from Harbour.

CLXIX. And be it enacted, That it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, to appoint a Harbour Master, and at Pleasure to remove such Harbour Master.

Power to Appoint Harbour Master.

CLXX. And be it enacted, That it shall be lawful for the Harbour Master for the Time being to give Directions for all or any of the following Purposes; (that is to say,)

Powers of Harbour Master.

For regulating the Time and Manner in which any Vessel shall enter into, go out of, or lie in the Limits of the said Harbour, and the Position, mooring or unmooring, placing or removing of any Vessel within the said Limits:

For regulating the Manner in which any Vessel shall take in or Discharge its Cargo or any Part thereof, or shall take in or deliver Ballast within the Limits of the said Harbour:

For regulating the Government of any Vessel within the said Limits.

CLXXI. And be it enacted, That if any Ship, Vessel, or Boat shall come into the said Harbour in Distress, or receive any Damage in the said Harbour, then and in every such Case it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, or the said Harbour Master, to give a Preference to such Ship, Vessel, or Boat being in such Distress, or receiving any such Damage as aforesaid, both as to the Berth at the Piers or Quays, and as to the Course of discharging before any other Ship, Vessel, or Boat; and that if any Master or Commander of any Ship, Vessel, or Boat lying in the said Harbour shall refuse or neglect forthwith to remove his Ship, Vessel, or Boat from its Berth, on being thereunto required by the said *Joseph Thomas Treffry*, his Heirs and Assigns, or the said Harbour Master, in favour of such Ship, Vessel, or Boat so in Dis-
tress

Ships in Distress may have a Preference.

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treas or damaged as aforesaid, then and in every such Case any such Master or Commander so refusing or neglecting shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Harbour Master for acting improperly.

CLXXII. And be it enacted, That in case any Harbour Master appointed under this Act shall, without reasonable Cause, exercise any of the Powers or Authorities vested in him by this Act, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty on not complying with Directions of Harbour Master.

CLXXIII. And be it enacted, That the Master or Commander of any Vessel within the Limits of the said Harbour shall regulate such Vessel according to the Directions of the Harbour Master for the Time being, made in conformity with this Act; and any Master or Commander of any Vessel who, after Notice in Writing signed by the said Harbour Master of any such Direction served upon him, shall not forthwith regulate such Vessel according to such Direction, shall be liable to a Penalty not exceeding Five Pounds.

Power of Harbour Master to remove Vessels.

CLXXIV. And be it enacted, That if the Master or Commander of any Vessel within the Limits of the said Harbour shall not moor, unmoor, place, or remove such Vessel according to the Directions of the said Harbour Master for the Time being, in Writing, given to the said Master or Commander, it shall be lawful for any such Harbour Master to cause such Vessel to be moored, unmoored, placed, or removed according to the Directions aforesaid, and to employ a sufficient Number of Persons for that Purpose; and the Expences attending such mooring, unmooring, placing, or removing shall be paid by such Master or Commander, and shall, together with the Costs of ascertaining and recovering the same, be ascertained and recovered from any such Master or Commander in the same Manner as any Damages for the ascertaining and recovering of which no special Provision is contained in this Act are hereby directed to be ascertained and recovered.

Penalty on Master or Commander for obstructing Harbour Master.

CLXXV. And be it enacted, That if any Master or Commander of any Vessel within the Limits of the said Harbour, or any Person on board the same, shall hinder the said Harbour Master, or any Person employed by him, in mooring, unmooring, placing, or removing such Vessel in manner aforesaid, such Master or Commander or other Person shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Harbour Master may cut Ropes.

CLXXVI. And be it enacted, That if any Master or Commander or other Person on board of any Vessel which shall be moored or fastened within the Limits of the said Harbour shall not, upon Demand of the said Harbour Master, unloose or slacken the Rope or Chain by which such Vessel shall be moored or fastened, or if there shall be no Person on board of any such Vessel so moored or fastened, it shall be lawful for the said Harbour Master to cut the Rope or slacken the Chain by which such Vessel shall be so moored or fastened as aforesaid: Provided always, that before the said Harbour Master shall cut any Rope or slacken any Chain by which any Vessel without any

any Person on board shall be moored or fastened he shall cause a sufficient Number of Persons for the Protection of the same to be put on board such Vessel; and all Expences thereby incurred shall be paid by the Master or Commander of such Vessel.

Power to remove Wrecks, &c.

CLXXVII. And be it enacted, That it shall be lawful for the said Harbour Master to remove any Wreck, Stone, Timber, or Obstruction to the said Harbour within the Limits thereof; and the Expence of removing any such Wreck, Stone, Timber, or other Obstruction shall be repaid by the Owner of the same.

Combustible Matter on Quays to be removed.

CLXXVIII. And be it enacted, That if any Tar, Pitch, Rosin, Spirituous Liquors, Turpentine, Oil, or combustible Thing, being on any Pier, Quay, or Wharf belonging to the said *Joseph Thomas Treffry*, his Heirs and Assigns, or on the Deck of any Vessel within the Limits of the said Harbour, shall not be removed from the Place where the same may be to a Place of Safety within Two Hours after Notice in Writing for that Purpose, signed by the said Harbour Master for the Time being, shall have been served on the Owner or Person having the Charge of the same, every such Owner or Person shall for every such Offence forfeit a Sum not exceeding Five Pounds for every Hour such combustible Thing shall remain in any such Place as aforesaid after the Expiration of Two Hours from the Service of the said Notice.

Combustibles to be guarded during the Night.

CLXXIX. And be it enacted, That if any combustible Thing as aforesaid shall remain on any of the said Piers, Quays, Wharfs, Works, or on the Deck of any Vessel, within the Limits of the said Harbour, after Daylight, the Owner or Person having Charge of the same, or in his Default the said *Joseph Thomas Treffry*, his Heirs and Assigns, at the Expence of such Owner or Person, shall provide a sufficient Number of Persons to guard the same from One Hour before Sunset to One Hour after Sunrise; and such Expence, if not paid to the said *Joseph Thomas Treffry*, his Heirs and Assigns, on Demand, shall be ascertained and recovered in the same Manner as Penalties and Forfeitures are by the said recited Act directed to be ascertained and recovered.

Penalties against Fire.

CLXXX. And be it enacted, That every Person who shall commit any of the following Offences shall be liable to a Penalty not exceeding Five Pounds; (that is to say,)

1. Every Person who shall boil or heat any Pitch, Tar, Rosin, Turpentine, Oil, or other combustible Matter in any Vessel lying in the Limits of the said Harbour, or in any Place within the said Harbour, except in such Place and in such Manner as shall be specially appointed by the said *Joseph Thomas Treffry*, his Heirs and Assigns, for that Purpose:
2. Every Person who shall without the Permission of the said *Joseph Thomas Treffry*, his Heirs and Assigns, bring or suffer to remain any Gunpowder on the Piers, Quays, or Works of the said Harbour.

Boiling or heating Pitch, &c.

Penalty for cutting Ropes.

CLXXXI. And be it enacted, That if any Person (other than the Harbour Master, in execution of the Powers of this Act,) shall wilfully cut, break, or destroy any Rope or other Thing by which any Vessel lying in the Limits of the said Harbour shall be moored or fastened, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Power to erect Lighthouses.

CLXXXII. And be it enacted, That for the Guidance of Vessels entering or leaving the said Harbour it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, to erect a Lighthouse on any of the Piers, Jetties, Breakwaters, Quays, or Wharfs of the said *Joseph Thomas Treffry*, his Heirs and Assigns, or any of them, and also to exhibit a Light therein.

Lights not to be exhibited or altered without the Sanction of the Trinity House.

CLXXXIII. Provided always, and be it enacted, That nothing in this Act contained shall extend to authorize or empower the said *Joseph Thomas Treffry*, his Heirs or Assigns, to erect any Lighthouse, or exhibit any Light or alter such Lighthouse or Light, without having from Time to Time first obtained the Sanction in Writing from the said Corporation of *Trinity House of Deptford Strond* as to the Character of any such Lighthouse, or the Description and Power of any such Light, and the Mode of exhibiting the same.

Bye Laws for regulating—

CLXXXIV. And be it enacted, That for the proper Government of the said Harbour it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, from Time to Time to make such Bye Laws as they shall think fit for all or any of the following Purposes :

Use of Piers, &c.;

For governing or regulating the Use of the Piers, Quays, Slips, and other Works in the said Harbour :

Placing and removing of Vessels ;

For regulating the placing and removing of Vessels entering in, lying in, or going out of the said Harbour within the Limits aforesaid, and for the good Order and Government of all such Vessels :

Exercise of Powers of Harbour Master ; Admission of Vessels ;

For regulating the Exercise of the several Powers hereby vested in the Harbour Master to be appointed by the said *Joseph Thomas Treffry*, his Heirs and Assigns :

Loading and unloading of Goods, &c. ;

For regulating the Admission of Vessels into the said Harbour, and their Removal out of the same :

Persons employed at Quays, &c. ;

For regulating the shipping, unshipping, landing, warehousing, stowing, depositing, and removing of all Goods, Articles, or Things from, in, or on the Piers, Quays, Wharfs, or Warehouses of the said *Joseph Thomas Treffry*, his Heirs and Assigns :

For regulating the Duties and Conduct of all Persons, as well the Servants of the said *Joseph Thomas Treffry*, his Heirs and Assigns, as others, except Officers of Customs, who shall be employed on the Quays and Premises of the said *Joseph Thomas Treffry*, his Heirs and Assigns :

Hobblers ;

For appointing and regulating Persons to act as Hobblers, for the Purpose of assisting Vessels into and out of the said Harbour, and fixing the Rates to be paid to them for the same :

Use of Fires and Candles.

For regulating the Use of Fires, Candles, and Lamps within the said Harbour and the Premises belonging thereto, and within any Vessels being within One hundred Yards of the Piers, Quays, or Works of the said *Joseph Thomas Treffry*, his Heirs and Assigns :

For

For preventing Damage or Injury to any Vessel, Goods, Articles, or Things in or on the Premises belonging to the said *Joseph Thomas Treffry*, his Heirs and Assigns :

For Prevention of Damage.

For regulating the Use of the Cranes, Weighing Machines, Weights, and Measures belonging to the said *Joseph Thomas Treffry*, his Heirs and Assigns, and the Duties and Conduct of all Weighers and Meters appointed by them :

For regulating the Use of Cranes, &c. ;

For regulating the Duties and Conduct of the Carriers employed on the Premises of the said *Joseph Thomas Treffry*, his Heirs and Assigns, and fixing the Rates to be paid to them for carrying any Goods, Articles, or Things from or to the same :

and the Duties of Carriers.

And it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, from Time to Time as they shall think fit, to repeal, alter, or amend any such Bye Laws, provided such Bye Laws be not repugnant to the Laws of *England* or the Provisions of this Act, and be reduced into Writing, and be signed by the said *Joseph Thomas Treffry*, his Heirs and Assigns, and if affecting other Persons than the Officers or Servants of the said *Joseph Thomas Treffry*, his Heirs and Assigns, be printed and published as herein provided.

CLXXXV. And be it enacted, That it shall be lawful for the said *Joseph Thomas Treffry*, his Heirs and Assigns, by the Bye Laws to be made by them under the Powers of this Act, to impose such reasonable Penalties as they shall think fit, not exceeding Five Pounds for each Offence : Provided always, that such Bye Laws be so framed as to allow the Justices before whom any Penalty imposed thereby is sought to be recovered to order the whole or Part only of such Penalty to be paid.

Enforcing Bye Laws by Penalties.

Mitigation.

CLXXXVI. And be it enacted, That no Bye Law which shall be made under the Authority of this Act shall be valid or binding, unless the same shall be allowed by some Judge of one of the Superior Courts, or by the Justices assembled at some General or Quarter Sessions of the Peace for the County of *Cornwall*, and it shall be incumbent on such Justices on the Request of the said *Joseph Thomas Treffry*, his Heirs and Assigns, to inquire into any Bye Laws which may be tendered to them for that Purpose, and to allow or disallow the same if they shall think fit : Provided always, that no such Bye Law shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers of the County of *Cornwall*, One Month at least before the Hearing of such Application ; and any Person aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the said *Joseph Thomas Treffry*, his Heirs and Assigns, Ten Days before the Hearing of such Application, may, by himself or his Attorney or Agent, be heard thereon, but not so as to allow more than one Party to be heard on the same Matter of Objection.

Bye Laws to be confirmed.

CLXXXVII. Provided always, and be it enacted, That for One Month at least previous to any such Application a Copy of such proposed Bye Laws shall be kept at the principal Office of the said *Joseph Thomas Treffry*, his Heirs and Assigns ; and it shall be lawful for all Persons at all seasonable Times to inspect such Copy, without

A Copy of proposed Bye Laws to be open to Inspection.

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Fee or Reward, and to be furnished by the said *Joseph Thomas Treffry*, his Heirs and Assigns, with a Copy thereof or of any Part thereof, on Payment of Sixpence for every One hundred Words.

Publication of Bye Laws.

CLXXXVIII. And be it enacted, That such Bye Laws, when confirmed, shall be printed on Paper, and pasted on Boards, or be painted on Boards, and hung up, affixed, and continued on the Front or in the Office of the Customs of the said Harbour, according as such Bye Laws may relate to the said Harbour, and on the Front or other conspicuous Part of every Office, Toll House, or Station belonging to the said *Joseph Thomas Treffry*, his Heirs and Assigns, connected with the said Tram Road, according as such Bye Laws may relate to the said Tram Road; and such Boards shall be from Time to Time renewed as often as the same or any Part thereof may be obliterated or destroyed.

Bye Laws to be binding on all Parties.

CLXXXIX. And be it enacted, That such Bye Laws, when so confirmed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

Evidence of Bye Laws.

CXC. And be it enacted, That the Production of a written or printed Copy of the said Bye Laws, authenticated by the Signature of the said *Joseph Thomas Treffry*, his Heirs or Assigns, shall be Evidence of the Existence and of the due making of such Bye Laws in all Prosecutions under the same; and with respect to the Proof of the Publication thereof it shall be sufficient that a printed or painted Copy thereof were affixed or continued in the Manner by this Act directed, and in case of any of such Boards being afterwards destroyed or obliterated it shall be sufficient to prove that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such Boards did not contain a Copy of the Bye Law under which he shall be prosecuted, or that Boards were not affixed or continued to be affixed as required by this Act.

Penalty on pulling down Bye Laws Boards.

CXCI. And be it enacted, That any Person who shall destroy, pull down, injure, or deface any Board on which any Bye Law or Rate to be taken under this Act shall be stated shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty on Officers taking any Reward other than their Salaries.

CXCII. And be it enacted, That if any Person who shall be employed as a Clerk, Collector, Receiver, or Harbour Master, or any other Officer or Servant employed by the said *Joseph Thomas Treffry*, his Heirs or Assigns, in the Execution of the Powers granted by the said recited Act or this Act, shall exact, take, or accept, on account of any thing done by virtue of his Office, any Fee or Reward whatsoever other than the Salaries, Rewards, or Allowances allowed by the said *Joseph Thomas Treffry*, his Heirs and Assigns, he shall be incapable of being afterwards employed under this Act, and shall forfeit Fifty Pounds to any Person or Persons who shall sue for the same.

CXCIII. And

CXCIII. And be it enacted, That in all Cases in which it shall be necessary for any Person or Corporation to serve any Summons, Demand, or Notice, or any Writ or other Proceeding, at Law or in Equity, upon the said *Joseph Thomas Treffry*, his Heirs and Assigns, for or in respect of any Act, Matter, or Thing done or omitted by him or them under or by virtue of or in relation to this Act or the said recited Act, or any of the Provisions herein contained, personal Service thereof upon him or them, or upon his or their Clerk, or leaving the same at the said principal Office of the said *Joseph Thomas Treffry*, his Heirs and Assigns, at the said *Newquay* Harbour, shall be deemed good and sufficient Service of the same respectively on the said *Joseph Thomas Treffry*, his Heirs and Assigns.

Declaring what shall be good Service of Notice, &c. on the Owners of the Harbour, &c.

CXCIV. And be it enacted, That every Summons, Demand, or Notice may be served by delivering a Copy of the same to the Person to whom the same ought to be given, or to the Wife or Servant or some adult Person at the usual Place of Abode or Place of Business of such Person, and explaining the Purport thereof to the Person to whom such Summons, Demand, or Notice shall be so delivered.

Service of Notices, &c.

CXCV. And be it enacted, That in all Cases where any Damages or Charges are by this Act or the said recited Act directed or authorized to be paid, and the Method of ascertaining the Amount thereof is not provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by One or more Justices; and when by this Act or the said recited Act any Damages or Charges are directed to be paid, in addition to the Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justice or Justices by whom the Offender shall be convicted of such Offence; and on Nonpayment of the Damages or Charges in any of the Cases aforesaid, on Demand, the same shall be levied by Distress, and such Justice or Justices shall issue his or their Warrant accordingly.

Provision for Damages not otherwise provided for.

CXCVI. And for the Purpose of ascertaining and determining any such Compensation, Expences, Charges, or Damages, be it enacted, That any Justice of the Peace may summon any Person liable to pay the same to appear before him at a Time mentioned in such Summons, and at such Time, either on the Appearance or Default of the Party summoned to appear, to inquire into any such Compensation, Expences, Charges, or Damages, and to determine the same.

For ascertaining Compensation.

CXCVII. And be it enacted, That where in this Act any Question of Compensation or Damages is referred to the Determination of any Justice it shall be lawful for such Justice to examine the Parties to such Question, and their Witnesses, on Oath, and to administer the Oaths necessary for that Purpose; and the Costs of every such Inquiry shall be in the Discretion of such Justice; and if either Party to any such Question fail to appear at the Time and Place appointed

Justices to examine Parties and Witnesses.

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by the Justice for going into any such Question, without reasonable Excuse to the Satisfaction of such Justice, due Notice of such Appointment having been given to such defaulting Party, it shall be lawful for such Justice to proceed *ex parte*.

Distress against Joseph Thomas Treffry, his Heirs and Assigns.

CXCVIII. And with respect to any Sum of Money under the Provisions of this Act adjudged by any Justice to be paid by the said *Joseph Thomas Treffry*, his Heirs and Assigns, for which no other Mode of Proceeding is provided by this Act, be it enacted, That if such Money be not paid by the said *Joseph Thomas Treffry*, his Heirs and Assigns, to the Party entitled to receive the same, within Seven Days after Demand thereof in Writing, stating the Order of the Justice for the Payment of such Money, the Amount may be recovered by Distress on the said Tram Road, Harbour, and other Works; and the Justice by whom such Sum of Money shall have been ordered to be paid, or any other Justice within the Limits of his own Jurisdiction, on Application, shall issue his Warrant accordingly.

Publication of Penalties.

CXCIX. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures exigible under the said recited Act or this Act, or any Bye Law affecting other Persons than the Officers or Servants of the said *Joseph Thomas Treffry*, his Heirs and Assigns, be it enacted, That from Time to Time the said *Joseph Thomas Treffry*, his Heirs and Assigns, shall publish the short Particulars of the several Offences for which any such Penalty is imposed, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Office of the said *Joseph Thomas Treffry*, his Heirs and Assigns, and where any such Penalties are of local Application shall cause such Board to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have reference; and such Particulars shall be renewed as often as the same or any Part thereof is obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Defacing Boards used for such Publication.

CC. And be it enacted, That if any Person pull down or break or deface any Board put up or affixed as required by this Act for the Purpose of publishing any Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and he shall also defray the Expences attending the Restoration of such Board, and such Expences shall be recoverable as any Penalty by this Act imposed may be recovered.

Penalties to be summarily recovered before One or more Justices.

CCI. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by the said recited Act or this Act, or by any Bye Law made in pursuance thereof, the Recovery whereof is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding upon Complaint

plaint made before One or more Justices; and on the Complaint being made to any such Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for any Two or more Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any Two or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties may be levied by Distress.

CCII. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture and of such Costs as aforesaid be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any Justice shall issue his Warrant of Distress accordingly.

Imprisonment in default of Distress.

CCIII. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justices, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress, it shall appear to the Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had within their Jurisdiction whereon to levy such Penalty or Forfeiture and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made appear to the Justices, then such Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Application of Penalties.

CCIV. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of the said recited Act or this Act the Application whereof is not otherwise provided for, be it enacted, That the Justices by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Informer, and the other Half to the Overseers of the Poor of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish; or if the Place wherein the Offence shall have been committed shall be extra-parochial, then such Justices shall direct such Half to be applied for the Benefit of the Poor of such extra-parochial

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rochial Place, or of any adjoining Parish or District, and shall order the same to be paid over to the proper Officer for that Purpose.

Penalties to be sued for within Six Months.

CCV. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of the said recited Act or this Act for any Offence made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Penalty on Witnesses making Default.

CCVI. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction, under the Provisions of the said recited Act or this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this or the said recited Act, or any Matter in which such Justice shall have Jurisdiction by the Provisions of this or the said recited Act, shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

CCVII. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer or Agent of the said *Joseph Thomas Treffry*, his Heirs and Assigns, and all Persons called by him or them to his or their Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this or the said recited Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act; and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Form of Conviction.

CCVIII. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this or the said recited Act may cause the Conviction to be drawn up according to the Form in the Schedule (F.) to this Act annexed.

Informalities.

CCIX. And be it enacted, That no Proceeding in pursuance of the said recited Act or this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Distress, how to be levied.

CCX. And be it enacted, That where in this or the said recited Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such

such Goods and Chattels, after satisfying such Sum of Money and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

CCXI. And be it enacted, That no Distress levied by virtue of the said recited Act or this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not unlawful for Want of Form.

CCXII. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Justice, under the Provisions of this Act or the said recited Act, he may appeal to the General Quarter Sessions for the said County of *Cornwall*; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, and unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, and unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Persons may appeal to Quarter Sessions on giving Security.

CCXIII. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable, and they may make such Order concerning the Costs both of the Adjudication and of the Appeal as they may think reasonable.

Court to make such Order as they think reasonable.

Costs.

CCXIV. 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:

Interpretation.

- Words importing the Masculine Gender shall include Females: Gender.
- The Word "Month" shall mean Calendar Month: Month.
- The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*: Superior Courts.
- The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath: Oath.

[Local.]

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- Lands.** The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure :
- Sheriff.** The Word "Sheriff" shall include Under Sheriff or other legally competent Deputy ; and where any Matter in relation to any Lands is required to be done by any Sheriff, or by any Clerk of the Peace, the Expression "the Sheriff," or the Expression "the Clerk of the Peace," shall in such Case be construed to mean the Sheriff or the Clerk of the Peace of the County of *Cornwall* :
- Clerk of the Peace.**
- Justices.** The Word "Justices" shall mean Justices of the Peace for the County or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter :
- Tram Road.** The Expression "the Tram Road" shall mean the Tram Road, or Branches of the same, and the Approaches, and any other Works by this Act authorized to be made :
- Joseph Thomas Treffry, his Heirs and Assigns.** The Words "*Joseph Thomas Treffry*, his Heirs and Assigns," shall be construed to mean the Owner or Owners for the Time being of the said Harbour, Tram Road, and Works ; and the Words "Owner or Owners" shall mean and include any Person or Persons who shall be in the actual Possession of the said Harbour, Tram Road, and Works respectively, or in Receipt of the Tolls by this or the said recited Act authorized to be taken in respect of the said Harbour, Tram Road, and Works respectively :
- Vessel.** The Word "Vessel" shall include Ship, Steam Boat, Lighter, Vessel, Barge, Raft, Float, or other Craft.
- General Saving of the Rights of the Duchy of Cornwall.** CCXV. Provided always, and be it 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 His Royal Highness *Albert Edward* Prince of *Wales* and Duke of *Cornwall*, or other the Personage who may hereafter for the Time being be entitled to the Revenues of the Duchy of *Cornwall* in right or in respect of his Duchy of *Cornwall*, or 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 said Royal Highness, or of such Personage as aforesaid, in right or in respect of his said Duchy of *Cornwall*.
- Saving the Rights of the Trinity House.** CCXVI. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice or derogate from the Jurisdiction or Authority or any of the Rights or Privileges of the said Corporation of the *Trinity House* of *Deptford Strond*.
- Saving the Rights of the Crown.** CCXVII. Provided always, and be it declared and enacted, That nothing contained in this Act or in the herein-before recited Act shall extend or be construed to extend to alienate, defeat, lessen, prejudice, or derogate from any Estate, Right, Title, Interest, Franchise, Privilege, Jurisdiction, or Authority of or appertaining to the Queen's most Excellent Majesty, Her Heirs or Successors, in right of Her Crown or otherwise.
- Public Act.** CCXVIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHE-

7° VICTORIÆ, Cap. xxiii.

787

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

FORM OF CONVEYANCE.

I of in consideration of the Sum of England, in the Name and with the Privity of the Accountant General of the Court of Chancery, ex parte "Newquay Harbour and Tram Road," or to *A. B.* of and *C. D.* of Two Trustees appointed to receive the same], pursuant to an Act passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], by the [*here insert the Name of Purchaser*], do hereby convey to the said [*here insert Name of Purchaser*], 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 empowered to convey, to hold the Premises to the said [*Name of Purchaser*] for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal, this Day of in the Year of our Lord

SCHEDULE (B.)

FORM OF CONVEYANCE ON CHIEF RENT.

I of in consideration of the Rent-charge to be paid to me, my Heirs and Assigns, as herein-after mentioned, by "the Owners of Newquay Harbour and Tram Road," by virtue of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], do hereby convey to the said Owners all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all my Estate, Right, Title, and Interest in and to the same and every Part thereof, to hold the said Premises to the said Owners for ever, according to the true Intent and Meaning of the said Act, they the said Owners, their Successors and Assigns, yielding and paying unto me, my Heirs and Assigns, one clear yearly Rent of by equal quarterly [*or half-yearly, as agreed upon*] Portions, henceforth on the [*stating the Days*], clear of all Taxes and Deductions. In witness whereof I have hereunto set my Hand and Seal, this Day of in the Year of our Lord

SCHE-

CORNWALL RECORD OFFICE
 TF 3192
 NOT TO BE RECORDED

SCHEDULE (C.)

Description of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
<i>Parish of Saint Columb Minor.</i>			
Fish Cellar	Joseph Thomas Treffry	- -	Joseph Thomas Treffry.
House and Meadow	Ditto	- -	Richard Hicks.
Garden	Ditto	Richard Hicks	Ditto.
House and Garden	Ditto	Mary Mountsteven	Mary Mountsteven.
Fish Cellar	Ditto	Richard Hicks and Company.	Richard Hicks and Company.
Private Road	Ditto	- -	Joseph Thomas Treffry.
Stable Yard	Ditto	Mary Thomas	John Clemens.
House and Courtlage	Ditto	Mary Thomas and John Morrish.	James Martyn.
Garden	Ditto	Ditto	Ditto.
House, Courtlage, and Buildings	Ditto	Thomas Wilton	Thomas Wilton.
Dwelling House and Garden	Ditto	Peter Ruddiman and Peggy Braben.	Peter Ruddiman and Peggy Braben.
Piece of Ground	Ditto	Johnson Hicks	Johnson Hicks.
House and Garden	Ditto	John Wilton	John Wilton and Richard Stephens.
Bark House	Ditto	"Fly" Sean Owners, William Guy Higgs.	"Fly" Sean Owners, William Guy Higgs.
Mowhay	Ditto	Richard Billing	Richard Billing.
Barn and Courtlage	Ditto	Ditto	Ditto.
House and Garden	Ditto	Robert Sleeman	Robert Sleeman.
Buildings, Garden, and Yard	Ditto	- -	Joseph Thomas Treffry.
Garden	Ditto	- -	Ditto.
Ditto	Ditto	William Carrivick	William Carrivick.
Ditto	Ditto	Richard Tummon	Richard Tummon.
House and Lawn	Ditto	Humphry Willyams.	Humphry Willyams.
Fish Cellars	Ditto	"Rose" Sean Owners.	"Rose" Sean Owners.
House, Barn, and Garden	Ditto	Richard Billing	Richard Billing.
Garden	Ditto	Matthew Knight	Matthew Knight.
Private Road	Ditto	- -	Joseph Thomas Treffry.
Wesleyan Chapel	Ditto	Robert Sleeman	John Sampson Cotton.
Garden	Ditto	Thomas Moyses	Thomas Moyses.
Ditto	Ditto	- -	William Green.
House and Garden	Mark Cardell	- -	Rev. F. Chudleigh and William Hooper.
Parish Road	Surveyors of the Parish of Saint Columb Minor.	- -	- -
Garden and Building	Mark Cardell	- -	Stephen Drew Darke and William Berry.

Description of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
House and Garden	John Cardell	- -	John Cardell, Stephen Drew Darke, and Peter Hore.
Ditto	Ditto	- -	Henry House and William Darke.
Road	Joseph Thomas Treffry	- -	Joseph Thomas Treffry.
Parish Road	Surveyors of the Parish of Saint Columb Minor.	- -	- -
Occupation Road	Simon Richard and Josias Sleeman.	- -	Simon Richard and John Cardell.
Barn and Mowhay	John Varcoe	- -	William Hooper.
Occupation Road	The Crown	- -	Richard Cardell.
Parish Road	Surveyors of the Parish of Saint Columb Minor.	- -	- -
Footpath	Ditto	- -	- -
House and Garden	The Crown	- -	John Nicholls.
Footpath	Sir John Buller Yarde	- -	Ethan Ball.
Occupation Road	Buller, Baronet.	- -	- -
Footpath	The Crown	- -	John Nicholls.
Parish Road	Ditto	- -	Ditto.
Occupation Road	Surveyors of the Parish of Saint Columb Minor.	- -	Ditto.
Footpath	The Crown	- -	Mark Cardell.
Ditto	The Crown	- -	Mark Cardell.
Ditto	Ditto	- -	Ditto.
Ditto	Ditto	- -	Philippa Salmon.
Cattle Shed	Ditto	- -	Ditto.
Parish Road	Ditto	- -	Ditto.
Occupation Road	Surveyors of the Parish of Saint Columb Minor.	- -	- -
Footpath	The Crown	- -	Francis Clemow.
Ditto	The Crown	- -	Ditto.
Ditto	Ditto	- -	Richard Williams.
Ditto	Ditto	- -	Ditto.
Cattle Shed	Ditto	- -	Ditto.
Parish Road	Ditto	- -	Ditto.
Occupation Road	James Clemow	- -	Thomas Rowse.
Ditto	Ditto	- -	Thomas Rowse.
Plantation	Ditto	- -	James Clemow.
Orchard	John Sampson Cotton	- -	- -
House and Garden	Ditto	- -	- -
Yard, Barn, and Mowhay.	Ditto	- -	- -
House and Garden	Ditto	- -	- -
Parish Road	Sir Richard Rawlinson Vyvyan, Baronet.	Thomas Rowse	Thomas Rowse.
Clay Pit	Surveyors of the Parish of Saint Columb Minor.	- -	- -
	James Clemow	- -	James Clemow.
<i>Parish of Colan.</i>			
Occupation Lane	Sir Richard Rawlinson Vyvyan, Baronet.	- -	James Meagor.
Buildings and Mowhay	Ditto	- -	Ditto.
Parish Road	Surveyors of the Parish of Colan.	- -	- -
House, Garden, and Field.	Reverend George Treweeke.	John Bettison	John Bettison.

Description of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
Parish Road	Surveyors of the Parish of Colan.		
House, Garden, and Field	Reverend George Treweeke.	John Bettison	John Bettison.

Parish of St. Columb Major.

Courtlage	Edward Coode	Philippa Chipman	Philippa Chipman.
Dwelling House and other Buildings.	Ditto	Ditto	Ditto.
Smith's Shop	Ditto	Ditto	Ditto.
Occupation Road	Ditto	Price Rowling	Robert Clemow.
Outhouses and Mowhay.	Ditto	Ditto	Ditto.
Farm House and Yard.	Ditto	Ditto	Ditto.
House and Garden	Ditto	Ditto	Ditto.
Occupation Road	Ditto	Ditto	Ditto.
Parish Road	Surveyors of the Parish of Saint Columb Major.		
Turnpike Road.			
Wastrel	James Rowse and others	- -	James Rowse and others.
Ditto	Reginald Jenkin and others.	- -	Reginald Jenkin and others.
Ditto	Susan Stanley	Richard Luke	Richard Luke.
Occupation Road	Ditto	Ditto	Ditto.
House and Garden	Ditto	Ditto	Ditto.
Croft	Ditto	- -	William Veal.
Occupation Road			
House and Garden	Sir Charles Lemon, Baronet.	Joseph Brokenshire.	Joseph Brokenshire.
Parish Road	Surveyors of the Parish of Saint Columb Major.		
Dwellings	Sir Charles Lemon, Baronet.	William Common	William Julyan and Samuel Pearce.
Turnpike Road.			
Beershop and Courtlage	Philip Tom	Ditto	William Common.

Parish of St. Dennis.

Garden	Thomas Theophilus Hawkey.	- -	John Wells.
Yard and Buildings	Ditto	- -	William Key.
Orchard	Ditto	- -	John Key.
Yard and Buildings	Ditto	- -	Ditto.
Mowhay	Ditto	- -	Ditto.
Parish Road	Surveyors of the Parish of Saint Dennis.		
Yard and Buildings	Robert Bradlick Edyveat.	- -	William Vercoe.
Mowhay	Ditto	- -	Ditto.
Occupation Road	Ditto	- -	Ditto.

Description of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
Parish Road	Surveyors of the Parish of Saint Dennis.		
Wastrel	Earl of Falmouth.		
Parish Road	Surveyors of the Parish of Saint Dennis.		
Yard and Buildings	Earl of Falmouth	- -	Richard Bassett.
Parish Road	Surveyors of the Parish of Saint Dennis.		
Wastrel	Earl of Falmouth	- -	Richard Bassett.

Parish of St. Stephen's.

Croft	Henry Lamb	- -	Joseph Richards.
Ditto	Ditto	- -	Ditto.
Parish Road	Surveyors of the Parish of Saint Stephen's.		
Croft	Henry Lamb	- -	Joseph Richards.
Private Road	Anne Lady Grenville	- -	William Martin.
Parish Road	Surveyors of the Parish of Saint Stephen's.		
Dwelling House	Anne Lady Grenville	Thomas Crowle	Joseph Osborne.
Cowhouse	Ditto	Ditto	Ditto.
Parish Road	Surveyors of the Parish of Saint Stephen's.		
House	Anne Lady Grenville	- -	Ditto.
Clay Workings	Ditto	- -	John Yelland.
Garden	Ditto	- -	Ditto.
House	Ditto	- -	Ditto.
Boundary River	Ditto and Earl of Falmouth.	- -	Ditto.
House	Earl of Falmouth	- -	James Best.
House	Ditto	- -	Ditto.
Garden	Ditto	- -	Ditto.
House	Ditto	- -	Ditto.
Wastrel	Thomas Geach, Jane Pinck, Eliza Pinck, Susan Merefield, Arabella Yelland.	Susan Bullen	Susan Bullen.
Clay Workings	Ditto	- -	John Salter and Thomas Geach.
House	Ditto	- -	John Salter.
Parish Road	Surveyors of the Parish of Saint Stephen's.	John Salter Ditto	Reuben Richards.

Parish of St. Columb Major.

House and Garden	Edward Coode	Price Rawlings	Robert Clemow.
Occupation Road	Ditto	Ditto	Ditto.
Parish Road	Surveyors of the Parish of Saint Columb Major.		
Turnpike Road	Trustees of Camelford, Wadebridge, and Saint Columb Turnpike.		

Description of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
House and Garden Plantation	Price Rawlings Edward Coode	- - Price Rawlings	John Burt. Robert Clemow.

Parish of St. Enoder.

Orchard Dwelling House and Yard.	William Rashleigh Ditto	- - Elizabeth Davey	William Langdon. John Penrose.
Mowhay and Barn Ditto	Ditto Ditto	Ditto Ditto	Ditto. Ditto.
Parish Road	Surveyors of the Parish of Saint Enoder.		
House Occupation Road Dwelling House	William Rashleigh Ditto	Elizabeth Davey Ditto	John Bullock. Ditto.
Ditto Garden	Reverend William Stackhouse. Ditto	Samuel Soloman Ditto	Unoccupied. Richard Rowe.
Occupation Road	Sir Richard Rawlinson Vyvyan, Baronet.	Thomasin Rowe	Sampson Rowe.
Parish Road	Surveyors of the Parish of Saint Enoder.		Tenants of Penhall and others.
Mowhay	Reverend William Stackhouse.	- -	Sampson Rowe.
Mowhay and Orchard	Sir Richard Rawlinson Vivyan, Baronet.	Sampson Rowe	Ditto.
Parish Road	Surveyors of the Parish of Saint Enoder.		
Turnpike Road	Haleworthy Turnpike Trust.		
Parish Road	Surveyors of the Parish of Saint Enoder.		
Dwelling House Parish Road	Major Polwhele Surveyors of the Parish of Saint Enoder.	Isabella Bartle	John Tregilgas.
Ditto School Room	Ditto. Christopher Henry Thomas Hawkins.	- -	Edward Brokenshire.
House and Garden House Chapel	Ditto Ditto	Richard Bakes Ditto	Henry Rowe. Jane Kendall.
Parish Road	Ditto	Ditto	Trustees.
House and Garden	Surveyors of the Parish of Saint Enoder.		
Ditto Garden	Christopher Henry Thomas Hawkins. Ditto	Richard Osborne Joseph Tomm	Richard Roberts. Joseph Tomm.
Parish Road	Ditto	William Wilton	William Huddy and Richard Ould.
Ditto Ditto Plantation Turnpike Road	Surveyors of the Parish of Saint Enoder. Ditto. Ditto. Francis Retallack Hulworthy Trust.	- -	John Martyn Johns.

Description of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
Parish Road Occupation Road	Surveyors of the Parish of Saint Enoder. Boundary of the Parishes of Saint Enoder and Newlyn.		

Parish of St. Enoder — continued.

Parish Road	Surveyors of the Parish of Saint Enoder.		
House and Garden Parish Road	Richard Polwhele Surveyors of the Parish of Saint Enoder.	- -	John Tregilgas.
Ditto Barn, Mowhay, and Wastrel. Garden Dwelling Houses	Ditto. Executors of the Reverend William Hocker. Ditto	- -	William Bassett. Ditto.
Barn and Mowhay Parish Road	Ditto Surveyors of the Parish of Saint Enoder.	- -	Ditto and Aaron Brenton. William Bassett.
Orchard	Executors of the Reverend William Hocker.	- -	William Bassett.
House and Mowhay	John Samuel Enys	Walter Andrew	James Morecom, John Benny, and Walter Andrew.
Orchard	Robert Seaton	Executors of John Teague.	Executors of John Teague.
Occupation Road	Robert Seaton and John Samuel Enys.		
Parish Road	Surveyors of the Parish of Saint Enoder.		
Orchard	Reverend William Stackhouse.	- -	Peter Prisk.
House and Garden	Sir Richard Rawlinson Vyvyan, Baronet.	Richard Bassett	William Williams.
Wastrel Parish Road	Ditto	Ditto	Ditto.
Barn and Mowhay	Surveyors of the Parish of Saint Enoder. Sir Richard Rawlinson Vyvyan, Baronet.	Richard Bassett	William Williams.
Footpath Coppice Wood	Ditto	Ditto	Ditto.
Brook. Houses and Yard Garden Orchard Parish Road	Sir Richard Rawlinson Vyvyan, Baronet, and Executors of William Paul and Luke Bice. Ditto Ditto Ditto	- - - - - -	Sir Richard Rawlinson Vyvyan, Baronet, and Executors of William Paul and Luke Bice. John Stephens. Ditto. Ditto.
Brook. House and Mowhay	Surveyors of the Parish of Saint Enoder. William Rashleigh and Sir Richard Rawlinson Vyvyan, Baronet.	Zaccheus Andrew Bice.	Samuel Phillips.

Description of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
Courtage and Wastrel.	William Rashleigh and Sir Richard Rawlinson Vyvyan, Baronet.	Zaccheus Andrew Bice.	Samuel Phillips.
Orchard	Ditto	Ditto	Ditto.
Coppice Wood	Ditto	Ditto	William Rashleigh and Sir Richard Rawlinson Vyvyan, Baronet.

Parish of Ladock.

Coppice Wood	Christopher Henry Thomas Hawkins.	-	Christopher Henry Thomas Hawkins.
House and Garden	Ditto	Joan Retallach	William Moore.
Arable and Road	Ditto	Jane Kestle	James Dustow.
House and Yard	Ditto	Ditto	Ditto.
Occupation Road	Ditto	Ditto	Ditto.
Orchard	Ditto	Ditto	Ditto.
House and Garden	Ditto	Ditto	Ditto.
Yard and Wastrel	Ditto	Ditto	Ditto.
Barn and Mowhay	Ditto	Ditto	Ditto.
Occupation Road	Ditto	Ditto	Ditto.
Parish Road	Surveyors of the Parish of Ladock.	-	-
Occupation Road	Christopher Henry Thomas Hawkins.	-	Francis Rooke.
Occupation Road	William Rickard	-	Ditto.
Wastrel	Ditto	-	William Moore.
Path Road	William Moore	-	Ditto.
Orchard	Ditto	-	Ditto.
Coppice Wood	Ditto	-	Ditto.
Orchard	Ditto	-	Ditto.

Parish of Newlyn in Pydar.

House and Garden	Reverend Edward Treverren.	William Nancarrow	William Nancarrow.
Ditto	Ditto	Peter Merrifield	Peter May.
Parish Road	Surveyors of the Parish of Newlyn.	-	-
Wastrel	Corporation of Truro	William Lanyon	William Lanyon.
Garden	Ditto	Ditto	James Roberts.
House and Yard	Ditto	Ditto	Ditto.
Occupation Road	Christopher Henry Thomas Hawkins.	-	Thomas Tippett.
Parish Road	Surveyors of the Parish of Newlyn.	-	-

SCHEDULE (D.)

Table of Harbour Rates and Dues.

For every Boat using the said Harbour for One Month or any Period less than a Month	£ s. d.
-	0 1 0
And so in proportion for any Period exceeding One Month.	
For all Ships or Vessels belonging to Her Majesty's Subjects, for every Time they enter within the Limits of the Harbour of Newquay, per Ton as per Register	0 0 2
For all Vessels remaining at or within any Pier or Works for a longer Period than a Month, a further Charge per Ton per Month, or for any fractional Part of a Month exceeding One Week	0 0 2

SCHEDULE (E.)

Table of Rates and Dues of Harbour to be paid on all Exports and Imports, as Wharfage or Quay Dues.

Apples	per Bushel, Winchester Measure	£ s. d.
-	-	0 0 2
Alum	per Cwt.	0 0 2
Arrack	per Hogshead of 54 Gallons	0 1 3
Ashes of all Sorts	per Cwt.	0 0 6
Barley	per Quarter of Eight Imperial Bushels	0 0 3
Bark	per Ton	0 1 6
Barrels (empty)	each	0 0 2
Beer, Ale, or Porter	per Hogshead	0 0 6
Ditto	per Barrel	0 0 4
Ditto	per Kilderkin	0 0 2
Ditto	per Butt	0 1 0
Beans	per Quarter	0 0 6
Beef and Pork	per Barrel	0 0 4
Bottles (Stone)	per Gross of 12 Dozen	0 1 0
Bottles (Glass)	per Gross of 12 Dozen	0 0 6
Bran	per Cwt.	0 0 0½
Brandy	per Hogshead	0 1 3
Braziers Wares	per Cwt.	0 0 4
Bricks or Tiles	per 1000	0 2 6
Butter	per Cwt.	0 0 4
Calves	per Head	0 0 3
Candles	per Chest	0 0 6
Canvas	per Bolt	0 0 2
Chairs	per Dozen	0 1 0
Cheese	per Cwt.	0 0 4
China Stone and China Clay	per Ton	0 0 6
Clay	per Ton	0 0 6

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		£	s.	d.
Clinkers or Paving Bricks	-	0	1	6
Clover Seed	-	0	0	3
Coals	-	0	0	6
Copper, Lead, Tin, or other Metal, except Iron	-	0	1	0
Copper, Lead, Tin, Iron, Manganese, or other Ores	-	0	0	6
Cordwood	-	0	0	6
Cordage	-	0	0	2
Cows, Bulls, or Oxen	-	0	1	0
Culm and Cinders	-	0	0	6
Cyder	-	0	0	8
Currants	-	0	0	3
Carriages, Four-wheeled	-	0	5	0
Carriages, Two-wheeled	-	0	2	6
Cork	-	0	0	3
Deals, Double or Single	-	0	2	6
Deal Ends and Battens	-	0	1	3
Dogs	-	0	0	6
Earthenware	-	0	0	6
Earthenware	-	0	1	0
Earthenware (coarse)	-	0	1	0
Earthenware Pans for Chimneys	-	0	1	0
Eggs	-	0	0	6
Faggots	-	0	0	6
Feathers	-	0	2	0
Figs	-	0	0	3
Flax	-	0	0	3
Flour or Meal	-	0	0	4
Fullers' Earth	-	0	1	0
Fish (Salt)	-	0	0	2
Glass	-	0	1	0
Gravel or other Materials for Ballast, except Sand	-	0	0	2
Grindstones	-	0	0	3
Groceries or other dry Goods, in Barrels of 20 Gallons, not otherwise enumerated	-	0	0	6
smaller Casks or Firkins	-	0	0	4
Gunpowder	-	0	0	8
Hampers with Wine	-	0	0	4
Hampers or Cases with Beer, Porter, or Cyder	-	0	0	2
Hemp or Plaster Hair	-	0	0	2
Herrings, Red or White	-	0	0	6
Hides	-	0	1	0
Hogshead Timber	-	0	2	0
Hogsheads (empty)	-	0	0	3
Honey	-	0	0	4
Hoops (Wooden)	-	0	0	1
Hops	-	0	1	3
Horse, Mare, Gelding, or Mule	-	0	2	0
Iron, Bar, Bolt, Bushel, or Last	-	0	0	6
Iron Hoops, Rods, or Plate	-	0	1	8
Iron, Manufactured, Wrought, Cast, and Steel	-	0	0	2
Kelp	-	0	0	6
Kitchen Ranges	-	0	1	0
Laths	-	0	0	3
Lathwood	-	0	0	9
Lead	-	0	1	0
Lemons	-	0	0	6
Leather	-	0	0	6
Limestone	-	0	0	2
Lime	-	0	0	6

		£	s.	d.
Linen or Woollen, Bundle, Bale, Pack, or Parcel	-	0	0	9
Logwood, and all other dyeing Materials	-	0	0	2
Mahogany	-	0	2	6
Malt	-	0	0	4
Marble	-	0	3	0
Molasses	-	0	1	6
Nails	-	0	0	3
Nuts	-	0	0	2
Oakum and Tow	-	0	0	2
Oars	-	0	0	2
Oarweed	-	0	0	4
Oats	-	0	0	3
Oil	-	0	0	3
Ores and Minerals	-	0	1	0
Oil (Salad) in Chests	-	0	0	6
Onions	-	0	0	3
Oranges	-	0	0	1
Ovens	-	0	0	6
Painters Colours	-	0	0	1½
Passengers coming to and from the Harbour	-	0	0	6
Pears	-	0	1	0
Peas	-	0	0	2
Pewter Wares	-	0	0	4
Pigs	-	0	0	4
Pilchards caught by any of the Seans, Nets, or Boats which belong to or frequent Newquay, and which shall be cured at Newquay, or any other Place	-	0	0	3
Other cured Pilchards	-	0	1	0
Pilchards caught by any of the Seans, Nets, or Boats which belong to or frequent Newquay, and not cured	-	0	1	0
Other Pilchards not cured	-	0	0	0½
Pipe Clay	-	0	0	0½
Pitch	-	0	1	0
Plaster of Paris	-	0	0	4
Planks, not Fir	-	0	0	2
Potatoes	-	0	2	0
Powder	-	0	1	6
Prunes	-	0	0	4
Raisins	-	0	0	4
Rice	-	0	0	4
Rum and other Spirituous Liquors	-	0	0	4
Salt	-	0	1	3
Sea Sand for Manure or Ballast	-	0	1	6
Seeds	-	0	0	3
Sheep and Lambs	-	0	0	4
Shot (Bird)	-	0	0	3
Slabs and old Timber	-	0	0	3
Slates (Rags and Hellingstones)	-	0	0	9
Soap	-	0	0	6
Spices	-	0	0	6
Staves (Barrel)	-	0	1	0
Staves (Firkin)	-	0	0	3
Staves (Hogshead)	-	0	0	1½
Staves (Pipe)	-	0	0	6
Stones (Burr)	-	0	0	9
Stones (Paving)	-	0	4	0
Stone (Block and Ashlar)	-	0	1	6
All other Stone not before mentioned	-	0	0	6
Sugar and other dry Goods not before enumerated	-	0	0	3
[Local.]	-	0	2	6

CORNWALL RECORD OFFICE
 TF 3192
 NOT TO BE RECEIVED

		£	s.	d.
Sugar and other dry Goods not before enumerated	-	-	-	-
Stoves	-	-	-	-
Sugar in Loaves or Lumps	-	-	-	-
Tallow	-	-	-	-
Tares	-	-	-	-
Tar	-	-	-	-
Tea in Quarter Chests, and so on in proportion	-	-	-	-
Terras or Cement	-	-	-	-
Timber (Beech)	-	-	-	-
Timber (converted)	-	-	-	-
Timber (Elm, Ash, and Oak)	-	-	-	-
Timber (Fir)	-	-	-	-
Timber (Walnut)	-	-	-	-
Tobacco	-	-	-	-
Treenails	-	-	-	-
Vinegar	-	-	-	-
Wainscoat Boards 12 Feet long and One Inch thick	-	-	-	-
Wax	-	-	-	-
Wheat	-	-	-	-
Whiting	-	-	-	-
Window Glass	-	-	-	-
Wine	-	-	-	-
Wool and Cotton	-	-	-	-
Yarn	-	-	-	-

For all Articles exported or imported in Foreign Vessels, Double the above Duties, and also Double all other Duties levied on Goods exported or imported in British Vessels in virtue of this Act.

SCHEDULE (F.)

FORM OF CONVICTION.

to wit. } BE it remembered, That on the Day of
 before me, C. D., One of Her Majesty's Justices of the Peace for the County of A. B. is convicted
 of [here describe the Offence generally, and the Time, Place, when and where committed], contrary to the Acts relating to the Newquay Harbour and Tram Road. Given under my Hand and Seal, the Day and Year first above written.