ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

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Cap. lvii.

An Act for amending and enlarging the Provisions of the Act relating to the Midland Counties Railway, and for making a Branch therefrom to the Town of *Mountsorrel* in the County of *Leicester*.

[4th *July* 1838.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway, with Branches, commencing at the* London *and* Birmingham *Railway in the Parish of* Rugby *in the County of* Warwick, *to communicate with the Towns of* Leicester, Nottingham, *and* Derby, *to be called "The Midland Counties Railway:"* (6 & 7 W. 4. c. 78.) And whereas the making a Branch Railway, with proper Works and Conveniences connected therewith, commencing by a Junction with the said Midland Counties Railway in a certain Field numbered 7 on the Plan of the said Railway in the Parish of *Barrow-upon-Soar* in the County of *Leicester*, and terminating in or near the Town of *Mountsorrel*, at a Bridge across the *Leicester* Navigation, in the public Road leading from *Mountsorrel* to *Sileby*, will facilitate the Conveyance of Granite and other Minerals from Quarries in the Town of *Mountsorrel* and in the Neighbourhood thereof, and will be beneficial to the Public: And whereas the Company incorpo-

rated by the said Act have made considerable Progress in carrying the same into execution, but it is apprehended that they may be unable to purchase all the Land required, and to complete the said Railway within the respective Periods limited by the said recited Act, and it is therefore desirable that the same should be extended: And whereas some of the Powers and Provisions of the said recited Act have been found defective and insufficient, and it is expedient that the same should be explained, altered, amended, and enlarged; but the Purposes aforesaid cannot be affected without the Aid and 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 the said recited Act, and the Powers and Provisions therein contained (save and except such Parts thereof as are by this Act varied, altered, or repealed), shall extend, and be construed, deemed, and taken to extend, to this Act, in as full and ample a Manner, to all Intents and Purposes, as if the same were repeated and re-enacted in this Act.

Powers of recited Act to extend to this Act.

Company empowered to make Branch Railway to Mountsorrel.

II. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered to make the Branch Railway to *Mountsorrel* aforesaid, with all proper Works and Conveniences connected therewith, in the Line or Course and upon, across, under, or over the Lands delineated on the Plan and described in the Book of Reference deposited as herein-after mentioned with the Clerk of the Peace for the County of *Leicester;* (that is to say,) to commence by a Junction with the Midland Counties Railway in the Parish of *Barrow-upon-Soar* in the County of *Leicester* in or near a certain Field numbered 7 in the Plan of the said Railway, and to terminate in or near the Town of *Mountsorrel* aforesaid at or near a Bridge across the *Leicester* Navigation in the public Road leading from *Mountlsorrel* to *Sileby*.

Plans describing the Branch deposited with the Clerk of the Peace to remain there, and be open to Inspection.

III. And whereas a Plan and Section describing the Lines and Levels of the Branch Railway herein-before mentioned, and the Lands in and through which the same and the Works connected therewith are intended to be carried or made, together with a Book of Reference to such Plan containing the Names of the Owners or reputed Owners and of the Occupiers of such Lands, have been deposited in the Office of the Clerk of the Peace of the County of *Leicester*, being the County within which such Branch is intended to be made; be it therefore enacted, That the Plan, Section, and Book of Reference so deposited shall remain with and be kept by the said Clerk of the Peace, who shall at all seasonable Hours of the Day permit any Person to view and examine the same, and to make Copies of or Extracts therefrom such Person paying for the same the Sum of One Shilling for every such Inspection, and the further Sum of One Shilling for every Hour during which such Inspection shall continue after the first Hour, and after the Rate of Sixpence for every One hundred Words copied therefrom; and the said Plan, Section, and Book of Reference, or true Copies thereof respectively, or of so much thereof respectively as shall relate to any Matter in question, certified by the said Clerk of the

Certified Copies thereof to be Evidence.

Peace,

Peace, shall be and are hereby declared to be good Evidence in all Courts of Law and elsewhere.

Houses and Gardens not to be taken without Consent.

IV. Provided always, and be it further enacted, That nothing herein contained shall authorize the said Company, or any Person acting under their Authority, to take, injure, or damage, for the Purposes of the said Branch Railway, any House or other Building which was erected or built on or before the Thirtieth Day of *November* One thousand eight hundred and thirty-seven, or any Ground which was then set apart and used as a Garden, Orchard, Yard, Park, Paddock, plantation, planted Walk, or Avenue to a House, or any Ground planted as an Ornament or Shelter to a House, or as a Nursery for Trees, without the Consent in Writing of the Owner thereof.

Errors or Omissions in the Book of Reference not to obstruct the making of the Railway, &c.

V. Provided also, and be it further enacted, That it shall be lawful for the said Company to make the Branch Railway and other Works in the Line or Course, and in, through, over, upon, under, or across the Lands delineated in the said Plan, although such Lands, or any of them, or the Situation thereof respectively, or the Names of the Owners, Lessees, or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in the Book of Reference to the said Plan, if it shall appear to any Two or more Justices of the Peace for the said County of *Leicester* in Petty Sessions assembled (in case of Dispute about the same), and be by them certified by Writing, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake or Inadvertence; and the Certificate of such Justices shall be deposited with and be kept by the said Clerk of the Peace, and Copies thereof, certified by such Clerk of the Peace under his Hand, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Limiting Deviations from Datum Line described on the Section, &c.

VI. And be it further enacted, That in making the said Branch Railway it shall not be lawful for the said Company to deviate from the Levels of the same as referred to the common Datum Line described on the Section so approved of by Parliament, and as marked on the same, to any Extent exceeding in any Place Five Feet, or in passing through Towns Two Feet, without the Consent of the Owners, Lessees, and Occupiers of the Land in, through, or over which such Deviation is intended to be made; or in case any Street or public Carriage Road shall be affected by such Deviation, then the same shall not be made without the Consent of the Trustees or Commissioners, or if there be no such Trustees or Commissioners, without the Consent of Two or more Justices of the Peace in Petty Sessions assembled for that Purpose, and acting for the District in which such Street or public Carriage Road may be situate, or without the Consent of the Commissioners for any public Sewers, or of the Proprietors of any Canal or Navigation, affected by such Deviation; and that no Increase in the Inclination or Gradients of the said Branch Railway as denoted by the said Section shall be made in any Place to any Extent exceeding the Rate of Three Feet *per* Mile; and where in any Place it is intended to carry the said Branch Railway on an Arch or Arches as marked on the said Plan or Section the same shall be made accordingly; and where a Tunnel is marked on the said Plan or Section as

intended

intended to be made at any Place the same shall be made accordingly, unless the Owners, Lessees, and Occupiers of the Land in or through which such Tunnel is intended to be made shall consent that the same shall not be so made: Provided nevertheless, that it shall be lawful for the said Company, with such Consent as aforesaid, and not otherwise, to make a Tunnel, or an Arch or Arches as aforesaid, not marked on the said Plan or Section, so that no such Tunnel shall be of a greater Length than Two hundred Yards, and that no Two Tunnels be at a less Distance from each other than One hundred Yards, measured on the Line of the Railway: Provided always, that Notice of every Petty Session to be holden for the Purpose of granting such Certificate or obtaining such Consent as aforesaid shall, Fourteen Days previous to the holding of such Petty Sessions, be given in some Newspaper circulating in the County, and also be affixed upon the Church Door of the Parish in which such Deviation or Alteration is intended to be made, or if there be no Church, on some other Place to which Notices are usually affixed: Provided also, that for the Purpose of consenting to any such Deviation from the said Sections, and to any tunnelling or arching as aforesaid, the Word "Owners" shall be deemed and taken to mean such Persons as are herein or by the said recited Act capacitated to agree for the Sale of and to convey Land for the making of the said Branch Railway; and the Consent of such Persons, with or without the Consent of any other Persons interested as Owners in the said Lands, shall be deemed and taken to be sufficient for such Purposes.

Limiting Alterations in Curves.

VII. And be it further enacted, That in making the said Branch Railway it shall not be lawful to diminish the Radius of any Curve as described on the Plan deposited with the Clerk of the Peace, unless such Radius exceed One Mile, nor to diminish it in any such Case so that it shall become less than One Mile, nor to diminish any greater Radius by more than a Quarter of a Mile, unless where it exceeds Two Miles, or by more than Half a Mile, unless where it exceeds Three Miles, on the said Plan.

Limiting Period for purchasing Lands under this Act.

VIII. And be it further enacted, That unless the said Company shall within the Space of Three Years, to be computed from the passing of this Act, purchase and pay for the Lands which they are by this Act empowered to take or use, the Powers hereby granted to them for taking or using any such Lands shall, after the said Period of Three Years, cease and be utterly void, save and except with the Consent in Writing of the Owners and Occupiers thereof respectively.

If Branch Railway not completed within Seven Years the Powers hereby given to cease.

IX. And be it further enacted, That if the said Branch Railway shall not have been made and completed within the Period by the said recited Act limited for the Completion of the Works authorized by the said recited Act all the Powers, Authorities, and Privileges given by this Act for the making and Completion of the said Branch shall cease and determine, save only and except as to so much of such Branch as shall have been declared and certified to be completed before the Expiration of the said Period by the Justices of the Peace of the said County of *Leicester* in Quarter Sessions assembled, within such

such Time and in such Manner as is required with respect to the Works authorized by the said recited Act.

Enlarging Time for taking Lands.

X. And be it further enacted, That the Period limited by the said recited Act for purchasing the Lands which the said Company are empowered by the said Act to take or use shall be revived, continued, and enlarged for the further Term of Two Years, to be computed from the Expiration of the Period so limited by the said recited Act: Provided always, that it shall not be lawful for the said Company, in making the Railway by the said recited Act authorized, to make any Deviation therefrom after Two Years from the passing of this Act, unless the same shall be set out and marked by Stakes or Poles, or other apparent Indication, within that Period; and where any Line deviating from the Line delineated in the Maps or Plans of the said Railway shall be so set out and marked at the Expiration of the said Two Years the Line so set out shall be the Line to be adopted without further Deviation therefrom.

Sheriff may be authorized to deliver Possession of Lands required for the Work.

XI. And be it further enacted, That in all Cases where by the said recited Act or by this Act the said Company are authorized or empowered to enter upon and take Possession of any Lands required for the Purposes of the said Railway, or any of the Branches by the said recited Act or by this Act authorized to be made, and the Owner or Occupier of any of the said Lands, or any other Person, shall refuse to give up the Possession thereof, or shall hinder or prevent the said Company from entering upon or taking Possession of the same, it shall be lawful for the said Company to issue their Precept, either under their Common Seal or under the Hands and Seals of Three at least of the Directors of the said Company for the Time being, to the Sheriff of the County in which any such Lands shall be situate, to deliver Possession of the same to such Person as shall in such Precept be nominated to receive the same, and the said Sheriff is hereby required to deliver Possession of any such Lands accordingly, and to levy and satisfy such Costs as shall accrue upon or by reason of the issuing and Execution of such Precept on the Person so refusing to deliver Possession by Distress and Sale of his Goods and Chattels.

All Persons enabled to sell.

XII. And be it further enacted, That after any Land intended to be taken or used for the Purposes of the said recited Act or this Act shall have been set out and ascertained it shall be lawful for all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on behalf of their Wives, Wards, Idiots, and Lunatics respectively, and in the same Manner and to the same Extent as such Wives, Wards, Idiots, and Lunatics could have done by Law under the Powers of the said recited Act and this Act, in case they had been Sole, of full Age, and of sound Mind, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, and to and

for all Femes Covert seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest, and for all other Persons whomsoever who are or shall be seised or possessed of or interested in any such Land, to contract for the Sale thereof, or of any Part thereof, and to convey or surrender the same or any Part thereof to the said Company, or as the said Company shall direct, for the Purposes of the said recited Act or of this Act; and all Conveyances and Surrenders which shall be made of any Lands under or by virtue of the said recited Act or of this Act as aforesaid shall be valid and effectual in the Law to all Intents and Purposes, 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 or aliened, and (without any Enrolment thereof or Entry thereof in any Court Rolls) to bar and destroy all Estates Tail, and other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the same; but although Terms shall be merged yet they shall in Equity afford the same or the like Protection and Priority as if they had been assigned and kept on foot in Trust for the said Company, and to attend the Reversion and Inheritance; and every such Corporation, Tenant for Life or in Tail, or Person having a qualified or partial Estate or Interest, and all such Husbands, Guardians, Feoffees, Trustees, Committees, and all other Persons, is and are and shall be hereby indemnified for what he, she, or they shall do by virtue and in pursuance of this Act.

Trustees, &c. indemnified.

Persons under Disability empowered to enfranchise Copyholds and release Rents.

XIII. And be it further enacted, That it shall be lawful for all Corporations and Persons by this Act or the said recited Act capacitated to contract for the Sale of and to convey to the said Company any Lands taken or used for the Purposes of this Act or the said recited Act, in like Manner, and for or on behalf of themselves, their Heirs and Successors, and all Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on behalf of their respective Wives, Wards, Idiots, Lunatics, and Cestuique Trusts as aforesaid, to contract for the Enfranchisement of and to enfranchise any Copyhold Lands taken or used for the Purposes of the said recited Act or of this Act, and to sell and convey any Common or Waste Land, or any Lands charged with or subject or liable to any Right or Privilege of Common thereupon, which shall be so taken or used, and to agree for the Release of and to release any Lands so taken or used from any Rent, Payment, or Incumbrance, and to agree for the Apportionment of any such Rent, Payment, or Incumbrance, and to apportion the same; and also to sell and convey to the said Company all such other Lands as the said Company are by the said recited Act or by this Act authorized or empowered to purchase, and to release Rents or other Charges thereon, and enfranchise the same, being Copyhold or Customary Lands, in the same Manner as the Corporations and Persons capacitated by the said recited Act are thereby authorized to do; and that all the Powers and Provisions contained in the said recited Act with respect to the Sale and Conveyance of Lands, the Enfranchisement of Copyhold and Customary Lands, the Conveyance of Common or Waste Lands, and the Extinguishment of Rights of Common, and the Release and Apportionment of Rents, Charges, and Incumbrances by the Corporations and Persons thereby capacitated in that Behalf, shall extend

extend, and be construed, deemed, and taken to extend to this Act; and to the several Corporations and Persons by this Act capacitated in that Behalf.

A Jury from the County of Nottingham to be summoned to assess the Value of certain Lands in Nottingham.

XIV. And whereas the Line of the said Railway and other Works is intended to pass through and be situated on certain uninclosed Lands in the Borough and Town and County of the Town of *Nottingham*, the Freehold and Fee Simple of a considerable Portion whereof is vested in the Mayor, Aldermen, and Burgesses of the said Borough and Town and County, and the Burgesses or Freemen of the said Borough and Town and County claim to have a Right of Pasture at certain Seasons of the Year over the whole of such uninclosed Lands: And whereas the Sheriff and Coroner of the said Borough and Town and County are nominated and appointed by the said Mayor, Aldermen, and Burgesses, and the Persons qualified to serve on Juries for the said Borough and Town and County, being Burgesses or Contributors to the Borough Rate for the same Town and County, have an Interest either in the Pasturage or in the Freehold and Fee Simple of the said uninclosed Lands; and it is therefore expedient that any Jury summoned to assess and give a Verdict for the Sum of Money to be paid for the Purchase of any Part of such Lands should be a Jury of the said County of *Nottingham*, instead of a Jury of the said Town and County of the Town of *Nottingham*; be it therefore further enacted, That every Jury to be summoned under or by virtue of the said recited Act to assess and give a Verdict for any Sum of Money to be paid for the Purchase of any Part of the said uninclosed Lands, or for any Satisfaction, Recompence, or Compensation for the same, as in the said Act is mentioned, shall be a Jury summoned from the said County of *Nottingham*, instead of a Jury from the said Town and County of the Town of *Nottingham*; and for the Purpose of assessing the Money to be paid for any such Land, or for any Satisfaction, Recompence, or Compensation for the same, the said Company are hereby authorized and required to issue their Warrant to the Sheriff of the said County, or the other Persons in the said Act authorized to summon Juries for the said County, in the same Manner as if such Lands were situated within the said County of *Nottingham* instead of within the Town and County of the Town as aforesaid; and the Surveyor to be appointed under the Provision herein-after contained for the Purpose of valuing the said Lands shall be appointed by Two Justices of the Peace for the said County of *Nottingham*.

Form of Conveyance not to be compulsory.

XV. And be it further enacted, That nothing in the said recited Act or this Act contained shall extend or be deemed or construed to extend to have compelled or to compel the said Company to use the Form of Conveyance in the said recited Act prescribed for the Conveyance of Lands purchased and taken for the Use of the said Railway and Branches where they may have been or may be advised that the same are not applicable to the Circumstances of the Case, or where it may be necessary to insert particular Covenants, Conditions, or Agreements not provided for by the said recited Act or this Act.

Power to hire Offices on Lease.

XVI. And be it further enacted, That the said Company may and are hereby authorized (if they shall think fit) to hire or take any Buildings or

or Lands for the Purpose of making Offices, at a Distance from the said Railway, on Building Leases, or as Tenants for a Term of Years, or from Year to Year, and for that Purpose to enter into and execute all such Agreements, Deeds, Covenants, and Instruments as may be necessary, which shall be binding upon the said Company and their Successors.

Repeal of certain Provisions in recited Act.

XVII. And be it further enacted, That so much of the said recited Act as enacts, that upon Payment or legal Tender of such Sum of Money as should have been contracted or agreed for between the Parties, or assessed by any Jury in manner therein-before mentioned, for the Purchase of any Lands, Rent, or other Charge, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages absolute or continuous as therein-before mentioned, to the respective Proprietors of such Lands, or other Persons respectively interested therein and entitled to receive such Money or Compensation respectively; or if the Persons so respectively entitled or interested as aforesaid, or any of them, could not be found, or should be absent from *England*, or should refuse to receive such Money as aforesaid, or should refuse, neglect, or be unable to make a good Title to such Lands to the Satisfaction of the said Company; or if any Party entitled unto or to convey such Lands should not be known, or should be absent from *England*, or should refuse, neglect, or be unable to convey the same; then, upon Payment of the said Money into the Bank of *England*, as therein-after directed and required, for the Use of the Persons respectively entitled thereto, or in case such Money should have been agreed or awarded to be paid for the Purchase of any such Lands, or such Recompence as aforesaid, which any Corporation, Trustee, or Person under Disability is thereby capacitated to convey, upon Payment of such Money into the Bank as therein-after directed, it should be lawful for the said Company, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, and thereupon such Lands, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of all Parties therein, should thenceforth be vested in and become the sole Property of the said Company to and for the Purposes of that Act; and such Payment, or Tender, Investment, and Conveyance, or Deposit in the Bank of *England*, should not only bar all the Right, Title, Interest, Claim, and Demand of such Parties as aforesaid, and operate as a Merger of all outstanding Terms of Years, but also should extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder or otherwise, and all Rights, Titles, Limitations, and Trusts of every other Person whomsoever therein; and as provides that before such Payment, Tender, or Deposit in the Bank of *England* as aforesaid it should not be lawful for the said Company, or any Person acting under their Authority, to bore under, dig, or cut into such Lands for the Purpose of making the said Railway or other Works thereby authorized to be made (save for the Purpose of ascertaining and setting out the same for the Purposes of that Act) without the previous Consent of the Owners and Occupiers thereof respectively in Writing under their respective Hands; and as provides that it should not be lawful for the said Company to make such Entry after Demand made of such

Purchase Money or Compensation by the Party entitled thereto, and Default made by the said Company in Payment thereof by the Space of Thirty Days after such Demand, unless such Payment should be delayed by any Neglect or Default of the Party entitled thereto; and as enacts, that if any Person should obstruct or prevent any Person employed by the said Company in setting out the Line of the said Railway, or engaged in the Construction thereof or of any Part thereof, or should pull up or remove any Stakes that might have been driven into the Ground for the Purpose of setting out the Line of the said Railway, he should forfeit and pay any Sum not exceeding Five Pounds nor less than Twenty Shillings for every such Offence; shall be and the same are hereby declared to be repealed.

Power to enter Lands, &c. on Payment or Tender of Purchase Money.

XVIII. And be it further enacted, That upon Payment or legal Tender of such Sums of Money as shall have been agreed upon between the Parties, or awarded by a Jury in manner in the said recited Act mentioned, for the Purchase of any Lands, Rent, or other Charge for the Purposes of the said Undertaking, to the respective Proprietors of such Lands, or other Persons respectively interested therein and entitled to receive such Money, within One Calendar Month after the same shall have been so agreed upon or awarded, or if the Parties so respectively interested and entitled as aforesaid cannot be found, or shall be absent from *England*, or shall refuse to receive such Money as aforesaid, or shall refuse, neglect, or be unable to convey the same, then upon Payment of such Money into the Bank of *England*, as in the said recited Act directed, to the Credit of the Parties interested in such Lands; or in case such Money shall have been agreed or awarded to be paid for the Purchase of any such Lands which any Corporation, Trustee, or Person under Disability is by the said recited Act or by this Act capacitated to convey, upon Payment of such Money into the Bank of *England*, as in the said recited Act is directed, to an Account *ex parte* "The Midland Counties Railway Company," then and in every such Case it shall be lawful for the said Company immediately to enter upon such Lands, and thereupon all the Estate, Use, Trust, and Interest of all Parties in respect of whose Rights or Interests such Purchase Money shall have been paid shall thenceforth be vested in and become the sole Property of the said Company to and for the Purposes of the said recited Act or this Act; and such Payment or Tender and Conveyance, or such Deposit in the Bank of *England* as aforesaid, shall operate to merge all outstanding or other Terms of Years, and to bar and destroy all Dower and Courtesy, and all Estates Tail, and other Estates in Reversion and Remainder, and all Rights, Titles, Limitations, and Trusts whatsoever, of and in the said Lands belonging to such Parties as aforesaid purchased or paid for by means of such Payment, Tender, or Deposit: Provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *England* as aforesaid it shall not be lawful for the said Company, or for any Person acting under their Authority, to bore under, dig, or cut into or enter upon such Lands for any of the Purposes of this Act without the previous Consent of the Owners and Occupiers thereof respectively, save for the Purpose of setting out the Line of the said Railway, by staking out the same for the Purposes of this and the said recited Act, at such

Times and under such Restrictions as One Justice of the Peace shall order and direct.

Lands bought of any Corporation or Person under Disablility to be valued by a Surveyor.

XIX. Provided always, and be it further enacted, That the Consideration Money to be paid for any Land to be purchased from or conveyed by any Person or Corporation under any Disability or Incapacity, and not having Power to sell except under the Provisions in the said recited Act or this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to such Lands, shall not be less than shall be determined either by the Verdict of a Jury or by such able practical Surveyor as any Two Justices of the Peace for the County in which such Lands shall be situate shall for that Purpose nominate; and such Surveyor shall annex to his Survey, Estimate, or Valuation, when completed, a Declaration of the Correctness thereof, in the Form (or as near thereto as the Circumstances of the Case will admit) prescribed in the Schedule of an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, for the Suppression of voluntary and extra-judicial Oaths and Affidavits.

Special Jury to be summoned if required.

XX. And be it further enacted, That in all Cases of Controversy between the said Company and any Corporation or Person where by the said recited Act or this Act a Jury is authorized or directed to be summoned, and the Party with whom such Controversy shall arise shall have given to the said Company, or the said Company shall have given to such Party, the Twenty-one Days Notice in Writing required by the said recited Act to be given previously to the issuing of a Warrant for the summoning of such Jury, it shall be lawful for the Person or Persons with whom such Controversy shall arise to give to the said Company, or for the said Company to give to such Person or Persons, at any Time before the Expiration of the said Twenty-one Days, a Notice in Writing of his or their Desire that the Matter in question shall be tried by a Special Jury; and that upon such Notice being given or received, as the Case may be, the said Company shall and they are hereby required to issue their Warrant, in Manner and Form by the said recited Act directed, to the Sheriff of the County in which the Lands in question shall be situate or the Matter in dispute shall arise, or to such other Person as is by the said recited Act enabled and directed to act in the Premises, commanding such Sheriff or other Person to nominate a Special Jury between the Parties for Trial of the Matter in question, and that the said Sheriff or his Under Sheriff, or such other Person as aforesaid, shall, within Two Days from the Receipt by him of the said Warrant, summon both the Parties to appear by themselves or by their Attornies before the said Sheriff, Under Sheriff, or other Person at such convenient Place and Time, not being less than Five Days from the Service of such Summons, as such Sheriff, Under Sheriff, or other Person shall appoint, for the Purpose of nominating a Special Jury between the said Parties; and such Sheriff, Under Sheriff, or other Person shall and he is hereby required to produce or cause to be produced at the Place and Time so appointed the Jurors Book and the Special Jurors List, and the Numbers written on Parchment or Card, as specified and directed in and by the Statute made and passed in the Sixth Year of the Reign of

His Majesty King *George* the Fourth, intituled, *An Act for consolidating and amending the Laws relative to Jurors and Juries;* and at the Place and Time so appointed the said Sheriff, Under Sheriff, or other Person shall proceed to nominate or strike a Special Jury in the Manner specified and authorized by the last-mentioned Act to be performed by the proper Officers of Her Majesty's Courts at *Westminster;* and the said Sheriff, Under Sheriff, or other Person shall, at some then future reasonable Time and Place to be appointed by him in that Behalf, proceed to reduce the said Special Jury in the Manner used and accustomed to be performed by the proper Officers of the Superior Courts aforesaid, of which last-mentioned Time and Place not less than Five Days Notice in Writing shall be given by the Party requiring such Special Jury to be summoned to the said other Party; and the Special Jurymen to be summoned, impannelled, and returned by the said Sheriff, Under Sheriff, or other Person shall be subject to all such and the same Fines and Penalties for Nonattendance, and to all such and the same Provisions, as Jurymen are by the said recited Railway Act rendered subject to: Provided always, that nothing herein contained shall be construed to prevent the same Special Jury from trying any Number of Inquiries, so as the Parties to such Inquiries respectively, or their Attornies, shall have signified their Assent in Writing to the Nomination of such Special Jury for the Trial of their respective Inquiries; nor shall any Special Jurymen be summoned more than once in the same Year for the Trial of any Inquiries under the said recited Act or this Act: Provided also, that if a sufficient Number of Special Jurymen shall not attend at the Time and Place of holding the Inquiry the Sheriff, Under Sheriff, Coroner, or other Person presiding thereat shall, on the Request of either of the Parties to such Inquiry, add to the List of such Special Jury the Names of any By-standers qualified to act as Jurymen for the County in which the Inquiry is held; and all Persons shall have their lawful Challenges against the Jurymen so added; and the said Sheriff, Under Sheriff, Coroner, or other Person shall and may proceed in the said Inquiry with the Jurors so added in like Manner as he might have done if all the Persons summoned to attend as Jurymen on such Inquiry had attended thereat. 6 G. 4. c. 50.

Limiting Time for the Inquiry.

XXI. Provided always, and be it further enacted, That no such Inquiry before a Special Jury as herein-before mentioned shall take place on any earlier Day than Fourteen Days from the Delivery of the said Warrant requiring a Jury to be summoned, and that if such Warrant shall have been directed to any other Person than the Sheriff of the County in which the Inquiry is to be held such Sheriff or his Under Sheriff shall immediately on receiving Notice of the Delivery of the said Warrant deliver over 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 and the Special Jurors List of and belonging to the same County.

Compensation to be made for temporary Damage.

XXII. Provided always, and be it further enacted, That whenever the said Company shall have occupied or shall hereafter occupy, under the Provisions of the said recited Act or of this Act, any Land for temporary Purposes, the said Company shall pay to the Owner and

and Occupier of the said Land for the Time being full Compensation for the Occupation of the same, and for any temporary Injury such Owner and Occupier may sustain in consequence of the Occupation of the same, the Amount of which Compensation, whether the same shall exceed or be less than Twenty Pounds, shall be settled, judged of, and determined, from Time to Time as such Compensation shall be claimed, by any Two Justices acting for the District in which such Land may lie, and shall be recovered in the same Manner as Damages to a small Amount are directed to be recovered by the said recited Act or this Act: Provided always, that the permanent Injury or Damage, if any, which may be done to the said Lands shall be settled as directed by the said recited Act: Provided also, that nothing herein contained shall extend to any Case of Compensation for the Occupation of any Land for temporary Purposes, or for any temporary Injury the Owner or Occupier may sustain in consequence of such Occupation, where any Contract shall exist at the passing of this Act between the said Company and any other Party whatsoever whereby such other Party has become bound or entered into an Engagement with the said Company to pay the Amount of Compensation for such Occupation or Injury as aforesaid.

Where the Road cut through or taken is a Turnpike Road, a substituted Road to be made and the principal Road restored within Six Months.

XXIII. And whereas by the recited Act it is enacted, that in all Cases where, in exercise of the Powers thereby granted, any Part of any Carriage or Horse Road, Railway or Tramroad, either public or private, shall be found necessary to be gone across, cut through, raised, sunk, taken, or injured in manner therein mentioned, the said Company shall, at their own Expence, before any such Road shall be so gone across, cut through, raised, sunk, taken, or injured as aforesaid, cause a good and sufficient Road (as the Case may require) to be set out and made instead of such Road so gone across, cut through, raised, sunk, taken, or injured; and such new Road is thereby directed to be made as convenient for Passengers and Carriages as the said Road so to be gone across, cut through, raised, sunk, taken, or injured as aforesaid, or as nearly so as may be; and the said Company are thereby required to cause such new Road to be put in good and substantial Order and Condition where the former Road cannot be more easily restored; be it enacted, That where the Road so gone across, cut through, raised, sunk, or passed over shall be a Turnpike Road or public Carriage Road, the substituted Road, if temporary, shall be so made and the principal Road restored within Six Calendar Months after the Commencement of such Operation; and the Railway where it shall cross such Turnpike Road or public Carriage Road shall be made and kept in repair so as to prevent Inconvenience or Obstruction to the Passage along such Turnpike Road or public Carriage Road; and in case the said Company shall not in manner aforesaid cause a good and sufficient Road to be set out and made before any such Road shall be so injured or prejudiced as aforesaid, or in case any Turnpike Road or public Carriage Road shall not be restored within Six Calendar Months after the Commencement of the Operation herein-before mentioned, then and in either of such Cases the said Company shall forfeit and pay for each and every Day during which such good and sufficient Road shall be neglected to be made as herein-before directed, or during which such Turnpike

Turnpike Road or public Carriage Road shall not be restored after the Expiration of the said Six Calendar Months, the Sum of Twenty Pounds, which Penalty shall be recoverable from the said Company in such and the same Manner as any other Penalties incurred by the said Company for which no special Provision is made by the recited Act or this Act, on the Complaint of the Trustees of the Turnpike Road, or any Three of them, in case such Road shall be a Turnpike Road, or on the Complaint of the Surveyors of the said public Carriage Road, or other Persons in whom the Management of such Road shall be vested, in case such Carriage Road sha'l be Highway only, and shall be applied in the Restoration or Maintenance of such Turnpike or public Carriage Road, as the Case may be.

As to crossing Roads.

XXIV. And whereas many of the Roads to be crossed by the said Railway are already at the Points where the same respectively are intended to be crossed steeper than the Inclinations or less than the Width than by the said recited Act is limited for the Inclinations or Width of Arches or Bridges over or under public Roads, and it may be impracticable or detrimental to the Construction of the said Railway to preserve such Inclinations and Width in carrying the said Railway under or over the said Roads; be it therefore enacted, That whenever the said Railway shall be carried over or under any Turnpike Road, public Highway, or Occupation Road, being already at the Point of crossing, on an Inclination steeper than the Inclinations or of less Width than are respectively prescribed in the said recited Act, it shall be lawful for the said Company to carry such Turnpike Road, public Highway, or Occupation Road over or under the said Railway, upon an Inclination not being steeper than the present Inclination, of or by an Arch of the same Width as such Turnpike Road, public Highway, or Occupation Road, as the Case may be, any thing in the said recited Act contained to the contrary notwithstanding: Provided always, that with respect to the Bridge to be erected for carrying over the said Railway the Turnpike Road leading from *Leicester* to *Welford* the Width and Ascent thereof shall be as is limited by the said recited Act: Provided also, that the said Company shall not be at liberty to contract the Width of the Turnpike Road leading from *Leicester* to *Uppingham*, except under the Arch of the Bridge to be erected for carrying the said Railway over such Turnpike Road; but the said Company may construct the said Bridge so that the Arch or Opening thereof shall be of such a Height from the Surface of the said Road to the Centre of such Arch as the said Company may think proper, provided that the same be not of a less Height than Seventeen Feet, any thing in the said recited Act or in this Act contained to the contrary notwithstanding.

Extending the Power of purchasing Lands severed.

XXV. And whereas in the Execution of the Powers by the said recited Act and this Act granted several Pieces of Land have been and may be cut through and divided so that what remains thereof on one Side of the Railway will exceed One Half of a Statute Acre in Quantity: And whereas by the said recited Act the said Company are required to make and erect such and so many Bridges, Arches, Hollows, Culverts, and Passages, over, under, or by the Side of or leading to or from the said Railway, for the commodious Use

of the Land cut through or divided by such Railway, as Two or more Justices of the Peace shall judge necessary or appoint, in case of Dispute about the same: And whereas it often happens that in a short Time after the Formation of a Railway the Proprietors of the Land which has been cut through and divided sell or exchange the smaller Part of such Land left on one Side of the Railway, and not conveniently situated with respect to the Remainder or larger Portion thereof, and the Bridges, Arches, Hollows, Culverts, and Passages which have been erected for the Use and Occupation of the said Lands become not only useless to the Proprietors of Land on either Side of the said Railway, but cause a considerable Expence annually to the said Company in their Maintenance and Repair: And whereas it is expedient that further Powers of purchasing Lands should be given to the said Company for the Purpose of avoiding unnecessary Expence in the Erection of such Bridges, Arches, Hollows, Culverts, and Passages for the Use and Occupation of the Lands cut through or divided by the said Railway; be it therefore further enacted, That where any Land has been or shall be cut through or divided, and the Proprietor thereof shall be willing to sell to the said Company the Part which has been left on one Side of the said Railway, it shall be lawful for any Corporation or Person by the said recited Act or this Act capacitated to sell or convey Lands to enter into any Agreement with the said Company for the Sale and Conveyance of the Land so left on one Side of the said Railway; and the said Company are hereby authorized and empowered to treat and agree with any Corporation or Person for the Purchase of such Lands, and of any subsisting Leases, Terms, Estates, and Interests therein; and the said Company shall then be discharged from their Liability, under the Provisions of the said recited Act, to make any Bridge, Arch, Hollow, Culvert, or Passage for the Purpose of connecting such Land as aforesaid: Provided always, that the said Company shall and they are hereby required to sell and convey all such Land which they shall so purchase, or such Part thereof as may not be necessary for the Purposes of the said Undertaking, within such Time and in such Way and Manner as is directed by the said recited Act for the Sale of any superfluous Lands not required for the Purposes of that Act.

Compensation may be awarded to Land Owners instead of Communications.

XXVI. And whereas it sometimes happens that the Expence of erecting Bridges, Arches, Hollows, Culverts, and Passages by the said recited Act authorized and required to be erected for the Use and Occupation of Land cut through or divided by such Railway exceeds the Value of the Land left on one Side of the said Railway belonging to any Person, but such Proprietor may not be willing to sell the same to the said Company: And whereas it is expedient in such Cases to limit the Liability of the said Company to make and erect Bridges, Arches, Hollows, Culverts, and Passages to connect such Land, but to secure full and adequate Compensation to the Land Owners instead thereof; be it therefore further enacted, That when any Jury shall be summoned by virtue of the said recited Act or of this Act to determine the Price of any Lands, or any Damage to any Lands belonging to any Person entitled to the same in Fee Simple, it shall be lawful for such Jury and they are hereby required, in case such Notice as is next herein-after mentioned shall have been given by the said

said Company, and in case it shall be made to appear to such Jury that the Expence of making and erecting any Bridge, Arch, Hollow, Culvert, or Passage to connect any Land as aforesaid will exceed the Value of the Land left on one Side of the said Railway, to assess and award such Compensation as they shall think proper for the Damage which may arise to the smaller Portion of the Land, or the Portion of least Value so left as aforesaid, by reason of no Bridge, Arch, Hollow, Culvert, or Passage being formed or erected under or over the said Railway; and such Compensation shall be paid and applied in such Manner as is directed by the said recited Act for Satisfaction, Recompence, or Compensation for Purchase of any Land; and the said Company shall thenceforth be discharged from all Liability to make and maintain such Bridges, Arches, Hollows, Culverts, and Passages from one Part to the other Part of the Lands so severed and divided: Provided always, that the said Company shall give Notice in Writing of the Intention to apply to the said Jury to assess such Compensation as aforesaid to the Party with whom any such Question shall arise not less than Seven Days previous to the Time when such Jury may be required to be returned, either by delivering such Notice to such Party, or by leaving the same at his Place of Abode, or with the Clerk or Agent or principal Officer of the Corporation, in the Case of a Corporation, or with some Tenant or Occupier of the Premises respecting which any such Question shall arise.

Special Constables to be appointed.

XXVII. And be it further enacted, That it shall be lawful for a Majority of Justices of the Peace assembled at some Petty Sessions of any District where the said Works of the said Railway shall be in progress, and they are hereby required, to appoint from Time to Time such fit and proper Persons as may be named to them by the said Company, and as they shall think proper, to be Special Constables within the said Railway and other Works, and every or any Part thereof, during the Progress thereof; and every Person so appointed shall make a solemn Declaration, to be administered by any One Justice of the Peace, duly to execute the Office of a Constable within the Limits hereafter mentioned; and every Person so appointed, and having made such Declaration as aforesaid, shall have Power to act as a Constable for the Preservation of the Peace, and for the Security of Persons and Property against Felonies and other unlawful Acts, within the Limits of the said Railway and other Works, and within Half a Mile therefrom, and shall have, use, exercise, and enjoy all such Power, Authorities, Protections, and Privileges for the apprehending Offenders, as well by Night as by Day, and for doing all Acts, Matters, and Things for the Prevention, Discovery, and Prosecution of Felonies and other Offences, and for the Preservation of the Peace, as Constables duly appointed now have by the Laws and Statutes of this Kingdom; and all such Constables duly appointed by the Justices of any District as aforesaid may and shall exercise their Office in all the Counties through or in which the said Railway or Works shall be n progress; and in case the said Company shall fail to nominate to the said Justices a sufficient Number of fit and proper Persons to be appointed by them as Constables upon being required so to do, the said Justices may, within Seven Days after such Default, nominate any Person or Persons whom they may think proper to act as Constables

stables as aforesaid; and it shall be lawful for any Two Justices to dismiss or remove any such Constable from his Office of Constable, and to re-appoint another fit and proper Person in his Stead, to be nominated by the said Company as aforesaid, or in case of their Default as aforesaid, then to be nominated by the said Justices; and upon every such Dismissal or Removal all Powers, Authorities, Protections, and Privileges by virtue of such Appointment as aforesaid vested in any Person so dismissed or removed shall wholly cease; and every Person so appointed by such Justices as aforesaid shall, during such Time as he shall act as Constable for the Purposes aforesaid, receive from the said Company such reasonable Salary as the said Company shall fix and as the said Justices shall approve of, or, in case of Default of the said Company, as such Justices shall appoint; and such Salary shall be payable at such Times and in such Manner as the said Justices shall appoint, and shall be recoverable in the same Manner as Damages to a small Amount are by the said recited Act directed to be recovered.

Altering Time of General Meeting.

XXVIII. And whereas the Annual General Meeting of the said Company is by the said recited Act directed to be held in the Months of *May* or *June*, and it is expedient that such Period should be altered; be it therefore enacted, That the Annual General Meeting of the said Company shall be held in the Months of *June* or *July* or *August* in each and every Year, at such Time and Place as the Directors for the Time being shall fix.

Committees may be appointed to enter into Contracts.

XXIX. And be it further enacted, That it shall be lawful for the Directors of the said Company to nominate and appoint any Committee, or for any Committee already nominated and appointed, or to be nominated and appointed, to nominate and appoint any Sub-Committee out of their own Body, consisting of not less than Three in Number, and to grant to them full Power and Authority on behalf of the said Company to purchase Lands, Engines, Materials, and all other Matters and Things which they shall deem necessary or expedient for the Use of the said Undertaking, and to sell Lands by the said recited Act and this Act authorized to be sold, and generally to enter into and execute, and also to release, modify, alter, vary, and discharge, any Contract, Agreement, or Engagement, whether under Seal or otherwise, on behalf of the said Company, respecting any Matters in which the said Company may be interested; and in all Cases where any Contract or Agreement, if made and entered into between any private Persons, would be by Law required to be made and entered into in Writing and under Seal, then and in all such Cases it shall be lawful for any such Committee or Sub-Committee, or any Three of them, to make and enter into such Contracts and Agreements, for and on behalf of the said Company, in Writing, and under the Common Seal of the said Company, and in the same Manner to vary, alter, modify, or discharge the same; and in all Cases where any Contract or Agreement, if made and entered into between any private Persons, would be by Law required to be made and entered into in Writing, and to be signed by the Parties to be charged therewith, then and in all such Cases it shall be lawful for any such Committee or Sub-Committee, or any Three of them, to make and enter into

into such Contracts and Agreements, for and on behalf of the said Company, in Writing, and signed by such Committee or Sub-Committee, or any Three of them, and in the same Manner to alter, vary, modify, or discharge the same; and in all Cases where any Contract or Agreement, if made and entered into between any private Persons, would by Law be valid and binding if made by Parol only and not reduced into Writing, then and in all such Cases it shall be lawful for any such Committee or Sub-Committee to make such Contracts for and on behalf of the said Company by Parol only, without Writing, and in the same Manner to alter, vary, modify, or discharge the same; and all Contracts and Agreements made and entered into by any such Committee or Sub-Committee according to the Provisions herein contained shall be valid and effectual in Law to all Intents and Purposes, and shall be binding upon the said Company and their Successors, and all other Parties thereto, their Heirs, Executors, or Administrators, as the Case may be; and on any Default in the Execution of any such Contracts, either by the said Company or any other Parties thereto, such Actions or Suits may be brought either by or against the said Company as would be applicable and available had the same Contracts been made and entered into between private Persons only.

Explaining and extending Powers to raise Money.

XXX. And whereas by the said recited Act the said Company are empowered, in case the Money thereby authorized to be raised by Subscription as therein mentioned should be found insufficient for the Purposes of the said Act, to borrow and take up at Interest, or to raise by additional Subscription, any further or additional Sum, not exceeding in the whole the Sum of Three hundred and thirty-three thousand Pounds, as in the said Act mentioned: And whereas it is expedient that the said Company should be empowered to borrow and take up at Interest, or to raise by the Issue of new Shares, such further or additional Sum when and so soon as One Half of the Capital by the said recited Act authorized to be raised by Subscription shall have been paid up; be it therefore enacted, That when and so soon as the Sum of Five hundred thousand Pounds in respect of the Money by the said recited Act authorized to be raised by Subscription shall have been actually paid up, or at any Time thereafter, if it shall be found advisable, it shall be lawful for the said Company from Time to Time, by virtue of an Order of any General or Special General Meeting of the said Company, to borrow and take up at Interest on the Credit of the said Undertaking, or to raise by the Issue of new Shares, or partly by the one and partly by the other of such Means, such further or additional Sum, not exceeding in the whole the said Sum of Three hundred and thirty-three thousand Pounds; but until the said Sum of Five hundred thousand Pounds shall have been so paid up as aforesaid it shall not be lawful for the said Company to raise any Sum of Money in anticipation of such Capital; and the Costs and Charges attending the making of such Mortgages shall be paid out of the Funds of the said Company; and a Copy of the Order of any such General or Special General Meeting of the said Company authorizing the borrowing of any such Sum or Sums of Money, or the Issue of such new Shares, certified by the Clerk or Secretary of the said Company to be a true Copy, shall be sufficient Evidence of the due making the Order for raising such additional Sum as herein-before mentioned.

 XXXI. And

Expences of Act.

XXXI. And be it further enacted, That all the Costs, Charges, and Expences of applying for and of obtaining and passing this Act shall be paid and defrayed by the said Company out of the Money already raised and received, or out of the first Money to be raised or received by virtue of the said recited Act or this Act, in preference to all other Payments whatsoever.

Public Act.

XXXII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1838.