ANNO PRIMO

VICTORIÆ REGINÆ.

****

Cap. xxvii.

An Act for making a Railway from *Penhill* in the Parish of *Fremington* in the County of *Devon* to the Town of *Barnstaple*, and for constructing a Dock in the said Parish of *Fremington*, to be called "The *Taw Vale* Railway and Dock."

[11th *June* 1838.]

WHEREAS the making a Railway, with proper Works and Conveniences connected therewith, from *Penhill* in the Parish of *Fremington* in the County of *Devon*, extending from thence along the Valley of the River *Taw* to the End of *Barnstaple Bridge* in the Parish of *Tawstock* in the same County, for the Conveyance of Passengers, Goods, and Merchandize, and also the Construction of a Dock at or near *Penhill* and *Fremington Pill* in the said Parish of *Fremington*, for the Reception and Discharge of Ships and other Vessels, with Wharfs and Warehouses for landing, housing, and shipping Goods and Merchandize, will tend materially to increase the Commerce and Trade of the Town of *Barnstaple*, by providing a convenient Shipping Place having ready Access into the *Bristol* Channel, by avoiding the Difficulty and Danger of the present River Navigation, and will otherwise be of great public Utility: And whereas the several Persons herein-after named are willing, at their

own Expence, to carry the said Undertaking into execution; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *William Long Wrey*, *George Harris*, *William Thorne*, *John Jones*, *John Harris*, *George Henry Harris*, and all other Persons and Corporations who have subscribed or who shall hereafter subscribe towards the said Undertaking, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for making and maintaining the said Railway and Dock, and for executing the other Works by this Act authorized, according to the Provisions and Restrictions herein-after mentioned, and for that Purpose shall be one Body Corporate by the Name and Style of "The *Taw Vale* Railway and Dock Company," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and also shall have Power and Authority to purchase, hold, and sell Lands, for the Use of the said Undertaking, without incurring any Penalties or Forfeitures, and shall have and exercise all other Powers and Authorities which are herein-after given or as may be necessary for carrying the several Purposes herein-after mentioned into full and complete Effect.

Proprietors incorporated.

II. And be it further enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as One Person or Thing; and every Word importing the Plural Number shall extend and be applied to One Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Land" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure; and the Word "Corporation" shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and where the Word "Railway" or "Dock" are used the same shall be understood to apply to the Railway and other Works, or Dock or Docks and other Works, by this Act authorized to be made; unless in any of the Cases aforesaid it be otherwise specifically provided, or there be something in the Subject or Context repugnant to such Construction.

Rules for the Interpretation of this Act.

III. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to make and maintain the Railway and Dock or Docks herein-after mentioned in the Line or Course, and upon, across, under, and over the Lands delineated on the Plans and described in the Books of Reference deposited with the Clerk of the Peace for the County of *Devon*; that is to say, such Railway to commence at *Penhill* in the Parish of *Fremington* in the County of *Devon*, and to terminate at or near the End of *Barnstaple Bridge* in the Parish of *Tawstock* in the said County, and such Dock or Docks to commence at the North Point of the Land numbered

Company empowered to make the Railway and Dock.

numbered One on the Map or Plan herein-after mentioned, and to be situate at *Penhill* and *Fremington Pill* in the said Parish of *Fremington;* and the said Company are hereby authorized to make and maintain Stations, Quays, Wharfs, Warehouses, Inclined Planes, or Slips, Cranes, Sheds, Engines, Bridges, Buildings, Works, and Communications, and other Matters and Things necessary or proper for carrying into effect the Purposes of this Act.

Plans and Books of Reference to remain in Custody of Clerks of the Peace.

IV. And whereas Maps or Plans and Sections, describing the Line and Levels of the said Railway, and the Lands upon or through which the said Railway is intended to be carried or made, and also describing the Limits within which the said Dock and Works in this Act authorized are proposed to be made, together with Books of Reference thereto, containing Lists of the Names of the Owners or reputed Owners, Lessees, and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the County of *Devon;* be it therefore enacted, That the said Maps or Plans, Sections and Books of Reference, so deposited, shall remain with and be kept by the said Clerk of the Peace; and all Persons interested in any Manner in such Lands shall have Liberty at all reasonable Times to inspect and to make Extracts from or Copies of the said Maps or Plans, Sections, and Books of Reference respectively, paying to the said Clerk of the Peace for every Inspection the Sum of One Shilling, and for Copies of or Extracts from the said Books of Reference after the Rate of Sixpence for every One hundred Words; and the said Maps or Plans, Sections, and Books of Reference, or true Copies thereof, or of so much thereof respectively as shall relate to any Matter which may be in question, certified by the said Clerk of the Peace, 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.

V. And be it further enacted, That in making the said Railway it shall not be lawful for the said Company to deviate from the Levels of the said Railway, as referred to the common Datum Line described on the Sections 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 the Proprietors of any Canal or Navigation affected by such Deviation; and that no Increase in the Inclination or Gradients of the said Railway as denoted by the said Section shall be made in any Place to an Extent exceeding the Rate of Three Feet *per* Mile; and where in any Place it is intended to carry the Railway on an Arch or Arches, as marked in the said Plan or Section, the same shall be made

made accordingly, and where a Tunnel is marked on the said Plan and Section as 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 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 Sessions to be holden for the Purpose of 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 to 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 capacitated to agree for the Sale of and to convey Land for the making of the said 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 Alteration of Curves.

VI. And be it further enacted, That 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.

Breadth of Land to be taken for Railway.

VII. And be it further enacted, That the Lands to be taken for the Line of the said Railway shall not exceed Twenty-two Yards in Breadth, except in those Places where a greater Breadth shall be judged necessary for Carriages to wait, load or unload, and to turn or pass each other, or for raising Embankments for crossing Valleys or low Grounds, or for Cuttings, or for the Erection and Establishment of any fixed or permanent Machinery, Toll Houses, Warehouses, Wharfs, or other Erections, and except at or near the Terminations of the said Railway, and except also on Commons, Downs, or Waste Grounds, unless with the previous Consent in Writing of the Owners or Occupiers of any Lands which the said Company shall be desirous of appropriating to the obtaining greater Space for the Purposes herein-before mentioned.

Company empowered to deviate

VIII. And be it further enacted, That the said Company, in making the said Railway and other Works by this Act authorized,

shall have full Power and Authority to deviate from the Line delineated on the Maps or Plans so deposited with the Clerk of the Peace as herein-before mentioned: Provided always, that no such Deviation shall extend to a greater Distance than One hundred Yards, nor shall such Deviation extend into the Lands or Property of any Person whose Name is not mentioned in the said Book of Reference, without his or their Consent, unless the Name of such Person shall have been omitted by Mistake, and unless the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-after proded for in Cases of unintentional Errors in the said Book of Reference: Provided also, that from and after the Expiration of Two Years from the passing of this Act it shall not be lawful for the said Company to deviate from the centre Line as laid down in the Plans deposited as herein-before mentioned.

from Plan to any Extent not exceding One Hundred Yards.

IX. And be it further enacted, That it shall not be lawful for the said Company to take, injure, or damage, for the Purposes of this Act, any House or other Building which was erected on or before the Thirtieth Day of *November* last, or any Land then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to any Dwelling House, or planted and set apart as a Nursery for Trees, other than and except such as are specified in the Schedule to this Act annexed, without the previous Consent in Writing of the Owner and Occupier thereof respectively,

Houses and Gardens not to be used unlessspecified in Schedule.

X. Provided always, and be it further enacted, That it shall be lawful for the said Company to make the said Railway and other Works in the Line or Course, and upon, across, under, or over the Lands delineated on the said Maps or Plans, and also to make the said Dock or Docks and other Works within the Limits of and upon or through the Premises delineated on the said Maps or Plans, although such Lands, or any of them, or the Situation thereof respectively, or the Names thereof, or of the Owners or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in the said Books of Reference, or in the First Schedule to this Act annexed, if it shall appear to any Two or more Justices of the Peace for the said County of *Devon* (in case of Dispute about the same), and be certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the said Clerk of the Peace for the said County of *Devon*.

Unintentional Errors in Act or Plans or Books of Reference nottoprevent Execution of the Act.

XI. And be it further enacted, That for the Purposes and subject to the Provisions and Restrictions of this Act the said Company, their Agents and Workmen, and all other Persons by them authorized, are hereby empowered from Time to Time to enter into and upon the Lands of any Person whatsoever, and to survey and take Levels of the same or of any Part thereof, and to set out and appropriate for the Purposes of this Act such Parts thereof as they are by this Act empowered to take or use, and in or upon such Lands, or any Lands adjoining

Power to take Lands, &c.

adjoining thereto, or from the Bed of the River *Taw* within the Parishes of *Fremington* and *Tawstock*, to bore, dig, cut, embank, and sough, and to remove and carry away or lay, and also to use, work, and manufacture, any Earth, Clay, Stone, Rubbish, Trees, Gravel, or Sand, or any other Materials or Things which may be dug or obtained therein, or otherwise, in the Execution of any of the Powers of this Act, and which may be proper or necessary for making, maintaining, altering, repairing, or using the said Railway, Dock, and other Works by this Act authorized, or which may obstruct the making, maintaining, altering, repairing, or using the same respectively, according to the true Intent and Meaning of this Act; and also, for the Purposes and according to the Provisions and Restrictions of this Act, to make or construct, in, upon, across, under, over, or through the said Railway, Dock, or other Works, or in, upon, across, under, or over any Lands, Hills, Vallies, Roads, Rivers, Canals, Brooks, Streams, or other Waters, such Inclined Planes, Embankments, Jetties, Sluices, Valves, Tunnels, Feeders Pipes, Aqueducts, Bridges, whether temporary or permanent, Roads, Ways, Passages, Conduits, Drains, Piers, Arches, Cuttings, and Fences, for the Use and the Protection of the said Railway, Dock, and other Works, or for conveying Water to or from the said Dock or any Part thereof; and erect and construct such Houses, Wharfs, Warehouses, Toll Houses, Landing Places, Yards, Stations, Engines, and other Buildings, Machinery, Apparatus, and other Works and Conveniences, as the said Company shall think proper; and alter the Course of any Rivers, Canals, Brooks, Streams, or Watercourses as may be necessary for constructing and maintaining Tunnels, Bridges, or Jetties, whether temporary or permanent, or Passages over or under the same; and divert and alter the Course of any Rivers or Streams of Water, Roads, or Ways, or raise or sink any such Roads or Ways, in order the more conveniently to carry the same over or under or by the Side of the said Railway, Dock, or other Works; and make Drains or Conduits into, through, or under any Lands adjoining the said Railway, for the Purpose of conveying Water from or to the said Railway or Dock; and alter, repair, or discontinue the before-mentioned Works or any of them, from Time to Time, and substitute others in their Stead; and doand execute all other Matters and Things necessary or convenient for making, maintaining, altering, or repairing and using the said Railway, Dock, and other Works by this Act authorized; they the said Company, their Agents and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and the said Company making full Satisfaction in manner herein-after mentioned to all Persons interested in any Lands which shall be taken, used, or injured, for all Damages to be by them sustained in or by reason of the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Company and all other Persons for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisions and Restrictions as are herein-after mentioned and contained.

Provision for Deficiencies of Land Tax.

XII. And whereas by reason of the Powers by this Act granted there may be Deficiencies in the Assessments for Land Tax in the several Parishes through or in which the several Works hereby authorized

rized may pass or be situate; be it therefore enacted, That the said Company shall, from and after they shall have become seised and possessed by virtue of this Act of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, unless the said Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of Land Tax, be subject and liable from Time to Time to pay and make good, to or in aid of such several Parishes as aforesaid, out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said several Parishes by reason of taking down or using for the Purposes of this Act any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer or Collector or Receiver to be appointed under this Act is hereby required to pay all such Deficiences, on Demand thereof, to the Collector of the said Assessments.

Provision for Deficiency in Poor Rate.

XIII. And whereas by reason of the Exercise of the Powers by this Act granted there may be Deficiencies in the Assessments for Poor Rates in the several Parishes through or in which the several Works hereby authorized may pass or be situate; be it therefore enacted, That the said Company shall, from and after they shall become seised and possessed by virtue of this Act of any Premises charged with the Poor Rate, and until the Works hereby authorized to be made shall be completed and assessed to such Poor Rates, be subject and liable from Time to Time to pay and make good, to or in aid of the said several Parishes as aforesaid, out of the Monies to be raised by virtue of this Act, all such Sums of Money as shall be deficient in the said several Assessments for Poor Rates within the said several Parishes by reason of taking down or using for the Purposes of this Act any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer or Collector or Receiver so to be appointed under this Act is hereby required to pay all such Deficiencies, on Demand thereof, to the Collector of the said Assessments.

Provision for Injury to Roads.

XIV. Provided also, and be it further enacted, That in all Cases where, in the Exercise of the Powers hereby granted, any Carriage or Horse Road, either public or private, or any Part of the same, shall be found necessary to be gone across, cut through, raised, sunk, taken, or so much injured as to be impassable for Travellers, Passengers, or Carriages, of the Persons entitled to the Use thereof, 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 shall be 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 shall cause such new Road to be put into good and substantial Order and Condition where the former

Road

Road cannot be more easily restored; and where the Road so gone across, cut through, raised, sunk, or passed over shall be a Turnpike 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, shall be made and kept in repair so as to prevent Inconvenience or Obstruction to the Passage along such Turnpike 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 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 beyond the prescribed Period the Sum of Thirty 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 this Act.

Company to erect a Screen on Side of Railway in case of Danger to Passengers travelling on the Turnpike Road.

XV. And be it further enacted, That in case the said intended Railway shall at any Time or Times hereafter, from its near Approach to any Turnpike Road, occasion Danger to the Travellers on such Road, in consequence of Horses being frightened by the Sight of the Engines and Carriages travelling upon the said Railway, it shall be lawful for any Person or Persons to make Complaint thereof to any Two Justices of the Peace acting for the Limit where such Turnpike Road shall lie, who shall summon the Clerk or Treasurer for the Time being of the said Company, or One of the Directors thereof, before them, to answer such Complaint; and if it shall appear to such Justices that the said Complaint is reasonable, then the said Company shall, within such Time as shall be ordered by the said Justices in that Behalf, and after Notice of such Order served upon them, or their principal Engineer, Clerk, or other Officer, or upon any Director, within such Time as shall be appointed by the said Justices commence, and within such Time as shall be appointed by the said Justices complete, such Works in the Nature of a Screen, near to or adjoining the Sides of the said Turnpike Road or of the said intended Railway, as shall be directed by the said Justices, so as to prevent such Danger to Travellers upon the said Turnpike Road; and in case such Company shall neglect within the Time appointed in that Behalf to commence, or shall not continue to execute such Work until the due Completion thereof, or shall not complete the same within the Time in that Behalf appointed, the said Company shall forfeit and pay, for every Day during which the said Company shall not commence or shall not proceed in the Completion of such Works, or during which the said Works shall not be completed after the Time appointed for the Completion thereof, the Sum of Twenty-five Pounds, to be recoverable by the Commissioners or Trustees of the said Turnpike Road 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 this Act.

XVI. And

Railway not to cross Turnpike Roads on a Level.

XVI. And be it further enacted, That where the said Railway shall cross any Turnpike Road or public Highway, either such Turnpike Road or public Highway shall be carried over the said Railway, or the said Railway shall be carried over the said Turnpike Road or public Highway, at the Expence of the said Company, by means of a Bridge, where not otherwise provided for by this Act, of such Construction as is in this Act mentioned.

Regulating the Width and Height of Bridges for carrying the Railway over Public Roads.

XVII. And be it further enacted, That where any Bridge shall be erected by the said Company for the Purposes of carrying the said Railway over or across any public Carriage Road, the Span of the Arch of such Bridge shall be formed and shall at all Times be and be continued of such Width as to leave a clear and open Space under every such Arch of not less than Thirty Feet in the Case of a Turnpike Road, and of not less than Twenty-five Feet in all other Cases, and of a Height from the Surface of such Road to the Centre of such Arch of not less than Eighteen Feet; and the Descent under any such Bridge shall in the Case of a Turnpike Road not exceed One Foot in Thirty Feet, and in the Case of any other public Carriage Road shall not exceed One Foot in Twenty Feet, and in the Case of any private Carriage Road shall not exceed One Foot in Sixteen Feet.

Regulating Ascent of Bridges for carrying public Roads over Railway.

XVIII. And be it further enacted, That where any Bridge shall be erected for carrying any public Carriage Road over the said Railway the Road over such Bridge shall be formed and shall at all Times be continued of such Width as to leave a clear and open Space between the Fences of such Road of not less than Thirty Feet in the Case of a Turnpike Road, and of not less than Twenty-five Feet in all other Cases; and the Ascent of every such Bridge for the Purpose of such public Carriage Road shall not in the Case of a Turnpike Road exceed One Foot in Thirty Feet, and in the Case of any other public Carriage Road shall not exceed One Foot in Twenty Feet, and in the Case of any private Carriage Road shall not exceed One Foot in Sixteen Feet; and a good and sufficient Fence shall be made on each Side of every such Bridge, which Fences shall not be less than Four Feet above the Surface of such Bridge: Provided always, that where the Level of any Roads shall be altered the Ascent shall not be less than is herein-before specified for carrying such Road over the said Railway.

Level of Roads.

XIX. And be it further enacted, That where the Level of any Road shall be altered in making the said Dock, or the Works connected therewith, the Ascent of any Turnpike Road shall not be more than One Foot in Thirty Feet, and of any other public Carriage Road not more than One Foot in Twenty Feet; and that a good and sufficient Fence of Four Feet high at the least shall be made on each Side of every Bridge which shall be erected.

Company to erect Gates for the Protection of adjoining Lands.

XX. And be it further enacted, That the said Company shall at their own Expence, after any Part of the said Railway shall have been laid out and formed, forthwith make and erect, and from Time to Time maintain, such and so many convenient Gates in, upon, or adjoining the said Railway, and such and so many Bridges, Arches, Hollows,

Hollows, Culverts, Fences, Ditches, Drains, and Passages over, under, or by the Side of or leading to and from the said Railway, as Two or more Justices of the Peace acting within their Jurisdiction shall, upon the Application of the Owner or Occupier of any Lands, or of any Person having a Right of Way over any Lands, judge necesary and appoint (in case there shall be any Dispute about the same), for the Use of the Owners or Occupiers of the respective Lands, or of any Person having such Right of Way as aforesaid over any Lands through which such Railway shall be made, and for the commodious Use and Occupation of the Lands on either Side of the said Railway, or for protecting the said Lands from Trespass, or the Cattle or other Property of the Owners or Occupiers thereof from straying or escaping thereout, by reason of such Railway, or any other Matter or Thing to be done in pursuance of this Act; and all such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages so to be made as aforesaid shall from Time to Time and at all Times thereafter be maintained in such sufficient Repair and Condition by the said Company; and for the Purpose of enabling the said Company to make and erect such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, and from Time to Time to maintain the same, the said Company, their Agents and Workmen, are hereby authorized and empowered to enter into and upon all Lands adjoining the said Railway, and to load and carry the Materials for making or repairing such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, in Carts and other Carriages, across or along such Lands, in such Manner as to do as little Damage as may be to the same, but making full Compensation for any Damage that may be so done to such Lands to the Owners and Occupiers thereof respectively; and in case the said Company shall refuse or neglect to make or erect or to maintain such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, as hereinbefore directed, or any of them, for the Space of Twenty Days next after the Time to be appointed for those Purposes respectively by such Justices, or in case any Damage shall arise in consequence of the Omission to erect and maintain any such Fences as aforesaid, it shall be lawful for the respective Owners or Occupiers of the said Lands who shall find themselves aggrieved by such Neglect or Refusal to make and erect, or, as the Case may require, to maintain and repair, such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as the said Justices shall have before directed or appointed to be made and erected as aforesaid, so that in making, erecting, repairing, or maintaining such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as aforesaid the said Railway or any of the Works by this Act authorized to be made or constructed by the said Company shall not be obstructed for any longer Space of Time or be used in any other Manner than shall be unavoidably necessary; and all the reasonable Costs and Charges thereof, and the Amount of any Damage sustained by reason of such Omission as aforesaid, in case the same shall not exceed the Sum of Ten Pounds, to be settled and allowed by the said Justices (in case there shall be any Dispute about the same), shall be repaid to the respective Owners or Occupiers of the said Lands who shall have so made and erected, repaired, and maintained

such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, by the said Company, or shall have suffered by such Omission as aforesaid, within the Space of Five Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered to and made from the said Company; and in default of Payment of the said Costs, Charges, and Damages within the Time aforesaid the said Justices are hereby required, by Warrant under their Hands and Seals, to levy the said Costs, Charges, and Damages by Distress and Sale of any of the Goods and Chattels of the said Company, for the Use of the Party to whom such Costs, Charges, and Damages shall have been allowed, rendering to the said Company the Overplus, if any, on Demand, after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices; or the said Owners or Occupiers, upon Refusal or Neglect by the said Company to pay the said Costs, Charges, and Damages as aforesaid, shall and may also have such and the like Remedy against them for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is by this Act directed: Provided always, that no such Gate, Bridge, Arch, Hollow, Culvert, Fence, Ditch, Drain, or Passage shall be required to be erected or made or shall be erected or made over or under the said Railway, or any Part thereof, at or in any Place or Manner at or in which the same would, if so erected or made, prevent or obstruct the working of the said Railway.

For fencing off Railway through private Lands.

XXI. And be it further enacted, That the said Company shall and they are hereby required, at their own Expence, after any Land shall have been taken for the Use of the said Railway and other Works, to separate the same and to keep the same constantly separated from the Lands adjoining to such Railway and other Works or any of them respectively, with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, in case the Owners of such Lands adjoining to such Railway and other Works, or any of them respectively, shall at any Time desire the same to be fenced off, or in case the said Company shall think proper to fence off the same, instead of erecting Gates across the same as aforesaid; and the said Company shall make and maintain all necessary Gates and Stiles in all such Fences; and in every such Case the Powers, Provisions, Directions, Limitations, and Regulations herein-before contained with respect to the Gates and other Works aforesaid shall extend and apply to the making and maintaining of such Fences, and the Gates and Stiles in such Fences, as fully and effectually to all Intents and Purposes as if such Powers, Provisions, Directions, Limitations, and Regulations were here repeated and enacted with respect to such Fences, Gates, and Stiles.

Company to make sufficient Drains, &c. to carry Water off adjoining Lands.

XXII. And be it further enacted, That the said Company shall and they are hereby required, from Time to Time, at their own Expence, to make such Arches, Tunnels, Culverts, Drains, or other Passages over, under, or by the Side of the said Railway, and the Fences on the Sides thereof respectively, of such Breadth, Depth, and Dimensions as shall be sufficient at all Times to convey the Water as clearly from and to the Lands adjoining or lying near to

the

the said Railway as before making the said Railway, and the said Company shall not divert, obstruct, or impound any Water to the Prejudice of any Lands; and the said Company shall also make proper Watering Places for Cattle in all Cases where by means of the said Railway the Cattle of any Person occupying Lands adjacent thereto shall be deprived of Access to their adjacent Watering Places, and shall supply the same at all Times with Water from such Rivers, Brooks, Streams, or Springs of Water as would have supplied the Cattle of such Person if the said Railway had not been made, or from any other Source or Feeder which can readily and lawfully be obtained for that Purpose; and it shall be lawful for the said Company and they are hereby required from Time to Time to make such and so many Watercourses and Drains by the Side of and along or under the said Railway, or in, through, over, and across any Lands thereto adjoining, of such Dimensions and in such Manner, and with such proper and convenient Bridges over and Tunnels under the same respectively, as any Two or more Justices of the Peace acting within their Jurisdiction shall from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same, for the Purpose of conveying Water to the said Watering Places respectively; and all such Arches, Tunnels, Culverts, Watercourses, Drains, and other Passages shall from Time to Time be supported, maintained, cleansed, and kept in good and sufficient Repair by the said Company; and if at any Time after Ten Days Notice in Writing shall be given by or on behalf of any Owner or Occupier of Land adjoining or lying near to the said Railway to the said Company, that the said Arches, Tunnels, Culverts, Drains, Watercourses, or other Passages, or any of them, are not made, or being made are not cleansed, maintained, and repaired according to the true Intent and Meaning of this Act, the said Company shall not proceed to make, or cleanse, maintain, and repair (as the Case may be) such Arches, Tunnels, Culverts, Drains, Watercourses, or other Passages, it shall be lawful for any Person to apply for an Order in Writing to any Two or more Justices of the Peace acting within their Jurisdiction, from Time to Time as often there shall be Occasion; and the said Justices are hereby empowered, at their Discretion, to make and grant such Orders as aforesaid, enabling such Persons to make or cleanse and repair such Arches, Tunnels, Culverts, Watercourses, Drains, and other Passages accordingly, and the reasonable Expences thereof (to be ascertained by such Justices) shall be defrayed by the said Company; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Five Days after Demand thereof made upon the said Company such Expences may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, in the same Manner as any other Costs and Charges may by virtue of this Act be levied and recovered upon or from the said Company.

Act not to prevent Owners of adjoining Lands making Communications across the Railway.

XXIII. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent any Owner of any Lands adjoining the said Railway from making any Bridge or Culvert to, from, across, over, or under the said Railway hereby authorized to be made by the said Company, and to use such Bridge or Culvert so made by him for the Benefit of himself and of all other Persons to

whom he may from Time to Time give Leave, so that such Bridge or Culvert do no Injury to and do not prevent the free Passage upon the Railway hereby authorized to be made by the said Company; and all such Bridges and Culverts shall be made and erected, and from Time to Time repaired or renewed, under the Superintendence of the Engineer of the said Company, and according to Plans and Specifications to be submitted to and approved of by such Engineer previously to the commencing of such Bridges and Culverts respectively: Provided always, that in case such Engineer shall neglect or refuse to give his Opinion upon such Plan and Specification within the Space of One Calendar Month, then such Plan and Specification shall be submitted to Two of Her Majesty's Justices of the Peace acting within their Jurisdiction, who shall make such Order therein as they shall think proper; provided nevertheless, that in case any Damage or Obstruction shall be thereby or by the Want of Repair thereof done or occur to or in the Railway or Works by this Act authorized to be made by the said Company, the same shall be forthwith repaired or removed (as the Case may be) by and at the Expence of the respective Owners for the Time being of the Land for whose Benefit any such Bridge or Culvert may be made or continued; and if the same shall not be forthwith done it shall be lawful for the said Company to repair such Damage or to remove such Obstruction, and to recover the Expences attending the same, in case of Refusal or Neglect to pay the same within Fourteen Days after Demand thereof, by Distress and Sale of the Goods and Chattels of such respective Owners in case the same shall not exceed the Sum of Twenty Pounds, but if the same exceed the Sum of Twenty Pounds, by Action of Debt or on the Case, together with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*.

Gates opening upon the Railway to be shut and fastened after Persons have passed through them.

XXIV. And be it further enacted, That all Persons opening any Gate set up across the said Railway, or any Gate set up at either Side of the said Railway, shall and they are hereby respectvely required, as soon as they, and the Carriage, Cattle, or other Animals or Things under their Care, or which they may accompany, shall have passed through the same, to shut and fasten the said Gate; and every Person neglecting so to do shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Act not to prevent the making of Branches to communicate with the Railway.

XXV. And be it further enacted, That nothing in this Act contained shall extend to prevent any Corporation or Person whomsoever, being the Owner or Occupier of any Land adjoining or near to the Railway, or any other Person, from laying down, either upon, through, under, or over the Lands of such Corporation or Person, or upon, through, under, or over the Lands of any other Corporations or Persons, or upon, through, under, or over the Lands of the said Company upon the Side of the said Railway which shall not have been appropriated to any specific Purpose with which such Communication would interfere, with the Consent of such other Corporations or Persons, any collateral Branches to commuuicate with the said Railway; and the said Company shall be bound to make, at the Expence of such Corporation or Person, Openings in the Ledges or

Flanches of the said Railway, for effecting such Communication, in such Places as may be most convenient for that Purpose, and as may the least interfere with the Passage of the said Railway; and the said Company shall not receive any Rate, Toll, or Sum for the passing of any Passengers, Cattle, Goods, or other Things along any such Branch so made by such Corporation or Person as aforesaid: Provided always, that the said Company shall not be bound to make any such Openings in the Ledges or Flanches of the said Railway, for the Purpose of effecting such Communication, in any Place where they shall have erected or set up any Building, Steam Engine, Works, Machinery, or Yard, or in any Places which they shall have appropriated or set apart for any specific Purpose with which such Communication would interfere, nor upon any Inclined Plane the Gradient of which shall not exceed One Foot in Two hundred Feet, nor in any Tunnel; and in case any Disagremeent or Difference shall arise between any such Owners or Occupiers or other Persons and the said Company, as to the proper Places for making any such Openings in the Ledges or Flanches of the said Railway for the Purpose of such Communication, then the same shall be left to the Decision of any Two Justices of the Peace acting within their Jurisdiction, whose Determination, after the Examination of such competent Witnesses as may be produced before them, shall be binding; and such Justices are hereby authorized and empowered to take cognizance of all such References, and to act therein accordingly.

Power to treat for Purchase of Lands.

XXVI. And be it further enacted, That it shall be lawful for the said Company to treat and agree, and to employ any Person to treat and agree, for the Purchase of any Lands authorized to be taken and used by them as aforesaid, and of any subsisting Leases, Terms, Estates, Rights, and Interests therein and Charges thereon, or such of them or such Part thereof as the said Company shall think proper.

Persons under legal Disability empowered to sell and convey Lands.

XXVII. And be it further enacted, That after any Lands intended to be taken or used for the Purposes of this Act shall have been set out and ascertained, it shall be lawful for all Corporations, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees and Feoffees in Trust for charitable or other Purposes, Committees, Executors and Administrators, and all Trustees and all other 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, if incapacitated, unborn, or not to be found, and for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and in the same Manner and to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have done by Law under the Powers of 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 for all Femes Covert seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest in, and for all other Persons whatsoever seised or possessed of or interested in any such Lands, to contract for,

sell, and convey the same, or any Part thereof unto the said Company; and all such Contracts, Sales, and Conveyances shall be made at the Expence of the said Company, and may be according to the following Form, (unless where they may be advised that the same is not applicable to the Circumstances of the Case, or where it may be necessary to insert particular Covenants, Conditions, or Agreements), or as near thereto as the Number of the Parties and the Circumstances of the Case will reasonably admit; (that is to say,)

'I of in consideration of the Sum of to me, [*or, as the Case may be*, into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, *ex parte* "The *Taw Vale* Railway and Dock Company,"] [*or* to *A.B.* of and *C.D.* of their Heirs and Assigns, Two Trustees appointed to receive the same,] pursuant to the Act after mentioned, paid by "The *Taw Vale* Railway and Dock [*or* the said] Company," established and incorporated by an Act of Parliament passed in the Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here set forth the Title of this Act*], do hereby convey to the said Company, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same and every Part thereof as I am or shall become seised or possessed of, or am by the said Act capacitated or empowered to convey; to hold the Premises to the said Company, their Successors and Assigns, for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal the Day of in the Year of our Lord .' Form of Conveyance to the Company.

And all such Conveyances as aforesaid shall be valid and effectual, 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 to bar and destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands in such Conveyances respectively comprised as shall be purchased or compensated for by the Consideration therein mentioned; but although Terms shall be merged they shall in Equity afford the same or the like Protection and Priority as if they were assigned and kept on foot in Trust for the Company, and to attend the Reversion and Inheritance.

XXVIII. 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 as aforesaid, or not having Power to sell, except under the Provisions herein-before 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 by the Verdict of a Jury, or by Arbitration, as herein-after mentioned; and for the Purposes of such Arbitration there shall be appointed Two able practical Surveyors, one of whom shall be nominated by the said Company, and the other by Lands bought of any Corporation or Person under any Disability to be valued by Two Surveyors, or their Umpire.

by the Person or Corporation contracting or agreeing to sell the same; and if such Two Surveyors shall not agree in the Valuation thereof, then by such Third Surveyor as any Two Justices acting for the said County shall for that Purpose nominate; and each of the said Two Surveyors, if they shall agree in and make their Valuation, or if not, then the Surveyor so to be nominated by the Justices as aforesaid, shall annex to their or 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; provided also, that in case any Person from whom the said Company are hereby authorized to purchase or take any Land as aforesaid shall be absent from *England*, or shall not be found, the Surveyor to be appointed by or on the Behalf of such Person may be appointed by any Two such Justices as aforesaid, and the Costs and Expences of such Valuation as aforesaid shall be borne and paid by the said Company; provided also, that in case the Person shall be absent from *England* or not to be found, and a Jury shall be summoned to assess the Purchase Money or Compensation as aforesaid, the said Jury shall not give a Verdict for a less Sum of Money than shall be determined by a Surveyor appointed by Two Justices of the Peace as herein-before mentioned.

Waste Lands to be conveyed by Lords of Manors.

XXIX. And be it further enacted, That in all Cases wherein in the Execution of the Powers of this Act there shall be Occasion to take or use any Common or Waste Land, or any other Lands which shall be charged with or be subject or liable to the Exercise of any Right or Privilege of Common thereupon, of what Nature or Kind soever, the Conveyance of such Common or Waste Land or other Lands by any Person having such Estate or Interest in the Manor wherein such Common or Waste Land or other Lands shall be situate (or if the same shall not be the Waste of any Manor, then having such Estate or Interest in the Soil of the said Lands) as the Persons who are by this Act enabled to sell other Lands have in such Lands (and which Conveyance may be of the like Form as by this Act is directed to be used in the Case of Conveyances of other Lands) shall be a good and sufficient Conveyance to the said Company, for the Purpose of vesting in them the Fee Simple and Inheritance of such Common or Waste Land or other Lands, as fully and effectually as if every Person having Right of Common upon such Common or Waste Land or other Lands, were seised thereof in Fee Simple in Possession, and had joined in and executed such Conveyance; and the Compensation to be paid for the Extinguishment of any Right of Common upon any such Common or Waste Land or other Lands as aforesaid (and which shall be determined by a Jury in case the Parties differ about the same, in like Manner as by this Act is directed in other Cases of the like Nature) shall be paid by the said Company to the Churchwarden for the Time being of the Parish wherein such Common or Waste Land or other Lands shall be situate, and shall be by every such Churchwarden received and applied for such general or public Purposes within the said Parish as a Vestry thereof shall direct: Provided always, that in all Cases

Cases wherein the said Churchwardens are empowered to receive such Compensation as aforesaid the Notices by this Act required to be served on the Owners or Occupiers of Land required for the Purposes of this Act may be served on the said Churchwardens, who shall have Power to treat and agree with the said Company touching the Amount; and in all Cases in which any such Commonable or other Rights shall extend over and be exercised or enjoyed out of any other Lands than such Common or Waste Land or other Lands, the Compensation for the Relinquishment thereof shall be paid to the Party having such Estate or Interest as aforesaid in the said Commonable or other Rights, or in any Lands whereunto the same shall be appendant or appurtenant, or otherwise (as the Case may require) be deposited in the Bank of *England* in manner by this Act directed in case of other Lands taken by the said Company: Provided also, that in all Cases in which any such Manor is vested in the Freeholders or Inhabitants at large, or in any greater Number of Persons than Three, or where the Lord of such Manor (if any) does not usually hold some Court for the same, or where it is not known to what Lord such Manor belongs, or in what Manor such Common or Waste Lands or other Lands are situate, the Conveyance by Three at least of the Freeholders whose Lands (whether vested absolutely in them, or for such Estate as would capacitate them to convey such Lands if wanted for the Purposes of this Act,) shall entitle such Freeholders to Common Right on or over such Common or Waste Lands or other Lands, and whose said Lands in the Rate for the Relief of the Poor shall amount in yearly Value to Three-fifth Parts at least of the whole of the Lands which have such Common Right, shall also in like Manner be a good and sufficient Conveyance to the said Company for the Purpose of vesting in them the Fee Simple and Inheritance of so much and such Part of such Common or Waste Lands or other Lands as they may from Time to Time require or take, free from all Rights of Common, and other Rights, Estates, Titles, Charges, and Incumbrances whatsoever.

Power to purchase the Release of Landswanted from Rents charged thereon.

XXX. And be it further enacted, That where any Lands purchased or intended to be purchased by the said Company shall be subject, solely, or jointly with other Lands not intended to be purchased, to or with any Rent Service, Rent-charge, or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the said Company to require and agree for the Release of the Lands so puchased or intended to be purchased from such Rent, Payment, or Incumbrance, and also (where necessary or convenient) for an Apportionment of such Rent, Payment, or Incumbrance for such gross Sum as shall be agreed upon between the said Company and the Party who under the Provisions of this Act shall agree to sell or apportion the same, and which Agreement may be entered into by all Persons by this Act authorized and empowered to sell or convey Lands; and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or the Apportionment thereof, the same shall be determined by a Jury, if required, in like Manner as the Price of Lands is by this Act directed to be settled in case of Dispute as to the Value thereof, which Jury shall assess and determine the Value of the Rent, Payment, or Incum-

brance affecting the Lands purchased or intended to be purchased, and shall also (where necessary or convenient) apportion the Rent, Payment, or Incumbrance affecting the Lands jointly subject to Rent, Payment, or Incumbrance, as herein-before mentioned, according to the respective Values of the Lands purchased or intended to be purchased, and of the Lands not purchased or intended to be purchased by the said Company; and all Contracts, Conveyances, and Assurances which shall be made by and between or to the said Company and any such Party as aforesaid respecting such Release shall be valid and effectual in the Law, and shall extinguish the whole or a proportionate Part of such Rent, Payment, or Incumbrance (as the Case may be): Provided always tha,t when the Party entitled to such Rent, Payment, or Incumbrance shall consider the remaining Part of the Lands so jointly subject and the same shall in fact be a sufficient Security for such Rent, Payment, or Incumbrance, and shall be willing to release the Lands so purchased by the said Company therefrom, then and in such Case it shall be lawful for the Party entitled by this Act or capacitated to apportion such Rent, Payment, or Incumbrance, or to release the Lands so purchased therefrom, with the Consent of the Owner of the Lands so purchased (and also of the Owner of the Lands so jointly subject as aforesaid), to release the Lands so purchased as aforesaid from the Rent, Payment, or Incumbrance so affecting the same as aforesaid jointly with other Lands, on condition or in consideration of such other Lands continuing or remaining wholly and exclusively subject to the whole of such Rent, Payment, or Incumbrance: Provided also, that when any of the Lands purchased by the said Company shall be released from any Rent, Payment, or Incumbrance affecting the same jointly with other Lands not purchased by the said Company, such last-mentioned Lands shall be charged only with the Remainder of such Rent, Payment, or Incumbrance; and such Apportionment shall not prejudice the Title to the remaining Rent, or the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Lands not so purchased had been originally charged with that Amount only: Provided also, that when a Part of any Rent, Payment, or Incumbrance shall be released, it shall be lawful for the said Company, on Tender for that Purpose of any Deed or Instrument creating or transferring such Rent, Payment, or Incumbrance, to affix their Common Seal to a Memorandum indorsed on such Deed or Instrument, declaring what Part of the Lands originally subject to such Rent, Payment, or Incumbrance shall have been purchased by virtue of this Act, and what Proportion of the said Rent, Payment, or Incumbrance shall have been released, and also declaring the Amount of the Rent, Payment, or Incumbrance which shall continue payable; and such Memorandum shall be Evidence in all Courts of the Facts therein stated, but shall not exclude any other Evidence of the same Facts.

Rents of Leases to be apportioned.

XXXI. And be it further enacted, That in all Cases in which a Part only of any Lands comprised in any Lease or Agreement for Lease for a Term of Years unexpired shall be required for the Purposes of this Act, the Rent payable in respect of the Lands comprised in such Lease or Agreement for Lease shall be apportioned between the

the Lands required for the Purposes of this Act and the Residue of such Lands; and such Apportionment shall, in case the same shall not be settled by Agreement between the Parties, be ascertained and settled by the Verdict of a Jury, if required, in like Manner as the Price of any Lands to be taken in pursuance of this Act is directed to be settled in case of Dispute as to the Value thereof; and in case such Apportionment shall be settled by Agreement between the Parties, such Agreement shall be made with and shall not be valid without the Consent and Approbation of the Lessor from whom such Lands are holden or agreed to be holden; and after such Apportionment the Tenant or Lessee of the Lands comprised in such Lease or Agreement for Lease shall, as to all future accruing Rent, be liable only to so much of the Rent reserved in such Lease or Agreement for Lease as shall have been apportioned in respect of the Lands not required for the Purposes of this Act; and the Lessor of the said Lands shall have all such and the same Remedies for the Recovery of the Rents so apportioned in respect of the Lands not required for the Purposes of this Act as before such Apportionment he had or was entitled to in respect of the Rent reserved or agreed to be reserved in such Lease or Agreement for Lease; and such Apportionment shall not prejudice or affect any of the Covenants, Conditions, or Agreements in such Lease or Agreement for Lease contained, so far as the same relate to the Lands comprised in such Lease or Agreement for Lease, and not required for the Purposes of this Act, but the same shall, as to such last-mentioned Lands, but not further or otherwise, continue in full Force and Operation.

Mortgagees to convey to Company.

XXXII. And be it further enacted, That all Persons and Corporations having any Mortgage on any Lands required to be taken or used for the Purposes of this Act (and whether entitled thereto in their own Right or in Trust, and whether in Possession under Mortgage or not, or whether such Mortgage shall affect such Lands solely, or jointly with any other Lands which shall not be so required) shall, on Payment or Tender by the said Company, or by any Person by them authorized, of the Principal Money and Interest due thereon, and the just Costs (if any) then due, together with the Amount of Six Calendar Months Interest on the said Principal Money, which Tender and Payment the said Company are hereby authorized to make, and to deduct the same from any Sum agreed or directed to be paid for the Estate or Interest of the Party entitled to the Equity of Redemption of and in the Lands so mortgaged, in case the same shall be sufficient for the Purpose, immediately alien, release, assign, and transfer the respective Interests of such Mortgagees in such Lands to the said Company, or to such Person and in such Manner as they shall appoint; and which Alienation, Release, Assignment, and Transfer may be of the like Form as the Conveyances by this Act directed to be used in Cases of Conveyance of Lands, or as near thereto as the Circumstances of the Case will permit, or in any other Form; or in case such Mortgagees shall have Notice in Writing from the said Company, or from the Party entitled to the Equity of Redemption of and in the same Lands, that they will pay off the Principal Money and Interest which shall be due on the said Mortgage at the End of Six Calendar Months (to be computed

puted from the Day of giving such Notice,) then at the End of such Six Calendar Months, on the Payment of the Principal Money and Interest so due, together with any just Costs then due, such Mortgagees shall alien, release, assign, and transfer their respective Interests in the Lands so required to the said Company, or as they shall direct; and in case any such Mortgagee shall refuse to alien, release, assign, or transfer as aforesaid, on such Payment or Tender, then, on Payment of the same into the Bank of *England* to the Account of the Mortgagee, all Interest on every such mortgaged Debt, and all Claim and Right of every such Mortgagee thereto, shall from thenceforth cease and determine: Provided always, that in case any such Mortgagee shall neglect or refuse to alien, release, assign, or transfer as aforesaid, then, upon Payment of the Principal Money and Interest, and the Costs (if any), due on any such Mortgage as aforesaid, into the Bank of *England*, at or before the End of Six Calendar Months from the Day of giving such Notice as aforesaid, or in lieu of such Notice, and in addition to the said other Monies, of Six Calendar Months Interest in advance for the Use of such Mortgagee, at any Time within Six Calendar Months after Tender of the Principal, Interest, and Costs, and Six Calendar Months Interest in advance as aforesaid, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank; and thereupon, or upon such Alienation, Release, Assignment, or Transfer, all the Estate, Right, Title, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in Trust for him, or for whom he shall be Trustee, shall vest in the said Company, and the said Company shall be deemed to be in the actual legal and equitable Possession of the Premises and Estate comprised in such Mortgage, or so much thereof as shall be required for the Purposes of this Act, to all Intents and Purposes whatsoever.

Directing in what Manner Disputes between the Company and certain Mortgagees shall be settled.

XXXIII. And be it further enacted, That in all Cases in which any Lands subject to any Mortgage shall be required for the Purposes of this Act, which Lands shall be of less Value than the Principal Monies, Interest, and Costs secured thereon, or in which a Part only of any Lands subject to any Mortgage shall be required for the Purposes of this Act, and the Mortgagee thereof shall not consider the remaining Part of such Lands to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due or to become due thereon, and all Costs, the Value of such Lands, or (as the Case may be) of such Part of the said Lands as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done, shall be settled and agreed upon by and between such Mortgagee and the Persons entitled to the Equity of Redemption of such Lands, whether absolutely or for such Estate as might capacitate him to convey for the Purposes of this Act, on the one Part, and the said Company on the other Part, and in case of any Difference between them, or in case the Mortgagee or the Person entitled to the Equity of Redemption shall be absent from *England*, or not to be found, or under any Disability or Incapacity, then such Value and Compensation shall be determined by the

Verdict of a Jury in the same Manner as in other Cases of Difference; and the Amount of such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee in satisfaction of his Claim so far as the same will extend; and such Mortgagee shall thereupon alien, release, assign, and transfer all his Interest in such mortgaged Lands the Value whereof shall so have been agreed upon or determined as aforesaid; or in case of his neglecting or refusing to alien, release, assign, or transfer as hereinbefore directed, then the Amount of such Value and Compensation shall be paid into the Bank of *England* to the Credit of such Mortgagee, as by this Act is provided in Cases of a like Nature; and such Payment to the Mortgagee, or into the Bank as last aforesaid, shall be and be accepted in satisfaction of the Claim of such Mortgagees so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Premises as shall be so taken or used from all Principal and Interest, Costs, and other Money due or secured thereupon; and thereupon such mortgaged Lands shall become vested in the said Company, and the said Company shall be deemed to be in the actual Possession thereof: Provided nevertheless, that all Mortgagees shall have the same Powers or Remedies for recovering or compelling Payment of their Mortgage Money, or the Residue thereof, (as the Case may be,) or the Interest thereof respectively, upon and out of the Residue of the mortgaged Lands not required for the Purposes aforesaid, as they would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally comprised in such Mortgage; provided also, that when a Part only of any Lands subject to any Mortgage shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Lands so taken shall on the Assignment thereof to the said Company have been paid to the Mortgagee thereof in part Satisfaction of his Mortgage Debt, a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage at the Time of executing such Assignment to the said Company, and shall be signed by such Mortgagee; and a Copy of such Memorandum shall at the same Time, if required, be furnished by the said Company, at their Expence, to the Person entitled to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

Satisfaction to be made for Lands taken for the Railway and Dock.

XXXIV. And be it further enacted, That all Persons and Corporations by this Act capacitated to sell and convey any Lands, or to release any Lands from Rents and other Incumbrances charged thereon, and the respective Owners and Occupiers of any Lands through or upon which the said Railway, Dock, and other Works hereby authorized are intended to be made, may agree to accept and receive, and may, subject to such Restrictions as in this Act contained as to the Payment thereof, accept and receive Satisfaction or Recompence for the Value of such Lands, or of the Interest therein by them conveyed, and also Compensation for any Damage by them sustained by reason of the severing or dividing such Lands, and also for and on account of any Damage or Loss which may be sustained by such Persons by reason of the taking thereof, or otherwise by reason of the Execution of the Powers of this Act, in such gross Sums as shall be agreed upon between the said Owners (including Persons hereby capacitated as aforesaid) and Occupiers respectively and the said

Company; and in case the said Company and such Parties respectively shall not agree as to the Amount or Value of such Purchase Money, Satisfaction, Recompence, or Compensation, the same respectively, or either of them, concerning which they do not so agree, shall be ascertained and settled, if required, by the Verdict of a Jury, as herein-after is directed.

In case the Parties refuse or are incapable to treat, the Value of Land and of Damages to be settled by a Jury.

XXXV. And, for settling all Differences which may arise between the said Company and the several Owners and Occupiers of or Persons or Corporations interested in any Lands which shall or may be taken, used, or damaged, or injuriously affected by the Execution of any of the Powers hereby granted, be it further enacted, That if any Corporation, Trustee, or Person so interested, or entitled and capacitated to sell, agree, convey, or release, as aforesaid, or any other Person, shall not agree with the said Company as to the Amount of such Purchase Money, or Satisfaction, Recompence, or other Compensation as aforesaid, or if any of the Parties entitled to receive such Purchase Money, Satisfaction, Recompence, or other Compensation as aforesaid shall refuse to accept such Purchase Money, Satisfaction, Recompence, or other Compensation as aforesaid as shall be offered by the said Company, and shall give Notice thereof in Writing to the said Company within Twenty-one Days next after such Offer shall have been made, and the Party giving such Notice shall therein request that the Matter in dispute may be submitted to the Determination of a Jury; or if any of such Parties as aforesaid shall for the Space of Three Calendar Months next after Notice in Writing shall have been given to any of such Trustees or Persons respectively, or left at his last or usual Place of Abode, neglect or refuse to treat, or shall not agree with the said Company for the Sale, Conveyance, and Release of their respective Estates or Interests, or the respective Estates or Interests which they respectively are hereby capacitated to convey therein, or shall by reason of Absence be prevented from treating, or shall by reason of any Impediment or Disability, whether provided for by this Act or not, be incapable of making such Agreement, Conveyance, or Release as shall be necessary or expedient for enabling the said Company to take such Lands, or to proceed in making the said Railway, Dock, and other the Works aforesaid, or shall not disclose and prove the State of the Title to the Premises of which they respectively may be in possession, or of the Share, Interest, or Charge which they may claim to be entitled unto or interested in, in case they shall be required to do so by the said Company, or in any other Case where Agreement for Compensation for Damages incurred in the Execution of this Act, or for the Purchase of Lands required for the Purposes of this Act, cannot be made, then and in every such Case the said Company shall and they are hereby required from Time to Time to issue a Warrant, either under their Common Seal or under the Hands and Seals of Three at least of the Directors of the said Company, to the Sheriff of the said County of *Devon*; or in case such Sheriff or his Under Sheriff shall be one of the said Company, or enjoy any Office of Trust or Profit under them, or shall be in anyways interested in the Matter in question, then to any of the Coroners of the said County not interested as aforesaid, or if all the Coroners shall be so interested, then to some Person then living in the said County, and free from personal Disability, who shall have filled the Office of Sheriff or Coroner in the said

said County, and not be interested as aforesaid, (a Person having more recently served either Office being always preferred,) commanding such Sheriff or Coroner, or other Person, to impannel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly empowered and required to impannel, summon, and return a Jury of at least Twenty-four sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in Her Majesty's Courts of Record at *Westminster*; and the Persons so to be impannelled, summoned, and returned are hereby required to appear before the said Sheriff, Under Sheriff, Coroner, or other Person at such Time and Place as in such Warrant shall be appointed, and to attend from Day to Day until duly discharged; and out of such Persons so to be impannelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, Coroner, or other Person, or by some Person to be by them respectively appointed, in such Manner as Juries for Trials of Issues joined in Her Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff, Under Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or of others that can speedily be procured to attend that Service, (being so qualified as aforesaid,) to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required, on Request in Writing by either Party, to summon before him all Persons who shall be thought necessary to be examined as Witnesses touching the Matters in question, and may authorize or order the said Jury, or any Six or more of them, to view the Place or Matter in controversy; and such Jury shall upon their Oaths, or being Quakers upon their Affirmation, (which Oaths and Affirmations, as well as the Oaths and Affirmations of all such Persons as shall be called upon to give Evidence, the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to administer,) inquire of and assess and give a Verdict for the Sum of Money to be paid for the Purchase of such Lands, except for such Interest therein as shall have been of Right purchased by the said Company from any other Person, and also the Sum of Money to be paid by way of Satisfaction, Recompence, or Compensation either for the Damages which shall before that Time have been done or sustained as aforesaid, or for the future temporary or perpetual or for any recurring Damages to be so done or sustained as aforesaid, and the Cause or Occasion of which shall have been in part only obviated, removed, or repaired by the said Company, and which cannot or will not be further obviated, removed, or repaired by them; which Satisfaction, Récompence, or Compensation for such Damage or Loss shall be inquired into and assessed separately and distinctly from the Value of the Lands so to be taken or used as aforesaid; and the said Sheriff, Under Sheriff, Coroner or other Person shall accordingly give Judgment for such Purchase Money, Satisfaction, Recompence, or Compensation as shall be assessed by such Jury: Provided always, that in such Inquiry the Person claiming Compensation shall be treated as Plaintiff, and shall have

have all such Rights and Privileges as Plaintiffs in Actions of Law are entitled to: Provided also, that not less than Fourteen Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Company to the Party with whom any such Controversy shall arise, either by delivering such Notice to such Party, or by leaving the same at his Place of Abode.

Verdict to be recorded.

XXXVI. And be it further enacted, That the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person presiding at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the County of *Devon* among the Records of the Quarter Sessions of such County, and shall be deemed Records to all Intents and Purposes; and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and also to take or make Copies thereof, paying for every Copy after the Rate of One Halfpenny for every Ten Words.

Penalties upon Sheriffs, &c., Jurors or Witnesses, making default.

XXXVII. And be it further enacted, That if any such Sheriff or his Under Sheriff, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make default in the Premises, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds to the Party who shall be prejudiced or injured thereby, to be recovered, with full Costs of Suit, by Action or Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*; and if any Person so summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or being a Quaker to make Affirmation, or shall refuse to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act; or if any Person so summoned to give Evidence as aforesaid shall not appear on being paid or tendered a reasonable Sum for his Costs and Expenses, or appearing shall refuse to be sworn, or being a Quaker affirmed, or to give Evidence, every Person so offending, having no reasonable Excuse, (to be judged of and determined by the said Sheriff, Under Sheriff, Coroner, or other Person,) shall forfeit and pay for every such Offence, to the Party for whom on whose Account any such Jury or Witness shall have been summoned, any Sum not exceeding Twenty Pounds; which said last-mentioned Penalty and Forfeiture shall and may be levied, by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Devon*, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, on Demand, the Overplus of the Money thereby produced (if any), after such Penalty, and the Charges and Expences of such Distress and Sale, shall have been deducted.

Jurors to be under the same Regulations as those of the Courts of Westminster.

XXXVIII. And be it further enacted, That every such Jury and Jurymen as aforesaid shall also be subject to the same Regulations, Pains, and Penalties as if such Jury and Jurymen had been returned for the Trial of any Issue joined in any of Her Majesty's Courts of Record at *Westminster*; and all Persons who in any Examination to be taken by virtue of this Act upon their Oath, or being Quakers upon their Affirmation, shall wilfully and corruptly give false Evi-

dence before any such Jury, Sheriff, Under Sheriff, Coroner, or other Person, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to the Pains and Penalties to which Persons guilty of wilful and corrupt Perjury shall or may by Law be subject.

Special Jury may be summoned.

XXXIX. And be it further enacted, That in all Cases of Controversy between the said Company and any Person or Persons, where by this Act a Jury is authorized or directed to be summoned, it shall be lawful for the said Company, or for the Person or Persons with whom any such Controversy shall arise, and they are hereby empowered, if they think proper so to do, to require the Sheriff or Under Sheriff of the County of *Devon* to summon the Party with whom such Controversy shall arise, or the Company, to appear by himself or themselves, or by his or their Attorney, before the said Sheriff or Under Sheriff, at such convenient Place and Time, not being less than Seven Days from the Service of the Warrant requiring a Jury to be summoned, as such Sheriff or Under Sheriff shall appoint, for the Purpose of nominating a Special Jury between the said Parties; which Requisition to the said Sheriff or Under Sheriff shall be served on such Sheriff or Under Sheriff a reasonable Time before the Time appointed for taking such Inquiry; and such Sheriff or his Under Sheriff 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 Statutes 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 or his Under Sheriff, or some Person duly appointed by them or one of them, 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 Court at *Westminster;* and the said Sheriff or Under Sheriff, or some Person duly appointed by them or any of them as aforesaid, 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 Seven 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 or Under Sheriff 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 this 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 this Act: Provided also, that if a sufficient Number

6 G. 4. c. 50.

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 said County; 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.

Expences of Jury, how to be paid.

XL. And be it further enacted, That in every Case in which the Verdict of a Jury summoned as aforesaid shall be given for the same or a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands to be used or taken by them for the Purposes of this Act, or as Compensation for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs, Charges, and Expences incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, and otherwise incident to the said Inquisition, and the Expences of the Bond to be given by the Parties requiring such Jury to be summoned as hereafter mentioned, shall be defrayed by the said Company; and such Costs, Charges, and Expences shall be settled and determined by the said Sheriff, Under Sheriff, Coroner, or other Person as aforesaid; and in case such Costs, Charges, and Expences shall not be paid to the Party entitled to receive the same within Seven Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Company or of their Treasurer, under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *Devon* not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by any Party entitled to receive such Costs, Charges, and Expences; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by the said Company, then one Moiety of the said Costs, Charges, and Expences shall be defrayed by the Party with whom the said Company shall have such Controversy or Dispute, and the Remainder shall be defrayed by the said Company; and the former Moiety of such Costs, Charges, and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money adjudged to be paid to such other Party as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of the Money so adjudged shall be deemed and taken, to all Intents and Purposes, to be a good Tender or Payment in satisfaction of the whole thereof.

Expences of Titles to be paid by the Company.

XLI. And be it further enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as the Purchaser, of all

Conveyances

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

How such Expences are to be ascertained.

XLII. And be it further enacted, That if the said Company and the Party aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences, the same shall be ascertained by the said Court of Exchequer; and it shall be lawful for the said Court, on Petition to be presented by the said Company, to order and direct that such Costs, Charges, and Expences shall be referred to One of the Masters of the said Court, to be taxed in the usual Manner; and such Order shall be served on the Party aforesaid, who shall be at liberty to proceed under the same; and after Taxation thereof it shall be lawful for the said Court to order and direct the Amount of such Costs, Charges, and Expences so taxed, together with the Costs, Charges, and Expences attending the Taxation thereof, or so much of the same as shall be payable by the said Company to the Party from whom the Premises shall have been purchased or taken, shall be paid to the Party aforesaid: Provided always, that the said Company shall not be at liberty to enter into Possession of the Premises so purchased or taken until an Order shall shall been made for the Taxation of the said Costs, Charges, and Expences, and the said Company shall have deposited the Sum claimed in respect of the same in the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there *ex parte* the *Taw Vale* Railway and Dock Company, pursuant to the Method prescribed by the herein-before mentioned Act passed in the First Year of the Reign of His Majesty King *George* the Fourth; which Sum shall be applied, under the Order of the said Court, in Payment of the said Costs,

Charges,

Charges, and Expences: Provided always, that the Expence of determining such Costs, Charges, and Expences as aforesaid, and of obtaining the Order or Orders referring the same to be taxed, shall be paid and borne by the said Company, unless the Sixth of the said Costs, Charges, and Expences shall be disallowed, in which Case the said Expence shall be paid and borne by the Party from whom the said Premises were purchased or taken, and the Amount thereof may then be paid to the said Company out of the said Sum so deposited by them as aforesaid.

Persons requiring Juries to enter into Bonds to prosecute their Complaint and pay Expences.

XLIII. And be it further enacted, That all Parties with whom the said Company shall have any such Dispute for Damages, and who shall require a Jury to be summoned as aforesaid, shall, before the said Company shall be obliged to issue their Warrant for the summoning of such Jury, enter into a Bond to the said Company in a Penalty of One hundred Pounds to prosecute their Complaint, and to bear and pay their Proportion of the Costs and Expences of summoning and returning such Jury, and taking such Verdict, and of the summoning and Attendance of Witnesses, and of recording the Verdict or Judgment thereon, and otherwise incidental to such Inquisition, in case any Part of such Costs and Expences shall fall upon them.

Notice of Injury to be given to the Company before Complaint.

XLIV. And be it further enacted, That the said Company shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed, (without the Consent of the said Company,) to receive or take notice of any Complaint to be made by any Party for any Loss or Injury by him sustained or supposed to be sustained in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing by or on the Behalf of the Person or Corporation making such Complaint, stating the Nature, Extent, and Particulars of such Loss or Injury, and the Amount of the Compensation claimed in respect thereof, shall, after Demand made by or on behalf of the said Company stating this Provision, have been given by such Person or Corporation to the said Company within the Space of Two Calendar Months after such Demand shall have been made by or on behalf of the said Company.

Settling Disputes as to Damages to a small Amount.

XLV. And be it further enacted, That in case any Difference shall arise between the said Company and any of the Owners or Occupiers of the Property to be taken, used, or injured for the Purposes of this Act, as to the Amount or Value of the Damages done by the said Company, their Agents or Workmen, to such Property, in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted and settled between the said Parties, the same shall, in case the Amount of Damages claimed does not exceed the Sum of Twenty Pounds, be ascertained and determined by some Two or more Justices of the Peace for the County of *Devon*, who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Company.

XLVI. And

Application of Compensation Money when amounting to 200*l.*

XLVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Lands to be taken or used by virtue of the Powers of this Act, or of any Interest therein, or for the Release of any such Lands from any Rent or other Incumbrance charged thereon, or for any Compensation under this Act, which any Corporation, Tenant for Life or in Tail, or Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or any Person whose Lands are limited in strict or other Settlement, or any Person under any other Disability or Incapacity, shall be entitled unto or interested in, or hereby capacitated to convey, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the *Taw Vale* Railway and Dock Company, pursuant to the Method prescribed by an Act in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in there remain until the same shall, by Order of the said Court, made in a summary Way upon Petition to be presented to the said Court by the Party who would have been entitled to the Rents and Profits of the said Lands, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the said Lands, or affecting other Lands standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out, by Order of the said Court, made in a summary Way as aforesaid, in the Purchase of other Lands, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands which shall be so purchased, taken, or used as aforesaid, or in respect of which such Compensation shall be paid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Purchase can be made the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime and until such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, or shall be called in or cancelled, the Dividends or Interest and annual Produce thereof shall from Time to Time, by Order of the said Court, be paid

1 G. 4. c. 35.

to the Party who would for the Time being have been entitled to the Rents and Profits of such Lands so to be purchased and settled.

When less than 200*l.*, and exceeding 20*l.*

XLVII. Provided always, and be it further enacted, That if any Money agreed or awarded to be paid as last herein-before mentioned shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then the same shall, with the Approbation of the said Company, signified in Writing under the Hands of Three at least of the Directors of the said Company, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, upon the Request of the respective Parties for the Time being entitled to the Rents and Profits of the Lands so taken or used, or of such Interest therein, or of their respective Husbands, Guardians, or Committees, in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, and with the like Approbation, to Two Trustees, to be nominated by the respective Parties exercising such Option, (such Nomination to be approved of by the said Company,) and such Nomination and Approbation to be signified in Writing under the Hands of the nominating Party and of Three at least of the Directors of the said Company; and the Money so paid to such Trustees, and the Dividends and Produce so arising thereon and therefrom, shall be by such Trustees applied in like Manner as herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer.

When not exceeding 20*l.*

XLVIII. Provided also, and be it further enacted, That where any Money so agreed or awarded to be paid as last herein-before mentioned shall not exceed the Sum of Twenty Pounds, the same shall be paid to the respective Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so taken or used for the Purposes of this Act, or in respect of which such Compensation shall be paid, for their own Use and Benefit, or in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid, for their Use, to their respective Husbands, Guardians, Committees, or Trustees.

In case of not making out Titles, &c., the Money to be paid into the Bank.

XLIX. And be it further enacted, That in case any Party to whom any Money shall be agreed or awarded to be paid for the Purchase of any Lands to be taken or used under or by virtue of the Powers of this Act, or for any Interest or for Compensation as aforesaid, shall refuse or neglect to accept the same, or to convey the Premises or Interest in the Premises purchased, or shall refuse, neglect, or be unable to make a Title to such Premises, or to such Interest in the Premises, to the Satisfaction of the said Company, or shall be absent from *England*, or shall not be conveniently found, or if any Party entitled unto or to convey such Lands or such Interest therein cannot be conveniently known or discovered, or be not shown to the Satisfaction of the said Company to be such Party, then and in every such Case it shall be lawful for the said Company to order the Money so agreed or awarded as aforesaid to be paid into the Bank

of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands (describing them, so far as the said Company can do), subject to the Control and Disposition of the said Court; which said Court, on the Application of any Party making claim to such Money or to any Part thereof, by Petition, is hereby empowered, in a summary Way of proceeding or otherwise, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the Estate, Title, or Interest of the Party making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem proper; and the Cashier of the Bank of *England* who shall receive such Money is hereby required to give to the said Company, or to the Party paying in such Money, a Receipt for such Money, mentioning and specifying therein for what and for whose Use (described as aforesaid) the same is received, and in respect of what Purchase the same has been so paid in.

Persons in Possession presumptively entitled.

L. Provided always, and be it further enacted, That where any Question shall arise in reference to the Provisions aforesaid or otherwise upon this Act touching the Title of any Party to any Lands, or to any Interest in any Land, or to any Compensation Money in respect of Damage done to any Lands, or to any Money to be paid into the Bank of *England* for the Purchase of any Lands, or of any Estate, Right, Title, or Interest in any Lands to be taken or used in pursuance of this Act, or for Compensation as aforesaid, or to any Annuities or Securities to be purchased with any such Money as herein mentioned, or to the Dividends or Interest of any such Annuities or Securities, the Parties respectively who shall have been in Possession or Receipt of the Rents and Profits of such Lands at the Time of such Purchase, and all Persons and Corporations claiming under such Parties, or under or consistently with the Possession of such Parties, shall be deemed to have been lawfully entitled to such Lands or such Interest therein, or to such Money as aforesaid, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Annuities or Securities to be purchased with such Money, and also the Capital of such Annuities or Securities, shall be paid, applied, and disposed of accordingly.

The Court may order reasonable Expences of Purchases to be paid by the Company.

LI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of any Person or Corporation entitled to any Lands to be purchased, taken, or used under the Authority of this Act, or from any other Cause, except the wilful Refusal of such Person or Corporation to convey the said Lands, or to accept the Purchase or Compensation Money, the Purchase Money for the same, or the Money paid for such Compensation, shall be required to be paid into the Bank of *England*, it shall be lawful for the said Court to order the reasonable Costs, Charges, and Expences attending any such Purchase, taking, or using of such Lands, and also all the Costs, Charges, and Expences of the Investment of the Purchase or Compensation Money in Government or Real Securities, and in the

the Reinvestment of the same in the Purchase of other Lands, together with the necessary Costs and Charges of obtaining the proper Orders, and all other Proceedings for such Purposes, except such as may be occasioned by Litigation between Claimants, and for the Payment of the Dividends and Interest of such Government or Real Securities in which such Purchase or Compensation Money may be invested, and for the Payment out of Court of the Principal of such Purchase or Compensation Money, or of the Government or Real Securities aforesaid, to be paid by the said Company, and the said Company shall from Time to Time pay such Sums of Money for the Costs, Charges and Expences herein-before mentioned as the said Court shall direct.

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

LII. 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 aforesaid, for the Purchase of any Lands, within Three Calendar Months after the same shall have been so agreed upon or awarded, or whenever any of the respective Cases shall happen wherein such Money is herein-before authorized or directed to be paid into the Bank of *England*, then, upon Payment into the Bank of *England*, as herein-before directed, it shall be lawful for the said Company immediately to enter upon such Lands, and thereupon such Lands, with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of all Parties therein, whose Estates, Trusts, or Interests shall have been purchased by means of such Payment, Tender, or Deposit, shall thenceforth be vested in and become the sole Property of the said Company to and for the Purposes of this Act; and the said Company shall not be bound to see to the Application of any such Purchase Money; and such Payment or Tender, 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 all Estates Tail and other Estates in Reversion and Remainder, and all Rights, Titles, Limitations, and Trusts whatsoever of and in the said Lands so purchased as aforesaid: 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, save for the Purposes of ascertaining and setting out the same for the Purposes of this Act, under such Restrictions as are herein mentioned, without the previous Consent of the Owners and Occupiers thereof respectively.

Tenants at Will, &c. to quit Lands after Notice.

LIII. And be it further enacted, That all Persons in Possession of any Lands which shall be required or be intended to be taken or used for the Purposes of this Act, and who shall have no greater Interest than as Tenants at Will, or Lessees for a Year, or as Tenants from Year to Year, shall respectively deliver up Possession of such Property to the said Company, or to such Person as the said Company shall appoint to take possession of the same, at the Expiration of Six Calendar Months next after Notice to that Effect shall have been given by the said Company to or left at the Place of Abode of such respective Tenants or Lessees in Possession, or left upon

upon the said Premises, whether such Notice be given with reference to the Time of the Commencement of such Tenants Holding or not, and whether such Notice be given before or after the said Premises shall be purchased by the said Company, or at such other Time after the Expiration of Six Calendar Months as in any such Notice they shall be respectively required; and in case any such Tenant or Lessee or Person so in Possession as aforesaid shall refuse to give up such Possession as aforesaid, it shall be lawful for the said Company to issue their Precept to the Sheriff of the County in which the Premises shall be situate to deliver Possession of the said Premises to such Person as shall in such Precepts be nominated to receive the same, and the said Sheriff is hereby required to deliver Possession of the said Premises 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 give Possession, by Distress and Sale of his Goods and Chattels.

Interest of such Tenants may be settled by a Jury.

LIV. Provided always, and be it further enacted, That where any such Tenant or Lessee who shall be required to deliver Possession of any Premises occupied by him before the Expiration of his Term or Interest therein shall, within Three Calendar Months after Demand in Writing made by the said Company, setting forth this Provision, give the said Company previous Notice in Writing thereof, stating the Period of such unexpired Term or Interest, the said Company shall and they are hereby required to make or Tender to such Tenant or Lessee, before they shall issue their Precept to the Sheriff to give Possession of the Premises in the Occupation of such Tenant or Lessee, Satisfaction, Recompence, or Compensation for the Value of his unexpired Term or Interest in the said Premises; which Satisfaction, Recompence, or Compensation, in case of Difference, shall be ascertained and determined in the same Manner as any other Satisfaction, Recompence, or Compensation for any Lands taken or used by the said Company is by this Act directed to be made or determined.

Compensation to be made for temporary Damage.

LV. And whereas in making and executing the said Railway, Dock, and the several other Works by this Act authorized, it may be necessary for the said Company, their Agents and Workmen, to enter upon and take temporary Possession of some Parts of the Lands adjoining to the Line of the said Railway, and adjoining to the said Dock and other Works, for the Purpose of laying or depositing and working thereon Earth, Clay, Stones, Bricks, Slates, Timber, Lime, and other Materials, or of manufacturing such Clay into Bricks, or of getting or procuring Earth and Materials from such adjoining Lands, or for forming temporary Roads or Approaches to and from the said Works; and inasmuch as a Jury summoned as directed by this Act to assess a Compensation for the Damage and Injury done to such adjoining Lands by the Exercise of the Powers and Authorities by this Act granted, cannot, either upon View or from Evidence, form a just Opinion of the permanent Injury which will be sustained by the Owners or Occupiers of such adjoining Lands by the Exercise of the Powers and Authorities aforesaid, until the Works shall have been completed, it is expedient that the said Company, their Agents and Workmen, should be empowered to enter

upon such adjoining Lands for the Purposes aforesaid, without incurring or being liable to any Penalty for entering or remaining on the said Lands without having previously made such Payment, Tender, or Investment of Money as herein-before mentioned; be it therefore enacted, That notwithstanding any thing in this Act contained it shall be lawful for the said Company, their Agents and Workmen, and they are hereby empowered, to enter upon the Lands of any Person or Corporation whatsoever adjoining or lying near to the said Railway and Dock and other Works by this Act authorized to be made and maintained, or any of them, or any Part thereof respectively, for the Purpose of laying, depositing, working, or manufacturing upon such Lands, or upon any Part thereof respectively, any Earth, Clay, Stones, Bricks, Slates, Timber, Lime, or other Materials, or for forming temporary Roads or Approaches to and from the said Works, and to dig, cut, take, remove, and carry away, out of and from such adjoining Lands or any Part thereof, any Soil, Gravel, Clay, Sand, Stone, or other Materials which can or may be got or found therein, and which may be requisite or convenient for making the said Railway, Dock, and other Works, and to manufacture the same, without having previously made such Payment, Tender, or Investment as herein-before mentioned, and also to make use of any existing Roads, they the said Company, their Agents and Workmen, doing as little Damage as may be in the Exercise of the several Powers hereby granted to them, and making Compensation for such temporary Occupation or temporary Damage of the said Lands to the Owners and Occupiers thereof, such Compensation, in case the Parties differ about the same, whether the same shall exceed the Sum of Twenty Pounds or not, to be settled and recovered in manner herein-before provided in Cases of Disputes as to the Value of Lands through or upon which the said Railway, Dock, and other Works are intended to be made, and the Compensation for any Damage sustained by reason of the Execution of any of the Works by this Act authorized: Provided always, that the said Company shall and they are hereby required, within Six Calendar Months after the Expiration of the Period by this Act granted for executing the Railway, Dock, and Works, or after the Period at which they shall cease to use any such Land, whichever shall first happen, to make such Compensation and Satisfaction for the permanent Damages or Injury (if any) which may have been done to the said Lands by the Exercise of any of the Powers aud Authorities aforesaid, in the same Manner as in this Act is directed in other Cases of permanent Damage or Loss occasioned by the said Company: Provided also, that before it shall be lawful for the said Company to make such temporary Use as aforesaid of the Lands adjoining or lying near the said Railway, Dock, or Works, the said Company shall and they are hereby required to give Six Weeks Notice of such their Intention to the Owners or Occupiers of such Lands, and to separate and set apart, by sufficient Railings or Fencings, so much of the Lands as shall be required to be so used as aforesaid from the other Lands adjoining thereto: Provided also, that before entering upon any such Lands for such temporary Purposes as aforesaid the said Company shall, if required by the Owner or Occupier thereof, find Two sufficient Persons who shall enter into a Bond to such Owner or

Occupier in a Penalty to the Amount of Fifty Pounds *per* Acre, conditioned for the Payment of such Compensation, such Securities to be approved of by Two Justices of the Peace for the said County of *Devon* in case the Parties differ about the same: Provided also, that it shall not be lawful for the said Company to make such temporary Use of any such Lands as aforesaid lying at a greater Distance than Two hundred and fifty Yards from the said Railway and Dock.

Enabling the Company to sell Lands not wanted.

LVI. And be it further enacted, That it shall be lawful for the said Company and they are hereby required, within Ten Years after the passing of this Act, to contract for, and to sell, and by any Deed under their Common Seal, and for such Consideration as they may deem reasonable, to convey to the Purchasers thereof any Part of such superfluous Lands as shall not be required for the Purposes of this Act, save and except any Lands adjoining any Station belonging to the said Company, or any Estate or Interest purchased by the said Company in such Lands or any Part thereof, in such Manner as they shall deem most advantageous; and such Contracts, Sales, and Conveyances from the said Company shall be valid and effectual to all Intents and Purposes: Provided always, that the said Company, before they shall dispose of any such superfluous Lands, shall first offer to sell the same to the Person or to the several Persons whose Lands or Premises shall immediately adjoin the Lands so proposed to be sold, at such Price or Prices as the Company shall be disposed to sell the same, or can or may obtain for the same from any other Person or Persons, such Persons being in *England* and conveniently to be found, and being capable of entering into a Contract for the Purchase of such Lands; and such respective Persons, in case they shall be desirous of purchasing the same, shall signify such their Desire and Intention in that Behalf to the said Company within Thirty Days after such Offer of Sale shall have been made; and in case such Persons shall decline to avail themselves of such Offer, or shall neglect to signify their Desire and Intention to purchase such Lands for the Space of Thirty Days, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer of Sale shall cease; and a Declaration in Writing, made and sworn to before a Master or Master Extraordinary in the High Court of Chancery, or before any Justice of the Peace for the County of *Devon*, by some Person not interested in such Lands, stating that the Person entitled to such Right of Pre-emption was not in *England*, or was not found, or was not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made by or on behalf of the said Company, and that such Offer was refused, or was not accepted by the Person to whom the same was made within the Space of Thirty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused, or was not accepted within the Time aforesaid (as the Case may be) by the Person to whom such Offer was made; and the Money produced by the Sale which may be made by the said Company of such Lands as aforesaid shall be applied to the Purposes of this Act; and all Conveyances

which

which shall be made by the said Company, pursuant to the Authority by this Act in them reposed, shall be judged sufficient to vest such Estate in the Purchaser as shall have been agreed for, or shall be expressed or meant and intended to be conveyed and granted by any such Conveyance: Provided also, that if such superfluous Lands shall not be sold within the Time herein-before limited the same shall vest in and become the Property of the Owners of the adjoining Lands.

Company, upon Payment of Monies, to give Receipts.

LVII. And be it further enacted, That upon Payment of the Money which shall arise from the Sale of any Lands, or of any Interest therein, belonging to the said Company, which shall be sold by the said Company under the Authority of this Act, or upon Payment of any Money under this Act, it shall be lawful for any Two Directors of the said Company, or for the Secretary or Clerk or any Officer appointed by the said Directors for the Purpose, to sign and give a Receipt for the Money so paid, which Receipt shall be a sufficient Discharge to all Persons for the Purchase Money for such Lands or Interests as shall be sold, or for such other Money as in such Receipt shall be expressed to be received, and such Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money or other Money, or of any Part thereof.

The Word "grant" in Conveyances from the Company to amount to certain Covenants.

LVIII. And be it further enacted, That in all Conveyances to be made by the said Company under or in pursuance of this Act the Word "grant" shall operate as and be construed and adjudged in all Courts of Judicature to be express Covenants to or with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, or Assigns of such Grantees, according to the Quality or Nature of such Grantees Interest therein, and the Estate or Interest therein expressed to be thereby conveyed by or from the said Company, for themselves and their Successors, that they the said Company, notwithstanding any Act or Default done by them, were at the Time of the Execution of such Conveyances 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, and that the Purchaser thereof, his Heirs and Assigns, Successors and Assigns, or Executors, Administrators, and Assigns (as the Case may be), shall quietly enjoy the same against the said Company and their Successors, and all claiming under them, and be indemnified and saved harmless by the said Company and their Successors from all Incumbrances committed by the said Company; and also for further Assurance, at the Expence of such Grantees respectively, their Heirs, Successors, Executors, Administrators, or Assigns, of such Lands and Premises, by the said Company or their Successors, and all claiming under them, unless except and so far as the same shall be restrained and limited by express particular Words contained in such Conveyances; and all such Grantees, and their several Successors, Heirs, Executors,

cutors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest expressed to be conveyed, shall and may in all Actions to be brought assign Breach or Breaches of Covenants as they might do in case such Covenants were expressly inserted in such Conveyances.

If Land not contracted for within Three Years, the Power to take Property by Compulsion to cease.

LIX. 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, agree for or cause to be valued and paid for, as in this Act is mentioned, the Lands which they are by this Act empowered to take or use, or otherwise so much thereof as shall be by them deemed necessary and proper for the Purposes of making the said Railway, Dock, or other Works hereby authorized, then and from thenceforth the Powers which are hereby granted to them for taking or using such Lands shall cease and be utterly void, save and except with the Consent in Writing of the Owners and Occupiers thereof respectively.

If Railway not completed in Seven Years, Powers to cease, except as to such Part, if any, as shall be completed.

LX. And be it further enacted, That in case the said Railway, Dock, and other Works shall not have been made and completed (unless prevented by inevitable Accident) within the Space of Seven Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Seven Years all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much (if any) of the said Railway, Dock, and Works as shall be declared and certified to have been completed within the said Term by the Justices of the Peace for the said County of *Devon* assembled at any General or Quarter Sessions of the Peace to be held in and for the said County of *Devon* at any Time before the Expiration of the Term of Seven Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of Two or more Witnesses upon Oath, or in the Case of Quakers Affirmation, to be produced before such Justice for that Purpose.

The whole of the Expence to be subscribed for before the compulsory Powers of this Act are put in force.

LXI. And whereas the probable Expence of making the said Railway, Dock, and the other Works hereby authorized will amount to the Sum of Twelve thousand and one hundred Pounds, and the Sum of Nine thousand one hundred Pounds, or Three Fourths thereof, has been already subscribed for by several Persons, under a Contract, binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them respectively subscribed for; be it therefore enacted, That the whole of the said Sum of Twelve thousand and one hundred Pounds shall be subscribed for in like Manner before any of the Powers given by this Act in relation to the compulsory taking of Land for the Purposes of the said Railway, Dock, or other Works shall be put in force.

Certificate of a Justice of the Peace to be sufficient Proof that the

LXII. Provided always, and be it further enacted, That a Certificate under the Hand and Seal of any Justice of the Peace for the County of *Devon* that the whole of the said Sum of Twelve thousand and one hundred Pounds hath been subscribed as aforesaid (and

whole of the Money has been subscribed.

which Certificate such Justice is hereby authorized and required to grant, on Application made to him by the said Company, and on Evidence being adduced to his Satisfaction that the whole of the said Sum has been subscribed for), shall for all Purposes whatsoever be conclusive Evidence that the whole of the said Sum of Twelve thousand and one hundred Pounds has been subscribed.

Proprietors to raise Money amongst themselves for the Undertaking, not exceeding 15,000*l.* to be divided into Shares of 50*l.* each.

LXIII. And be it further enacted, That it shall be lawful for the said Company to raise amongst themselves any Sum of Money for making and maintaining the said Railway and Dock and other Works by this Act authorized, not exceeding in the whole the Sum of Fifteen thousand Pounds Sterling, the whole to be divided into Shares of Fifty Pounds each; and such Shares shall be numbered beginning with Number One in arithmetical Progression, and every such Share shall be distinguished by the Number to be applied to the same; and the said Shares shall be and are hereby vested in the several Parties taking the same, and their several and respective Successors, Executors, Administrators, and Assigns, to their proper Use and Benefit, proportionably to the Sum they shall severally contribute; and all Persons and Corporations, and their several and respective Successors, Executors, Administrators, and Assigns, who have subscribed or shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards the said Undertaking and other the Purposes of the said Subscription, shall be entitled to and receive, in proportionable Parts according to the respective Sums so by them respectively paid, the net Profits and Advantages which shall arise or accrue from or by the Rates, Tolls, and other Sums of Money to be received by the said Company, as and when the same shall be divided by the Authority of this Act.

Names of Proprietors to be entered, and Certificates of their Shares to be delivered to them.

LXIV. And be it further enacted, That the said Company shall and they are hereby required, at their First or some subsequent General Meeting, and afterwards from Time to Time as Occasion may require, to cause the Names of the several Corporations, and the Names and Additions of the several Persons who shall then be or who shall from Time to Time thereafter become entitled to Shares in the said Undertaking, with the Number of Shares which they are respectively entitled to, and the Amount of the Subscription paid thereon, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the said Company, and after such Entry made to cause their Common Seal to be affixed thereto; and the said Company shall from Time to Time cause a Certificate or Ticket, with the Common Seal of the said Company affixed thereto, to be delivered to every such Proprietor, on Demand, specifying the Share or Shares to which he is entitled in the said Undertaking, such Proprietor paying to the said Company the Sum of Two Shillings and Sixpence, and no more, for every such Certificate or Ticket; and such Certificate or Ticket shall be admitted in all Courts whatsoever as *primâ facie* Evidence of the Title of such respective Proprietors, their Successors, Executors, Administrators, or Assigns, to the Share or Shares therein specified; but the Want of such Certificate or Ticket shall

not hinder or prevent the Proprietor of any of the said Shares from selling or disposing thereof; and such Certificate or Ticket may be in the Words or to the Effect following; (that is to say,)

Form of Certificate.

'The *Taw Vale* Railway and Dock Company.

'Number

'THESE are to certify, That *A.B.* of is the Proprietor
'of the Share [*or* Shares] Number of the *Taw Vale*
'Railway and Dock Company, subject to the Rules, Regulations,
'and Orders of the said Company. Given under the Common Seal
'of the said Company the Day of in the Year of
'our Lord .'

For granting new Certificates when old ones are destroyed or worn out.

LXV. And be it further enacted, That if any such Certificate or Ticket as aforesaid shall be worn out, damaged, lost, or destroyed, then, upon due Proof thereof to the Satisfaction of the said Company, a similar Certificate or Ticket shall be given to the Proprietor of the Share in respect whereof the Certificate or Ticket so worn out, damaged, lost, or destroyed was granted, the said Company receiving for every such Certificate or Ticket which shall be so given or exchanged the Sum of Two Shillings and Sixpence, and no more.

For ascertaining the Proprietorship of Shares in Cases of Death, &c. in order to the Payment of Dividends in respect of such Shares.

LXVI. And whereas by the Death of or by other Events happening to Proprietors, or by the Marriage of Female Proprietors of Shares in the said Undertaking, it may be difficult to ascertain to whom such Shares, or the Dividends arising or becoming due upon such Shares, may belong or ought to be paid; be it therefore enacted, That in all Cases when the Right of Property in any Share in the said Undertaking shall pass from any Proprietor thereof to any other Person or Corporation by any other legal Means than by a Transfer or Conveyance thereof, duly made and executed as herein-after mentioned, a Declaration in Writing shall be made by some credible Person before some Master or Master Extraordinary of the High Court of Chancery, or One of Her Majesty's Justices of the Peace, stating the Manner in which such Share hath been passed to such other Person or Corporation; and such Declaration shall be transmitted to the said Company, who shall thereupon enter and register the Name of every such new Proprietor in the Register Book or List of Proprietors of the said Company; and the said Company shall be entitled to receive for each such Entry as is herein-before directed the Sum of Two Shillings and Sixpence, and no more; and the said Company shall not be bound to see to the Execution of any Trusts, whether express or constructive, to which any such Share shall be subject or liable; and before such Declaration shall have been transmitted and such Entry made as aforesaid no Person or Corporation to whom any such Share shall have passed as aforesaid shall be entitled to receive any Part of the Profits of the said Undertaking, or to vote or to exercise any of the Privileges of a Proprietor in respect of such Share: Provided always, that before any Person who shall claim any Part of the Profits of the said Undertaking in right of Marriage with any Female Proprietor shall be entitled to receive the same, or be entitled to vote in respect of any Share, a Declaration

Declaration in Writing, containing a Copy of the Register of such Marriage or other Particulars of the Celebration thereof, and identifying the Wife as the Proprietor of the Share in respect whereof any such Claim may be made, shall be made by some credible Person before some Master or Master Extraordinary in the High Court of Chancery, or One of Her Majesty's Justices of the Peace, and shall be transmitted to the said Company, who shall file the same, and make an Entry thereof in the Book which shall be kept for the Entry of Transfers or Sales of Shares in the said Undertaking; and before any Person or Corporation who shall claim any of the Profits of the said Undertaking by virtue of any Bequest or Will, in the Course of Administration, shall be entitled to receive the same, or be entitled to vote in respect of any Share, the Probate Copy of the said Will, or the Letters of Administration, shall be produced and shown to the said Company.

To compel Payment of Subscription.

LXVII. And be it further enacted, That the several Persons who have subscribed or who shall hereafter subscribe or agree to advance or pay any Money for or towards the said Undertaking shall and they are hereby required to pay the Sums of Money by them respectively subscribed or agreed to be paid, or such Parts thereof as shall from Time to Time be called for by the Directors of the said Company, under the Powers of this Act, at such Times and Places and to such Persons as shall be directed by the said Directors; and in case any Person shall refuse or neglect to pay as aforesaid the Money by him so subscribed for, or the Part thereof so called for, it shall be lawful for the said Company to sue for and recover the same, with full Costs of Suit, in any Court of Law or Equity, together with Interest on every such unpaid Sum of Money at the Rate of Five Pounds *per Centum per Annum* from the Time when the same was directed to be paid as aforesaid up to the Day of the actual Payment thereof.

Powers of Directors to make Calls.

LXVIII. And be it further enacted, That the Directors to be appointed as aforesaid shall have Power from Time to Time to make such Calls of Money from the Subscribers to and Proprietors of the said Undertaking for the Time being, to defray the Expences of and to carry on the same, as they shall from Time to Time find necessary, so that the aggregate Amount of Calls made or Money paid for or in respect of any such Shares shall not amount to more than the Sum of Fifty Pounds on any such Share, and so that no such Call shall exceed the Sum of Ten Pounds upon each Share which any Person or Corporation shall be possessed of or entitled unto in the said Undertaking; and an Interval of Three Calendar Months at the least shall elapse between the Day appointed for Payment of one Call and the Day appointed for the Payment of another Call; and Twenty-one Days Notice at the least shall be given of every such Call by Advertisement inserted in One or more *Barnstaple* or County Newspapers aforesaid; and all Monies so called for shall be paid to such Persons, at such Times and Places, and in such Manner as in the said Notice shall be appointed; and the respective Owners of Shares in the said Undertaking shall pay their rateable Proportion of the Monies to be

be called for as aforesaid to such Persons and at such Times and Places and in such Manner as shall be appointed as aforesaid; and if any Owner or Proprietor for the Time being of any such Share shall not so pay such his rateable Proportion, then and in such Case, and as often as the same shall happen, he shall pay Interest for the same after the Rate of Five Pounds *per Cent. per Annum* from the Day appointed for the Payment thereof up to the Time when the same shall be actually paid; and if any Owner or Proprietor for the Time being of any such Share shall neglect or refuse to pay such his rateable Proportion, together with Interest (if any), then or at any Time thereafter, it shall be lawful for the said Company to sue for and recover the same in any of Her Majesty's Courts of Record by Action of Debt or on the Case, or by Bill, Suit, or Information; or the said Directors may and they are hereby authorized to declare the Shares belonging to such Owner to be forfeited, and to order such Shares to be sold: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share in the said Undertaking until Notice in Writing under the Hands of Two Directors, or under the Hand of the Secretary or Clerk of the said Company, that such Share has been declared forfeited, shall have been given or sent by the Post unto or delivered to some Inmate of the last known usual Place of Abode of the Owner of such Share, nor until Declaration of Forfeiture of the said Directors shall have been confirmed either at a General or Special General Meeting of the said Company, such General or Special General Meeting being held after the Expiration of Three Calendar Months at the least from the Day on which such Notice of Forfeiture shall have been given as aforesaid; and after such Declaration of Forfeiture shall have been confirmed by such General Meeting or Special General Meeting, the said Company, by an Order to be made at the same or at any subsequent General Meeting or Special General Meeting, shall have Power to direct the said Directors to dispose of the Shares so forfeited, or any of them, in manner by this Act directed, and the said Directors may in that Case sell and dispose of such Shares at a public Auction or by private Contract, and together or in Lots, or in such other Manner and for such Price as they may think fit; and a Declaration in Writing, made by some credible Person not interested before any Justice of the Peace, or before any Master or Master Extraordinary in the High Court of Chancery, stating that such Call had been made by the said Directors, and that such Notice had been given, and that such Default in Payment had been made in respect of the Share so sold, and that the same Share had been declared to be forfeited, and that such Declaration had been confirmed in manner herein-before mentioned, shall be sufficient Evidence of the Facts therein stated; and the Purchaser of such Share shall not be bound to see to the Application of his Purchase Money, nor shall his Title to such Share be affected by any Irregularity of Proceeding in reference to such Sale, but such Declaration, and the Receipt of the Treasurer of the said Company for the Price of such Share, shall be sufficient Evidence of Title thereto for all Purposes whatsoever.

If Calls are not paid Interest to be charged thereon.

If Shareholders neglect to pay Calls and Interest, the Company may sue for the same, or declare the Shares to be forfeited, and sell them, after due Notice.

LXIX. And be it further enacted, That in any Action to be brought by the said Company against any Proprietor for the Time being

Proceedings in Actions for Calls.

being of any Share in the said Undertaking, to recover any Money due and payable for or in respect of any Call, it shall be sufficient for the said Company to declare and allege that the Defendant, being a Proprietor of a Share in the said Undertaking, is indebted to the said Company in such Sum of Money as the Calls in arrear shall amount to, for a Call or so many Calls of such Sums of Money upon a Share belonging to the said Defendant whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth special Matter, and on the Trial of such Action it shall only be necessary to prove that the Defendant at the Time of making such respective Calls was a Proprietor of a Share in the said Undertaking, and that such Call was in fact made, and that such Notice was given as is directed by this Act, without proving the Appointment of the Directors who made such Calls, or any other Matter whatsoever, and the said Company shall thereupon be entitled to recover what shall appear due, including Interest, computed as aforesaid, on such Calls, unless it shall appear that any such Call exceeded Ten Pounds *per* Share, or was made payable before the Expiration of Three Calendar Months from the Day appointed for Payment of the last preceding Call, or that Notice was not given as herein-before required; and in order to prove that the Defendant was a Proprietor of such Share in the said Undertaking, as alleged, the Production of the Book in which the said Company is by this Act directed to enter and keep the Names and Additions of the several Proprietors from Time to Time of Shares in the said Undertaking, with the Number of Shares they are respectively entitled to, and of the Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons and Corporations who shall from Time to Time become Proprietors thereof, or be entitled to Shares therein, shall be *primâ facie* Evidence that such Defendant is a Proprietor, and of the Number and Amount of his Shares therein.

For ascertaining the Proprietorship of Shares in case of Deaths, &c., in order to the making of Calls in respect of such Shares.

LXX. And whereas in Cases in which Proprietors of Shares in the said Undertaking shall die, or marry being Females, or become insolvent or bankrupt, or go out of the Kingdom, or shall transfer their Right and Interest therein to other Persons, and no Registers shall have been made of the Transfer thereof with the Clerk of the said Company, it may not be in the Power of the said Company to ascertain who are the Proprietors of such Shares, in order to give to them, or to their respective Executors, Administrators, Husbands, Successors, or Assigns, Notice of Calls to be made on such Shares, or to maintain Actions, Suits, or other Proceedings against them, or against their respective Executors, Administrators, Husbands, Successors, or Assigns, for the Recovery of the same; be it therefore enacted, That in all Cases where the Right of Property in any Share in the said Undertaking shall pass from the original Proprietor thereof to any other Person or Corporation by any other legal Means than by a Transfer or Conveyance thereof, duly made and executed as herein provided, and such Declaration as is herein-before in that Behalf directed shall have been transmitted to the said Company, then and in any of the Cases aforesaid, after Twenty-one Days Notice in Writing shall have been given, under the Hands of Two Directors, or under the Hand of the Secretary

or Clerk of the said Company, to the Person or Corporation stated or claiming in such Declaration to be the then Proprietor of such Share, or delivered to some Inmate of the last or usual known Place of Abode of such Person, or of the Clerk of such Corporation, or by Advertisement inserted in some One or more *Barnstaple* or County Newspapers, to pay his or their Proportion of Money to be called for, and such Person or Corporation shall not have paid such his or their Proportion as aforesaid, it shall be lawful for the said Company, at any General Meeting or Special General Meeting after the Expiration of such Notice, to declare every such Share to be forfeited, and in such Case the same shall become forfeited, and shall and may be sold and disposed of in such Manner, on such Evidence of Title, and with such Powers, and with such Indemnity to Purchasers, as in other Cases of Sales of Shares forfeited for the Nonpayment of Calls thereon, or such Shares may, at the Option of the said Company, be consolidated in the general Fund of the said Company; and in case there shall be no such Declaration made as aforesaid, then such Notice as is herein-before directed to be given shall be served upon or delivered to some Inmate of the last known Place of Abode of the Executors or Administrators of such Proprietor so dying, or of the Husband of such Female Proprietor so marrying, or of the Assignees or Trustees of such Proprietor so becoming bankrupt or insolvent, or, in the event of the Share having been disposed of as aforesaid, of the last Proprietor appearing in the Books of the said Company to have been possessed of the same; and in case the last or usual Place of Abode of any such Proprietor cannot be ascertained upon Inquiry, or in case the Proprietor of the Share shall be out of the Kingdom, such Notice shall be inserted in the *London Gazette;* and in all such Cases, and after such Notices, on default being made, the said Shares shall be forfeited, and may be sold, or be consolidated with the general Fund of the said Company in manner aforesaid; and the like Evidence of Title shall be sufficient on any Sale, and the like Indemnity to the Purchaser shall exist, as in other Cases of Sales on account of the Nonpayment of Calls: Provided always, that in the Case of Proprietors being abroad the Shares shall not be forfeited until the Expiration of Six Calendar Months after the Day on which such Notice shall have been inserted in the *London Gazette* as aforesaid.

Shares to be deemed Personal Estate.

LXXI. And be it further enacted, That all the Shares and Proportions of and in the said Undertaking, or the Joint Stock or Fund of the said Company, shall to all Intents and Purposes be deemed Personal Estate, and be transmissible as such, and shall not be deemed to be of the Nature of Real Property.

Proprietors of Shares may sell the same.

LXXII. And be it further enacted, That it shall be lawful for the several Proprietors of Shares in the said Undertaking, and their respective Executors, Administrators, and Successors, by Writing duly stamped, in which the Consideration for the same shall be duly stated, to sell and dispose of any Shares to which they shall be entitled therein, subject to the Rules and Conditions herein mentioned; and the Form of Conveyance of such Shares may be in the following Words or to the like Effect, varying the Names and Descriptions of the contracting Parties as the Case may require; (that is to say,)

'I *A.B.*

Form of Conveyance of Shares.

'I *A.B.* in consideration of the Sum of paid to me by *C.D.* of do hereby assign and transfer to the said *C.D.* Share [*or* Shares] numbered of and in the Undertaking called "The *Taw Vale* Railway and Dock Company," to hold unto the said *C.D.*, his Executors, Administrators, and Assigns, [*or* Successors and Assigns], subject to the several Conditions on which I held the same immediately before the Execution hereof; and I the said *C.D.* do hereby agree to accept and take the said Share [*or* Shares], subject to the Conditions aforesaid. As witness our Hands and Seals the Day of .'

And on every such Sale the Deed or Conveyance, being executed by the Seller and Purchaser, shall be kept by the said Company, or by the Secretary or Clerk of the said Company, who shall enter in some Book to be kept for that Purpose a Memorial of such Transfer and Sale, and indorse the Entry of such Memorial on the said Deed of Sale or Transfer, for which Entry and Indorsement the Sum of Two Shillings and Sixpence, and no more, shall be paid to the said Company; and the said Company or Secretary or Clerk as aforesaid is hereby required to make such Entry or Memorial accordingly, and, on Demand, to make an Indorsement of such Transfer on the Back of the Certificate of each Share so sold, and deliver the same to the Purchaser for his Security, for which Indorsement no more than Two Shillings and Sixpence shall be paid; and such Indorsement, being signed by such Secretary or Clerk, shall be considered in every respect the same as a new Certificate; and until such Memorial shall have been made and entered as before directed the Seller thereof shall remain and be held liable for all future Calls, and the Purchaser shall have no Part or Share of the Profit of the said Undertaking, nor any Interest in respect of such Share, paid to him, nor any Vote in respect thereof as a Proprietor of the said Undertaking.

After a Call made, no Share to be sold until Call is paid.

LXXIII. And be it further enacted, That no Person or Corporation shall sell or transfer any Share which he or they shall possess in the said Undertaking upon which any Call shall have been made after the Day appointed for the Payment of the same, unless at the Time of such Sale or Transfer he or they shall have paid the full Sum of Money which shall have been called for in respect of each Share.

First and other General Meetings.

LXXIV. And be it further enacted, That the First General Meeting of the said Company shall be held within Six Calendar Months next after the passing of this Act; and from and after such First General Meeting of the said Company there shall be a Half-yearly General Meeting of the said Company in the Second Week of the Month of *February* and the Second Week of the Month of *August* in each and every Year, or within the Space of Twenty Days next after each of such Periods, and all such and so many Special General Meetings of the said Company as the Directors of the said Company shall think proper to convene, or as shall be convened by the Proprietors in manner herein-after provided; of which said General Meetings and Special General Meeting Fourteen Days public Notice at the least

least shall be given in the Manner herein-after directed; and every such Notice of a Special General Meeting shall specify the Purpose for which the same is called; and such First General Meeting and such Half-yearly General Meetings may be adjounred from Time to Time.

Meetings of Proprietors may be specially convened.

LXXV. And be it further enacted, That Four or more Proprietors of the said Company holding in the aggregate Fifty Shares or upwards in the said Undertaking, upon which Shares all Calls actually previously made shall have been paid and satisfied, may at any Time, by Writing under their Hands, left at the Office of the said Company, or given to at least Three Directors of the said Company, or left at or delivered to some Inmate of their last or usual Places of Abode, require the Directors of the said Company to call a Special General Meeting of the Proprietors of the said Company, so as such Requisition fully express the Object for which such Special General Meeting is required to be called; and in case of Neglect or Refusal of the said Directors to call such Meeting for the Space of Twenty-one Days next after such Notice shall have been given as aforesaid the same may be called by such Four or more Proprietors by giving Fourteen Days Notice thereof in One of the *Barnstaple* or County Papers; and the said Company are hereby authorized to meet in pursuance of such Notice, and such of the Proprietors thereof as shall be present at such Meeting shall proceed in the Execution of the Powers by this Act given to the said Company with respect to the Matters so specified in such Notice, and to those only; and all Acts of the major Part in Votes of the Proprietors of the said Company met together at any such Special General Meeting shall be as valid with respect to the Matters specified in such Notice, and those only, as if the same had been done at a General Meeting held at the Time herein-before appointed for holding the same.

Business of Special and adjourned General Meetings.

LXXVI. And be it further enacted, That no Business shall be transacted at any Special General Meeting other than the Business for which it shall have been called, and no Business shall be transacted at any adjourned General or adjourned Special General Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

Notice of Meetings how to be given.

LXXVII. Provided always, and be it further enacted, That all Notices in this Act directed to be given of any General or Special General Meeting of the Proprietors of the said Company, or of any other Matters, to any of the Proprietors of the said Company, and all other Notices which may be required to be given by or on behalf of the said Company, and which are not herein otherwise provided for, shall be signed by the Chairman of the Directors of the said Company, and shall be given by Advertisements inserted in One or more of the *Barnstaple* or County Newspapers in manner herein-before directed; and such last-mentioned Notices, when so published and given, shall be deemed and considered the same as if personally served.

Directing how Subscribers shall vote at Meetings.

LXXVIII. And be it further enacted, That at all General and Special General Meetings held by virtue of this Act all Persons and Corporations who shall have duly subscribed for or become entitled to any Share or Shares in the said Undertaking, and their respective Successors, Executors, Administrators, and Assigns, shall have a Vote for each such Share, and such Vote or Votes may be given by such respective Parties, or in their Absence by their respective Proxies constituted under the Seals of such Bodies, or under the Hands of the other Proprietors appointing such Proxies, all such Proxies being Proprietors of Shares in the said Undertaking; and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if the Principal had voted in Person; and every Question, Matter, or Thing which shall be proposed in any General or Special General Meeting of the said Company shall be determined by the Majority of Votes of the Proprietors of the said Company then present personally or by Proxy; and at every such Meeting the Chairman thereof shall and may not only vote as a Principal and also as a Proxy, but in case of an Equality of Votes shall and may also have the deciding or casting Vote; and the Determination of every such Meeting upon any Question, Matter, or Thing shall be and be deemed and taken to be the Decision of the said Company, notwithstanding any Irregularity which may have occurred in the giving or taking of any Votes at such Meeting; and the Appointment of every such Proxy may be made according to the Form following, or as near thereto as the Quality, Nature, and Number of the Appointee or Appointees of the Proxy thereby constituted, and other Circumstances, will admit; (that is to say,)

Form of Proxy.

'*A.B.* of one of the Proprietors of the *Taw Vale* Rail-
'way and Dock Company, doth hereby appoint *C.D.* of to
'be the Proxy of the said *A.B.*, to vote or give his Assent to or
'Dissent from any Business, Matter, or Thing relating to the said
'Undertaking which shall be proposed at any General or Special
'General Meeting of the said Company, in such Manner as he
'the said *C.D.* shall think proper. In witness whereof the said
'*A.B.* hath hereunto set his Hand [*or* Common Seal] the
'Day of .'

Proxies to be transmitted to Secretary of Company.

LXXIX. Provided always, and be it further enacted, That no Person shall be entitled to vote as a Proxy of any Person or Corporation as aforesaid unless the Instrument appointing such Proxy shall have been transmitted to the Secretary of the said Company One clear Day at least before the holding of the Meeting at which such Proxy is intended to be used.

The Person whose Name stands first as a joint Proprietor with others to be deemed the Owner, and to vote.

LXXX. And be it further enacted, That whenever several Persons shall be jointly possessed of or entitled to any Share in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share shall, for the Purpose of voting at every General or Special General Meeting of the said Company, be deemed the Proprietor of such Share, and as between several Proprietors all such Proprietors shall be entitled to give their Votes in respect thereof by the Person whose Name

shall so stand first in the Books of the said Company as Proprietor of such Share, and whose Vote shall, either in Person or by Proxy, on all Occasions be deemed and allowed to be the Vote for or in respect of the whole Property in such Share, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share; and all Notices by this Act directed to be given to the Proprietors of Shares in the said Undertaking shall and may, for or in respect of any such Share so jointly held, be given to the Person whose Name shall so stand first in the Books of the said Company, or be left with some Inmate of the last or usual Place of Abode of such Person, or be inserted in One of the *Barnstaple* or County Newspapers (as the Case may require); and such Notice shall be deemed sufficient Notice to such Person whose Name shall so stand first as aforesaid, and to all other the Proprietors of such Share, for all the Purposes for which such Notice is intended to be given.

Lunatics and Minors to vote by Committees and Guardians.

LXXXI. And be it further enacted, That in case any Proprietor entitled to vote at any such Meeting as aforesaid shall be a Lunatic or Idiot, or Minor, such Lunatic or Idiot shall or may vote at such Meeting by his Committee or by any of his Committees, and such respective Committees, or any of them, may vote in respect of the Interest of such Lunatics or Idiots, either in Person or by Proxy, and such Minor shall and may vote by his Guardian or any of his Guardians, and such respective Guardians, or any of them, may vote in respect of the Interest of such Minors, either in Person or by Proxy: Provided always, that every such Committee or Member of Committee, or Guardian, or each of several Guardians, may also vote in right of his own Share, if he have any, as well as in the Character of Committee or Guardian.

Proprietors in arrear not to vote.

LXXXII. And be it further enacted, That no Proprietor of any Share on which any Call shall have been made shall, after the Day appointed for the Payment of the same, be allowed to vote, either personally or by Proxy, at any Meeting of the Proprietors of the said Company, or to act or vote as a Director at any Meeting of the said Directors, until the Money called for in respect of such Share shall have been fully paid.

Receipt of One Proprietor of a Share a sufficient Discharge.

LXXXIII. And be it further enacted, That the Receipt of the Person or of any One of the Persons in whose Name or Names any Share in the said Undertaking shall stand in the Books of the said Company shall from Time to Time be a sufficient Discharge to the said Company and Treasurer for any Dividend or other Sum of Money which shall become payable and be paid for or in respect of such Share, notwithstanding any Uses or Trusts upon or to which such Share shall be then settled, conveyed, or assigned, whether or not the said Company have Notice of such Uses or Trusts; and the said Company shall not be bound to see to the Application of the Money mentioned in such Receipt.

Receipt of the Parent or Guardian of a Minor a

LXXXIV. And be it further enacted, That in all Cases where Money shall be payable, under the Provisions of this Act, to any Proprietor who shall be a Minor, Idiot, or Lunatic, the Receipt of the

sufficient Discharge.

the Guardian (if any, or if not of the Parent of such Minor, or of the Committee or of any of the Committees of such Idiot or Lunatic,) shall be a sufficient Discharge to the said Company and their Treasurer for the same.

Proprietors to raise an additional Sum of Money, if necessary, by Mortgage.

LXXXV. And be it further enacted, That it shall be lawful (after Fifty *per Centum* on the whole of the Capital shall have been paid up) for the said Company, from Time to Time, by an Order of any General or Special General Meeting of the said Company, to borrow and take up at Interest any further or additional Sum not exceeding in the whole the Sum of Five thousand Pounds on the Credit of the said Undertaking; and the Directors of the said Company, after an Order shall have been made for that Purpose at any General or Special General Meeting of the said Company, are hereby empowered to mortgage, assign, and charge the Property of the said Undertaking, and the Rates, Tolls, and others Sums arising or to arise by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of the Funds of the said Company,) as a Security for any such Money to be brorowed as aforesaid, with Interest, to or for the Benefit of the Party who shall advance the same, or to his Trustee; and a Copy of the Order of any General or Special General Meeting of the said Company, authorizing the borrowing of any such Sum of Money, certified by One Director, or by the Secretary or Clerk of the said Company, to be a true Copy, shall be a sufficient Evidence of the making of the Order for raising such additional Sum of Money; and all which Mortgages, Assignments, and Charges shall be made, under the Common Seal of the said Company, in the Words or to the Effect following, or with such Variation therein as the Circumstances of the Loan may render necessary; (that is to say,)

Form of Mortgage.

'*Taw Vale* Railway and Dock Company.

'Number

'BY virtue of an Act passed in the First Year of the Reign of Her 'Majesty Queen *Victoria*, intituled [*here set forth the Title of this* '*Act*,] we, "The *Taw Vale* Railway and Dock Company" incor- 'porated by and under the said Act, in consideration of the Sum of ' to us in hand paid by *A.B.* of do assign 'unto the said *A.B.*, his Executors, Administrators, and Assigns, the 'said Undertaking, and all and singular the Rates, Tolls, and Sums 'of Money arising by virtue of the said Act, and all the Estate, 'Right, Title, and Interest of the said Company in and to the same, 'to hold unto the said *A.B.*, his Executors, Administrators, and 'Assigns, until the said Sum of together with 'Interest for the same after the Rate of for every 'One hundred Pounds for a Year, shall be fully paid and satisfied. ' Given under our Common Seal this Day of in 'the Year of our Lord .'

And the respective Parties to whom such Mortgages or Assignments shall be made shall be entitled, one with the other, to their respective Proportions of the said Rates, Tolls, and Sums and Premises according to the respective Sums in such Mortgages or Assignments mentioned to be advanced, without any Preference by reason of Priority

Priority of the Date of any such Order of Meeting, or Priority in Date of such Mortgage or Assignment, or any other Account whatsoever; and Entry or Memorial of such respective Mortgages or Assignments, containing the Numbers and Dates thereof, and the Names of the Parties, with their proper Additions, to whom the same shall have been made, and of the Sums borrowed, together with the Rate of Interest to be paid thereon respectively, shall within Fourteen Days next after the Date thereof be entered in some Book to be kept by the Secretary or Clerk of the said Company, which said Book may be perused at all reasonable Times by any of the Proprietors or Mortgagees of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all Parties to whom any such Mortgage or Assignment shall have been made as aforesaid, or who shall be entitled to the Money due thereon, may from Time to Time, by Writing duly stamped, in which the Consideration for the same shall be truly stated, transfer their respective Rights and Interests therein to any other Persons; and such Writing may be in the Words or to the Effect following; (that is to say,)

Mortgages may be transferred.

Form of Transfer of Mortgage.

'I *A. B.* of in consideration of the Sum of paid by *C. D.* of do hereby transfer unto the said *C. D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number made by the *Taw Vale* Railway and Dock Company to bearing Date the Day of for securing the Sum of and Interest, and all my Right, Estate, and Interest in and to the Money thereby secured, and in and to the Rates, Tolls, Sums of Money, and Property thereby assigned. Dated this Day of in the Year of our Lord .'

And every such Transfer shall within Twenty Days after the Date thereof, if executed in *England*, or otherwise within Twenty-eight Days after the Arrival thereof in *England* if executed elsewhere, be produced to the Secretary or Clerk of the said Company, who shall cause an Entry or Memorial to be made thereof in the same Manner as of the original Mortgage or Assignment, for which the said Company shall be paid the Sum of Two Shillings and Sixpence; and after such Entry or Memorial made every Transfer shall entitle such Assignee, his Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Person who shall have made such Transfer to make void, release, or discharge the Mortgage so transferred, or any Money thereon due or thereby secured, or any Part thereof.

LXXXVI. And be it further enacted, That the Interest of the Money which shall be raised by any such Mortgage, Assignment, or Charge as aforesaid shall be paid half-yearly to the several Parties entitled thereto, and in preference to any Dividends payable by virtue of this Act to the Proprietors of the said Company or any of them; and in case such Interest or any Part thereof shall be unpaid by the Space of Thirty Days next after the same shall have become due and payable as aforesaid, and the same shall not be paid within Thirty Days next after Demand thereof in Writing shall have been made to the said Company, it shall be lawful for Two or more Justices of the

Interest of Money borrowed to be paid in preference to Dividends.

Peace acting for the said County of *Devon*, not being interested in the matter in question, and they are hereby respectively required, on Request to them made by or on behalf of any Mortgagee, or Assignee of a Mortgagee, whose Interests shall be so in arrear, by an Order under their Hands to appoint some Person to receive the Whole or such Part of the said Rates, Tolls, or Sums as are liable to pay such Interest so due and unpaid as aforesaid; and the Money so to be received by such Person is hereby declared to be so much Money received by or to the Use of the Person to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the Rates, Tolls, or Sums, shall be fully paid and satisfied; and after such Interests and Costs shall have been paid and satisfied the Power and Authority of such Receiver for the Purposes aforesaid shall cease and determine, or otherwise the said Interest so due and unpaid as aforesaid may be sued for and recovered from the said Company, with Costs, by an Action of Debt in any of Her Majesty's Courts of Record at *Westminster*.

Creditors not to vote.

LXXXVII. Provided always, and be it further enacted, That no Person to whom any such Mortgage or Assignment shall be made or transferred shall by reason thereof be deemed a Proprietor of any Share, or shall be capable of acting or voting as such at or taking any Part in the Proceedings of any Meeting of the said Company.

Directors empowered to stipulate Periods for Redemption of Money to be borrowed on Security of Rates.

LXXXVIII. And be it further enacted, That when any Sum of Money shall be borrowed at Interest, pursuant to the Powers in that Behalf contained in this Act, it shall be lawful for the said Company, in case they shall in their Discretion think proper so to do, to fix a Period or Periods for the Repayment of the Principal Sum of Money so to be borrowed, with the Interest thereof; and in such Case the said Company shall cause to be inserted in such Mortgage or Assignment the Time or Times which shall be fixed or agreed upon for the Repayment of the Principal Money thereby to be secured, and such Sum of Money, with all Arrears of Interest thereon, shall accordingly be paid at the Time or Times so to be fixed to the Party who shall upon the Expiration of such Period or Periods be the Holder of and entitled to such Mortgage or Assignment, or his Nominee.

Holders of Mortgages or Assignments for Money borrowed for unlimited Periods may demand Payment after Twelve Months from their Dates; and Directors may pay off such Mortgages on giving Six Calendar Months Notice.

LXXXIX. And be it further enacted, That where no Time shall be fixed for the Repayment of any Sum of Money borrowed under the Authority of this Act, the Party entitled to any such Mortgage or Assignment may and he is hereby authorized to demand Payment of the Principal Monies thereby secured, with all Arrears of Interest, at the Expiration or at any Time after the Expiration of Twelve Calendar Months from the Date of such Mortgage or Assignment, upon giving Six Calendar Months Notice in Writing to the Secretary or Clerk of the said Company for the Time being: Provided nevertheless, that the said Company may at all Times pay off and discharge all such Mortgages or Assignments in which no Time shall be fixed for the Payment thereof, or any Part of the Money thereby secured, on giving Six Calendar Months Notice in the *London Gazette* and in One Newspaper circulated in *Barnstaple*, and at the Expiration of the said Six Calendar Months all Interest shall cease to be paid on the said Principal Money, unless the said Company shall,

shall, on Demand, make default in the Payment thereof, in pursuance of such Notice.

For securing Repayment of Principal Money borrowed.

XC. And be it further enacted, That in case of Nonpayment of any Principal Sum of Money which shall be secured by any such Mortgage or Assignment as aforesaid by virtue of this Act, or of any Part of such Principal Monies, at the Time or Times when the same ought to be paid, and in case the same shall not be paid within Six Calendar Months next after the same shall be so payable as aforesaid, and after Demand thereof in Writing shall have been made to the said Company, it shall be lawful for Two or more Justices of the Peace acting for the said County of *Devon*, not being interested in the Matter in question, and they are hereby respectively required, on Request to them made by or on behalf of any One or more of the Parties entitled to any such Mortgage or Assignment as aforesaid, and to whom any Principal Sums of Money shall be then due thereon and unpaid, amounting together to the Sum of Five hundred Pounds, by an Order under their Hands to appoint some Person to receive the Whole or such Part of the said Rates, Tolls, or Sums as are liable to pay such Principal Monies so due and unpaid as aforesaid; and the Money so to be received by such Person is hereby declared to be so much Money received by or to the Use of the Persons and Corporations to whom such Principal Money shall be due, and on whose Behalf such Receiver shall have been so appointed, until the same, together with the Costs and Charges of recovering and receiving the Rates, Tolls, or Sums, and all Interest then due thereon, shall be fully paid and satisfied; and after such Principal, Interests, and Costs shall have been paid and satisfied the Power and Authority of such Receiver for the Purposes aforesaid shall cease and determine; or otherwise the said Principal Money so due and unpaid as aforesaid may be sued for and recovered from the said Company, with Costs, by an Action of Debt in any of Her Majesty's Courts of Record at *Westminster*.

In case Mortgages are paid off, the Company may raise the Amount again.

XCI. And be it further enacted, That in case the said Company shall raise the Whole or any Part of the Money herein-before authorized to be raised by Mortgage, Assignment, or Charge as aforesaid, and shall afterwards pay off all or any Part thereof, then and in every such Case it shall be lawful for the said Company, immediately or at any Time thereafter, again to raise, in lieu of the Principal Money so paid off by them, such Sum of Money as they shall from Time to Time have paid off, or any Part thereof, and so from Time to Time as often as the same shall happen, but so nevertheless that the said Company shall not in any Event borrow more than the Sum of Five thousand Pounds in the whole.

Application of Money to be raised.

XCII. And be it further enacted, That all the Money to be raised by the said Company by virtue of this Act shall be laid out and applied, in the first place, in paying and discharging all Costs and Expences incurred in applying for, obtaining, and passing this Act, and all other Expences preparatory or relating thereto; and the Remainder of such Money shall be applied in and towards purchasing Lands, and making and maintaining the said Railway, Dock,

Dock, and other Works, and in otherwise carrying this Act into execution.

First Directors of the Company.

XCIII. And be it further enacted, That the said *William Long Wrey*, *George Harris*, *William Thorne*, *John Harris*, and *George Henry Harris*, and the Survivors and Survivor of them, or such of them as shall continue to act, shall be the first Directors of the said Company, and shall continue in Office until the First General Meeting of the said Company to be held in pursuance of this Act; and they the said Directors herein-before named shall and they are hereby required to fix the Time of such First General Meeting within the Limit herein-before prescribed, and to give Notice thereof in manner herein-before provided with respect to General Meetings of the said Company; and until such First General Meeting shall be holden, and such Five Directors shall have been duly elected as herein-before prescribed, the said Directors herein named, or the Survivors or Survivor of them, or such of them as shall continue to act, shall and lawfully may allot the Shares remaining undisposed of in the said Undertaking as to the said Directors shall seem fit, and shall and may exercise all other Powers and Authorities which are by this Act given to or which may be exercised by the Directors who may be elected in pursuance hereof at the first or any subsequent Annual General Meeting of the said Company; and it shall be lawful for the Directors appointed by this Act, or to be appointed in pursuance hereof, from Time to Time to appoint One of their Number to be Chairman of the said Directors, and to supply any Vacancy which may occur by the Death, Resignation, Disqualification, or Neglect or Refusal to act of any such Chairman.

First General Meeting to choose Directors.

XCIV. And be it further enacted, That at the First General Meeting to be held as herein-before is mentioned, or at some Meeting to be held by Adjournment therefrom, Five Persons who shall be Proprietors and respectively possessed in their own Right of Five Shares in the said Undertaking shall be elected Directors, to manage the Affairs of the said Company by the Proprietors present at such Meeting, either personally or by Proxy; and of the Directors so elected as aforesaid Three shall be competent to act; and the several Persons so to be elected, being neither removed nor disqualified nor resigning, shall continue in Office and be Directors until the Half-yearly General Meeting of the said Company which shall be held in the Month of *February* in the Year of our Lord One thousand eight hundred and thirty-nine, and until others shall be elected in their Stead, in pursuance of this Act; and the said Company at any General Meeting shall have Power to fix what Remuneration (if any) shall from Time to Time be allowed to the Directors of the said Company.

Directors to go out annually by Rotation.

XCV. And be it further enacted, That at the General Meeting to be held in the Month of *February* which will be in the Year of our Lord One thousand eight hundred and thirty-nine Two of the Directors who shall have been so elected as aforesaid (to be determined by Ballot amongst themselves) shall go out of Office, and cease to be Directors of the said Company, and an equal Number of Persons

Pers ons who shall be Proprietors and respectively possessed in their own Right of Five Shares at the least in the said Undertaking shall be elected by the said Company to be Directors in their Place and Stead; and at the General Meeting to be held in the Month of *February* in every subsequent Year Two of the Directors who shall have been longest in Office, or whose Names shall stand first on the List of the Directors, shall go out of Office, and cease to be Directors of the said Company, and their Places be supplied in like Manner.

Directors going out of Office re-eligible.

XCVI. Provided always, and be it further enacted, That every Director who shall go out of Office on any annual Day of Election may be immediately or at any future Time re-elected by the said Company a Director of the said Company, and after such Re-election he shall, with reference to the going out by Rotation, be considered as a new Director.

General Meetings for choosing Directors to consist of Persons possessed of at least One hundred and twenty Shares.

XCVII. Provided always, and be it further enacted, That if at any such General Meeting there shall not, within Two Hours from the Time appointed for such Meeting, be such a Number of Persons present personally or by Proxy who shall on the whole be entitled to vote in respect of at least One hundred and twenty Shares, no Choice of Directors shall be made, nor shall any Business be transacted, but in such Case there shall be another Meeting of the said Company at the same Place at the Expiration of Fourteen Days from that Time; and if such sufficient Number of Proprietors personally or by Proxy shall not then attend thereat, such Meeting shall stand adjourned to the following Day; and in case such Number of Persons qualified as aforesaid shall not then be present, the Directors for the Time being shall continue to act and have the same Powers as they had and were possessed of until new Directors shall be appointed at the General Meeting which shall be held in the Month of *February* of the following Year.

For supplying Vacancies among Directors.

XCVIII. And be it further enacted, That when and so often as any Director of the said Company shall die, or shall resign, or shall become disqualified or incompetent to act as a Director, or shall cease to be a Director by any other Cause than that of going out of Office by Ballot or Rotation as aforesaid, it shall be lawful for the remaining Directors, if they shall think proper so to do, to elect some other Proprietor duly qualified to be a Director; and every such Proprietor so elected to fill up any such Vacancy, shall continue in Office as a Director so long only as the Person in whose Place or Stead he may be elected would have been entitled to continue had he lived and remained in Office.

No Person holding Office capable of being a Director.

XCIX. Provided nevertheless, and be it further enacted, That no Person holding any Office or Place of Trust or Profit under the said Company, or being concerned or interested in any Contract with the said Company, shall be capable of being chosen a Director of the said Company, nor shall any Director be capable of accepting any other Office or Place of Trust or Profit under the said Company, or of being concerned or interested in any Contract with the said Company, during the Time he shall be a Director of the said

Company; and if any Director of the said Company shall at any Time subsequent to his Election accept or continue to hold any other Office or Place of Trust or Profit under the said Company, or shall, either directly or indirectly, be concerned in any Contract with the said Company, or shall participate in any Manner in any Work to be done for the said Company, or shall at any Time cease to be a Proprietor of Five Shares in the said Undertaking, the Office of such Director shall thereupon become vacant, and he shall thenceforth be disqualified from voting or acting as a Director.

Powers and Duties of Directors.

C. And be it further enacted, That the Directors for the Time being of the said Company shall superintend all the Affairs thereof, and have Power to use the Common Seal of the said Company on their Behalf, and shall have full Power and Authority to do all Acts whatsoever for carrying into effect the Purposes of this Act, and for the Management, Regulation, and Direction of the Affairs of the said Company, or relative thereto, which the said Company are by this Act authorized to do, except as are herein required and directed to be done at some General or Special General Meeting of the said Company; and the said Directors shall appoint and displace all the Officers and Servants of the said Company, with the Exception of the Treasurer and Secretary or Clerk, and allow to them, except as aforesaid, such Salaries, Gratuities, or Recompences as to the said Directors shall seem proper; and the said Directors shall have Power to meet and adjourn from Time to Time, and from Place to Place, such Places being within the Distance of Five Miles from the Line of the said Railway and Dock, as they shall think proper; and there shall be Three Directors at the least present in order to constitute a Meeting; and all Questions, Matters, and Things which shall be discussed or considered at any Meeting of the Directors shall be finally determined by the Majority of Votes then present; and no Director, although possessed of many Shares in the said Undertaking, shall have more than One Vote at any such Meeting, unless he be the Chairman of such Meeting, in which Case he shall, if there shall happen to be an equal Division, always have a decisive or casting Vote as such Chairman; and the said Directors shall keep a regular Minute and Entry of their Proceedings at every Meeting of the said Directors, and the said Directors shall also keep full and true Accounts of all Monies disbursed and Payments made by the said Directors, and by all Persons employed by or under them, and of all Money which they shall receive on behalf of or in respect of such Undertaking, from any Collector of the Rates, Tolls, or Sums by this Act granted, or from any other Officer or Person employed in, or having any Concern, Dealing, or Transaction with the said Undertaking, or from any other Person on any Account for the Use of the said Company, and shall regularly enter into some Books, to be from Time to Time provided at the Expence of the said Company for that Purpose, Notes, Minutes, or Copies, as the Case shall require, of such Appointments, Receipts, and Disbursments, and of all Contracts and Bargains entered into or made by them, and of other their Orders and Proceedings, and which Books shall be deposited with and kept under the Care and Direction of the said Directors: Provided always, that it shall not be lawful for the said

Directors to fix or order what Remuneration shall be allowed to the Directors of the said Company: Provided also, that the said Directors shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer of the said Company, and from every Receiver, Collector, or Officer of the said Company who shall have the Custody or Control of any Money received by virtue of this Act, for the faithful Execution of his Office, before he shall enter thereupon.

Treasurer to give Security.

CI. And be it further enacted, That at all General and Special General Meetings of the said Company the Chairman of the said Directors, or in his Absence One of the Directors of the said Company, to be chosen at such Meeting, or in the Absence of all the Directors any Proprietor to be chosen at such Meeting, shall preside as Chairman; and such Chairman, in case of an equal Division of Votes upon any Subject entertained at any such Meeting, shall, in addition to his own Votes in respect of the Shares held by him, and in respect of the Shares of any other Proprietor whose Proxy he may hold, have an additional or casting Vote as Chairman.

At Meetings of the Company the Chairman of Directors to preside.

CII. And be it further enacted, That all Contracts and Agreements in Writing relating to the Affairs of the said Company which shall be signed by any Three of the Directors of the said Company shall be binding on the said Company and all other Parties thereto, their respective Successors, Heirs, Executors, and Administrators, and Actions and Suits may be maintained thereon, and Damages and Costs recovered by or against the said Company, or any of the other Parties thereto failing in the Execution thereof.

Contract signed by Three Directors to be binding.

CIII. And be it further enacted, That the Orders and Proceedings of all Meetings, as well General as Special, of the said Company, and of the said Directors and Committees respectively, shall be entered into some Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of such respective Meetings, and when so signed shall be open to the Inspection of any Proprietor of the said Company without Fee or Reward; and such Orders and Proceedings, when so entered and signed, shall be deemed original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others, and that without due Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Proprietors, or being Directors or Members of the Committee, or of the Signature of such Chairman, as the Case may be, all of which last-mentioned Acts shall be presumed.

Orders and Proceedings to be entered in a Book.

CIV. And be it further enacted, That the said Directors shall cause a Book to be kept by a Book-keeper, who shall enter or cause to be entered in the said Book true and regular Accounts of all Sums of Money received or expended for or on account of the said Undertaking, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and

Directors to cause Accounts to be kept.

and such Book shall at all reasonable Times be open to the Inspection of the Proprietors of the said Company and of the respective Loan Creditors for Money advanced and lent for the Purposes of this Act, without Fee or Reward; and the said Proprietors and Loan Creditors, or any of them, may take Copies of or Extracts from the said Book without paying any thing for the same; and in case the said Book-keeper shall refuse to permit or shall not permit such Proprietors and Loan Creditors, or any of them, to inspect such Book, or to take such Copies or Extracts as aforesaid, such Book-keeper shall forfeit and pay for every such Offence any Sum of Money not exceeding Twenty Pounds, to be levied and applied in the same Manner as other Penalties are by this Act directed to be levied and applied.

General Meeting to appoint Treasurer and Clerk.

CV. And be it further enacted, That the said Company shall at some of their General Meetings elect a Treasurer and Secretary or Clerk for transacting the Business of the said Company; and it shall be lawful for the said Company, at any subsequent General Meeting or Special General Meeting, from Time to Time to remove and displace any such Treasurer or Secretary or Clerk, or any Person who shall be thereafter elected to their respective Offices, and to elect in manner aforesaid any other Person to act as Treasurer or Secretary or Clerk of the said Company in the Place of such of the said Officers as shall die, or resign, or be removed from their respective Offices; and it shall be lawful for the said Company to allow such Salaries or other Emoluments to the said Officers respectively as they shall from Time to Time think proper.

Secretary and Treasurer not to be the same Person.

CVI. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint any Person who may be appointed the Secretary or Clerk in the Execution of this Act, or the Partner of such Secretary or Clerk, or any Person in the Service or Employ of such Secretary or Clerk or of his Partner, to be Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or any Person in the Service or Employ of such Treasurer or his Partner, to be the Secretary or Clerk of the said Company for the Purposes of this Act; and if any Person shall accept both the Offices of Secretary or Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Secretary or Clerk, or in the Service or Employ of such Secretary or Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Secretary or Clerk in the Execution of this Act, or shall act as Deputy of such Secretary or Clerk, or in any Manner officiate for such Secretary or Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Company other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, by Action of Debt

or

or on the Case, in any of Her Majesty's Courts of Record at *Westminster*.

Officers to account.

CVII. And be it further enacted, That every Officer and Person who shall be appointed or employed by virtue of this Act shall from Time to Time, when thereunto required by the said Company, make out and deliver to the said Company, or to such Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him received by virtue of this Act; and such Account shall state how and to whom and for what Purpose the same shall have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balances of such Account shall appear to be owing from him to the said Company, or to such Persons as the said Company shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, in his Possession or Power, or to pay the Balance thereof when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Company, or to such Persons as they shall appoint, within Three Days after being thereunto required by the said Company, or by such other Persons as last aforesaid, all Books, Papers, and Writings in his Possession or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Company, or by any other Person on their Behalf, to any Justice of the Peace acting within his Jurisdiction, such Justice may and he is hereby required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Company might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, or by the solemn Affirmation of any Person being a Quaker, it shall appear to such Justice that any of the Monies which shall have been collected and received shall be in the Hands of or be owing from such Officer or Person, such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if sufficient Goods and Chattels shall not be found to answer and satisfy the said Monies and the Charges of taking and making such Distress, and of selling the same; or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to such Justice the several Vouchers and Receipts relating to such Accounts in his Possession or Power, or to deliver up such Books, Papers, and Writings, or to pay the Balance due as aforesaid, then and in any of the Cases aforesaid the said Justice may, by Warrant under his Hand and Seal, commit such Officer or Person to some Common Gaol or House of Correction

within his Jurisdiction, there to remain without Bail or Mainprize until he shall have made out and delivered such Account, and delivered up the Vouchers and Receipts (if any) relating thereto, in his Possession or Power, and have delivered up such Books, Papers, and Writings (if any) as aforesaid, and shall have paid all the Money which shall appear to be in the Hands of or owing from him, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he shall have compounded with the said Company for such Money and Charges, and have paid the Composition Money to the said Company (and which Composition the said Company are hereby empowered to make), or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings to the said Company: Provided always, that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Three Calendar Months.

Company empowered to make Bye Laws.

CVIII. And be it further enacted, That the said Company, at some General or Special General Meeting of the said Company, shall have full Power and Authority from Time to Time to make such Bye Laws, Orders, and Rules as to them shall seem expedient for the good Government of the Affairs of the said Company, and for regulating the Proceedings and remunerating and reimbursing the Expences of the said Directors, and for the Management of the said Undertaking, and of the Officers and Servants of the said Company, in all respects whatsoever, and from Time to Time to alter or repeal such Bye Laws, Orders, and Rules, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the said Company shall seem meet, not exceeding the Sum of Five Pounds for any One Offence, such Fines and Forfeitures to be levied and recovered as any Penalty may by this Act be levied and recovered; which said Bye Laws, Orders, and Rules, being reduced into Writing under the Common Seal of the said Company, shall be printed and published; and such Bye Laws, Orders, and Rules, except such as shall relate solely to the Proprietors or Directors of the said Company, or to any of their Officers or Servants, shall be painted on Boards, and hung up and affixed and continued on the Front or other conspicuous Part of the several Toll Houses to be erected on the said Railway, Dock, and other Buildings or Places at which any Rates or Tolls shall be collected or paid under the Authority of this Act, and which Boards shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated or destroyed; and such Bye Laws, Orders, and Rules shall be binding upon and be observed by all Parties, and shall be sufficient in all Courts of Law or Equity to justify all Persons who shall act under the same; provided that such Bye Laws, Orders, or Rules be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any Direction in this Act contained; and all such Bye Laws, Orders, and Rules shall be subject to Appeal in manner herein-after mentioned: Provided always, that no such Bye Laws, Orders, or Rules so made, or any Alteration, Amendment, or Repeal thereof, shall be valid unless the same respectively shall have been allowed by the Justices of the Peace assembled at auy General or Quarter Sessions of the Peace for the

said County of *Devon*, or by Her Majesty's Justices of Her Courts of Queen's Bench or Common Pleas, or the Barons of Her Majesty's Court of Exchequer, or by any One or more of the said Justices or Barons.

Accounts to be made up half-yearly.

CIX. And be it further enacted, That the said Company shall and they are hereby required to cause a true and particular Account to be kept, and to be made up twice in every Year, that is to say, on the Thirtieth Day of *June* and the Thirty-first Day of *December*, of the Money received by or for the Use of the said Company by virtue of this Act, and of the Charges and Expences attending the making and maintaining the said Railway and Dock, and carrying on the said Undertaking, and of all other the Receipts and Expenditure of the said Company up to those Periods respectively, which Account shall be laid before the Half-yearly General Meetings of the said Company herein-before directed to be held in the Months of *August* and *February* respectively: Provided always, that if the Account so to be laid before any Half-yearly General Meeting shall not be considered satisfactory by such Meeting, then and in such Case the said Meeting shall have Power to appoint a Committee of Inspection, to consist of Three Proprietors, each of whom shall hold at least Five Shares in the said Undertaking, who shall examine into such Account, and report thereon to a future Meeting of the said Company to be held for that Purpose by Adjournment or otherwise; and for the Purpose of such Examination the said Directors shall, on Demand, at all convenient Times, cause to be produced to the said Committee, or any Three Members thereof, all Books of Account, Vouchers, and Documents in the Possession or Power of the said Directors relating to the Affairs of the said Company.

Dividends to be declared.

CX. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered, from Time to Time, at any Half-yearly General Meeting, or at a Special General Meeting to be called for that Purpose, to declare and make a Dividend out of the clear Profit of the Undertaking; and such Dividend shall be after the Rate of so much *per* Share upon the several Shares held by the Members of the said Company in the Joint Stock thereof: Provided always, that such Dividends shall not be made oftener than quarterly, and no Dividends shall be made exceeding the net Amount of clear Profit at the Time being in the Hands of the said Company, nor whereby the Capital of the said Company shall in any degree be reduced or impaired, nor shall any Dividend be paid in respect of any Share after a Day appointed for Payment of any Call of Money in respect thereof until such Call shall have been paid.

Railway to be free on Payment of Rates.

CXI. And be it further enacted, That all Persons shall have free Liberty to pass along and upon and to use and employ the said Railway, with Carriages properly constructed as by this Act directed, upon Payment only of such Rates and Tolls as shall be demanded by the said Company, not exceeding the respective Rates or Tolls by this Act authorized, and subject to the Provisions of this Act, and to the Rules and Regulations which shall from Time to Time be made by the

the said Company or by the said Directors, by virtue of the Powers to them respectively by this Act granted.

Rates of Tonnage allowed to be taken by the Company for the Use of the Railway.

CXII. And be it further enacted, That it shall be lawful for the said Company to demand and receive and recover, to and for the Use and Benefit of the said Company, for the Tonnage of all Articles, Matters, and Things which shall be conveyed upon or along the said Railway, any Rates or Tolls not exceeding the following; (that is to say,)

For all Dung, Compost, and all Sorts of Manure (except burnt Lime and Salt), and Limestone, and all undressed Materials for the Repair of public Roads or Highways, the Sum of Three Halfpence *per* Ton *per* Mile:

For all Coals, Coke, Culm, Charcoal, Cinders, burnt Lime, and Salt, Building, Pitching, and Paving Stones, dressed Bricks, Tiles, Slates, Clay, Sand, Ironstone, Iron Ore, Pig, Bar, Rod, Hoop, Sheet, and all other similar Descriptions of Wrought Iron and Castings not manufactured into Utensils or other Articles of Merchandize, the Sum of Two-pence *per* Ton *per* Mile:

For all Sugar, Grain, Corn, Flour, Dye Woods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, the Sum of Three-pence *per* Ton *per* Mile:

For all Cotton and other Wools, Hides, Drugs, manufactured Goods, and all other Wares, Merchandize, Articles, Matters, or Things, the Sum of Four-pence *per* Ton *per* Mile.

Tolls allowed to be taken by the Company on Carriages conveying Passengers or Cattle upon the Railway.

CXIII. And be it further enacted, That it shall be lawful for the said Company to demand, receive, and recover, to and for the Use and Benefit of the said Company, for or in respect of Passengers, Beasts, Cattle, and Animals conveyed in Carriages upon the said Railway, any Tolls not exceeding the following; (that is to say,)

For every Person conveyed in or upon any such Carriage, 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 Carriage, the Sum of Three Halfpence *per* Mile:

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

For every Sheep, Lamb, or other small Animal conveyed in or upon any 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* Mile.

Rates of Tonnage for the Docks.

CXIV. And be it further enacted, That it shall be lawful for the said Company to demand, receive, and recover, to and for the Use and Benefit of the said Company, for the entering of all Ships and Vessels into the said Dock (excepting Vessels and Boats passing through the said Docks and above the Floodgates to be erected, for the sole Purpose of loading and unloading there for the Use of *George Acland Barber*, the Reverend *William Charles Hill*, *Stephen Crocker*, *Samuel Crocker*

Crocker, *John Vellacott*, *William Chapple*, *Charles Roberts*, *Robert Thome Stephens*, and *George Fishley*, all of *Fremington* aforesaid, or any or either of them, as heretofore they have been accustomed, but no further or otherwise, and their Heirs or Assigns, or other the Owner or Owners or Occupier or Occupiers for the Time being of the Waste or Lands on either Side of *Fremington Pill* aforesaid, any Clay, Earthenware, *Cornish* Slate, Gravel, Sand, Dung, Coals for their own private Use, and Culm to burn Limestones found on the Lands of either of them in the said Parish of *Fremington*,) the Rates, Tolls, and Duties herein-after mentioned; (that is to say,)

For every Ship or Vessel which shall enter the said Dock such Rates and Duties as the said Company shall from Time to Time direct or appoint, not exceeding the Sum of Three-pence *per* Ton Register Measure, to be paid by the Master thereof on entering the said Dock; and if the same shall continue in the said Dock beyond the Space of Twenty-one Days an additional Sum not exceeding the Sum of Three-pence *per* Ton for every Week beyond the said first Twenty-one Days, to be paid by the Master thereof before leaving the said Dock.

Rates upon Goods, Wares, and Merchandize.

CXV. And be it further enacted, That the said Company shall or may take or receive for every Article of Goods, Wares, or Merchandize whatsoever, whether subject to any Duties of Customs and Excise, both or either, or not, which shall be landed or deposited from any Ship or Vessel, Boat, Barge, Lighter, Smack, Skiff, or any other Vessel whatever which shall enter the said Dock, or shipped from the said Dock, such Rates, Dues, or Sums, not exceeding the several Rates, Dues, or Sums specified and set forth in the Second Schedule hereunto annexed (so far as such Goods, Wares, and Merchandize are particularized in such Schedule), for or in respect of Wharfage, shipping, unshipping, landing, and loading every such Article, as the said Company or the Directors thereof shall from Time to Time appoint; and that the said Company shall or may take or receive for every Article of Goods, Wares, or Merchandize not particularized and set forth in the said Second Schedule, which shall be landed or deposited within or shipped from the said Dock for and on the Accounts aforesaid, such Rate, Due, or Sum as shall be equal to the Rate or Sum rated or affixed on Goods, Wares, and Merchandize of a similar Nature, Package, Value, and Quality in and by the said Second Schedule; and in case any such Goods, Wares, or Merchandize shall remain and continue on such Wharfs or Landing Places above the Space of Fourteen Days it shall be lawful for the said Company to take and receive such further Rates as they may think proper for every additional Fourteen Days, not exceeding the Rates, Tolls and Duties, specified in the said Schedule, and so in proportion for any Number of Days less than Fourteen that such Goods, Wares, and Merchandize shall remain; and all such Rates, Dues, and Sums shall be and are hereby vested in the said Company to and for their own proper Use and Behoof for the Purposes of this Act; and the said Directors shall from Time to Time make or cause to be made a Table of the Rates, Dues, and Sums charged by the said Company, and such Table shall be

printed and open to Inspection in the several Offices of the said Company.

Tonnage Rates, when payable and how to be recovered.

CXVI. And be it further enacted, That the said Tonnage and Dock Rates payable to the said Company in respect of any Ship or Vessel shall be paid by the Owner or Owners, Master, or other Person having the Care, Control, or Management of such Ship or Vessel, at or before the Expiration of Twenty-four Hours next after such Ship or Vessel shall enter the said Dock, or before leaving the same, which shall first happen; and in case any Owner or Owners, Master, or other Person having the Charge or Command of any Ship or Vessel in respect of which any Rates are payable to the said Company shall refuse or neglect to pay the same, then and in every such Case it shall from Time to Time be lawful for the Collector or Collectors of the said Company to go on board such Ship or Vessel to demand, collect, and receive such Rate, and on Nonpayment thereof, to take and distrain such Ship or Vessel, and all the Tackle, Apparel, and Furniture belonging thereto, or any Part thereof, and the same to detain until such Rate shall be paid and satisfied; and in case of Neglect or Default in Payment of any of the said Rates for the Space of Fourteen Days next after any Distress so made or taken, then and in such Case it shall be lawful for the said Collector or Collectors to cause such Distress to be appraised by Two or more sworn Appraisers, or other Person or Persons not interested therein, and afterwards to sell the said Distress, and therewith to satisfy himself or themselves as well for and in respect of the Rates so neglected or refused to be paid, as for and in respect of his or their reasonable Costs and Charges in taking, keeping, appraising, and selling the same, rendering the Overplus, if any, to the Owner or Owners, or Master or other Person having the Charge or Command of such Ship or Vessel, upon Demand.

Custom House Office not to discharge Vessels till Duty is paid.

CXVII. And for the better securing the Payment of the Rates, Tolls, and Duties by this Act imposed for the Use of the said Dock, be it further enacted, That it shall be lawful for the Collector of the Customs of the Port of *Barnstaple*, if so ordered by the Commissioners of Customs, to refuse to give or make out any Cocket or other Discharge, or take any Report Outwards, for any Ship or Vessel trading or coming to the said Dock, until the Rates, Tolls, and Duties by this Act made payable shall have been paid, and until an Acquittance shall have been produced under the Hand of the Collector of the said Company, testifying the Receipt of such Rates, Tolls, and Duties: Provided always, that if any such Collector of the said Company shall refuse, after the said Rates, Tolls, and Duties shall have been duly paid, to give such Receipt, every such Collector shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds, for the Benefit of the Party injured thereby.

Provision against evading the Payment of Rates.

CXVIII. And be it further enacted, That if any Owner, Master, or other Person having the Charge or Command of any Ship or Vessel shall elude or evade the Payment of any Rate payable to the said Company in respect of such Ship or Vessel, such Owner, Master, or other

other Person shall stand charged with and be liable to the Payment of the same.

Recovery of Rates or Tolls.

CXIX. And be it further enacted, That the Rates or Tolls hereby authorized to be taken shall be paid to such Persons at such Places upon or near the said Railway and Dock, and in such Manner and under such Regulations, as the said Company or as the said Directors shall, by Notice to be annexed to the Account or List of Rates or Tolls, direct or appoint; and in case of Refusal or Neglect, on Demand, to pay such Rates or Tolls, or any of them, or any Part thereof, it shall be lawful for the Collector or Collectors of the said Company, first paying the Duties due in respect of the Goods, Wares, and Merchandize, for or in respect whereof any such Rates or Tolls ought to be or ought to have been paid, or any Part thereof, to retain and sell, or to cause to be sold, all or any Part of such Goods, Wares, and Merchandize, and out of the Monies thence arising to retain and pay the Rates or Tolls which shall be payable to the said Company in respect of such Goods, Wares, and Merchandize, and all Charges and Expences of selling such Distress, rendering the Overplus, if any, of the Monies arising by such Sale, and such of the said Goods, Wares, and Merchandize as shall remain unsold, to the Person entitled thereto, upon Demand; and in case such Goods, Wares, and Merchandize shall happen to be removed before the Rates or Tolls payable to the Company in respect of the same shall be fully fixed then the said Company shall and may prosecute any Action or Actions at Law for the Payment and Recovery of such Rates or Tolls.

Company empowered to provide and Charge for locomotive or other propelling Power.

CXX. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to provide locomotive or stationary Engines or other Power for the drawing or propelling of any Carriages, Articles, Matters, or Things, Persons, Cattle, or Animals, upon the said Railway, and also along and upon any other Railway communicating therewith, and to receive, demand, and recover such Sums of Money for the Use of such Engines or other Power as the said Company shall think proper, in addition to the several other Rates, Tolls, or Sums by this Act authorized to be taken.

Company authorized to carry Passengers.

CXXI. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized to carry and convey upon the said Railway, and also along and upon any other Railway communicating therewith, all such Passengers, Cattle and other Animals, Goods, Wares, and Merchandize, Articles, Matters, and Things as shall be offered to them for that Purpose, and to make such reasonable Charges for such Conveyance as they may from Time to Time determine upon, in addition to the several Rates or Tolls by this Act authorized to be taken: Provided always, that it shall not be lawful for the said Company, or for any Person using the said Railway as Carriers, to charge for the Conveyance of any Passenger upon the said Railway any greater Sum than the Sum of Three-pence Half-penny *per* Mile, including the Toll or Rate herein-before granted.

CXXII. And

Company to keep a separate Account of the Tolls, for the Use of the Railway.

CXXII. And be it further enacted, That in all Cases in which the said Company shall carry for their own Profit any Passengers, Cattle or other Animals, Goods, Wares, or Merchandizes, Articles, Matters, or Things, a separate Account shall be duly kept, showing the Amount of Rates or Tolls which would have been received by the said Company for the Use of the said Railway in respect of such Passengers, Cattle or other Animals, Goods, Wares, Merchandizes, Articles, Matters, or Things, if carried by any other Party; and the said Company, shall also keep a separate Account of the Amount of the Rates or Tolls which shall from Time to Time be received by the said Company, for the Use of the said Railway, in respect of any Passengers, Cattle or other Animals, Goods, Wares, and Merchandize, Articles, Matters, and Things, carried by any other Party; and the Overseers of the Poor of the several Parishes and Townships through which the said Railway shall pass shall have free Access to and Liberty to inspect the same at any Time during the Months of *February* and *August* in each Year: Provided always, that if the said Company shall refuse or neglect to keep such Account they shall forfeit and pay the Sum of Three hundred Pounds for each Default therein; and if the said Company shall, at any Time during the first Fourteen Days in the Months of *February* and *August* respectively in each Year, refuse or permit, or shall not permit any of the said Overseers of the Poor to inspect such Accounts as aforesaid, the said Company shall forfeit and pay the Sum of Fifty Pounds for each Day during which such Refusal shall continue, such several Penalties to be recovered and applied in like Manner as the Penalties are by this Act directed to be recovered and applied.

Packages containing Goods of dangerous Quality to be marked.

CXXIII. And for the better preventing of Accidents or Injury which might arise on the said Railway and Works from the unsafe and improper Carriage of certain Goods and Merchandize upon the same, be it further enacted, That every Person who shall send or cause to be sent to the said Dock or by the said Railway any Aqua-fortis, Oil of Vitriol, Gunpowder, or other Goods of a dangerous Quality, shall distinctly mark or state the Nature of such Goods on the Outside of the Package containing the same, or shall otherwise give Notice in Writing to the Book-keeper or other Servant of the said Company with whom the same shall be left at the Time of so sending or causing the said Goods to be sent, on pain of forfeiting for every Default herein the Sum of Ten Pounds: Provided always, that the said Company shall not be compelled or compellable to carry upon the said Railway any Gunpowder or other Goods which in the Judgment of the said Company shall be of a dangerous Character; and it shall be lawful also for the said Company to restrain any other Persons from carrying thereon Gunpowder or such other Goods as aforesaid.

Passengers may carry Luggage without extra charge.

CXXIV. And be it further enacted, That without extra Charge it shall be lawful for every Passenger travelling upon or along the said Railway to take with him his Articles of Clothing, not exceeding Forty Pounds in Weight and Four Cubic Feet in Dimensions; and the said Company shall in no Case be in any way liable or respon-

sible

sible for the safe Carriage or Custody of, or for any Loss of or Injury to, any Articles, Matters, or Things whatsoever carried upon or along the said Railway with or accompanying the Person of or belonging to any Passenger, or delivered for the Purpose of being carried: Provided always, that nothing herein contained shall in any Case extend or be deemed or construed to extend to charge or make liable the said Company further or in any other Case than where, according to the Laws of this Realm for the Time being, Stage Coach Proprietors and Common Carriers would be liable; nor shall any thing herein contained extend or be deemed or construed to extend in any Degree to deprive the said Company of any Protection or Privilege which either now or at any Time hereafter Common Carriers or Stage Coach Proprietors have or may have, but the said Company shall from Time to Time and at all Times have and be entitled to the Benefit of every such Protection and Privilege.

Act not to prevent the Company from hiring locomotive Engines.

CXXV. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to prevent the said Company from making any Agreement with any Person for the Hire or Use of any locomotive Engine or of any Carriage, and to pay for the same such reasonable Sum as may be agreed on between the said Company and such Person, any thing herein contained to the contrary thereof notwithstanding.

Company empowered to contract with other Railway Companies.

CXXVI. And whereas it would tend much to the Convenience of the Public if Railway Companies were empowered to enter into mutual Arrangements so as to avoid the Necessity of a Change of Carriages and other Delays arising from a Diversity of Interest; be it therefore enacted, That notwithstanding any thing in this Act contained it shall be lawful for the said *Taw Vale* Railway and Dock Company and they are hereby empowered from Time to Time to make and enter into any Contract or Agreement with any other Railway Company, (and which Contract or Agreement all other Railway Companies are hereby empowered to make and enter into,) either for the Division or Apportionment of Tolls or Rates, or for the Passage over or along the Railway by this Act authorized to be made of any Engines or Carriages of or belonging to any other Railway Company or other Person, or which shall pass over or along any other Line of Railway, or for the Passage over or along or other Line of Railway of any Engines or Carriages which shall belong to the said *Taw Vale* Railway and Dock Company, or which shall pass over or along their Line of Railway, upon the Payment of such Tolls or Rates and under such Conditions and Restrictions as may be mutually agreed upon, and also to make and enter into any other Contract with any other Railway Company that may be deemed advisable; and any such Contract may contain such Covenants, Clauses, Provisoes, Conditions, and Agreements as the contracting Parties may respectively think advisable and mutually agree upon: Provided always, that no such Contract shall in any Manner alter, affect, increase, or diminish any of the Rates, Tolls, or Sums which the respective Companies, Parties to such Contracts, shall for the Time being be respectively authorized and entitled to have, demand, recover, or receive of or from any Person or any other Company, but

that all other Persons and Companies shall, notwithstanding any such Contract, be entitled to the Use and Benefit of any of the said Railways upon the same Terms and Conditions and upon Payment of the same Tolls, Rates, and Sums as they would have been in case no such Contract had been entered into; nor shall any such Contract give any Preference or Advantage to any Company or Person, Party thereto, over any other Company or Person, but all such Companies and Persons so contracting shall, notwithstanding such Contract, pay the same Amount of Tolls or Rates as shall from Time to Time be charged to other Companies or Persons not being Parties to such Contracts; and no Person or Party using the said Railway shall pay or be liable to pay any greater Amount of Toll or Rate for or in respect of any Carriage, Passenger, Goods, Articles, Matters, or Things carried or conveyed upon or along or using the said Railway than any of such Railway Companies.

Company authorized to fix the Price of small Parcels.

CXXVII. And be it further enacted, That it shall be lawful for the said Company from Time to Time to make such Orders for fixing, and by such Orders to fix, the Sum to be charged by the said Company in respect of small Parcels (not exceeding Five Hundred Pounds Weight each), as to them shall seem proper: Provided always, that the Provision herein-before contained shall not extend to Articles, Matters, or Things sent in large aggregate Quantities, although made up of several and distinct Parcels, such as Bags of Sugar, Coffee, Meal, and the like, but only to single Parcels unconnected with Parcels of a like Nature which may be sent upon the Railway at the same Time.

Regulating the Charge in Cases of fractional Parts of a Ton or of a Mile.

CXXVIII. And be it further enacted, That (without Prejudice to any of the Provisions herein-before contained) in all Cases in which there is a Fraction of a Ton a Proportion of the said Rates or Tolls may be demanded and taken for such Fraction according to the Number of Quarters of a Ton contained therein, and when there shall be a Fraction of a Quarter of a Ton such Fraction shall be deemed and considered as a Quarter of a Ton; and in all Cases where there shall be a Fraction of a Mile in the Distance which any Carriage shall pass upon the said Railway the Proportion of the Rates or Tolls which shall be demanded and taken for such Fraction shall beafter the Rate of the Number of Quarters of a Mile contained therein, and when there shall be a Fraction of a Quarter of a Mile such Fraction shall be deemed and considered a Quarter of a Mile; and in order to ascertain and calculate with greater Precision and Facility the Distance for which such Rates or Tolls shall be demanded and taken upon the said Railway, the said Company shall cause the said Railway to be measured, and Stones or other conspicuous Marks, with proper Inscriptions thereon, to be set up and maintained along the whole Line thereof at the Distance of One Quarter of a Mile from each other.

Power to reduce the RatesorTolls.

CXXIX. And be it further enacted, That it shall be lawful for the said Company, from Time to Time as they shall think fit, to reduce all or any of the Rates or Tolls by this Act authorized to be taken, and to take the reduced Rates, and afterwards from Time to Time

Time again to raise the same or any of them, and then to take such higher Rates, so that the same respectively shall not at any Time exceed the Amount by this Act authorized.

Rates for the Dock to be charged equally.

CXXX. Provided always, and be it further enacted, That the Rates, Tolls, and Duties to be taken by virtue of this Act for the Use of the said Dock shall at all Times be charged equally and after the same Rate in respect of the same Description of Articles, Matters, or Things; and no Reduction or Advance in the said Rates, Tolls, or Duties shall either directly or indirectly be made partially or in favour of or against any particular Person or Company, or be confined to any particular Part of the said Dock, but that every such Reduction or Advance of Rates, Tolls, and Duties upon any particular Kind or Description of Articles, Matters, or Things shall extend to and take place throughout the Whole and every Part of the said Dock upon and in respect of the same Description of Articles, Matters, and Things so reduced or advanced, and shall extend to all Persons whomsoever using the same, any thing to the contrary thereof in anywise notwithstanding.

Rates for the Railway to be charged equally.

CXXXI. Provided always, and be it further enacted, That the Rates or Tolls and Charges to be taken and made for the Use of the said Railway, or for the Carriage of any Passengers, Goods, Animals, or other Matters or Things to be conveyed by the said Company, or for the Use of any Steam Power or Carriage to be supplied by the said Company, shall be at all Times charged equally to all Persons, and after the same Rate *per* Mile or *per* Ton *per* Mile, or after any other Manner in which such Rates and Charges are herein directed or authorized to be taken or charged, throughout the whole of the said Railway in respect of all Passengers and of all Goods, Animals, or Carriages of a like Description, and conveyed or propelled by a like Carriage or Engine; and no Reduction or Advance in any of the Rates or Tolls herein-before allowed, or in any Charge for Conveyance by the said Company, or for the Use of any locomotive Power to be supplied by them, shall be made either directly or indirectly in favour of or against any particular Company or Person, or be confined to any particular Part of the said Railway, but every Reduction or Advance in any Rate, Toll, or Charge to be taken by the said Company in respect of Passengers, or any Description of Goods, Carriages, or Animals carried on the Railway, or for the Use of any Carriage or locomotive Power, shall extend to and take place at the same Time throughout the Whole and every Part of the said Railway in respect of such Passengers, Goods, Carriages, Animals, or locomotive Power (as the Case may be).

List of Tolls to be painted on Boards and put up.

CXXXII. And be it further enacted, That previous to the opening to the Public of the said Railway, Dock, and Works, the said Company shall and they are hereby required to put up or cause to be put up, and afterwards from Time to Time to keep up, in some conspicuous Place on the Toll Gates or Toll Houses to be erected on the said Railway, Dock, and Works, or other Places where Tolls are usually payable, a Board or Boards on which shall be painted in distinct Black Letters on a White Ground, or White Letters on a Black Ground,

Ground, a List of all the Tolls and Dues payable by virtue of this Act: Provided always, that it shall not be lawful for the said Company to demand or cause to be demanded or taken any Toll or Duty except during such Times as such Board, painted as aforesaid, shall be so affixed.

Penalty on defacing Boards.

CXXXIII. And be it further enacted, That if any Person shall wilfully pull down, deface, or destroy any Board which shall have been set or put up or affixed by virtue or in pursuance hereof, or any Stone or Mark set up to denote Distances on the said Railway, or shall actually or constructively concur or aid therein, he shall on Conviction forfeit and pay a Sum not exceeding Five Pounds for every such Offence.

For preventing Toll Collectors misbehaving.

CXXXIV. And be it further enacted, That every Collector of the Rates or Tolls by this Act granted shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or other Building whereat he shall be on Duty, each of the Letters of such Names to 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 shall continue the same so placed during the whole Time he shall be upon Duty; and if any Collector of the said Rates or Tolls shall not place such Board as aforesaid, and keep the same there during the Time he shall be on Duty as aforesaid, or shall demand or take a greater or less Rate or Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act and of the Orders of the said Company made in pursuance thereof, or shall refuse to permit or shall not permit any Person to read, or shall in anywise hinder any Person from reading, the Inscriptions on the Board to be affixed as aforesaid, or shall refuse to tell his Christian or Surname to any Person who shall demand the same, and who shall have paid the legal Rates or Tolls, or shall, in answer to such Demand, give a false Name or Names, or upon the legal Rate or Toll being paid or tendered shall unnecessarily detain or wilfully obstruct or hinder any Carriage or any Person from passing upon the said Railway, or shall make use of any scurrilous or abusive Language to any Officer or Servant of the said Company, or to any Passenger upon or to any Person lawfully using the said Railway, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Owners of Carriages to give Account of their Lading.

CXXXV. And be it further enacted, That the respective Owners or Persons having the Care of Carriages passing or being upon the said Railway shall give an exact and true Account in Writing, signed by them, to the Collectors of the Rates or Tolls, at the Places where they shall attend for that Purpose, of the Quantity of Goods and other Things as aforesaid which shall be in or upon the Carriages so belonging to them or under their Care, and from whence such Carriages are brought, and where the same are intended to be unloaded or left or taken off the said Railway; and if the Goods or other Things contained in or upon any such Carriage shall

be liable to the Payment of different Rates or Tolls, then such Owners or other Persons shall specify the respective Quantities liable to each or any of the said Rates or Tolls; and in case any such Owner or other Person as aforesaid shall neglect or refuse so to give and deliver such Account, or to produce his Bill of Lading to any Collector demanding the same, or shall give a false Account, or shall leave or deliver out or take off any Part of his Lading or Goods at any other Place than may be mentioned in such Account, with an Intent to avoid the Payment of any of the said Rates or Tolls, and shall be thereof convicted before any Justice of the Peace acting within his Jurisdiction, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Forty Shillings for every Ton of Goods or for any Parcel not exceeding Five Hundred Weight, and so in proportion for any less Quantity of Goods than a Ton or Five Hundred Weight, as the Case may be, which shall be in or upon such Carriage of which such Account shall be so neglected or refused to be given, or concerning which such Bill of Lading shall not be produced as aforesaid, or of which a false Account shall have been given, or which shall be fraudulently left, delivered out, or taken off as aforesaid, as the Case shall happen, over and above the Rate or Toll to which such Goods or Things may be liable.

Weight of Goods ascertained.

CXXXVI. And for better ascertaining the Weight of Goods and other Things to be charged with the Payment of Tonnage Rates or Tolls as aforesaid, be it further enacted, That as respects all such Goods and other Things as aforesaid, except Stone and Timber, One hundred and twelve Pounds Weight shall be deemed One Hundred Weight, and Twenty such Hundred Weights shall be deemed One Ton; and as respects Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Beech, and Ash, and Fifty Cubic Feet of all other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity; any Usage to the contrary notwithstanding.

In case of Difference concerning Weight, Collector may weigh or measure Carriage.

CXXXVII. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates or Tolls, or any other Officer or Servant of the said Company, and any Owner of or Person having the Charge of any Carriage passing upon the said Railway, or of any Goods, Articles, or Things in or on such Carriage, or respecting the Goods, Articles, or Things in or on such Carriage, or the Rates or Tolls due in respect thereof, it shall be lawful for such Collector or other Officer as aforesaid to detain such Carriage, and to examine, weigh, measure, and gauge, or cause to be examined, weighed, measured, and gauged, such Carriage, and all such Goods, Articles, and Things as shall be therein or thereon; and in case the same shall, upon such examining, weighing, measuring, or gauging, appear to be of greater Weight or Quantity or of different Quality than shall be stated in the Account given thereof as aforesaid, then the Person giving in such Account shall pay, and the Owner of such Carriage and the respective Owners of such Goods and other Things shall also, at the Option of the said Company, be liable to pay, the Costs and Charges of such examining, weighing, measuring, or

gauging, all which Costs and Charges, upon Refusal or Neglect of Payment thereof, on Demand, shall and may be recovered and recoverable by and in such Ways and Manner as the said Rates and Tolls are in this Act authorized to be recovered and levied; and if such Goods, Articles, or Things shall appear to be of the same Quantity and Quality or of less Weight or Quantity than shall be stated in such Account, then the said Company shall pay the Costs and Charges of such Examination, weighing, measuring, or gauging; and in default of immediate Payment thereof by the said Company or by such Collector or other Officer as aforesaid (as the Case may be) the same may be recovered by Distress and Sale of the Goods of the said Company, or of the said Collector or other Officer as aforesaid (as the Case may be), by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), upon Demand, after deducting the Costs of such Distress and Sale, to the said Company or to the said Collector or such other Officer as aforesaid, as the Case may require.

For settling Disputes about the Amount of Rates or Tolls.

CXXXVIII. And be it further enacted, That if any Dispute shall arise concerning the Amount of the Rates or Tolls due to the said Company, or concerning the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector or Person distraining to detain such Distress, or (as the Case may require) the Proceeds of the Sale thereof, until the Amount of the Rates or Tolls due, or (as the Case may require) such Rates or Tolls, and the Amount of the Charges of seizing, distraining, keeping, or selling such Distress, shall be ascertained by some Justice of the Peace acting within his Jurisdiction, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath or Affirmation of the Parties or other Witnesses, and determine the Amount of the Rates or Tolls due, or (as the Case may be) such Amount, and also the Amount of the said Charges; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the said Parties to the other of them as he shall think reasonable; and in case of Nonpayment thereof, on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Parties directed to pay the same, by Warrant under the Hand and Seal of such Justice.

Company empowered to lease the Rates or Tolls.

CXXXIX. And be it further enacted, That it shall be lawful for the said Company from Time to Time to let the Rates and Tolls by this Act made payable, or any Part thereof, upon the Whole or upon any Part of the said Railway or Docks, or any of them, to any Person or Corporation, for any Term which they shall think proper, not exceeding Three Years from the Commencement of any such Lease, and to commence in Possession upon or within Three Calendar Months next after granting the same; and every such Lease shall be valid, and the respective Lessees thereof, and also such Persons as such Lessees shall appoint to collect and receive the Rates or Tolls so let, shall during the Continuance of such Lease be deemed Collectors of the Rates or Tolls so let, but for the proper Use of the Lessee thereof, and shall have the same Power and Authority to collect and recover the same, and be subject to the same Rules, Duties, and Penalties, as

if they had been appointed for that Purpose by the said Company: Provided always, that public Notice of the Intention to let the said Rates and Tolls, or the Part thereof intended to be let, shall be given by the said Company by Advertisement to be inserted in some Newspaper in the County of *Devon* at least Fourteen Days prior to any Meeting of the said Company or of the said Directors at which it may be intended that the said Rates and Tolls shall be let as aforesaid, such Lease or Leases to be made subject to such Covenants Conditions, Provisoes, and Agreements as the said Company shall think proper to be inserted therein.

Company empowered to regulate the Passage on Railway.

CXL. And be it further enacted, That it shall be lawful for the said Company from Time to Time to make such Orders and Regulations as they shall think proper for regulating the travelling upon and Use of the said Railway, and for or relating to Travellers and Carriages passing upon the said Railway, and for or relating to the Mode or Means by which and the Speed at which such Carriages shall from Time to Time be moved or propelled, and the Times of their Departure and Arrival, and the loading or unloading thereof respectively, and the Weights which they shall respectively carry, and the Delivery of Goods and other Things which shall be conveyed in or upon such Carriages, and also for preventing the smoking of Tobacco and the Commission of any other Nuisance in or upon any such Carriages, or in any of the Stations or Premises occupied or belonging to the said Company, and generally for regulating the passing upon or using or working the said Railway and other Works by this Act authorized, or in anywise relating thereto respectively; and all such Orders and Regulations shall be binding upon and be conformed to by the said Company, and by all Owners of and Persons having the Care or Conduct of such Carriages, and by all Persons using or working the said Railway and other Works, and by all Travellers and Passengers passing upon the said Railway, upon pain of forfeiting and paying a Sum not exceeding Five Pounds which the said Company may attach to any such Default: Provided always, that in every Case of Infraction or Non-observance of any such Rules or Regulations which shall be attended with Danger to the Public or Annoyance to Travellers, or which shall obstruct or hinder the said Company in their due and lawful Use and working of the said Railway, it shall be lawful for the said Company and their Agents summarily to interfere to obviate such Danger, or to remove or prevent such Obstruction, Nuisance, or Hindrance: Provided also, that it shall not be lawful for the said Company to prevent the Passage of Engines or Carriages on the said Railway, or any Part thereof, except at the Time or Times when, in consequence of any of the Works being out of repair, or from any other Cause, it shall appear to be necessary to close the said Railway or any Part thereof: Provided also, that no such Rules or Regulations so made, nor any Alteration, Amendment, or Repeal thereof, shall be valid unless the same respectively shall have been allowed by the Justices of the Peace assembled at any General or Quarter Sessions of the Peace for the said County of *Devon*, or by Her Majesty's Justices of Her Courts of Queen's Bench or Common Pleas, or the Barons of Her Majesty's Court of Exchequer, or by any One or more of the said Justices or Barons.

CXLI. And

Carriages not to be used unless constructed as directed by the Company.

CXLI. And be it further enacted, That no Carriage shall pass along or be upon the said Railway or any Part thereof, or the Works connected therewith, (except in directly crossing the same as herein authorized for the Occupation of the respective Lands through which such Railway shall be laid, or in passing any public or private Carriage Road which may happen to cross the said Railway,) unless such Carriage shall at all Times so long as it shall be used or shall be on the said Railway and Works, or any Part thereof, remain and be of such Construction and in such State and Condition as the Rules and Regulations of the said Company may from Time to Time or at any Time require: Provided always, that all the said Rules and Regulations which the said Company may from Time to Time make in regard to such Carriages shall, before they shall have any Effect as Rules and Regulations, be published Three Times in some One Newspaper of the County of *Devon*; and such Publications as aforesaid shall be deemed and and taken to be sufficient for all Purposes, and to be express Notice of all such Rules and Regulations to all Persons and Companies whomsoever; and the Production of a Newspaper of the said County, containing a Notice purporting to be a Notice of the Rules and Regulations of the said Company, shall for all Purposes be considered as sufficient Evidence of the due making and Publication of such Rules and Regulations: Provided also, that if any Dispute shall at any Time and from Time to Time arise between the said Company and the Owner of any such Carriage as to the State or Condition at any Time of any such Carriage in reference to the existing Rules and Regulations of the said Company, such Disputes shall from Time to Time, when and as often as they may arise, be immediately referred to Three indifferent Persons, one to be appointed by the said Company, and another by the Owner of any such Carriages, and the third to be appointed by the Two so first appointed previous to their entering on the Business of the Reference; and the Decision in Writing of such Two Arbitrators and their Umpire, or of any Two of them (as the Case may be), shall be final and conclusive, and which Decision they are hereby required to make; and if either the said Company or the said Owner shall, for Ten Days after being so required in Writing by the other of them, neglect or refuse to appoint a Referee to act on their or his Behalf, then the Referee of the other Party shall alone make a final Decision in Writing; and such Award or Decision shall, upon Proof of the Signatures thereto, be admitted in all Courts and before all Judges, Justices, and others as sufficient Evidence for all Purposes whatsoever of all the Facts therein stated; and if any Carriage, not at the Time being in the State and Condition which the Rules and Regulations of the said Company in existence at that Time may require, shall pass or be upon any Part of the said Railway, or the Works connected therewith (except as aforesaid), the Owner thereof or his Servant, or any One of his Servants having for the Time being the Charge of any such Carriage, shall forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds for every such Offence.

Engines used on the Railway to be approved by Company.

CXLII. And whereas for the greater Security of Passengers and other Persons travelling upon and using the said Railway it is expedient that the moving Powers to be from Time used in drawing or propelling

propelling Carriages upon or along the said Railway should be under the Control of the said Company; be it therefore enacted, That no locomotive or other Engine, or other Description of moving Power, shall at any Time be brought upon or used on the said Railway unless the same shall first have been approved of by the said Company; and it shall be lawful for the said Company and they are hereby required, within Fourteen Days after Notice given to them by any Person desirous of bringing any such Engine on the said Railway, to cause their Engineer or other Agent to inspect and examine such Engine at any Place within Five Miles of the said Railway, and to report thereon to the said Company, who shall and they are hereby required, within Seven Days after such Report, in case such Engine shall be fit and proper to be used on the said Railway, give a Certificate to the Party requiring the same of their Approval of every such Engine; and it shall be lawful for the said Company from Time to Time, upon the Report of their Engineer or other Agent of any Engine used upon the said Railway being out of repair or unfit to be used upon the said Railway, to order the same to be taken off or to forbid the same to be used upon the said Railway; and in case any Person shall bring or use upon the said Railway any locomotive or other Engine, or any other moving Power, without having first obtained such Certificate of Approval as aforesaid, or in case, after Notice given by the said Company to remove from or not to use upon the said Railway any such Engine as aforesaid, the Person to whom such Engine shall belong shall not forthwith remove the same, or shall use any such Engine upon the said Railway without having first repaired the same to the Satisfaction of the said Company and obtained such Certificate of Approval as aforesaid, every such Person shall forfeit and pay any Sum not exceeding Twenty Pounds for every such Offence, and the said Company are hereby authorized to remove such Engine from the said Railway.

Owners to put their Names, &c. on the Outside of their Carriages.

CXLIII. And be it further enacted, That the respective Owners of Carriages passing or being upon the said Railway, and carrying Passengers or Goods for Pay, Hire, or Reward, shall cause their Names and Places of Abode, and the Numbers, Weights, and Gauges of their respective Carriages, to be entered with the Clerk or other Officer of the said Company appointed for that Purpose; and shall also cause such Names, Places of Abode, Numbers, Weights, and Gauges to be painted and continued in large White Capital Letters and Figures on a Black Ground, Two Inches in Height at the least and of a proportionate Breadth, on some conspicuous Part of the Outside of every such Carriage, so as to be always open to View, and shall permit every such Carriage to be weighed, measured, and gauged at the Expence of the said Company whenever it shall be required by the said Company or by any Person by them appointed for that Purpose; and every Owner or other Person having the Care of any Carriage or who shall conduct the same upon the said Railway without having such Carriage previously weighed, measured, and gauged, and the Weight, Measure, and Gauge thereof, together with the Numbers thereof, and also the Name and Place of Abode of the Owner thereof, entered with the Secretary, Clerk, or other Officer of the said Company appointed for that Purpose, or without having such

such Name, Place of Abode, Number, Weight, and Gauge marked upon each such Carriage as herein-before directed, or who shall alter, erase, deface, or hide such Name, Place of Abode, Number, Weight, or Gauge, or any of them, or any Part thereof, or shall fix thereon any false Name, Place of Abode, Number, Weight, or Gauge, or shall refuse to permit or shall not permit any such Carriage to be weighed, measured, or gauged as aforesaid, shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Owners of Carriages to be accountable for Damage done by their Servants.

CXLIV. And be it further enacted, That the respective Owners of Engines and Carriages passing or being upon the said Railway and Works, or any Part thereof, shall be and they are hereby respectively made answerable for any Trespass, Damage, or Mischief which may be done by their Engines or Carriages, or by any of the Servants or other Persons belonging to or employed by them, to or upon the said Railway, Machinery, Apparatus, or other Works made by virtue of this Act, or to or upon the Property of any other Person, either by loading or unloading such Carriages or by any Means whatsoever; and every such Owner shall for every such Trespass, Damage, or Mischief, upon Conviction of any such Servant or other Person before some Justice of the Peace, either by the Confession of the Party offending, or upon the Oath or (in case of a Quaker) the Affirmation of some credible Witness, pay to the said Company 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 the Sum of Twenty Pounds, and also shall, over and above such Damage, forfeit and pay to the Informer any Sum not exceeding Forty Shillings, and all Costs, Charges, and Expences attending such Conviction; all which Damage, Penalty, Costs, Charges, and Expences shall be levied by Distress and Sale of the Goods and Chattels (if any can be conveniently found) of the Owner of such Carriage, by Warrant under the Hand and Seal of such Justice, and the Overplus (if any) of the Proceeds of such Sale, after deducting such Damages, Penalties, Costs, Charges, and Expences, together with the Costs and Charges of such Distress and Sale, shall be returned, upon Demand, to the Owner of such Goods and Chattels.

Railway not to be used as a Passage for Horses or other Cattle.

CXLV. Provided always, and be it further enacted, That if any Person, save and except the said Company and their Agents, and other Persons authorized by them, and by them authorized for the Purpose only of the said Undertaking, shall ride, lead, or drive, or cause to be ridden, led, or driven, or shall aid or assist in leading or driving, or shall permit or suffer to be, upon such Railway or any Part thereof any Horse, Mule, or Ass, or any Cow or other Neat Cattle, Sheep, Swine, or any other Beast or Animal, except only in directly crossing the same by means of a public Highway or private Road at Places to be appointed for that Purpose, or for the necessary Occupation as aforesaid of the respective Lands through which the said Railway shall pass, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Owners and Occupiers of adjoining

CXLVI. Provided always, and be it further enacted, That it shall be lawful for the respective Owners and Occupiers of Lands through which

which the said Railway shall be made, and their respective Servants and Workmen, except in Cases in which the said Company shall, at their own Expence, have made proper and convenient Communications from the Land on the one Side of the said Railway to the Land on the other Side thereof, according to any Agreement with any Owner or Occupier thereof, or according to the Provisions of this Act, at all Times to pass and repass and to lead and conduct any Horse, Mule, or Ass, Cow or other Cattle, Sheep, Swine, or other Beast, directly, but not otherwise, over or across such Part and such Part only of the said Railway as shall be made in or upon their respective Lands, for the Purpose of occupying the same Lands, without Payment of any Rate or Toll for the same; provided that by so doing, or by consequence thereof, the Passage upon or along the said Railway be not in any way hindered or obstructed, or the same, or the Works connected therewith, be not in any way damaged.

Lands to cross Railway without Payment of Tolls.

CXLVII. And be it further enacted, That so soon as the said Company shall have built, formed, and constructed proper Bridges, Archways, Culverts, or Passages over or under the said Railway, and communicating between the Lands of the Owner or Owners respectively on one Side of the said Railway and the Lands of the same Owner or respective Owners on the other Side of the said Railway, together with lateral Paths or Roads along each Side of the said Railway from each of such Bridges, Archways, Culverts, or Passages to the others or other of them within the respective contiguous Lands of each such Owner, the Right of every such Owner from or between and along whose Lands such Bridges, Archways, Culverts, or Passages and Paths or Roads shall have been made, and also of the Occupier and Occupiers of such Lands, and the Servants and Workmen of every such Owner and Occupier, to pass over the said Railway, and to ride, lead, or drive any Horse, Mule, or Ass, Cow or other Neat Cattle, Sheep, Swine, or any other Beast, across the said Railway, pursuant to the Power herein-before contained, shall altogether cease, determine, and be at an end.

Right of such Owners and Occupiers to cross the Railway to cease when proper Communications made.

CXLVIII. And whereas it may be attended with very great Damage if the said Railway should be used by Persons on Foot; be it therefore enacted, That if any Person shall be or travel or pass upon Foot upon the said Railway without the Licence and the Consent of the said Company, unless for the Purpose of attending any Carriage under his Care, except on any public Highway, and except the respective Owners or Occupiers of Land through which the said Railway shall pass, and their respective Servants, in passing across or over the same as herein-before authorized, every Person so offending shall forfeit and pay any Sum not exceeeding Five Pounds for every such Offence.

Penalty on Persons on Foot using the Railway.

CXLIX. And be it further enacted, That if any Person shall throw, place, or wilfully scatter or drop any Gravel, Stone, or Rubbish, or other Matter or Thing, upon any Part of the said Railway, or shall extinguish any Light or Lamp set up on or near the said Railway, Dock, Quays, or other Works, unless by Authority of the said Company, or shall wilfully obstruct or prevent any Person in the lawful Execution

Penalty on Persons obstructing the free Couse of the Railway.

Execution of this Act, or shall do any Act, Matter, or Thing to obstruct the free Passage of the said Railway or any Part thereof, he, and every Person actually aiding or assisting therein, shall respectively forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Punishment of Persons in the Service of the Company for Drunkenness.

CL. And be it further enacted, That if any Person in the Service for the Time being of the said Company shall be found within the Premises of the said Company to be in a State of Drunkenness, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds nor less than Ten Shillings.

Power to scour out the Entrance of the Dock, and remove Wrecks and other Obstacles.

CLI. And be it further enacted, That it shall be lawful for the said Directors, their Agents, Servants, or Workmen, as often as Occasion shall require, to enter on, deepen, and scour out the Beach and Bed of the River *Taw* and *Fremington Pill*, or either of them, and for ever to maintain and preserve the Depth so made from the Locks, Piers, and other Works at the Entrances from the said River and Pill to the said Dock, so as to admit Vessels navigating or entering into the said Dock from the said River and Pill, and to cleanse, scour, open, deepen, and widen the said Dock and Entrances, or any of them, and to cut through, remove, and open any Banks, Hills, Earth, Soil, or Rubbish in or on the Beach or Bed of the said River and Pill respectively, or in the said Dock, or in or near the Entrances thereto, in such Manner as the said Directors shall think proper for the convenient Entrance of Shipping into the said Dock, and their Security and Accommodation therein, and also to take up and remove Wrecks of Ships or Vessels, or any Ship or Vessel that shall be sunk therein respectively, or any Lighter, Barge, or Craft, or any Wood, Timber, Anchors, or other Obstructions or Impediments that may be found to arise therein respectively; and in case the Owner or Owners of any such Ship or Vessel, Lighter, Barge, or Craft, or the Person or Persons causing or making any such Obstruction or Impediment so removed by the said Directors, their Agents, Servants, or Workmen, shall refuse or neglect to pay the Costs and Charges of removing the same for the Space of Fourteen Days after Demand thereof made by any Clerk, Collector, or other Officer of the said Company, the same shall and may be assessed by any Justice or Justices of the Peace for the said County of *Devon*, and be levied and recovered, in case of Nonpayment thereof on Demand, by Distress and Sale of his Goods and Chattels, or of the Guns, Tackle, Furniture, or Lading of such Ship, Lighter, Craft, or Vessel.

Dock Master may be appointed.

CLII. And be it further enacted, That it shall be lawful for the said Directors, from Time to Time as Occasion shall require, to appoint a proper Person or Persons to be Dock Master or Dock Masters, and from Time to Time to remove, suspend, or dismiss him or them, and such Dock Master or Dock Masters shall have full Power and Authority to direct and control the Bridges over the Locks, mooring Anchors, mooring and transporting Buoys, Posts, and Dolphins by this Act authorized to be made or placed, and the mooring, unmooring, moving, or removing of all Ships and Vessels, Lighters and Craft coming into, going out of, lying at the said

Moorings, or being in the said Dock, or the Entrance thereto, either as to the Time or Times and Manner of their Entrance into, lying in, or going out of the same, and their Position, loading and discharging therein, and the Time or Times of opening or shutting the several Gates thereof; and in case the Owner, Master, Pilot, Servant, or other Persons having the Care of any Ship or Lighter, Craft or other Vessel shall refuse or neglect to obey any such Order or Direction, after Notice to him or them given, or if any Ship, Lighter, Craft, or other Vessel shall be left without any Person or Persons on board, it shall be lawful for the said Dock Master or Dock Masters, and his or their Assistants, to moor, unmoor, or remove such Ship, Lighter, Craft, or Vessel, and to charge the Charges and Expences thereof upon the Owner or Master of such Ship, Lighter, Craft, or other Vessel, to be recovered as herein-before directed in Cases of the Removal of Wrecks or Vessels.

Penalty for obstructing the mooring of Vessels.

CLIII. And be it further enacted, That in case any Master, Commander, Mate, Pilot, or other Person having the Command of any Ship, Lighter, Craft, or Vessel, or the Owner or Agent thereof, or any other Person or Persons whomsoever, shall obstruct or hinder the mooring, unmooring, moving, or removing of any Ship, Lighter, Craft, or other Vessel, such Person or Persons shall for every such Offence forfeit respectively any Sum not exceeding Five Pounds.

For regulating the mooring of Vessels off the Dock Entrance.

CLIV. And be it further enacted, That as soon as the said intended Dock is so far complete as to admit Ships, Vessels, or Crafts to enter therein, no Ship, Lighter, Barge, Craft, Boat, or other Vessel shall lie or be moored within One hundred Yards of the Entrances of *Fremington Pill*, unless for the Purpose of coming in or going out of the said Dock, so that at all Times the Entrances may be kept clear and without Obstruction, except Vessels discharging Limestone and Culm to be used in making Lime at a certain Kiln now erected or one other Kiln to be erected on the Point of the Western Bank of *Fremington Pill* aforesaid, claimed to belong to *George Acland Barbor* Esquire, and over such Space the Dock Master or Dock Masters shall have Control, so far as relates to the placing or transporting, removing or stopping Ships, Barges, Lighters, Craft, Boats, and other Vessels; any Law, Statute, or Usage to the contrary notwithstanding.

For keeping the Entrances clear.

CLV. And be it further enacted, That if any Master or other Person having the Charge or Command of any Ship, Lighter, Barge, Craft, Boat, or Vessel of any Description whatsoever shall place or permit or suffer the same to remain in the River *Taw* within One hundred Yards of the Entrance to *Fremington Pill*, except as aforesaid, and shall not immediately on being thereunto required by the said Dock Master or Dock Masters remove such Ship, Lighter, Craft, Boat, or other Vessel, every such Master or other Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and also any Sum not exceeding Twenty Shillings for every Hour that such Obstruction shall remain after such Notice; and in case the Master or other Person having the Command

of such Ship, Lighter, Barge, Craft, Boat, or Vessel shall not remove such Ship, Lighter, Barge, Craft, Boat, or Vessel immediately upon being required so to do, it shall be lawful for the said Dock Master or Dock Masters, and his or their Assistants, to remove the same.

For regulating the mooring of Vessels at the Buoys of the Company.

CLVI. And be it further enacted, That from and after the said Dock shall be so far completed as to admit Ships, Vessels, Lighters, or Crafts to enter therein, no Ship, Vessel, Lighter, or Craft shall lie at the Buoys, or make fast to the Dolphins, Mooring Posts, or Mooring Craft of the said *Taw Vale* Railway and Dock Company, in the River *Taw* or *Fremington Pill*, save only such as is or are intended to go into, or within Six Hours last past shall have come out of the said Dock or Cuts, except with the special Permission of the Dock Master; and every Master, Pilot, and other Person or Persons having the Charge or Command of any Ship, Vessel, Lighter, or Craft lying or moored or having made fast at the said Buoys, Dolphin or Dolphins, or Mooring Craft, or any of them, shall remove therefrom such Ship, Vessel, Lighter, or Craft under his or their Command within Three Hours after being required so to do by the said Dock Master or Dock Masters, or his or their Assistants, under the Penalty of a Sum not exceeding Twenty Shillings for every Hour any such Ship, Vessel, Lighter, or Craft shall remain at any of the said Buoys, Dolphins, or Mooring Craft after such Requisition as aforesaid.

Vessels not to land Goods in the Dock excepting at the Quays and Landing Places.

CLVII. And be it further enacted, That no Ship, Lighter, Barge, Boat, or other Vessel shall land her Cargo, or any Part thereof, upon or along the Eastern Bank or Side of *Fremington Pill*, except at such Quays, Wharfs, and Landing Places as shall be made and assigned by the said Directors for the loading and discharging, or landing and shipping of such Cargoes, upon pain of forfeiting for every such Offence any Sum not exceeding Five Pounds: Provided always, that nothing in this Act contained shall extend or be construed to extend to prevent any Ship, Lighter, Barge, Boat, or other Vessel from loading and discharging, or landing and shipping her Cargo, or any Part thereof, on or from the Waste, numbered 3ª on the said Map or Plan, on the Western Side of *Fremington Pill*, provided such Cargo or Cargoes so landed shall be for the sole Use and Benefit of *George Acland Barbor* Esquire, or his Heirs, or other the Proprietor or Proprietors, or Occupier or Occupiers for the Time being of *Church Stile* otherwise *Fremington House*, in the Parish of *Fremington* aforesaid, free from the Payment of any Tonnage, Quay, Dock, or other Tolls or Dues whatsoever imposed by this Act, or by this Act or otherwise empowered to be imposed, levied, or collected: And provided always, that nothing in this Act contained shall extend or be construed to extend in anywise to prevent the said *George Acland Barbor*, his Heirs or Assigns, from erecting or building, or causing to be erected or built, on the said Piece of Waste, numbered 3ª on the said Map or Plan, on the Western Side of *Fremington Pill*, or on any Part or Parts thereof, any Quays, Docks, Wharfs, Storehouses, Warehouses, or other Buildings or Erections of any Description whatsoever, so nevertheless as that such Quays, Docks, Wharfs, Buildings, or Erections shall be at the least One hundred and twenty Feet distant from and

in a parallel Line with the Low-water Mark on the Eastern Side thereof as marked out in the Map or Plan by this Act referred to, unless the said Company shall excavate the Bed of the said Dock to the Width of One hundred and fifty Feet as far as the North End of the High-water Quay laid down on the said Map or Plan to one uniform Level, in which event it shall not be lawful for the said *George Acland Barbor*, his Heirs or Assigns, to erect such Quays, Docks, Wharfs, Buildings, or Erections within the said One hundred and fifty Feet from and in a parallel Line from the Low-water Mark, instead of One hundred and twenty Feet as aforesaid; or to prevent any Ship, Lighter, Barge, Boat, or other Vessel from loading and discharging, landing and shipping her Cargo, other than as aforesaid, on or from such Waste or Western Side or Bank of *Fremington Pill* aforesaid, every such Ship, Lighter, Barge, Boat, or other Vessel being nevertheless under the Control and subject to the Direction of the Dock Master for the Time being appointed by the said Directors, and also subject and liable to such and the like Penalties and Forfeitures as aforesaid, and subject and liable to the same or the like Tonnage or Landing Dues, Tolls, and Payments to the said Company as are to be or shall be paid and payable for and in respect of such or the like Ship, Lighter, Barge, Boat, or other Vessel, and Cargoes, entering the said Dock, and loading and discharging, or landing and shipping her Cargo on the said Eastern Side or Bank of *Fremington Pill* aforesaid, or at the Quays, Wharfs, and Landing Places to be erected and built thereon for that Purpose.

Land on Western Side of Fremington Pill not to be used but for certain purposes.

CLVIII. And be it further enacted, That the Strip, Piece, or Parcel of Waste Land or Ground by this Act authorized to be taken, purchased, or used on the Western Side of *Fremington Pill*, and which is numbered 3ª in the Map or Plan herein-before mentioned or referred to, shall be used by the said Company only for the Erection of Flood Gates, Jetties, and other Works necessary for the Purpose of widening scouring, cleansing, and otherwise rendering the said Pill, Dock, Quay, or Basin commodious and navigable, (such Jetties not to interfere with the Erection of such Quays, Docks, Wharfs, Storehouses, Warehouses, or other Buildings thereon as aforesaid, or to be removed on the Erection of such Quays, Docks, Wharfs, Storehouses, Warehouses, or other Buildings,) and for erecting thereon Mooring or Warping Posts, Rings, and other Conveniences for facilitating the Passage of Vessels into and out of the said Pill, Dock, Quay, or Basin.

No Dues or Tolls to be paid for the Transportation of any Goods from the Eastern to the Western Side of Fremington Pill.

CLIX. And be it further enacted, That no Dues, Tolls, or Payments of any Kind soever shall be levied or collected, or be empowered to be levied or collected, for the Transportation of any Goods or Merchandize whatsoever from or to either of the Sides or Banks of *Fremington Pill* aforesaid, or from or to either of the Quays, Docks, or Wharfs to be made, erected, or built on either of such Sides or Banks respectively, the regular Landing Dues, Tolls, and Payments having been once paid for such Goods and Merchandize.

For ascertaining the Tonnage and

CLX. And be it further enacted, That the Tonnage or Admeasurement of all Ships and Vessels which shall be liable to the Payment of

Admeasurement of Ships.

of any Tonnage Rates for the Use of the said Dock and Works shall be ascertained according to the certified Tonnage in the Ship's Register, and the Master or other Person having the Command of every such Ship or Vessel is hereby required to produce such Certificate of Registry at the Time of the Payment of the said Rates to the Person or Persons who shall be duly authorized to collect and receive such Rates; and in case of any Dispute in or about the same then and in such case the Tonnage of such Ship or Vessel shall be ascertained in the Manner and according to the Directions of any Act in force for the Regulation of the Tonnage and Burden of Merchant Shipping.

Power to measure and ascertain the Tonnage of Ships.

CLXI. And be it further enacted, That if the Collector of any Tonnage Rates due to the said Company, or such other Person as the said Directors shall duly appoint in that Behalf, and the Master or other Person having the Command of any Ship or other Vessel, shall disagree respecting the Tonnage of such Ship or other Vessel, then and in every such Case it shall be lawful for the said Collector or such other Person appointed as aforesaid from Time to Time and at all reasonable Times to stop, detain, enter into, measure, and gauge the same; and in case the same shall, upon such measuring or gauging, appear to be of greater Tonnage than shall be then set forth and contained in the Account which shall have been given thereof by such Master or other Person, then and in every such Case the Master or Person giving in such Account shall pay the Costs and Charges of such measuring or gauging; but if any such Ship or other Vessel shall be found to be of the same or less Tonnage than the same shall by such Account appear to be, then and in every such Case the said Collector or other Person or Persons as aforesaid shall pay the Costs and Charges of such measuring or gauging; and in default of immediate Payment thereof by such Collector or other Person or Persons as aforesaid the same shall and may be recovered in any of Her Majesty's Courts of Record by Action of Debt; and if the Master, Commander, or other Officer of any Ship or Vessel, or any other Person whatsoever, shall obstruct or hinder any Person or Persons so employed from measuring or gauging any Ship or Vessel in pursuance of this Act, every such Master and Commander or other Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to take Tolls from Steam Boat Passengers for themselves and their Luggage.

CLXII. And be it further enacted, That the several Tolls or Dues mentioned and enumerated in the Third Schedule to this Act, or such Tolls or Dues not exceeding the said several Tolls or Dues as the said Company or the Directors thereof for the Time being shall from Time to Time appoint, shall be demanded and taken, for the Use of the said Company, at such Part or Parts of the Dock and Works, and by such Person or Persons as the said Company shall from Time to Time appoint, before any Person shall be allowed to embark as a Passenger in any Steam Boat, or, being a Passenger in any Steam Boat, be landed on any Part of the said Dock and Works, and before any Trunk, Portmanteau, Box, Parcel, or other Package falling under the Denomination of Luggage, shall be shipped on

on board any such Steam Boat, or landed from any such Steam Boat, at any Part of the said Dock and Works.

Exemptions for Vessels or Persons in Her Majesty's Service.

CLXIII. And be it further enacted, That no Rate or Duty imposed in the Second and Third Schedules to this Act shall be charged or chargeable for or in respect of any Ship of War or Vessel, or any Soldiers, Sailors, or other Persons employed in Her Majesty's Service, or the Service of the Admiralty, Navy, Ordnance, or of the Customs, Excise, or Post Office, nor for the Arms, Ammunition, or Luggage of them or any of them; and if any Person shall claim or take the Benefit of any such Exemption without being entitled thereto, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, over and above the Rates and Duties imposed by this Act.

Power to compound for Tolls in respect of Steam Boats.

CLXIV. And be it further enacted, That it shall be lawful for the said Company from Time to Time to compound and agree, by the Year or otherwise, with any Proprietors or Masters of Steam Boats engaged in transporting Passengers for the Tolls or Dues payable by or in respect of such Passengers and their Luggage, and to accept and take such Sum or Sums of Money in lieu of such Tolls or Dues so compounded for as aforesaid as they the said Company shall from Time to Time think proper, every such Sum of Money nevertheless to be paid in advance: Provided always, that in case the said Company shall at any Time or Times compound and agree in manner aforesaid with any Proprietor or Master of a Steam Boat for such Tolls or Dues as aforesaid, it shall be lawful for all other Proprietors and Masters of Steam Boats engaged in transporting Passengers to compound for the Tolls or Dues payable by or in respect of such Passengers and their Luggage upon the like Terms as any other Proprietor or Master of a Steam Boat shall for the Time being have compounded and agreed under the Power and Authority hereinbefore contained, and the Company are hereby required to accept such Composition as last aforesaid, to the Intent that such Tolls or Dues may not be compounded for partially or in favour of any particular Person or Party.

For preventing Evasion of Tolls.

CLXV. And be it further enacted, That if any Owner or other Person having the Command of any Ship or other Vessel, or the Owner of any Luggage, or any other Person whomsoever liable to pay any of the Tolls or Dues lastly herein-before authorized to be taken, shall by any Method whatever, at any Time or Times elude or avoid the Payment of the Tolls or Dues so lastly hereby made payable, or any Part thereof, each and every such Master or Owner or other Person so eluding or avoiding Payment as aforesaid shall stand charged with and be liable to the Payment of the same, and shall be liable to pay for every such Evasion any Sum not exceeding Double the Amount of the Tolls or Dues the Payment of which shall be so avoided, and the same shall and may be recovered from such Owner, Master, or other Person respectively at any Time or Times by the Means herein-before prescribed concerning the levying of the Tolls and Dues hereby made payable.

Indictments and Informations how to be preferred or instituted.

CLXVI. And be it further enacted, That in all Indictments, Informations, or legal Proceedings whatsoever to be preferred, instituted, or carried on against any Person for feloniously taking, stealing, or embezzling, or for destroying, damaging, or injuring, removing or carrying away, any Goods, Chattels, or Property of or belonging to the said Company, or any Goods, Chattels, or Property in their Custody or Possession, or in the Custody or Possession of any Officer or Servant of the said Company, or for and on behalf of any other Person or Corporation having deposited such Goods, Chattels, or Property in the Care or Custody of the said Company or other Officers or Servants, or any Goods, Chattels, or Property in or on the said Railway, Dock, Quays, or any of the Yards, Stations, Works, Warehouses, or Premises belonging to the said Company, and in all other Indictments, Informations, or legal Proceedings whatsoever of or concerning such Goods, Chattels, or Property respectively, it shall be sufficient to describe and refer to such Goods, Chattels, and Property respectively as the Goods, Chattels, and Property of the said Company; and in case the same shall have been so as aforesaid feloniously taken, stolen, or embezzled, or removed or carried away, to allege that the same were so feloniously stolen, embezzled, removed, or carried away (as the Case may be) from the said Company; and it shall be sufficient, on the Trial or Hearing of any such Indictment, Information, or other legal Proceeding, to prove that at the Time when such Goods, Chattels, and Property respectively were so feloniously stolen, taken, or embezzled, or so damaged, destroyed, or injured, or removed or carried away, or when other the Matter or Thing complained of in such Indictment, Information, or other legal Proceeding took place, such Goods, Chattels, and Property were in or on the said Railway, Dock, Quays or some of the Yards, Stations, Works, Warehouses, or Premises belonging to the said Company, or in the Custody or Possession of some Officer or Servant of the said Company for and on behalf of the said Company, or for and on behalf of some Person or Corporation having deposited the same with the said Company, without any other Proof of Property.

Penalty for obstructing the Railway.

CLXVII. And be it further enacted, That if the Loading of any Carriage using the said Railway shall be suffered to extend more than Thirty Inches over and beyond the Flanch or Lip of each or any Wheel of such Carriage, or if any Carriage or any Goods or Things shall be placed or suffered to remain on any Part of the said Railway or other Works so as to obstruct the Passage or working thereof, and the Person having the Care of such Carriage, Goods, or Things shall not immediately upon Request made remove the same, then and in every such Case, and without Prejudice to any other Provision in this Act contained, such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings 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 it shall be lawful for any Agent or Officer of the said Company to cause any such Carriage, Goods, or Things to be unloaded (if necessary) and to be removed in such Manner as shall be proper

for preventing, terminating, 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 shall be paid; and the said Company shall not, nor shall any Agent or Officer of the said Company, be liable or accountable 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 wilful Damage done to any Carriage, Goods, or Things so unloaded, removed, or detained, nor shall he or they be liable for the safe Custody of any such Carriage or any Goods or Things which shall be so detained, unless the same shall be wrongfully detained by the said Company or by the said Agent or Officer, and then only for so long a Time as the same shall be so detained.

Damages and Charges, in Cases of Dispute, to be settled by Two Justices.

CLXVIII. And be it further enacted, That in all Cases wherein Damages or Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment thereof or of any Dispute respecting the same, shall be ascertained and determined by some Two or more Justices of the Peace for the County of *Devon*; and where by this Act any Damages or Charges are directed to be paid, in addition to any Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof or of any Dispute respecting the same, shall be settled and determined by the Justices by or before whom any Offender shall be convicted of such Offence; and such Justices respectively are hereby authorized and required, on Nonpayment of the Damages in any of the Cases aforesaid, to levy such Damages and Charges by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying of any Penalties or Forfeitures.

In case of Nonpayment of Compensation for Damages, &c. the same to be levied by Distress on the Goods of the Company.

CLXIX. And be it further enacted, That whenever any Money shall by any Justice of the Peace be ordered to be paid in pursuance of this Act as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage or Injury of any Nature or Kind whatsoever done or committed by the said Company or by any Person acting by or under their Authority, and such Money shall not be paid by the said Company to the Party entitled to receive the same within Twenty-one Days after Demand in Writing shall have been made upon the said Company in pursuance of the Direction or Order made by such Justice, and in which Demand the Order of such Justice shall be stated, then and in such Case the Amount of such Compensation and Satisfaction shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Company, or of their said Treasurer, under a Warrant to be issued for that Purpose by such Justice, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal on Application made to him for that Purpose by the Party entitled to receive such Money; and in case any Overplus shall remain after Payment of such Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences

Expences of such Distress and Sale, then such Overplus shall be returned, on Demand, to the said Company.

Recovery and Application of Penalties.

CLXX. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or by virtue of any Bye Law, Order, or Rule made in pursuance thereof, (the Manner of levying and recovering whereof is not herein otherwise particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Two or more Justices of the Peace acting within their Jurisdiction, on Complaint to them for that Purpose made, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justices, and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalty or Forfeiture and the Costs and Expences as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained; all which Penalties and Forfeitures not herein directed to be otherwise applied shall be paid, one Moiety to the Informer, and the Remainder to the said Company, for the Use and Benefit of the said Company, unless such Penalties or Forfeitures shall be incurred by the said Company, in which Case the same shall be paid, one Moiety to the Informer, and the Remainder to the Overseers of the Poor of the Parish within which the Offence shall be committed, to be applied by such Overseers in aid of the Poor Rate of such Parish; and in case such Penalties and Forfeitures shall not be forthwith paid it shall be lawful for such Justices and they are hereby required to order the Offender so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender shall give sufficient Security to the Satisfaction of such Justices of the Peace for his Appearance before such Justices, or before some other Justices of the Peace having Jurisdiction, at such Time as shall be appointed for the Return of such Warrant of Distress, (such Time being not more than Eight Days from the taking of such Security,) and which Security any of the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress could be had whereupon to levy the said Penalties or Forfeitures and such Costs and Expences as aforesaid, and the same shall not forthwith be paid, or in case it shall appear to the Satisfaction of such Justices, upon the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justices shall not be required to issue such Warrant of Distress; but they are hereby authorized, by Warrant under their Hands and Seals, to commit such Offender to some Common Gaol or House of Correction for the County of *Devon*, there to remain for any Time not exceeding Three Calendar Months, with or without hard Labour, or until such Penalty or Forfeiture shall be paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justices, or until such Offender shall otherwise be discharged by due Course of Law.

CLXXI. And

Justices may proceed by Summons in the Recovery of Penalties.

CLXXI. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act, or against any Bye Law, Order, or Rule made in pursuance thereof, to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons without Information in Writing or in Print shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

For securing Offenders whose Names and Residences are unknown.

CLXXII. And be it further enacted, That it shall be lawful for any Officer or Agent of the said Company, and all such Persons as he shall call to his Assistance, to seize and detain any Person whose Name and Residence shall be unknown to such Officer or Agent, who shall commit any Offence against this Act, and to convey him with all convenient Dispatch before some Justice for the County of *Devon*, without any Warrant or other Authority than this Act, and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

Forms of Information and Conviction.

CLXXIII. And be it further enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act may cause the Information, when any Information shall be taken in Writing or in Print, and the Conviction respectively to be drawn up according to the following Forms, or any other Forms to the same Effect, as the Case may require; (that is to say,)

Form of Information.

'*Devon* to wit.' BE it remembered, That on the Day of in the Year of our Lord *A.B.* of informeth me *C.D.*, One of Her Majesty's Justices of the Peace for the County of *Devon*, that *E.F.* of [*here describe the Offence, and the Time and Place when and where committed*], contrary to an Act [*or* contrary to a Bye Law made in pursuance of an Act, *as the Case may be*,] passed in the First Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here insert the Title of this Act*], which hath imposed a Forfeiture of for the said Offence. Taken the Day of before me .'

Form of Conviction.

'*Devon* to wit.' BE it remembered, That on the Day of in the Year of our Lord *A.B.* is convicted before me *C.D.* One of Her Majesty's Justices of the Peace for the County of *Devon* [*here describe the Offence, and the Time and Place when and where committed*], contrary to an Act [*or* contrary to a Bye Law duly made in pursuance of an Act, *as the Case may be*,] passed in the First Year of the Reign of Her Majesty Queen *Victoria*, intituled [*insert the Title of this Act*]. 'Given

'Given under my Hand and Seal the Day and Year first above written, *C. D.*'

Justices to appoint Special Constables.

CLXXIV. And be it further enacted, That the said Company shall and they are hereby required, before they proceed with the Works by this Act authorized, to apply to the Justices of the Peace for the said County in Petty Sessions assembled, who shall and they are hereby authorized and required to appoint a sufficient Number of fit and proper Persons to be nominated to them by the said Company or their Clerk or Treasurer for the Time being for that Purpose, to be Special Constables within the said Railway and other Works, and every or any Part thereof; and every Person so appointed shall make a solemn Declaration, to be administered by the same or some other Justices of the Peace, duly to execute the Office of a Constable for the said Premises; 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 Premises and within Eight hundred Yards therefrom, and shall have, use, exercise, and enjoy all such Powers, 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 it shall be lawful for the Justices of Peace in Petty Sessions assembled, upon the Complaint of the said Company, or of their Clerk or Treasurer, or any other Person, to dismiss or remove any such Constable from his Office of Constable, and to appoint another or others in his Stead; 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 all such Constables shall have and receive from the said Company such Sums of Money, by way of Salaries or Wages, as shall from Time to Time be appointed by such Justices of the Peace for the said County; and such Salaries or Wages shall be paid by the said Company to such Constables at such Times as shall be appointed by the said Justices, and shall be recovered from the said Company in such and the same Manner as any Money ordered by a Justice of the Peace to be paid by the said Company may be recovered under the Provisions of this Act.

General Power to Justices to administer Oaths.

CLXXV. And be it further enacted, That in all Cases in which any Justice of the Peace is authorized by this Act to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to or to receive the Affirmation of any Person before he shall be examined by or before such Justice.

For compelling Witnesses to attend.

CLXXVI. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter or Fact contained or involved

involved in or affecting any Information, Order, or Complaint laid in pursuance of or for any Offence committed against this Act, or any Matter which is hereby referred to any Justice of the Peace, either on the Part of the Prosecutor or on the Part of the Party summoned or accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his Costs and Expences, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath, or (in case of a Quaker) on Affirmation, to give Evidence before such Justice, then and either of the said Cases every such Person shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Declaring what shall be good Service of Notice on the said Company.

CLXXVII. And be it further enacted, That in all Cases in which it shall be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding, at Law or in Equity, upon the said Company, personal Service thereof upon the Secretary or Clerk of the said Company, or leaving the same at the Office of the said Company or the said Secretary or Clerk, or delivering the same to some Inmate of such Office of the Company, or at the last or usual Place of Abode of such Secretary or Clerk, or in case the same respectively shall not be found or known, then personal Service thereof upon any other Agent of or Officer employed by the said Company, or on any One Director of the said Company, or delivering the same to some Inmate of the last or usual Place of Abode of such Agent or Officer or Director, shall be deemed good and sufficient Service of the same respectively on the said Company.

Declaring what shall be good Service of Notice by the Company.

CLXXVIII. And be it further enacted, That in all Cases in which it may be necessary for the said Company to serve any Summons or Demand, or any Notice, or any Writ or other Process of Law or in Equity or otherwise, upon any Person or Corporation, under the Provisions of this Act, personal Service thereof respectively upon such Person, or upon the Clerk of such Corporation, or delivering the same to some Inmate of the last or usual Place of Abode of such Person, or at the Office of such Clerk to such Corporation, or at his last or usual Place of Abode, or in case the Office and the Place of Abode of such Clerk shall not be found or known, then personal Service thereof upon any Member or any Agent or Officer of such Corporation, or delivering the same to some Inmate of the last or usual Place of Abode of such Member, Agent, or Officer, shall be deemed good and sufficient Service of the same respectively upon such Person or Corporation (as the Case may be), except in Cases in which any other Mode of Service is by this Act particularly directed: Provided always, that every Summons, Demand, or Notice, or other Document requiring Authentication by the said Company, may be signed by One Director or by the Secretary or Clerk of the said Company, and need not be under the Common Seal of the said Company, and may be in Writing or in Print, or partly in Writing and partly in Print.

CLXXIX. And

How Debts may be proved in case of Bankruptcy.

CLXXIX. And be it further enacted, That in case any Person against whom the said Company may have any Claim or Demand shall become bankrupt or insolvent the Secretary or Clerk or Treasurer of the said Company for the Time being may do all the same Acts, and have and exercise all the same Powers and Privileges, as to the Establishment or Proof of Debts, voting in Choice of Assignees, signing Certificates and other Matters and Things in respect of or relating to the Claim or Demand of the said Company, as any Person being a Creditor of such Bankrupt or Insolvent, or a Claimant against his Estate, could have or exercise in respect of his Debt or Claim.

Directors empowered to grant Releases to Witnesses.

CLXXX. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act or otherwise, against or by or on behalf of the said Company, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Two or more of the Directors of the said Company to make, sign, seal, execute, and deliver such general or other Releases as may be or may be deemed necessary for the Purpose of qualifying any Person to give Evidence as a Witness in any such Action, Suit, Arbitration, Reference, or other Proceeding as aforesaid, and also to do any other Act, Matter, or Thing in any such Action, Suit, Arbitration, Reference, or other Proceeding which any Plaintiff or Defendant may do in any Action, Suit, Arbitration, Reference, or other Proceeding; and every such Release, Matter, Act, and Thing shall be as valid and effectual in all respects and to all Intents and Purposes whatsoever as if the same were made under the Seal of the said Company.

Distress not unlawful for Want of Form.

CLXXXI. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act the Distress itself shall not 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 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 which shall afterwards be committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage by an Action upon the Case.

Proceedings not to be quashed for Want of Form.

CLXXXII. And be it further enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Proceeding whatsoever, into any of Her Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

CLXXXIII. And

Persons aggrieved may appeal to Quarter Sessions.

CLXXXIII. And be it further enacted, That all Corporations and Persons who may think themselves aggrieved by any Bye Law, Order, or Rule of the said Company, except such as shall relate solely to the Proprietors or Directors of the said Company, or to any of their Officers or Servants, or by any Order or Judgment given or made in pursuance of any such Bye Law, Order, or Rule, whether relating solely to the Proprietors or Directors of the said Company, or to any of their Officers or Servants, or not, and also the said Company and all other Corporations and Persons who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace relating to any Matter or Thing in this Act mentioned or contained, and for which no Power of Appeal is by this Act specifically given, may, within Four Calendar Months next after such Bye Law, Order, or Rule, Judgment or Determination, shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the County or Place where the alleged Cause of Appeal shall arise, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, or to the said Company (as the Case may be), and forthwith after such Notice, in the Case of an Individual appealing, entering into a Recognizance before some Justice of the Peace conditioned to try such Appeal and abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or (if they think proper) may adjourn the hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County or Place; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Bye Law, Order, or Rule or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they shall think reasonable.

Plaintiff not to recover after Tender of Amends.

CLXXXIV. And be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or in, under, or by virtue of any Power or Authority hereby given, if Tender of sufficient Amends shall have been made by or on the Behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Directors not personally answerable

CLXXXV. And be it further enacted, That none of the Directors of the said Company hereby appointed or hereafter to be appointed

for Acts legally done as Directors.

appointed under the Authority of this Act shall, by reason or means or on account of his being Party to, or making, signing, or executing, in his Capacity of Director of the said Company, pursuant to this Act, any Contract, Agreement, or other Instrument for or on behalf of the said Company, or otherwise lawfully executing any of the Powers and Authorities given to the said Directors by this Act, be subject or liable to be sued, prosecuted, or impleaded, either collectively or individually, by any Person whomsoever in any Court of Law or Equity, or elsewhere, and that the Bodies, Goods, and Chattels, Lands or Tenements, of the said Directors, or any of them, shall not, by reason, on account, or in consequence of any such Contract or other Instrument so entered into, or made, signed, or executed by them or any of them as aforesaid, or any other lawful Act which shall be done by them or any of them in the Execution of any of the Powers and Authorities given to them or any of them by this Act, be liable to be arrested, seized, detained, or taken in Execution, but that in every such Case any Person making any Claim or Demand upon the said Company, or upon any Directors thereof, under or by virtue of any such Contract or Instrument, or other lawful Act, may sue and implead the said Company in like Manner as if such Contract, Instrument, or other Act had been entered into and executed and done under the Common Seal of the said Company.

For the Indemnity of the Directors

CLXXXVI. And be it further enacted, That the Directors, their Heirs, Executors, and Administrators, shall be indemnified and saved harmless for and against all Payments made and Liabilities incurred, and all Acts, Deeds, Matters, and Things executed, done, or ordered, and all Sums of Money, Losses, Costs, Charges, and Damages which they shall incur in the Execution of the Powers and Authorities hereby granted to them; and they shall be so indemnified out of the Assets for the Time being of the said Company, and if necessary by Calls for that Purpose of the Capital which may remain unpaid; and the Directors for the Time being of the said Company shall apply the then existing Funds, Assets, and Capital of the said Company for the Purposes of such Indemnity and Reimbursement.

Execution may be issued against any Holder of a Share.

CLXXXVII. And be it further enacted, That in case any Execution or Diligence upon any Judgment or Decree in any Action, Suit, or other Proceeding obtained against the said Company, whether as Plaintiff, Pursuer, or Complainer, or as Defendant, Respondent, or Defender, shall be ineffectual for obtaining Payment of or Satisfaction for the Sum or Sums sought to be recovered thereby, it shall be lawful for the Court in which such Action, Suit, or other Proceeding may have been brought or instituted, upon the Application of the Party or Parties who shall have obtained such Judgment or Decree against the said Company, to issue Execution or Diligence against any Person or Persons who shall be a Proprietor or Proprietors of any Share or Shares in the Undertaking by this Act authorized: Provided always, that in case such last-mentioned Execution or Diligence against such Proprietor or Proprietors shall also be ineffectual for obtaining Payment of or Satisfaction for the Sum or Sums sought to be recovered thereby, it shall be lawful for the

the said Court, upon Motion to be made in open Court, on Notice to the Person or Persons sought to be charged, to issue Execution or Diligence against any other Person or Persons who shall be a Proprietor or Proprietors of any Share or Shares in the said Undertaking: Provided also, that the Sum which shall be recovered from the Proprietor of a Share or Shares in the said Undertaking shall not in any Case exceed the Sum or Sums remaining unpaid upon the Share or Shares of which such Proprietor shall be possessed, and for the Payment of which Sum or Sums such Proprietor would have been liable if called for by the Directors of the said Company: Provided also, that the Sum recovered from any such Proprietor shall be considered as so much Money advanced to and for the Use of the said Company, and it shall be lawful for the Directors of the said Company to make Calls in respect of any Share belonging to such Proprietor for such Sum of Money only as, together with the Sums already paid thereon, and the Sum recovered from such Proprietor in respect thereof, shall amount to the Sum of Fifty Pounds for each such Share; provided also, that for the Purpose of ascertaining the Proprietors of the said Company it shall be lawful for any Judgment Creditor, at all reasonable Times, to inspect the Book containing the List of Proprietors of the said Undertaking, without Fee or Reward.

No larger Sum to be recovered than the Amount remaining unpaid upon any Share.

CLXXXVIII. And be it further enacted, That all the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, and preparatory thereto, shall be paid out of the Funds of the said Company in preference to all other Payments whatsoever.

Expences of Act.

CLXXXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from any of the Rights, Privileges, Jurisdictions, or Authorities of the Corporation of *Trinity House* of *Deptford Strond*.

Saving the Rights of the Trinity House of Deptford Strond.

CXC. 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.

Public Act.

The

The First SCHEDULE to which the foregoing Act refers.

Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
COUNTY OF DEVON.			
Parish of Fremington.			
Stephen Crocker - -	- -	- - -	Clay Wharf.
Reverend William Hill -	- -	Stephen Crocker -	Clay Wharf.
Parish of Tawstock.			
Sir Bouchier Park Wrey, Baronet.	John Westacott.	John Westacott -	Shipbuilding Yard and Ground.

The Second SCHEDULE to which the foregoing Act refers.

	Rates and Duties.	
	s.	*d.*
Ale, Beer, or Porter, per Kilderkin - - - - - -	0	2
——— per Barrel - - - -	0	4
——— per Hogshead - - - - - -	0	6
——— per Butt - - - -	1	0
Alum, per Cwt. - - - - - - - - -	0	2
Anchors, per Cwt. - - - - -	0	2
Anvils, per Cwt. - - - - - - - - -	0	2
Apples and Pears, per Bushel - - - -	0	1
Ashes of all Sorts, per Cwt. - - - - - - -	0	6
Beer and other Malt Liquors, per Barrel - - -	0	2
——— per Half Barrel - - - -	0	1
Bark (Oak), per Ton - - - - -	1	0
Bacon or Hams, per Cwt. - - - - - - -	0	2
Beef or Pork, per Tierce - - - - - - - -	0	4
——— per Barrel - - - -	0	3
——— other lesser Packages - - - - - -	0	2

	Rates and Duties.
	s. *d.*
Barilla, per Ton	3 0
Bottles of all Sorts, per Gross, Twelve Dozen	1 0
Brass, per Cwt.	0 2
Bricks, Bearers, or Tiles, per Thousand	1 0
Brimstone, per Cwt.	0 2
Bristles, per Cwt.	0 6
Brushes, Basket or Bundle	0 4
Burr for Millstones, per Cwt.	0 2
Bags and Bed Sackings, per Ton	2 0
Butter, per Tub, Firkin, or Half Firkin	0 1
Bales and Trusses of Silk, Linen, or Woollen, per Foot	0 0½
Bells, per Cwt.	0 2
Cables and Cordage, tarred or not, per Ton	1 0
Candles, per Cwt.	0 2
Cannon, per Cwt.	0 2
Cannon Balls, per Cwt.	0 2
Casks, empty, viz.:	
Pipes, each	0 4
Hogsheads, each	0 2
Barrels, each	0 1
other Casks, each	0 1
Chairs, per Dozen	1 3
Cheese, per Ton	2 0
Cider, per Hogshead	0 8
—— per Half Hogshead	0 4
Clay, per Ton	0 2
Coals and Culm per Ton	0 2
Copper Sheathing, per Cwt.	0 3
—— Bolts, per Cwt.	0 2
—— other, per Cwt.	0 3
Cages, per Dozen	1 0
Cement, per Barrel	0 6
Cork, per Cwt.	0 2
Corks, per Gross	0 1
Corn, viz.:	
Beans, Barley, Malt, Oats, Peas, Wheat — per Quarter	0 2
Coffee, per Cwt.	0 2
Cattle, viz.:	
Bulls, each	0 6
Cows, each	0 3
Calves, each	0 3
Horses, each	1 0
Oxen, each	0 3
Pigs, each	0 1
Sheep, each	0 1
Lambs, each	0 1
Dye-woods, per Cwt.	0 2
Dogs and other Animals, each	0 6
Drugs, per Cwt.	0 4

	Rates and Duties.
	s. *d.*
Dung and other Manure, per Ton - - - -	0 1
Earthenware, per Crate - - - - - - -	0 6
——— per Half Crate - - - -	0 3
——— shipped or landed in Bulk, at per Dozen - -	0 1
Eggs, per Thousand - - - - -	0 3
Flocks, per Cwt. - - - - - - - -	0 2
Feathers, per Cwt. - - - - -	0 4
Fish, salted, per Ton - - - - - - - -	0 6
Herrings or Pilchards, per Barrel - - -	0 3
Anchovies, per Barrel - - - - - - -	0 2
Salmon, per Kit - - - -	0 2
Oysters, per One Thousand - - - - - -	0 1
Flax, per Ton - - - - -	2 0
Flour, per Sack - - - - - - - - -	0 3
——— per Barrel - - - - -	0 2
Furniture, in Case or Packages, per Foot - - - -	0 1
Flints, per Bag - - - -	0 1
Glass, per Case or Box - - - - - - -	0 6
——— per Sides - - - - -	0 6
——— per Crate - - - - - - - - -	0 6
Glue, per Cwt. - - - -	0 2
Groceries:	
Almonds -	
Cinnamon -	
Currants -	
Cloves -	
Figs - -	
Mace - -	for each Box, Basket, or other Package, not
Nutmegs -	exceeding Fifty-six Pounds - - - 0 2
Pepper -	
Pimento -	Ditto, from Fifty-six Pounds to One Cwt. - 0 3
Plums -	
Prunes -	above One Cwt., per Cwt. - - 0 2
Raisins -	
Ginger	
Dates - -	
Liquorice -	
Sugar Candy	
Sugar, refined, however packed, per Loaf - -	0 1
——— raw, per Cwt. - - - - -	0 1
Gunpowder, per Cwt. - - -	0 8
Gun Stocks, per Hundred. - - - - -	1 0
Hair of all Sorts, per Cwt. - - - -	0 2
——— Packages containing less than One Cwt. - -	0 2
Hardware, per Cwt. - - - - -	0 2
Hats, per Box - - - - - -	0 6
Hemp, per Ton - - - - -	1 0
Hides, each - - - - - - -	0 1
Hoops, Wooden, per Bundle - - - - - - -	0 1
Honey, per Barrel, Forty-two Gallons - - -	1 0
Hops, per Bag - - - - - - - - -	1 0
——— per Pocket - - - - -	0 6
Horns, per Cwt. - - - - - - - - -	0 2
Hampers, containing One Dozen - - -	0 1

	Rates and Duties.
	s. *d.*
Hampers, containing Two Dozen	0 2
——— Three Dozen	0 3
——— Four Dozen	0 4
——— Five Dozen	0 5
——— Six Dozen	0 6
India Rubber, per Cwt.	0 1
Indigo, not exceeding One Cwt.	0 3
——— exceeding One Cwt., per Cwt.	0 2
Iron, Pig and Cast, per Cwt.	0 0½
—— Bars, Pots, Hoops, Ware, per Cwt.	0 2
—— Ballast, per Ton	0 6
Junk, per Ton	0 6
Laths, per Dozen Bundles	0 2
Lead, per Ton	0 6
—— Shot, per Cwt.	0 2
—— White, and Paints	0 2
—— Black, per Cwt.	0 2
Leather and Leather Shreds, per Cwt.	0 2
Lemons and Oranges, per Chest	0 2
——— per Half Chest, Box, or other smaller Package	0 1
Marble, per Ton	1 0
Matting, per Roll	0 1
Millstones, per Cwt.	0 2
Molasses, per Cwt.	0 0½
Mops, per Dozen	0 1
Mustard, per Firkin	0 1
——— per Barrel	0 2
Nails, per Cwt.	0 1
Nuts, per Sack	0 2
—— per Bag	0 1
Oakum and Tow, per Ton	1 0
Ochre, per Cwt.	0 1
Oil, viz.:	
Linseed, per Cwt.	0 2
Rape, per Cwt.	0 2
Sperm, per Cwt.	0 2
Salad, per Chest or Box	0 3
Turpentine, Vitriol - per Corboy	0 2
Oil, not otherwise enumerated, per Cwt.	0 2
Oilcake, per Cwt.	0 1
Onions, per Bushel	0 1
Ores and Minerals, per Ton	0 4
Paper Parcels, each	0 2
Paper, per Cwt.	0 1
Pelts, per Cwt.	0 2
Pewter, per Cwt.	0 2
Pipes (Tobacco), per Gross	0 1
Pitch and Tar, per Barrel	0 2
Pitch in Cakes or Lumps, per Cake	0 1
Plaster of Paris, per Cwt.	0 2
Potatoes, per Ton	1 0
Potash, per Ton	3 0

	Rates and Duties.
	s. *d.*
Poles, per Dozen	0 1
Pots of Iron or other Metals, per Dozen	0 3
Quicksilver, per Case or Package	0 6
Rags, per Ton	0 6
Rice, per Cwt.	0 1
Rosin, per Cake or Barrel	0 2
Rushes, per Twelve Bundles	0 2
Sailcloth, per Bolt	0 $0\frac{3}{4}$
Salt, per Ton	0 6
Saltpetre and other Salts, per Cwt.	0 2
Seeds, viz.:	
Flax, Hemp, Clover, Grass, Vetches, Rape — per Last of Ten Quarters	3 0
Flax, Foreign, per Barrel	0 2
Canary, per Cwt.	0 2
All other Seeds, per Cwt.	0 2
Skins, per Cask	2 0
—— per Bale	1 0
Slates, Scantel, per Thousand	0 6
—— Common, per Thousand	0 6
—— Rag, per Gross	0 6
Soap, in Chests or Hogsheads, per Cwt.	0 2
—— per Firkin, Sixty-four Pounds	0 $1\frac{1}{2}$
Soda, per Ton	1 0
Spirits, viz.:	
Brandy, Gin, Rum and other Spirits — per Pipe or Puncheon	1 6
Starch, per Cwt.	0 2
Steel, per Cwt.	0 2
Stones, Grinding, per Cwt.	0 1
Stone, dressed, Free, or Paving, per Hundred Feet, Superficial Measure	1 0
—— rough, Freestone, Limestone, or other Stone, per Ton	0 6
Snuff, per Bladder	0 1
Tallow, per Ton	2 0
Tea, per Chest	0 6
—— per Half Ditto	0 4
—— per Quarter Ditto	0 2
—— per Box	0 1
Tin, per Box	0 2
—— Ware, per Cwt.	0 2
Tobacco, per Cwt.	0 3
Tongues, Dried, per Cwt.	0 2
Treenails or Hummells, per Thousand	0 6
Twine and Thread, per Ton	2 0
Vinegar, per Hogshead	1 0
—— per Half Ditto	0 6
Wax, per Cwt.	0 6
Whalebone, per Bundle	0 2

	Rates and Duties. s.	d.
Whiting, per Cwt.	0	0¼
Wine, per Pipe	1	6
—— per Hogshead	1	0
Wood, Square, per Load	1	6
—— Round, per Load	2	0
—— Deals, Plank and Boards, Three Inches thick, for every Hundred running Feet	0	6
And so in proportion for a less or greater Thickness.		
Lathwood, per Fathom	1	6
Lignum Vitæ, per Cwt.	0	2
Mahogany Balk, per Load	2	0
Boards, Three Inches thick, for every Hundred running Feet	0	6
And so in proportion for a less or greater Thickness.		
Spars, each, Four Inches Diameter and under	0	0¼
Ditto, each, above Four Inches and under Six Inches	0	1
Ditto, each, above Six Inches and under Eight Inches	0	2
Ditto, each, above Eight Inches and under Twelve Inches	0	6
Ditto, each, above Twelve Inches and under Fifteen Inches	1	0
Wood Masts, each, Fifteen Inches Diameter and under Eighteen Inches	2	0
Ditto, each above Eighteen Inches	3	0
Wood Staves, above Four Feet, for every Hundred and twenty	0	2
Ditto under Four Feet, for every Hundred and twenty	0	1½
All other Staves, for every Hundred and twenty	0	1
Wool, per Ton	3	0
Yarn of all Sorts, per Ton	2	0
All Trunks, Chests, Boxes, Bags, Bales, or other Packages containing Goods above enumerated, not exceeding Twenty-eight Pounds	0	2
Ditto, exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds	0	3
Ditto, exceeding Fifty-six Pounds and not exceeding One Cwt.	0	6
All Trunks, Chests, Boxes, Bags, Bales, or other Packages containing weighable or other Goods not enumerated or particularly set forth in the above Schedule, not exceeding Twenty-eight Pounds	0	2
Ditto, exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds	0	3
Ditto, exceeding Fifty-six Pounds and not exceeding One Cwt.	0	6
Ditto, exceeding One Cwt., per Cwt.	0	2
For every Passenger coming to or going from the said Harbour or Dock (except by Steam Boat)	0	3

The Third SCHEDULE to which the foregoing Act refers.

	Rates and Duties.
	s. *d.*
For every Passenger who shall land from any Steam Boat or Vessel in or upon the Quay or Quays, Wharf or Wharfs, or other Works to be built and erected under the Powers of the said Act, or any Part thereof, or embark therefrom on board any Steam Boat or Vessel - - - - - - - -	0 2
For all and every Trunk, Portmanteau, Box, Parcel, or other Package, falling within the Description of Luggage, that shall be shipped from or landed at the said Quay or Quays, Wharf or Wharfs, or other Works to be built and erected under the Powers of the said Act, not exceeding the Weight of Twenty-eight Pounds each - - - - -	0 2
If exceeding Twenty-eight Pounds and not exceeding Eighty-four Pounds each - - - - -	0 4
If exceeding Eighty-four Pounds and not exceeding One hundred and twelve Pounds each - - - - -	0 5
If exceeding One hundred and twelve Pounds and not exceeding One hundred and forty Pounds each - - -	0 6
If exceeding One hundred and forty Pounds and not exceeding One hundred and ninety-six Pounds each - -	0 7
If exceeding One hundred and ninety-six Pounds and not exceeding Two Hundred Weight each - - -	0 8
If amounting to or exceeding Two Hundred Weight, for every Hundred Weight - - - - -	0 4
And for every Twenty Pounds Weight in addition - -	0 1
But if the same shall be placed on a Barrow, then for any Quantity of Luggage belonging to One Person, and contained in any One Barrow, and not exceeding the Weight of One hundred and forty Pounds - - - - -	1 0
The Person chargeable to have the Option of paying by Tale or by the Barrow.	

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