ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

****

Cap. cxxiv.

An Act for making and maintaining a Harbour and Breakwaters at *Tremoutha Haven*, in the County of *Cornwall*; and for making and maintaining a Railway from thence to the Town of *Launceston* in the same County. [28th *July* 1836.]

WHEREAS the making and maintaining a safe and commodious Harbour where Vessels might run to at all Times of the Tide on that Part of the dangerous North-west Coast of *Devon* and *Cornwall* in or near the *Bristol Channel*, between *Ilfracombe* and the *Land's End*, at a Place called *Tremoutha Haven*, situate in the Manor of *Crackington* in the Parish of *Saint Gennys* in the County of *Cornwall*, with Breakwaters, and all necessary Piers, Quays, and other Works, would be an Object of great Importance no less in a philanthropic than in a national and commercial point of view: And whereas the making and maintaining a Railway from such Harbour, to terminate at or near the Borough and Town of *Launceston* in the said County of *Cornwall*, would afford considerable Advantages to a large Agricultural District, and would facilitate the Communication from thence to the Metropolis and other Parts of *England*: And whereas the several Persons herein-after named are desirous of undertaking to construct and make such Harbour and Railway a their own Expence, on being incorporated and constituted a Company by the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and

Proprietors incorporated.

and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Sir *John Ross* Knight, Captain in the Royal Navy, *William Beetham*, *John Benton*, *Joseph Barton*, *Charles Bamfield*, *John Bragg*, *John Beaumont*, *Thomas Broster*, *Edward Brenan*, *William Collett*, *Andrew Cohen*, *Henry Cooke*, *William Coates*, *William Cardozo*, *Henry Dowers*, *Henry Dalton*, *Arthur Emerson*, *William Ewbank*, *Henry Eyre*, *John Eykyn*, *Charles Elkington*, *Thomas Bilcliffe Fyler*, *Alexander Fradgley*, *Thomas Flower*, *Thomas Farncomb*, *Samuel Girdlestone* junior, *Thomas Gould*, *John Graves*, *Samuel Richard Gelting*, *Frederick W Green*, *George G. Grenfell*, *Thomas Green*, *George Garrett*, *John Holland*, *John Hull*, *Frederick Hill*, *George Jeffkins*, *John Jackson*, *John Jeffkins*, *John Kinnard*, *John P Kinnaird*, *Walter Keating Kelly*, *Richard Layfield*, *Sutherland Lechmere*, *Charles Lackington*, *G. B. Lonsdale*, *Thomas Lyon*, *William Mayne*, *Peter Morrison*, *John Morgan*, *Charles Moring*, *John James Murphy*, *John Mills*, *William Oviatt*, *William Old*, *James Ponsford*, *Thomas Pierson*, *George Pollard*, *Vernon Prankerd*, *Robert Perkins*, *George Phillips*, *George Ross*, *James Clark Ross*, Captain in the Royal Navy, *Daniel Robinson*, *J. C. Ruding*, *U Roper*, *James Robinson*, *Henry Robinson*, *William Thomas Reeve*, *Philetus Richardson*, *John George Rogers*, *Francis Shipton*, *John James Short*, *William Thornton*, *James Thompson*, *William Thomas*, *James Reppult Ward*, *Augustus White*, *James Window*, *Edmund Westby*, and *Robert Lee Warren*, and all and every other Persons and Person, Corporations and Corporation, who have subscribed or shall hereafter subscribe towards the said Undertaking, and all and every such Persons and Person, and Corporations and Corporation, as shall or may from Time to Time, in such Manner as is herein-after mentioned, become Proprietors of Shares in such Undertaking, and their several and respective Successors, Executors, Administrators, and Asssigns, shall be and they are hereby united into a Company for making and maintaining the Harbour and Breakwaters, and the Railway and other Works by this Act authorized to be made, and for carrying this Act into execution, and shall be and are hereby declared to be One Body Corporate by the Name and Style of "The Duke of *Cornwall*'s Harbour and *Launceston* and *Victoria* Railway Company," and by that Name shall have perpetual Succession and a Common Seal, with full Power and Authority to use the same, and by that Name shall and may sue and be sued, plead and be impleaded, at Law or in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment for any Felony, Misdemeanor, or Offence punishable by the Laws of this Realm, and shall have Power and Authority from Time to Time and at all Times to purchase, and to hold to them and their Successors and Assigns, any Lands, Tenements, and Hereditaments, for the Use and Benefit of the said Undertaking, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and to sell nd convey any of the Lands, Tenements, or Hereditaments so purchased or held, and shall have and exercise all other Powers and Authorities which are hereinafter given or mentioned.

Rules for the Interpretation of this Act.

II. And be it further enacted, That where in this Act any Word shall be used importing the Singular Number or the Masculine Gender only, such Word shall be understood to include several Matters as well

well as One Matter, several Persons as well as One Person, and Females as well as Males; and where the Word "Lands" shall be used, the same shall be understood to include the Sea Beach above and below Low-water Mark, and also all Tenements and Hereditaments; and where the Word "Corporation" shall be used the same shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and where the Word "Railway" is used the same shall be understood to include the Branch Railways, Turn-outs, and Passing Places hereby authorized to be made; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Proprietors to raise Money among themselves for the Undertaking, not exceeding 165,000*l.*, to be divided into Shares of 25*l.* each.

III. And be it further enacted, That it shall be lawful for the said Company to raise amongst themselves any Sum of Money by way of Capital or Joint Stock for making and maintaining the said Harbour, Breakwaters, and Railway and other Works by this Act authorized, not exceeding in the whole the Sum of One hundred and sixty-five thousand Pounds, the whole to be divided into Shares of Twenty-five Pounds each; and such Shares shall be numbered, beginning with Number One, in regular or arithmetical Progression ascending, whereof the common Excess or Difference shall always be One, and every such Share shall be distinguished by the Number to be applied to the same; and the said Capital or Joint Stock shall be and is hereby vested in the several Parties so raising or contributing to the same, and their several and respective Successors, Executors, Administrators, and Assigns, to their proper Use and Benefit, proportionably to the Sum or Sums they severally shall subscribe for and contribute; and all Persons and Corporations, and every Person and Corporation, and their several and respective Successors, Executors, Administrators, and Assigns, who have subscribed or shall subscribe for One or more such Share or Shares, and who shall contribute and pay the same, or such Sum or Sums as shall be demanded in lieu thereof, for or towards the said Undertaking and other the Purposes of this Act, shall be entitled to and receive, at such Time and Times as the said Company shall direct and appoint, the entire and net Distribution of an equal and proportionate Part, according to the respective Sums so by them respectively paid, of the net Profits and Advantages of the said Undertaking, or which shall or may arise or accrue from or by the Rates, Tolls, Tonnage, Duties, and other Sums of Money to be received by the said Company under the Authority of this Act.

Application of Money to be raised.

IV. And be it further enacted, That 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 Harbour, Breakwaters, Railway, and other Works, and in otherwise carrying this Act into execution.

Two Thirds of Capital to be applied

V. Provided always, and be it further enacted, That out of the aforesaid Sum of One hundred and sixty-five thousand Pounds the Sum

to Construction of Harbour, and One Third to Construction of Railway Works. &c.

Sum of Fifty-five thousand Pounds shall be deemed applicable solely to the Purposes of the said Railway, and that as the several Calls herein-after mentioned shall be from Time to Time made One Third at least of the Money so raised shall be reserved for and applied to such Purposes alone, and that the Construction of the said Harbour and Railway shall be commenced within Three Months of each other, and shall proceed as far as may be simultaneously, until such Railway shall be completed, and that upon the Completion thereof, together with all Steam Engines, Carriages, Depôts, and other Provisions necessary for the due and efficient working thereof, the Surplus, if any, of the said Fifty-five thousand Pounds shall be deemed applicable to the general Purposes of the Undertaking.

Company empowered to make a Harbour, Breakwaters, and Railway.

VI. And be it further enacted, That it shall and may be lawful for the said Company and they are hereby authorized and empowered to make, construct, and maintain, in the Situation marked on the Map or Plan herein-after mentioned, a Harbour and Breakwaters in or near the *Bristol Channel*, and at or near a certain Place or Places called or known by the Name or Names of *Tremoutha Haven* and *Crackington Haven*, situate in the Manor of *Crackington* in the Parish of *Saint Gennys* otherwise *Saint Gennis* in the County of *Cornwall*, with Piers, Quays, Docks, Lighthouses, Reservoirs, Warehouses, Wharfs, Roads, Cranes, and all other suitable Works connected therewith; and also from Time to Time to alter and improve the same in such Manner as they the said Company shall judge fit; and it shall also be lawful for the said Company and they are hereby authorized and empowered to make and maintain a Railway, with all proper Works and Conveniences connected therewith, in the Line or Course delineated on the Map or Plan and described in the Book of Reference deposited with the Clerk of the Peace for the County of *Cornwall*, to commence at or near the said Harbour in the said Parish of *Saint Gennys* otherwise *Saint Gennis*, and to pass from, in, through, to, or into the several Parishes, Townships, Hamlets, and Places of *Saint Gennys* otherwise *Saint Gennis* aforesaid, *Jacobstow*, *Warbstow*, *Treneglos*, *Tremayne*, *Tresmeer*, *Egloskerry*, *Saint Stephens*, *Saint Thomas*, *Saint Thomas Street*, and *Saint Mary Magdalen* otherwise *Launceston*, or some or one of them, or through or into the Borough or Township of *Launceston*, or one of them, and to terminate in or near the said Borough or Town of *Launceston*, all within the said County of *Cornwall*.

Plans and Books of Reference to remain in Custody of Clerk of the Peace, and be open to Inspection.

VII. And whereas a Map or Plan describing the Situation of the said Harbour and the Line of the said Railway, and the Lands upon which the Breakwaters and other Works in the said Harbour are intended to be made, and the Lands upon or through which the said Railway and the Works connected therewith are intended to be carried or made, together with a Book of Reference thereto, containing Lists of the Names of the Owners or reputed Owners and Occupiers for such Lands, have been deposited with the Clerk of the Peace for the said County of *Cornwall*; be it therefore enacted, That the said Map or Plan and Book 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

all reasonable Times to inspect and to make Extracts from or Copies of the said Map or Plan and Book of Reference respectively, paying to the said Clerk of the Peace for every Inspection the Sum of One Shilling, and for Copies or Extracts from the said Book of Reference after the Rate of Sixpence for every One hundred Words; and the said Map or Plan and Book 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 and elsewhere.

Unintentional Errors in Act or Plans or Book of Reference not to prevent Execution of Act.

VIII. Provided always, and be it further enacted, That it shall be lawful for the said Company to make the said Breakwaters and other Works in the said Harbour, and the said Railway and other Works upon, across, under, or over the Lands, and in the Situation, Line, or Course delineated on the said Map or Plan, although such Lands or any of them, or the Situation thereof respectively, or the Names of the Owners or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in the said Book of Reference, or in the Second Schedule to this Act, if it shall appear to any Two or more Justices of the Peace for the County, Borough, or Place wherein the Matter in question shall arise (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 Clerk of the Peace of the said County.

Boundary and Name of Harbour.

IX. And be it further enacted, That the Extent and Boundary of the said Harbour by this Act authorized to be made shall be deemed and is hereby declared to be from *Penkenner Point* to *Outer Carnbeak Point*, and shall include the whole of the aforesaid Havens called *Tremoutha Haven* and *Crackington Haven*, and the whole of the Space comprehended within the said Points, and shall extend One Half of a Mile outside the said Points and the Breakwaters intended to be made, and the said Harbour shall be called "The Duke of *Cornwall*'s Harbour."

For regulating Mooring Places.

X. And for preventing any Injury being done to the Piers, Quays, or other Works of the said Harbour and Breakwaters, or the Shipping within the same, be it further enacted, That the said Company, or any Officer or Officers to be appointed by them by virtue of this Act, shall and may be and they and he are and is hereby authorized and empowered from Time to Time to order and require all Persons having the Command, Rule, or Direction of or any Concern with any Ship, Vessel, or Boat entering into or being within the said Harbour and Breakwaters, to station, place, anchor, and moor such Ship, Vessel, or Boat in such Place or Places within the said Harbour and Breakwaters, and in such Manner as the said Company or such Officer or Officers shall from Time to Time order and direct; and in case of Refusal and Disobedience on the Part of such Person or Persons having the Rule or Command of such Ship, Vessel, or Boat, or the Care thereof, or in case there shall not be any Person on board,

it shall be lawful for the said Company, or such Officer or Officers, and any Person or Persons whom he or they may take to his or their Assistance, and he and they is and are hereby required to moor or unmoor, move or remove such Ship, Vessel, or Boat, or cause the same to be moored in such Berth as he or they may think proper, and the Charges and Expences of so doing, together with a Penalty not exceeding Five Pounds, shall be paid by the Person having the Rule or Command of such Ship, Vessel, or Boat, to be recovered as herein-after is mentioned, but so that no undue Preference be given to any Person in the mooring or removing of any Ship, Vessel, or Boat, and that no Ship, Vessel, or Boat shall be moored or removed contrary to the Order and Directions of the said Company or such Officer or Officers as aforesaid.

Ships in Distress may have a Preference.

XI. And be it further enacted, That if any Ship, Vessel, or Boat shall come into the said Harbour in Distress, or receive any Damage in the said Harbour, then and in every such Case it shall be lawful for the said Company, or any Officer or Officers to be appointed by them, by Application by the Master, Commander, or Owner of such Ship, Vessel, or Boat, to give a Preference to such Ship, Vessel, or Boat being in such Distress, or receiving any such Damage as aforesaid, both as to the Berth at the Piers or Quays, and as to the Course of discharging before any other Ship, Vessel, or Boat, and that if any Master or Commander of any Ship, Vessel, or Boat lying in the said Harbour shall refuse or neglect forthwith to remove his Ship, Vessel, or Boat from its Berth on being thereunto required by the said Company or such Officer or Officers as aforesaid, in favour of such Ship, Vessel, or Boat so in Distress as aforesaid, then and in every such Case any such Master or Commander so refusing or neglecting shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to take Tonage Duty.

XII. And be it further enacted, That it shall and may be lawful for the said Company, and such Person or Persons as they shall appoint, and they are hereby authorized and empowered from Time to Time and at all Times to ask, demand, take, receive, collect, recover, and levy, for the Use of the said Company, upon all and every of the Ships, Vessels, and Boats of whatsoever Description which shall come into or use the said Harbour and Breakwaters, or shall be at anchor within the Limits of the same, and for all Goods, Wares, Merchandizes, and other Things landed or shipped within the said Harbour as aforesaid, and for the Passengers carried for Hire in every such Ship, Vessel, or Boat as aforesaid, any Sums not exceeding the several Rates and Duties herein-after specified; *videlicet*,

Tonnage Duty.

For every Ship, Vessel, or Boat, if laden with Sea Sand or Limestone for the Purposes of Manure, the Sum of Two-pence *per* Ton; if laden with Coals, Culm, Ores, or Ballast, the Sum of Four-pence *per* Ton; and if laden with any other Description of Goods or Merchandize, the Sum of Sixpence *per* Ton:

For every Ship, Vessel, or Boat which shall be loaded with Slate, Manganese, Corn, Potatoes, or other Goods and Merchandize in the

the said Harbour, the Sum of Sixpence *per* Ton, in addition to the Rates and Duties to be paid as before mentioned for entering the said Harbour; and for every Ship, Vessel, or Boat that shall be laid up unemployed within the said Harbour, an additional Sum of One Penny *per* Ton for every and each Month she shall be so laid up.

How Tonnage Duty to be ascertained.

XIII. And be it further enacted, That the Commander of every Ship, Vessel, or Boat chargeable with the Tonnage Duty by this Act imposed shall produce to the said Company, or to the Person or Persons appointed to collect the Rates and Duties by this Act imposed, the Custom House Register of the Burden of Tonnage of such Ship, Vessel, or Boat, and on Failure or Delay so to do, or in case the same shall be deemed unsatisfactory, it shall be lawful for the said Company, or such Person or Persons appointed to collect the Rates and Duties aforesaid, to admeasure such Ship, Vessel, or Boat according to the Directions of any Act then in force for that Purpose.

Penalty on Persons obstructing the Measurement of Vessels.

XIV. And be it further enacted, That in case the Master or other Person having the Command or Charge of any Ship, Vessel, or Boat liable to Payment of any of the Rates and Duties imposed by this Act, or any other Person whosoever, shall obstruct or prevent the Person or Persons appointed to collect the Rates or Duties hereby made payable, or the Person or Persons to be employed or appointed to admeasure any Ship, Vessel, or Boat in manner aforesaid, every such Person shall be liable individually to a Penalty not exceeding Five Pounds and over and above the Payment of the said Rates and Duties.

Power to levy Rates on Goods and Passengers.

XV. And be it further enacted, That over and above the Tonnage Duty herein-before authorized to be taken on Ships, Vessels, or Boats entering and using the said Harbour and Breakwaters, there shall be paid to the said Company on all Commodities which shall be there exported or imported in the said Ships, Vessels, or Boats, and for the Passengers carried for Hire in every such Ship, Vessel, or Boat, the several Rates specified in the First Schedule annexed to this Act.

Power to reduce the Duties on Foreign Ships and Goods.

XVI. Provided always, and be it further enacted, That it shall and may be lawful to and for His Majesty, in and by an Order of Council, or to and for the Lords Commissioners of His Majesty's Treasury, or any Three or more of them, in and by any Order in Writing from Time to Time and at all Times to reduce the Duties hereby made payable on all or on such or on so many of the Foreign Ships or Vessels, and on all or on such or so many of the Goods, Wares, and Merchandize imported or exported in Foreign Bottoms, as he or they in their Judgment shall deem expedient, to the same and the like Duties as are hereby and hereafter shall in pursuance of the Powers herein contained be made payable in respect of the *British* Ships or Vessels, or the Goods, Wares, and Merchandize imported or exported in and by them.

Rates to be paid in proportion.

XVII. And be it further enacted, That for or in respect of every Part or Portion of any Goods, Wares, Merchandize, or Commodities hereby

hereby charged with the Payment of any Rates or Duties which shall be of a greater or less Weight, Measure, Quantity, or Number, as the Case may be, than the several and respective Weights, Measures, Quantities, or Numbers specified and set forth in the First Schedule hereunto annexed, a Rate or Duty shall be payable and paid in a due and equal Ratio or Proportion with the Rate or Duty by this Act imposed on any specified Weight, Measure, Quantity, or Number of Goods, Wares, Merchandizes, or Commodities of a Description corresponding with every such Part or Portion as aforesaid.

To fix Rates not enumerated in the First Schedule.

XVIII. And be it further enacted, That it shall be lawful for the said Company to fix such reasonable Rates upon Commodities not specified in the said First Schedule as they shall think fit, provided no such Rate exceed the One Tenth Part of the Freight of such Commodities.

Masters, &c. to produce an Account of Cargoes on board.

XIX. And be it further enacted, That the Master or other Person having the Command or Charge of every Ship, Vessel, or Boat which may enter the said Harbour, and be liable to the Payment of any of the Rates and Duties by this Act granted, shall give a just and true Account of the Lading of such Ships, Vessels, or Boats; to such Person or Persons as the said Company shall from Time to Time appoint to collect and receive such Rates and Duties; and every Master or other Person as aforesaid who shall refuse to give an Account, or shall give a false Account of the Lading of the Ship, Vessel, or Boat under his Command or Charge, when thereunto required, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and above the Payment of the said Rates and Duties.

Custom House Officer not to discharge any Vessel before Duties paid.

XX. And be it further enacted, That the Collector of His Majesty's Customs, or other Officer of Revenue at the said Harbour, may, if authorized by the Commissioners of His Majesty's Customs, refuse to permit any Ship, Vessel, or Boat chargeable with Rates and Duties under this Act to be entered inwards, outwards, or coastwise, or any Commodities to be landed from or put on board of such Ship, Vessel, or Boat, until he shall have received from the Collector or Collectors of the Rates and Duties aforesaid acting under the Authority of the said Company a Certificate of all such Rates and Duties having been paid in full, which Certificate such Collector or Collectors acting under the Authority of the said Company is and are hereby required to give without Fee or Reward, upon Payment of such Rates and Duties.

Masters of Vessels may detain the Goods until Rates are repaid.

XXI. And be it further enacted, That the Master, Owner, or Agent of any Ship, Boat, Barge, or other Vessel who shall have paid the said Rates and Duties to the said Collector or Collectors thereof, on such Goods and Commodities as are charged by this Act, is hereby authorized to detain such Goods until he shall have been repaid by the Owner or Owners of such Goods, all such Sum and Sums of Money so paid; and if such Sum and Sums shall not be paid within Five Days after the same shall have been demanded, such Master, Owner, or Agent is hereby empowered to sell the same, or so much thereof as may be necessary; and after deducting all Charges and Expences attendant

attendant thereon, to pay the Overplus to the Owner or Owners of such Goods or Commodities.

Manner of recovering Rates.

XXXII. And be it further enacted, That, in case of Refusal or Neglect to pay the Rates and Duties for and in respect of the said Harbour of this Act granted, it shall be lawful for the said Company, or the Collector or Collectors or other Person or Persons appointed in pursuance of this Act to receive the same, to detain any Ship, Vessel, or Boat coming into or making use of the said Harbour, and in respect of which or of the Cargo whereof, or of the Passengers wherein, the Rates and Duties payable in respect of the said Harbour under this Act shall not have been paid, and all Commodities in respect of which such Rates and Duties shall be payable, whether on board such Ship, Vessel, or Boat or on Land, until such Rates and Duties shall be fully paid; and in case such Payment shall not be made within Fourteen Days from the Detention of such Ship, Vessel, or Boat, or Commodities, it shall be lawful for the said Company, or such their Collector or Collectors or other Person or Persons appointed as aforesaid, to cause any such Ship, Vessel, or Boat, or such Commodities, or any Part or Parts thereof, to be appraised by Two or more Sworn Appraisers or other sufficient Persons not interested therein, and forthwith to sell so much of the same as shall be deemed sufficient to discharge all such Rates and Duties in respect of the said Harbour, and all Expences incurred on account of or attending such Sale or otherwise occasioned by the Nonpayment of such Rates and Duties in respect of such Harbour; and in the event of there being any Overplus of the Money so raised the same shall be paid to the Person or Persons owning or having Charge of the said Ship, Vessel, or Boat, and Commodities, on Demand; and in case any Ship, Vessel, or Boat shall unwarrantably depart from the said Harbour before Payment has been made of the several Rates and Duties above-mentioned, it is hereby further provided, that the Owner or Owners and Master and Masters of every such Ship, Vessel, or Boat shall be liable to a Penalty equal to Treble the said Rates and Duties, to be recovered in like Manner as any Penalty is hereby directed to be levied and recovered.

Exemption for Vessels in His Majesty's Service.

XXIII. And be it further enacted, That nothing in this Act contained in respect to the said Harbour shall extend or be construed to extend to Ships, Vessels, or Boats belonging to or employed in the Service of His Majesty, His Heirs and Successors, or in the Service or Employ of the Customs or Excise or Post Office using the said Harbour, or to any of the Officers or Persons employed therein respectively, or in the Service of the Admiralty, Ordinance, or Navy Board, or any Naval or Ordnance Stores, or other Matters imported into or exported from the said Harbour for the Use of the Navy or Army, or to any Yachts or Pleasure Boats or other Vessels belonging to His Majesty or any other Member of the Royal Family, or to any Boat being under the Burthen of Five Tons when engaged solely in the Fishery, or to any Pilot Boat or Vessel when actually employed as such nevertheless the Captain or Master of every such Ship, Vessel, or Boat shall be answerable to the said Company for all Damage done by such Ship, Vessel, or Boat, or by the Mariners or others on board the same, to the Harbour, Wharfs, or Works, or the Machinery or

Tcakle connected therewith, or to the Shipping therein, and such Damages may be recovered in case of Nonpayment, on Demand, by Action of Debt or on the Case, with full Costs of Suit.

Warehouses, Weighing Machines, &c. to be provided.

XXIV. And be it further enacted, That the said Company shall and may and they are hereby authorized and empowered, out of any of the Rates and Duties aforesaid or otherwise, to provide any convenient Warehouses and Yards and other Places for the receiving and safe keeping and lodging of such Goods, Wares, and Merchandize and other Things as shall happen to be detained or removed off the Quays and other Places in manner mentioned, and also to erect such and so many Cranes and Weighing Machines upon the said Harbour and the Grounds adjacent as may appear requisite for the loading, unloading, and weighing of such Goods, Wares, and Merchandize as may be transported into or exported from the said Harbour, and also to provide all such Weights and Measures as may be necessary for weighing and measuring the said Goods, Wares, and Merchandize.

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

XXV. And be it further enacted, That if any Commodity shall remain upon any Wharf or other Place belonging to the said Harbour for a longer Period than Twenty-four Hours from the Time such Commodity shall have been placed upon the said Wharf or other Place, then and in every such Case it shall be lawful for the said Company to levy a Sum not exceeding the Amount of the Rates and Duties in respect of the said Harbour by this Act imposed upon the said Commodities, over and above the said Rates and Duties, and it shall be lawful to exact the said additional Rates and Duties for each and every additional and successive Period of Twenty-four Hours during which the said Commodity shall remain on the said Wharf or other Place.

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

XXVI. And be it further enacted, That the said Company shall have Power and they are hereby authorized and empowered, if they shall see Cause, by the Officers and Servants employed by them in virtue of this Act, to remove or cause to be removed all such Commodities as shall be allowed to remain upon the said Quays, Wharfs, Piers, and other Places beyond the Space of Six lawful Days as aforesaid, and to be carried to any Warehouse, Yard, or other Place of Safety to be provided by the said Company, and there to detain and keep the same until Payment of the Charges incurred by such Removal and Detention, and of such Consideration besides to the said Officer and Servants authorized as aforesaid, for their Trouble in and about the same, as any Justice of the Peace for the said County of *Cornwall* shall think reasonable, together with the Sum authorized to be levied had such Commodities been allowed to remain on the Quays, Piers, Wharfs, and other Places as aforesaid for each and every additional and successive Period of Twenty-four Hours during which the said Commodities shall remain in the said Warehouse, Yard, or other Place of Safety provided for them as aforesaid.

Combustibles to be removed within

XXVII. And be it further enacted, That in case any of the Articles landed on any Wharf or other Place belonging to the said Harbour, or lying on Deck within the same, shall be Gunpowder, Tar, Pitch, Hemp, Flax, Spirituous Liquors, Turpentine, Hay, Straw, Tallow, or any

any other combustible Goods or Things, the same shall be removed or taken away within the Space of Twelve Hours after Notice in Writing shall have been given by the said Company, or by the Harbour Master or Quay Master, to the Master or Owner of any such Ship, Vessel, or Boat which shall come within the said Harbour, and in default thereof every such Ship, Vessel, or Boat shall pay unto the Quay Master or other Officer of such Wharf or other Place, for the Use of the said Company, Sixpence *per* Ton over and above the several Rates and Duties by this Act granted or specified in the First Schedule hereunto annexed, and also the further Sum of Sixpence for every succeeding Twelve Hours that the same shall so remain, and so in proportion for less than a Ton, the same to be paid by the respective Owners or Persons having Charge of such combustible Goods or Things, and to be recovered in the same Manner as the other Rates and Duties relating to the said Harbour hereby made payable are to be recovered; and if such combustible Goods or Things cannot be removed as aforesaid by Daylight, then and in every such Case the Owner or Owners, or Person or Persons having Charge of such Goods and Things, shall be obliged to set and maintain, at his or their own Expence, a sufficient Number of careful sober Persons to guard and watch over the same such and so many Hours, according to the Season of the Year, as such Quay Master or other Officer shall order and direct; and in case the Owner or Owners or Person or Persons having Charge of such Goods and Things, or the Master or Masters of any Ship, Vessel, or Boat, shall make default herein, every such Owner or Owners, Master or Masters, or other Person or Persons shall forfeit and pay, for every Offence, Neglect, or Refusal, any Sum not exceeding Five Pounds, and in addition thereto shall pay all Damages occasioned by such his or their Default: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to any Gunpowder, Tar, Pitch, Hemp, Flax, Spirituous Liquors, Turpentine, Hay, Straw, Tallow, or other combustible Goods or Things belonging to His Majesty, His Heirs and Successors.

Twelve Hours after Notice.

XXVIII. And be it further enacted, That the Master or Owner, or the Person or Persons having the Charge or Command of any Ship, Vessel, or Boat lying or being within the said Harbour, shall be and he and they is and are hereby made answerable for any Trespass, Damage, or Mischief that may be done by such Ship, Vessel, or Boat, or any of the Boatmen, Bargemen, Watermen, or Seamen, or other Person or Persons belonging to or employed in or about the same respectively, to any of the Wharfs, Piers, Breakwaters, or other Works constructed by virtue of this Act, either by the loading or unloading of any Ship, Vessel, or Boat, or by any other Means whatsoever; and the Master or Owner of every such Ship, Vessel, or Boat shall, for every such Trespass, Damage, or Mischief, upon Conviction before any Justice of the Peace for the said County of *Cornwall*, on the Oath of any credible Witness or Witnesses (which Oath such Justice is hereby authorized and required to administer), or on the Confession of the Party or Parties offending, forfeit and pay to the Party or Parties injured such Damages, Satisfaction, and Compensation as shall be ascertained, fixed, and determined by such Justice, provided that no such Damages, Satisfaction, or Compensation shall exceed the Sum of

Masters of Vessels to be answerable for Damage done by their Servants.

of Ten Pounds; but in case such Damages, Satisfaction, or Compensation shall exceed the Sum of Ten Pounds, then and in such Case the said Master or Owner of such Ship, Vessel, or Boat may be sued and prosecuted for such Damages, Satisfaction, and Compensation in any of His Majesty's Courts of Record at *Westminster*, if the Defendant shall reside in *England*, or in the Court of Session if the Defendant shall reside in *Scotland*, or in the Courts of King's Bench or Common Pleas at *Dublin* if the Defendant shall reside in *Ireland*; and if a Verdict or Judgment shall be given against him or her, either on Proof made or by Default, or upon Demand the Plaintiff in every such Case shall recover the Damages thereby sustained, with full Costs of Suit.

Masters may recover from their Servants any Sums paid for their Neglect.

XXIX. Provided always, and be it further enacted, That such Boatmen, Bargemen, Watermen, Seamen, or other Person or Persons in consequence of whose Acts or Defaults such Conviction shall have taken place as aforesaid, and each and every of them, shall be liable to repay such Damages, Satisfaction, and Compensation and Penalty so ascertained, fixed, and determined by such Justice, with the Costs of levying and recovering thereof, to such Master or Masters, Owner or Owners; and in case of Nonpayment thereof, upon Demand, and Oath made by such Master or Masters, Owner or Owners, of the Payment made by him or them of such Damages, Satisfaction, and Compensation or Penalty, and that the same and the Costs thereof have or hath not been repaid to him or them by such Bargemen, Boatmen, Watermen, or Seamen, or any of them, although demanded, (such Oath to be made before any One of His Majesty's Justices of the Peace,) the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be levied and recovered by Warrant under the Hand and Seal of any Justice or Justices.

Proper Places to be provided for depositing Ballast.

XXX. And be it further enacted, That it shall and may be lawful to and for the said Company and they are hereby authorized to appoint and appropriate a Place or Places proper and convenient for the Purpose within or near to the said Harbour, at or upon which all Ballast which it shall be necessary to unload out of any Ship or Vessel coming into or being within the said Harbour shall be thrown, laid, or deposited; and such Place or Places shall be properly walled, embanked, or secured, so as to prevent the said Ballast from falling into the said Harbour; and the said Company shall have full Power to make such Regulations for the Discharge of the said Ballast as to them shall seem meet.

Ballast may be provided and sold.

XXXI. And be it further enacted, That the said Company and their Officers and Servants may and they are hereby authorized and empowered to dig or cause to be dug, at any Place belonging to them within the said Harbour, Rock, Gravel, or other Stuff for Ballast, and to deposit the same at such convenient Place or Places belonging to them near the said Harbour as they shall see proper, and to fix such reasonable Rate *per* Ton, not exceeding One Shilling *per* Ton for the said Ballast, as they shall from Time to Time find necessary; and all Ships, Vessels, or Boatsrequiring Ballast in the said Harbour shall be obliged to take the same at such Rates and from such Places

of Deposit under the Penalty of Five Pounds for each Transgression.

Ballast to be taken from the Bottom of the Harbour.

XXXII. And be it further enacted, That the Master or other Person having the Command or Charge of any Ship, Vessel, or Boat taking in Ballast at the said Harbour shall be obliged to take such Ballast out of the Bottom of the said Harbour, if required by the said Company, when the same can be got free from Water in any Part of the Bottom thereof, when the Tide is out; and the Master or other Person having the Command or Charge of such Ship, Vessel, or Boat shall pay to the said Company the Sum of One Shilling *per* Ton for every Ton of Ballast taken otherwise than from the Bottom of the said Harbour.

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

XXXIII. And be it further enacted, That if any Person shall throw into the said Harbour, or any Place connected therewith, Ballast, Stone, Shingle, Rubbish, or other Matters injurious to the said Harbour, such Person shall for every such Offence forfeit and pay a Penalty not exceeding Ten Pounds over and above all Costs attending the Recovery thereof, and all Costs of removing all such Ballast, Stones, Shingle, and Rubbish, which shall in all Cases be deposited in a convenient Place to be appointed for that Purpose by the said Company, or the Person or Persons for the Time being acting under their Authority; and that if any Person shall take any Ballast, Stones, or other Materials from any Part of the said Harbour without Permission of the said Company, or the Person or Persons acting under their Authority, every Person so taking away Ballast, Stones, or other Materials shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Old Ships, &c. not to remain in Harbour.

XXXIV. And be it further enacted, That no Ship, Vessel, or Boat which shall be laid by as unfit for Sea Service, or neglected by the Owner or Owners thereof, shall be permitted to lie and remain in or on or at any of the Piers, Quays, or other Works erected or to be erected within the said Harbour, so as to encumber the same; but in every such Case it shall and may be lawful to and for the said Company, or any Person or Persons they shall authorize for that Purpose, immediately to cause every Ship, Vessel, or Boat, and every of them, to be, at the Charges and Expences of the Owner or Owners of the same, removed from the said Piers, Quays, or other Works, or any of them, and to lay the said Ship, Vessel, or Boat on any Part of the Strand or Sea Shore within the High-water Mark, or any other Place of Safety without the said Harbour, and there to moor such Ship, Vessel, or Boat, and in case of Refusal or Neglect of Payment of such Charges and Expences for the Space of Fourteen Days after Demand thereof made, then and in evey su h Case to levy such Charges and Expences by Distress and Sale of such Ship, Vessel, or Boat, or any of the Tackle, Apparel, or Furniture of the same, or any Part thereof, upon a Warrant from the Sheriff of the County of *Cornwall*, which such Sheriff is hereby in such Case authorized to grant, rendering the Overplus (if any be), after deducting the Charge of taking, keeping, and Sale of such Distress, to the Owner or Owners, Master or

or Agent of such Ship, Vessel, or Boat, whenever the same shall be demanded.

Penalty for destroying Ropes of Vessels.

XXXV. And be it further enacted, That in case any Person or Persons shall wilfully or maliciously cut, break, or in any Manner destroy any Rope or other Thing by which any Ship, Vessel, or Boat lying in the said Harbour shall be moored or fastened, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds, besides paying the Damages thereby occasioned.

Officers taking any Reward other than their Salaries to be disqualified and forfeit 100*l.*

XXXVI. And be it further enacted, That if any Person who shall be employed as a Clerk, Collector, Receiver, or Harbour Master, or any other Officer or Servant employed by the said Company in the Execution of the Powers granted by this Act relating to the said Harbour, shall exact, take, or accept any Fee or Reward whatsoever other than such Salaries, Allowances, and Rewards as shall be appointed, allowed, and approved of by the said Company, for or on account of any thing done or to be done by virtue of this Act, every such Person so offending shall be incapable of ever serving or being employed under this Act, and shall over and above forfeit the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record, within Six Calendar Months after the Offence committed.

Power to take Lands, &c.

XXXVII. And be it further enacted, That for the Purposes and subject to the Provisions and Restrictions of this Act, it shall be lawful for the said Company, their Agents and Workmen, and all other Persons by them authorized, and they are hereby empowered to enter into and upon the Lands and Premises of any Person or Corporation whatsoever, and to survey and take Levels of the same or of any Part thereof, and to set out, and take and use and appropriate, for all or any of the Purposes of this Act, such Lands and Premises, or such Part and Parts thereof as the said Company shall deem necessary to be taken or used for all or any of the Purposes of this Act, and in or upon such Lands, or any Lands adjoining thereto, to bore, dig, cut, embank, and sough, and to remove or lay, and also to use, work, and manufacture, any Earth, 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 Harbour, Breakwaters, Railway, and other Works by this Act authorized, or which may obstruct the making, maintaining, altering, repairing, or using the same respectively; and also, for the Purposes and according to the Provisions and Restrictions of this Act, to make or construct, in, upon, across, under, or over the said Railway or other Works, or in, upon, across, under, or over any Lands, Streets, Hills, Ramparts, Valleys, Roads, Railroads, or Tramroads, Rivers, Canals, Brooks, Streams, or other Waters, such Inclined Planes, Tunnels, Embankments, Aqueducts, Bridges, whether temporary or permanent, Roads, Ways, Passages, Culverts, Conduits, Drains, Piers, Arches, Cuttings, and Fences; and also to erect and construct such Houses, Wharfs, Warehouses,

Warehouses, Toll Houses, Landing Places, Engines, and other Buildings, Machinery, Apparatus, and other Works and Conveniences as the said Company shall think proper; and also to alter the Course of any Rivers, Canals, Brooks, Streams, or Watercourses, during such Time as may be necessary for constructing and maintaining Tunnels, Bridges, whether temporary or permanent, or Passages over or under the same; and also to divert or alter the Course of any Rivers or Streams of Water, Roads or Ways, or to raise or sink any such Rivers or Streams, Roads or Ways, in order the more conveniently to carry the same over or under or by the Side of the said Railway and Works, and to make Drains or Conduits into, through, or under any Lands adjoining the same, for the Purposes of conveying Water from or to the same; and also from Time to Time to alter, repair, or discontinue the before-mentioned Works, or any of them, and to substitute others in their Stead, and to do and execute all other Matters and Things necessary or convenient for making, maintaining, altering, or repairing and using the said Harbour, Breakwaters, Railway, 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 and Corporations 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 mentioned and contained in this Act.

Penalty on obstructing Persons employed in the Construction of the Railway.

XXXVIII. And be it further enacted, That if any Person shall obstruct or prevent any Person employed by the said Company in setting out the Line of the said Railway, or engaged in the Construction thereof or of any Part thereof, or shall pull up or remove any Stakes that may have been driven into the Ground for the Purpose of setting out the Line of the said Railway, he shall forfeit and pay any Sum not exceeding Twenty Pounds nor less than Forty Shillings for every such Offence.

Power to treat for the Purchase of Lands.

XXXIX. And be it further enacted, That it shall be lawful for the said Company 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, 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.

XL. 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

behalf of all Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated 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 to 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, or as near thereto as the Number of the Parties and the Circumstances of the Case will reasonably admit; namely,

Form of Conveyance to the Company.

'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 Duke of *Cornwall*'s Harbour and *Launceston* and *Victoria* 'Railway 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 said Company established and incorporated 'by an Act of Parliament passed in the Sixth Year of the Reign of 'His Majesty King *William* the Fourth, intituled [*here set forth the* '*Title of this Act*], do hereby convey [*or, in case of Copyhold or* '*Customary Lands requiring Surrender*, do hereby agree to sur-'render] to the said Company, their Successors and Assigns, all '[*describing the Premises to be conveyed or agreed to be surrendered*], 'together with all Ways, Rights, and Appurtenances thereunto be-'longing, 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 or surrender; to hold the same Premises to the said Com-'pany, 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 .'

And all such Conveyances and Agreements to surrender as aforesaid shall be valid and effectual in the Law to all Intents and Purposes, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed or aliened, and to bar and destroy all Estates Tail, Titles to Dower, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the same; 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.

XLI. Pro-

Conveyance of Copyholds.

XLI. Provided always, and be it further enacted, That if any Contract shall be made for or in respect of any Lands to be taken or used by virtue of the Powers of this Act which shall be of Copyhold or Customary Tenure, or in the Nature thereof, every such Contract shall be executed and completed by Surrender of such Lands in the Court of the Manor of which the same may be held or parcel, according to the Custom of such Manor, and which Surrender shall and may be made by all Persons and Corporations by this Act authorized and empowered to make Conveyances of other Lands, and shall have the like Force and Effect in respect of such Copyhold or Customary Estates and Interests as such Conveyance as aforesaid made by the same Person or Corporation would have had over the Lands comprised in such Surrender in case the same had been of Freehold Tenure in the same Person or Corporation, and such Lands shall continue subject to the same Fines, Rents, and Services as may be then due and payable and of Right accustomed, in the same Manner as if this Act had not been passed, until such Lands shall have been enfranchised by virtue of the Powers herein-after contained; but inasmuch as the vesting and continuing of such Copyhold or Customary Premises in the said Company as a Body Corporate would, if the same should not be enfranchised, prevent such Lord from receiving the same Benefit of Fines, Heriots, and other Services due upon Death, Descent, or Alienation as he would have received in case such Copyhold or Customary Premises had continued to be the Property of Persons in their natural Capacities, the said Lord shall, at the Time of the Admission of the said Company, be paid by the said Company a reasonable Recompence and Satisfaction for the Loss which may arise to him in respect of such Fines, Heriots, and other Services the Receipt or Enjoyment of which shall be diminished or lost by the vesting or continuing of such Copyhold or Customary Premises in a Body Corporate, and such Recompence and Satisfaction, if not settled by Agreement between the Parties (and which Agreement all Lords of Manors and other Persons and Corporations by this Act authorized to enfranchise Copyhold or Customary Lands are hereby empowered to enter into), shall 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 all Cases where the Lord of any Manor whereof any Copyhold or Customary Lands purchased by the said Company for the Purposes of this Act shall be Parcel shall not have contracted to enfranchise the same, and shall have received from the said Company a Recompence or Satisfaction in respect of the Fines, Heriots, and other Services being diminished or lost by the vesting and continuing of such Copyhold or Customary Lands in a Body Corporate, then and in every such Case, if the same Lands or any Part thereof shall not be ultimately required for the Purposes of this Act, but shall be sold and disposed of by the said Company under the Authority to them by this Act given for that Purpose, the Copyhold or Customary Lands which shall be so sold and disposed of by the said Company shall remain in the Hands of the Purchaser thereof, and for ever thereafter continue free and discharged from the Fines, Heriots, and other Services in

respect whereof such Recompence and Satisfaction shall have been made as aforesaid.

Lords of Manors under Disability empowered to enfranchise.

XLII. And be it further enacted, That it shall be lawful for the Lord for the Time being of any Manor whereof any Copyhold or Customary Lands required for the Purposes of this Act are holden or parcel, and whether an Individual or a Corporation, and whether seised in his own Right or as a Trustee, and whether he be seised in Tail or for Life or other limited Estate, and in case of a Lady whether she be married or sole, and in case of an Infant, Lunatic, or other incapacitated Person being Lord of such Manor, then for his Guardian, Committee, or Trustee to contract for, and the several Persons and Corporations aforesaid are hereby empowered to contract for the Enfranchisement of and to enfranchise such Copyhold or Customary Lands by such or the like Form of Conveyance as by this Act is directed or authorized to be used in Cases of the Conveyances of Lands; and in case such Lord or other Person or Corporation hereby capacitated to enfranchise such Lands shall require the same, it shall be compulsory on the said Company to purchase the Enfranchisement of such Lands, and the Price to be paid by the said Company for the Purchase of the Enfranchisement of any such Lands shall, in case the Parties differ about the same, 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.

Regulations for the Apportionment of Rents of Copyhold.

XLIII. And be it further enacted, That the Appointment or Apportionment of the certain Copyhold or Customary Rents issuing out of any Copyhold or Customary Lands, of which a Part only shall be taken for any of the Purposes of this Act, in case the same shall not be settled by Agreement between the Parties, shall 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 a Dispute as to the Value thereof; and in case such Appointment or 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 Lord of the Manor whereof the same Copyhold or Customary Lands are held or parcel; and the Apportionment of such Copyhold or Customary Rents as aforesaid shall not in any Manner invalidate, prejudice, or destroy the Customs in other respects by or under which the Copyhold or Customary Lands not taken for the Purposes of this Act shall be held, or the Remedies for the Recovery of the Rent for the same after the Apportionment thereof.

Waste Lands to be conveyed by the Lords of Manors.

XLIV. 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 or Corporation having such Estate or Interest in

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 and Corporations 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, free from all Rights of Common and other Rights, Estates, Titles, Charges, and Incumbrances whatsoever, 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 Churchwardens for the Time being of the Parish wherein such Common or Waste Land or other Lands shall be situate, and shall be by such Churchwardens received and applied for such general or public Purposes within the said Parish as a Vestry Meeting thereof, to be convened by such Churchwardens for that Purpose, shall direct: Provided always, that in all 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 Lands required for the Purposes of this Act may be served upon 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 the Compensation for the Relinquishment thereof shall be paid to the Party having such Estate or Interest as aforesaid in the same Commonable or other Rights, or in any Lands whereunto the same shall be appendant or appurtenant, or otherwise, (as the Case may require,) and shall be deposited in the Bank of *England*, in the Manner by this Act directed in Cases 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 Four, 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 Four 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 in 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

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.

Where Commoners exceed Twelve in Number, a Meeting to be called.

XLV. And be it further enacted, That in all Cases where the Parties entitled to any such Commonable or other Rights over any other Lands than such Common or Waste Lands as aforesaid shall exceed Twelve in Number, it shall be lawful for the said Company to call a Meeting of such Parties by public Advertisement to be inserted twice at least in some Newspaper circulating in the County in which such Lands shall be situate, for the Purpose of appointing and which Meeting shall have Power to appoint a Committee to be chosen from among the said Parties, and not exceeding Five in Number, to treat and agree with the said Company for the Compensation to be paid for the Extinguishment of such Commonable or other Rights, and at such Meeting the Decision of the Majority present shall bind the Minority and all absent Parties; and the Committee so to be chosen as aforesaid shall have full Power to treat and agree with the said Company for the Compensation to be paid for the Extinguishment of such Commonable or other Rights, and all Matters and Things relating thereto, for and on behalf of themselves and all other Parties interested therein (who shall be bound and concluded thereby), and to enter into and execute all necessary Agreements and Assurances for that Purpose, and for the Purpose of conveying the Lands in respect of which such Compensation shall be received to the said Company: Provided always, that no Meeting shall be effectual for the Purpose aforesaid unless Eight at least of the said Parties entitled shall attend the same; and if no such Meeting shall be held, or being held shall not appoint a Committee as herein-before directed, or if such Committee being appointed shall fail to agree with the said Company, the Amount of such Compensation as last herein-before mentioned shall be determined by the Verdict of a Jury, in manner by this Act directed: Provided also, that in case the Amount of such Compensation as last mentioned shall be left to the Determination of a Jury, as hereby is authorized, the Notices required to be given for that Purpose may be served upon any Three of the Parties entitled to such Commonable or other Rights, or left at their last usual Places of Abode, or with any Occupier of the Lands over which such Commonable or other Rights shall extend, or in case the same shall be unoccupied then fixed upon some conspicuous Part of such Lands.

Power to purchase the Release of Lands wanted from the Rents charged thereon.

XLVI. And be it further enacted, That where any Lands purchased or wanted 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 agree for the Release of the Lands so purchased or wanted, 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

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 and Corporations 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 respecting the Apportionment thereof, the same shall be determined by a Jury 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 Incumbrance affecting the Lands purchased or wanted, or intended to be purchased, and shall also (where necessary) 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 wanted, or intended to be purchased, and of the Lands not purchased or wanted 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, (and which may be of the like Forms or to the like Effect, *mutatis mutandis*, as by this Act are directed to be used in case of Conveyance of Lands), 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, 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.

Compensation for Corn Rents in lieu of Tithes to be made by Payment of a Sum in gross.

XLVII. And be it further enacted, That in all Cases where a Composition in lieu of Tithes shall have been made under an Act of Parliament, by the Grant of a perpetual annual Sum of Money or Corn Rent, and any of the Lands chargeable with such Sum of Money or Corn Rent, or any Part of the same, shall be taken by the said Company under the Authority of this Act, Compensation shall be made by the said Company for the Value of the said annual Sum of Money or Corn Rent, or the Proportion of the said annual

Sum of Money or Corn Rent chargeable upon the Lands so taken, by the Payment of a Sum in gross, such Sum being equal in Amount to Twenty-five Years Value of the annual Amount of the said annual Sum of Money or Corn Rent payable at the Time of the passing of this Act, or the said Proportion of the said annual Sum of Money or Corn Rent; and the said Company are hereby required to pay such Sum of Money into the Bank of *England* in manner by this Act provided in Cases where any Monies are to be paid to incapacitated Persons before entering into the Possession of the said Lands, and from and after the Payment of such Sum the Lands so taken shall be for ever discharged of and from the said perpetual annual Sum of Money or Corn Rent, or from the proportionate Part of the said annual Sum of Money or Corn Rent, as the Case may be: Provided always, that in case Part only of any Lands and Grounds liable to the Payment of any such annual Sum or Corn Rent as aforesaid shall be purchased or taken by the said Company, nothing in this Act contained shall extend or be construed to extend to discharge the Remainder of the said Lands or Grounds from the Payment of the Remainder of the annual Sums or Corn Rents which would have been payable in respect of such Lands and Grounds, after deducting therefrom the proportionate Part of the said annual Sum or Corn Rent chargeable in respect of the Lands or Grounds so purchased or taken, but that the Remainder of such Lands and Grounds shall remain and be liable to such proportionate Part or Share of the said annual Sum or Corn Rent as the same would have been assessed at or would have been payable in respect of the same in case they had been assessed alone, under the Authority of the Act under which the said Composition for Tithes has taken place; and the Rector, Vicar, or other Person or Persons entitled to the said annual Sum or Corn Rent shall have the same Remedies for the Recovery of the said last-mentioned proportionate Part of the said annual Sum or Corn Rent, by Suit or Action, or by Distress, Entry, or Perception of Rents and Profits in, upon, or over the said last-mentioned Lands and Grounds, or otherwise, as he or they had or were entitled to in respect of the Whole of the said annual Sum or Corn Rent.

Mortgagees to convey to Company.

XLVIII. And be it further enacted, That all Persons and Corporations, having any Mortgage on any Lands to be taken or used for the Purposes of this Act, (and whether entitled thereto in their own Right or in Trust for any other Person or Party, and whether in Possession under such Mortgage or not,) shall, on 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, immediately alien, release, assign, and transfer such mortgaged Premises 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 that they will pay off the Principal Money and Interest which shall be due on the said Mortgage

Mortgage at the End of Six Calendar Months (to be computed 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 mortgaged Premises 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 Tender or Payment, then all Interest on every such mortgaged Debt 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 at any Time after 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, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as by this Act is directed in Cases of other Payments into the said Bank; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in Trust for him, 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 to all Intents and Purposes whatsoever.

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

XLIX. 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 Person entitled to the Equity of Redemption of such Lands on the one Part, and the said Company of the other Part; and in case of any Difference between them, 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 herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of *England*

to

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 Mortgagee, 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 thereon, and thereupon such mortgaged Lands shall become absolutely vested in the said Company, and the said Company shall be deemed to be in the actual Possession thereof to all Intents and Purposes whatsoever: 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 mortgaged Debt, a Memorandum of the Amount which shall have been so paid shall be indorsed 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.

Empowering the Surveyor General of the Duchy of Cornwall to contract for the Sale of Lands belonging to the Duchy.

L. And whereas Part of the Lands and Hereditaments required for the Purposes of this Act belong to and form Part of the Duchy of *Cornwall*, and certain Parts thereof are Freehold, vested in the Personage for the Time being entitled to the Revenues of the Duchy, and certain other Parts thereof are Copyhold or Customary Lands Parcel and held of the Manor of *Trewergie*, whereof His said Majesty, His Heirs and Successors, in respect of His said Duchy, or the Duke of *Cornwall* for the Time being, is and are the Lord or Lords thereof; be it therefore enacted, That it shall be lawful for the Surveyor General for the Time being of the said Duchy to contract and agree with the said Company for the absolute Sale to them, at the best Price or Prices that can be procured for the same, of so much of the said Lands and Hereditaments as aforesaid as shall be required for the Purposes of this Act, and for Compensation for Damages (if any) done to any Part or Parts thereof by the said Company, and for the Enfranchisement of so much of such Copyhold or Customary Lands as shall be so required, and for the Price to be paid in respect of such Sale and such Enfranchisement, and by way of Recompence and Satisfaction for the Loss of Fines, Heriots, and other Services previous to such Enfranchisement, and in respect of such Damage; and that in case such Surveyor General and the said Company shall not agree as to the Amount or Value to be paid for the Sale of such Lands or Hereditaments, or for such Compensation for Damages, or for the Price for Enfranchisement, or as Recompence or Satisfaction for

for such Losses as aforesaid, then the same shall be ascertained and settled by the Verdict of a Jury, in like Manner as the Price of any Lands to be taken in pursuance of this Act is by this Act directed to be settled in case of Dispute as to the Value thereof, the said Surveyor General being the Party acting for the said Duchy: Provided always, that neither the Surveyor General of the said Duchy, nor any other Person on behalf of the said Duchy, shall be required to enter into any such Bond as herein-before is mentioned, either to prosecute any Complaint on the Part of the said Duchy, or to bear or pay any Share of the Costs or Expences of summoning or returning such Jury, or taking such Verdict, as herein-before mentioned, or of the summoning or Attendance of Witnesses.

Compensation claimed for Damage to Lands belonging to the Duchy, within Fifty Yards of the Railway, not exceeding 20*l.*, to be settled by Two Justices.

LI. And be it further enacted, That if the Amount of Compensation claimed for any Damage done by the said Company to any of such Lands and Hereditaments so as aforesaid belonging to and being Parcel of the said Duchy, within the Space of Fifty Yards lengthways of the said Railway, shall not exceed Twenty Pounds, and the Amount of such Compensation shall in such Case be ascertained and settled by and certified under the Hands of Two or more Justices of the Peace for the County, Liberty, or Place in which such Lands and Hereditaments shall lie, upon Application made to them by such Surveyor General and the said Company or either of them, and that upon Nonpayment of such Compensation for the Space of Twenty-one Days after the Amount thereof shall have been so ascertained and settled and certified as aforesaid, the said Justices, or either of them, are and is hereby authorized and required to levy such Amount of Compensation, and all Charges respecting the same, by Distress and Sale of any Goods and Chattels belonging to the said Company, in the same Manner as by this Act is directed with respect to the Recovery of the Costs of summoning a Jury and the Expences of Witnesses where the Verdict of such Jury has been given against the Company.

Monies payable to the Duchy shall be paid into the Bank of England, and carried to the Account of the Duchy.

LII. And be it further enacted, That the Monies which shall be contracted and agreed to be paid to the said Duchy for and in respect of any such Sale, Compensation for Damages, or Enfranchisement, or for such Recompence or Satisfaction for Loss of Manorial Rights as aforesaid, or which shall be ascertained and settled by the Verdict of a Jury to be paid to the said Duchy in any of such Cases respectively, or which shall be so as aforesaid ascertained and settled by the Justices to be paid for Compensation for Damages, shall from Time to Time be paid by the said Company into the Bank of *England*, to be there received by the Cashiers of the Bank, and accounted for and invested in the Manner herein-after directed; and the Governor and Directors of the Bank of *England* shall and they are hereby required to carry to the Credit of the Account now open in their Books under the Title of "The Account of the Duchy of *Cornwall*" the several Monies respectively directed as aforesaid to be paid to the Cashiers of the Bank of *England*.

Commissioners to invest Money in the Funds.

LIII. And be it further enacted, That all and every Sums and Sum of Money which shall be paid into the Bank of *England* under or by virtue of this Act, on account of the Duchy of *Cornwall*, shall from

from Time to Time be laid out, by Order of the Special Commissioners, or of the Councillors for managing the Affairs of the said Duchy for the Time being, as the Case may be, in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities, in the Name of the Duke of *Cornwall*, in which Name the Governor and Company of the Bank of *England* are hereby required to permit Transfer to be made of the Annuities so to be purchased, and they are also required to permit such Transfers to be accepted by the Receiver General for the Time being of the Duchy of *Cornwall* or his Deputy, for or in the Name of the Duke of *Cornwall*, and such Receiver General or his Deputy is hereby required to accept the same accordingly; and all and singular the Annuities so to be purchased and accepted shall remain vested in the Name of the Duke of *Cornwall*, and shall not be transferred or transferrable to any Person or Persons whomsoever; and all the Dividends thereof shall from Time to Time be paid by the said Governor and Company of the Bank of *England* into the Hands of the said Receiver General for the Time being for the Duchy of *Cornwall* or his Deputy, and shall by force and virtue of this Act be deemed and taken by Law to be Part of the Revenues of the said Duchy of *Cornwall*, and shall from Time to Time be answered, accounted for, applied, and appropriated to such and the same Uses and Purposes as the other Revenues of the said Duchy of *Cornwall*.

Contracts for Duchy Lands not to be complete until sanctioned by a special Warrant from the Commissioners.

LIV. Provided always, and be it further enacted, That no Contract for the Sale or Enfranchisement to be made by the said Surveyor General with the said Company as aforesaid shall be deemed complete until the same shall have been sanctioned by a special Warrant to be issued for that Purpose by the Special Commissioners or Councillors for the Time being for managing the Affairs of the said Duchy of *Cornwall*, or by any Three or more of them; such Warrant to be given either generally for any particular Class of Cases, or for any particular Sale or Enfranchisement, as to the said Commissioners or Councillors, as the Case may be, shall seem meet.

Mode of carrying Sales, Enfranchisements, &c. into effect.

LV. And be it further enacted, That whensoever it shall be agreed or ascertained by virtue of any of the Provisions aforesaid that any Sum of Money is to be paid to the said Duchy by the said Company for the Sale of any of such Lands as aforesaid, or for such Compensation for Damages, or for such Enfranchisement, or for such Recompence and Satisfaction for the Loss of Manorial Rights, as herein-before mentioned, the Surveyor General for the Time being shall give to the said Company a Certificate under his Hand specifying the Amount of the Monies so agreed or ascertained to be paid to the said Duchy of *Cornwall*, and also specifying therein the Lands for the Purchase or Enfranchisement of which the Monies therein mentioned are to be paid, or in respect of the Compensation for what Damages or the Loss of what Manorial Rights such Monies are to be paid, and the said Cashiers of the Bank of *England*, or One of them, shall, upon the Production of such Certificate, and without Fee or Reward, accept and receive from the said Company the Monies therein specified, and at the Foot or on the Back of such Certificate acknowledge the Receipt of the said Monies, and that the said Certificate and Receipt shall be afterwards sent to the

the Office of the Auditor of the Duchy of *Cornwall*, and shall be there forthwith enrolled in the usual Manner, and in the Book kept for such Purposes; and that the said Auditor for the Time being, or his lawful Deputy, having enrolled the said Certificate and Receipt, shall attest the Enrolment thereof under his Hand, and return the said Certificate and Receipt with such Attestation thereon to the said Company, and that from and immediately after such Enrolment the said Certificate and Receipt, so far as regards any Lands therein specified, or the Loss of any Manorial Rights in respect of any Lands therein specified, but not further or otherwise, shall be, and be deemed, adjudged, and taken to be, a valid and sufficient Conveyance unto the said Company and their Successors of all the Estate, Right, and Interest of His Majesty, His Heirs or Successors, or the Duke of *Cornwall* for the Time being, in or to the Lands to which the said Certificate shall relate.

Satisfaction to be made for Lands.

LVI. And be it further enacted, That all Persons and Corporations by this Act capacitated to sell and convey any Lands, or to enfranchise Lands of Copyhold or Customary Tenure, or to release Lands from Rents and other Incumbrances charged thereon, and the respective Owners and Occupiers of any Lands to be taken or used for the Purposes of this Act, 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 Execution of any of the Works by this Act authorized, and also by reason of the severing or dividing such Lands, and also for and on account of any Damage, Loss, or Inconvenience which may be sustained by such Persons and Corporations by reason of the Execution of any 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 Compensntion, 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.

LVII. And for settling all Differences which may arise between the said Company and the several Owners and Occupiers of or Persons interested in any Lands which shall or may be taken, used, damaged, or injuriously affected by the Execution of any of the Powers hereby granted, be it further enacted, That if any Person, Corporation, or Trustee so interested, or entitled and capacitated to sell, agree, convey, or release as aforesaid, shall not agree with the said Company as to the Amount of such Purchase Money, or Satistion, 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

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 Twenty-one Days next after Notice in Writing shall have been given to the Clerk, Agent, or principal Officer of any such Corporation, or to any of such Trustees or Persons respectively, or left at his last or usual Place of Abode, or with the Tenant or Occupier of any Lands required for the Purposes of this Act, 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 Works by this Act authorized, or shall not disclose and prove the State of the Title to the Premises of which they respectively may be in Possession, and which they may claim to be entitled unto or interested in, 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 County in which the Lands in question shall be situate or the Matter in dispute shall arise, 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 any way interested in the Matter in question, then to any of the Coroners of such Counties not interested as aforesaid, or if all the Coroners shall be so interested, then to some Person then living in the County, and free from personal Disability, who shall have filled the Office of Sheriff or Coroner in the 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 Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster;* and the Persons 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 His Majesty's Courts of Record at *Westminster* are by

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 other Persons 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 Affirmations, (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, Recompence, 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; which said Verdict, and the Judgment thereon to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes upon all Persons and Corporations whatsoever: Provided always, that in such Inquiry the Person or Corporation claiming Compensation shall be Plaintiff, and shall have all such Rights and Privileges as Plaintiffs in Actions at Law are entitled to: Provided also, that not less than Seven 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, or with the Clerk or Agent or principal Officer of the Corporation in the Case of a Corporation, or with some Tenant or Occupier of the Premises intended to be valued, or respecting which, or any Damage to which, any such Question shall arise.

Compensation Money to be apportioned.

LVIII. And be it further enacted, That the said Juries shall and they are hereby respectively empowered, if thereunto required, to settle

settle what Shares and Proportions of the Purchase Money, Satisfaction, and Recompence or Compensation for Damages which shall be assessed as aforesaid shall be allowed to any Tenant or other Person having a particular Estate, Term, or Interest in the Premises, by way of Lease or otherwise, for his Interest therein.

Verdicts to be recorded.

LIX. 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 in which the Matter in dispute shall have arisen 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 Sixpence for every One hundred Words.

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

LX. 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 of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*; and if any Person so summoned or 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 Expences, 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 or 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 County, City, or Place in which the said Lands shall be situate or the said Inquisition shall be held, 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 at Westminster.

LXI. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and all Persons who in any Examination to be taken by

by virtue of this Act upon their Oath, or being Quakers upon their Affirmation, shall wilfully and corruptly give false Evidence 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.

Expences of Jury, how to be paid.

LXII. 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 a 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 attending on or incident to or necessarily or reasonably occasioned by the taking of the said Inquiry, and of the Verdicts and Judgment thereupon, and the Conducts of the said Inquiry by the Person or Persons claiming Compensation as aforesaid, and of the Bond to be given by the Party requiring the Jury to be summoned as herein-after 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 Ten 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, under a Warrant to be issued for that Purpose by any Justice of the Peace for the County, City, or Place where such Inquisition shall be held, 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, 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 Payment or Tender in satisfaction of the whole thereof: Provided always, that in Cases in which by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Costs, Charges, and Expences shall be borne and paid by the said Company.

Persons requesting Juries to enter into Bonds to

LXIII. And be it further enacted, That all Parties with whom the said Company shall have any such Dispute, 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,

prosecute their Complaint and to pay Expences.

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, in case any Part of such Costs and Expences shall fall upon them.

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

LXIV. 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 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 have been given by such Person or Corporation to the said Company Ten Days before the summoning of such Jury, and within the Space of Six Calendar Months after the Time of such supposed Loss or Injury having been sustained, or after the doing or committing thereof shall have ceased.

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

LXV. And be it further enacted, That all Persons in Possession of any Lands which shall be required or 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 the said Premises, whether such Notice be given with reference to the Time of the Commencement of such Tenant 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 under their Common Seal 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 Precept be nominated to receive the some; 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.

In case of Refusal, Sheriff to deliver Possession.

Company to make Tender of Compensation before Possession enforced.

LXVI. Provided always, and be it further enacted, That where any such Tenant or Lessee shall be required to deliver Possession of any Premises occupied by him before the Expiration of his Term or Interest therein, the said Company shall and they are hereby required to make or tender to such Tenant or Lessee, before they shall issue their

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, and for any Loss or Injury which may arise to him in consequence of being so required to deliver such Possession, provided such Tenant or Lessee shall have given previous Notice of his Claim or Demand to the said Company; 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.

Differences to be settled by a Jury.

LXVII. Provided always, and be it further enacted, That in all Cases in which any Party shall claim any Satisfaction, Recompence, or Compensation for or in respect of any unexpired Term or Interest which he shall claim to be possessed of or entitled unto in any Lands, Mines, or Minerals intended to be taken or used under the Authority of this Act, under or by virtue of any Demise, Lease, or Agreement for Lease, or Grant thereof, the said Company are hereby authorized to require such Party to produce or shew the Lease or Agreeement for Lease, Demise, or Grant in respect of which such Claim to Satisfaction, Recompence, or Compensation shall be made; and if such Lease or Agreement for Lease, Demise, or Grant shall not be produced or shewn within Twenty-one Days after Demand made by a Clerk, Solicitor, or Agent of the said Company, or by any Person by him or them authorized, the Party claiming such Satisfaction, Recompence, or Compensation shall be considered or treated as a Tenant holding only from Year to Year.

Persons holding under Lease to produce the same.

LXVIII. 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, City, or Place in which such Lands shall lie, 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; and the said Justices respectively are hereby authorized and required, on Nonpayment of the said Damages for the Space of Ten Days after the same shall become due, to levy such Damages, and all Charges respecting the same, by Distress and Sale of any Goods and Chattels of the said Company, in the same Manner as by this Act is directed with respect to the Recovery of any Penalty or Forfeiture incurred for any Offence against the Provisions of this Act.

Settling Disputes as to Damages to a small Amount.

LXIX. 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,

Application of Compensation Money amounting to 200*l.*

therein, or for the Release of any such Lands from any Rent or other Incumbrance charged thereon, or for the Enfranchisement of any such Lands being of Copyhold or Customary Tenure, or for any Compensation under this Act, which any Corporation, Tenant in Tail or for Life, Husband, Guardian, Trustee or Feoffee in Trust, Committee, Executor, or Administrator, Feme Covert, or any Person whomsoever, for or on behalf of any Wife, Ward, Lunatic, Idiot, or Cestuique Trusts, whether Infants, Issue unborn, Femes Covert, or any Person whomsoever whose Lands are limited in strict or other Settlement, or any Person under any other Disability or Incapacity, shall be entitled unto, 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 Duke of *Cornwall*'s Harbour and *Launceston* and *Victoria* Railway Company," pursuant to a Method prescribed by an Act passed in the First Year of the Reign
1 G. 4. c. 35. of His late 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 or Satisfaction 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 shall 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 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.

LXX. Pro-

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

LXX. 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, at the Option 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, 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, at the like Option 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 Parties, 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 is 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, without obtaining or being required to obtain the Direction or Approbation of the same Court.

When not exceeding 20*l.*

LXXI. 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.

Expences of Title to be paid by the Company.

LXXII. 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 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 Company may require to the said Lands, 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 Lands 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

Party or Parties from whom the Lands shall be purchased or taken: Provided always, that the said Company shall not be prevented from entering into Possession of the Lands 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 or Parties 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 Costs are to be ascertained.

LXXIII. And be it further enacted, That if the said Company and the Party or Parties 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 or Parties aforesaid; 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 Person or Persons from whom such Lands shall have been purchased or taken, shall be paid to the Person or Persons aforesaid: Provided always, that the said Company shall not be at liberty to enter into Possession of the Lands so purchased or taken until an Order shall have been made for the Taxation of the said Costs, Charges, and Expences, and the said Company shall have deposited 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 Duke of *Cornwall*'s Harbour and *Launceston* and *Victoria* Railway Company," pursuant to the Method prescribed by the herein-before mentioned Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, which Sums shall be applied, under the Order of the said Court, in Payment of the said Costs, 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 Person or Persons from whom the said Lands 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.

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

LXXIV. 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,

Premises, to the Satisfaction of the said Company, or shall be absent from *England*, or shall not be found, or if any Party entitled unto or by this Act capacitated to convey such Lands, or such Interest therein, be not known or discovered, or be not shewn 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 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, as to such Court shall seem meet, 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 respective Estates, Titles, or Interests of the Parties making claim thereunto, and to make such 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 a Receipt for such Money, mentioning and specifying therein for what and for whose Use (described as aforesaid) the same is received, to the said Company, or to the Party or Parties paying any Money into the Bank as aforesaid.

Persons in Possession presumptively entitled.

LXXV. 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 Lands, 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 or 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 shewn 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 Expenses of Purchases and of Investment to

LXXVI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of any Party entitled to any Lands to be taken or used, or in respect of which any Satisfaction, Recompence, or Compensation shall be payable under the Authority of this Act, the Purchase Money for the same or the Money paid for such Compensation shall be required to be paid into the Bank of *England*,

be paid by the Company.

England, it shall be lawful for the said Courts to order the Costs Charges, and Expences attending the Purchase, or the taking or using of such Lands, or which may be incurred in consequence thereof, and of the Reinvestment of the Purchase or Compensation Money in other Land, or so much of such several Costs, Charges, and Expences as the said Court shall deem reasonable, and likewise the Costs, Charges, and Expences occasioned only by the passing of this Act, and not by Litigation between Claimants or otherwise of any Proceedings had as herein-before authorized for the Investment of such Purchase or Compensation Money in Government or Real Securities, and for the Payment of the Interest and Dividends thereof, and of such Government or Real Securities, or of the Money to be produced by the Sale thereof, out of Court, together with the necessary Costs and Charges of obtaining the proper Order for such Purposes to be paid by the said Company out of the Monies to be received by virtue of this Act; and the said Company shall from Time to Time pay such Sums of Money for such Costs, Charges, and Expences as the said Court shall direct; and also that where in any other Cases the Purchase Money for any Lands to be taken or used under the Authority of this Act, or any Monies payable for any Satisfaction, Recompence, or Compensation under this Act, shall by reason of or under any of the Provisions of this Act be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, it shall likewise be lawful for the said Court to order the reasonable Expences of any Party or Parties in procuring the same to be paid out of Court, together with the necessary Costs and Charges of obtaining the proper Orders for such Purposes, to be in like Manner paid by the said Company out of the Monies to be received by virtue of this Act, and the said Company accordingly shall from Time to Time pay such Sums of Money and in such Manner and for such Purposes as the said Court shall direct.

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

LXXVII. 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 Purcase of any Lands, Rent or other Charge, or as a Compensation for any Loss or Injury as aforesaid to the respective Proprietors of such Lands or other Persons respectively interested therein, and entitled to receive such Money or Compensation respectively within Three Calendar Months after the same shall have been so agreed upon or awarded, or if the Parties so respectively interested therein and entitled as aforesaid cannot be found, or shall be absent from *England*, or shall refuse to receive such Money as aforesaid, or shall refuse, neglect, or be unable to make a good Title to such Lands (to the Satisfaction to the said Company), or if any Party entitled unto or to convey such Lands shall not be known, or shall be absent from *England*, or shall refuse, neglect, or be unable to convey the same, then, upon Payment of such Money into the Bank of *England*, as herein-before directed, to the Credit of the Parties interested in such Lands, or in case such Money shall have been agreed or awarded to be paid for the Purchase of any such Lands or such Compensation as aforesaid, which any Corporation, Trustee, or Person under Disability is hereby capacitated to convey, upon Payment of such Money into the Bank of

England

England as herein-before directed, to an Account *ex parte* "The Duke of *Cornwall*'s Harbour and *Launceston* and *Victoria* Railway Company," then and in every such Case it shall be lawful for the said Company immediately to enter upon such Lands, and thereupon such Lands, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of all Parties therein, shall thenceforth be vested in and become the sole Property of the said Company to and for the Purposes of this Act; and such Payment or Tender and Conveyance, or such Deposit in the Bank of *England* as aforesaid, shall operate to merge all outstanding or other Terms of Years, and to bar and destroy all Dower, and all Estates Tail and other Estates in Reversion and Remainder, and all Rights, Titles, Limitations, and Trusts whatsoever of and in the said Lands: 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 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, without the previous Consent of the Owners and Occupiers thereof respectively.

Compensation to be made for temporary Damage.

LXXVIII. And whereas in making the said Harbour and Breakwaters, and in making and executing the said Railway, and the several 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 Site of the said Harbour or Breakwaters, or adjoining to the Line of the said Railway 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 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 Proprietors 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 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 Harbour, Breakwaters, or Railway 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; they the said Company, their Agents

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, to be settled and recovered in manner herein-before provided in Cases of Dispute as to the Value of Lands through or upon which the said 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 to make such Compensation and Satisfaction for the permanent Damage or Injury (if any) which may have been done to the said Lands by the Exercise of any of the Powers and Authorities aforesaid within One Calendar Month after the Expiration of the Period by this Act granted for executing the said Works: 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 Works as aforesaid, the said Company shall and they are hereby required to give Fourteen Days 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 it shall not be lawful for the said Company to make such temporary Use of any Lands adjoining the said Railway lying at a greater Distance than Five hundred Yards from the same, nor to make Bricks or place a Steam Engine upon any Lands entered upon or taken for any such temporary Use as aforesaid at any Place which shall not be distant at least Two hundred and fifty Yards from any Mansion, without the Leave of the Owner or Occupier of such Mansion in Writing first obtained for that Purpose: Provided always, 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 of the Amount of Fifty Pounds *per* Acre, conditioned for the Payment of such Compensation, such Sureties to be approved of by Two Justices of the Peace for the County, Borough, or Place in which the same Lands shall be situate, in case the Parties differ about the same.

Houses and Gardens not to be taken unless specified in Second Schedule.

LXXIX. Provided also, and be it further enacted, That nothing herein contained shall authorize the said Company, or any Person acting under their Authority, to take, injure, or damage, for the Purposes of this Act, any House or other Building which was erected on or before the Thirtieth Day of *November* One thousand eight hundred and thirty-five, or any Ground which was 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 a House, or planted or set apart as a Nursery for Trees, other than and except such as are specified in the Second Schedule to this Act annexed, without the previous Consent in Writing of the Owner and Occupier thereof respectively, unless the Omission thereof in such Schedule shall have proceeded from Mistake, and unless it shall be so certified in manner herein-before provided for in Cases of unintentional Errors in the said Book of Reference.

LXXX. And

Breadth of Land to be taken for Railway.

LXXX. 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 and 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 House, Warehouses, Wharfs, or other Erections and Buildings, and except at or near the Terminations of the said Railway and the Branches thereof in the respective Parishes of *Saint Gennys* and *Saint Mary Magdalen*, or in the Hamlet of *Saint Thomas Street* in the Borough of *Launceston*, in the said County of *Cornwall*.

Company not to deviate more than One hundred Yards on Lands or Ten Yards in Towns, &c.

LXXXI. And be it further enacted, That the said Company shall not, in making the said Breakwaters and other Works in the said Harbour, deviate more than One hundred Yards from the Situation marked on the Map or Plan so deposited with the Clerk of the Peace, without the Consent in Writing of the Owner or Owners of the Land on which such Deviations shall be made; and the said Company shall not, in making the said Railway and other Works by this Act authorized, deviate from the Line delineated on the Map or Plan so deposited with the Clerk of the Peace, with or without the Consent of the Owners and Occupiers of the Lands or any of them, to a greater Distance than One hundred Yards, nor in passing through any City or Town to a greater Distance than Ten Yards from the Line so delineated upon the said Map or Plan, nor shall such Deviation extend into the Lands or Property of any Person whose Name is not mentioned in the said Book of Reference or Second Schedule to this Act, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided for in Cases of unintentional Errors in the said Book of Reference, or unless such Persons shall have become possessed of any such Land or Property subsequently to the Thirtieth Day of *November* One thousand eight hundred and thirty-five.

Where small Parcels of Land are intersected, Company compelled to purchase the Whole.

LXXXII. And be it further enacted, That if in the Execution of any of the Powers of this Act any Land shall be cut through and divided so that the remaining Part which shall be left thereof on both Sides or on either Side of the said Railway shall be less than One Quarter of a Statute Acre in Quantity, and if the Owner of any such Land shall not have any other Land adjoining to that which shall be so left on either Side of the said Railway, then and in every such Case, if such Owner shall so require, but not otherwise, the said Company shall also purchase the Land so left on both or on either of the Sides of the said Railway, being less than One Quarter of a Statute Acre in Quantity as aforesaid, the Value thereof to be ascertained (if the Parties differ about the same) in the same Manner as is directed concerning any Land to be taken or used for the Purposes of this Act; or in case such Owner aforesaid shall have any other Land adjoining to that which shall be so left, he may require the said Company, at the Expence of the said Company, to throw the same into the adjoining Land of such Owner, by removing the Fences and levelling the Sites thereof, and soiling the same in a sufficient and workmanlike Manner.

Empowering Company to purchase Fifty Acres of Land for the Purpose of additional Stations.

LXXXIII. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to contract with any Person or Corporations (who shall be willing to sell the same) for the Purchase of any Lands, not exceeding in the whole Fifty Statute Acres, in addition to the Lands herein-before authorized to be taken and used, in such Places as shall be deemed eligible, for the Purpose of making and providing additional Stations, Yards, Wharfs, waiting, loading and unloading Places, Warehouses, and other Buildings and Conveniences for receiving, depositing, loading, or keeping any Cattle, or any Goods, Articles, Matters, or Things, conveyed or intended to be conveyed upon the said Railway, or for making convenient Roads or Ways thereto, or for any other Purposes whatsoever connected with the Undertaking by this Act authorized which the said Company shall judge requisite; and it shall be lawful for all Persons and Corporations, including especially such Persons and Corporations as are herein-before capacitated to sell and convey other Lands, and to release Rents and other Charges for the Purposes of this Act, to sell or grant and convey to the said Company and their Successors any Lands whatsoever for the Purposes herein-before mentioned or any of them, and to release Rents and other Charges thereof, or to enfranchise any such Lands, being of Copyhold or Customary Tenure, in the same Manner as is herein-before directed concerning the Lands to be taken for the Purpose of making the said Railway and other Works by this Act authorized.

Company authorized to sell Lands not required for additional Stations, &c. and afterwards to purchase other Lands for the same Purposes.

LXXXIV. And be it further enacted, That it shall be lawful for the said Company to sell and dispose of such additional Lands as they are by this Act empowered to purchase and shall have actually purchased for the Purposes of additional Stations, Yards, Wharfs, waiting, loading, and unloading Places, Warehouses, and other Buildings and Conveniences as herein-before authorized, or such Parts of such Lands as the said Company shall think proper, and in such Manner and for such Considerations and to such Persons as the said Company shall think proper, and again to purchase other Lands which the said Company shall deem more eligible for the Purposes aforesaid, and afterwards to sell and dispose of the same in manner herein-before mentioned, and so from Time to Time as the said Company shall deem proper, so that the total Number of Acres to be purchased and held by the said Company for the Purposes herein-before mentioned shall not exceed at any One Time the Number of Acres for those Purposes expressly specified or allowed in this Act.

Restraining Company from purchasing more than Fifty Acres of Land for additional Stations from incapacitated Persons.

LXXXV. And whereas the said Company, in addition to the Lands hereby authorized to be taken for making the said Railway and other Works, are enabled to purchase of Persons and Corporations willing to sell the same Fifty Statute Acres of Land by virtue of this Act, for the Purpose of providing additional Stations, Yards, Wharfs, waiting, loading, and unloading Places, Warehouses and other Buildings and Conveniences, and all Persons and Corporations whomsoever are empowered to sell such Number of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling Lands so purchased from Persons and Corporations being under legal Disability or Incapacity, and again purchasing other Lands from the same

or

or from any other Persons or Corporations being under legal Disability or Incapacity, in lieu of the Lands so sold; be it therefore enacted, That it shall not be lawful for the said Company to purchase from any Corporation, Trustee, or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee or other Trustee for or on behalf of any Infant, Lunatic, Idiot, Feme Covert or Cestuique Trust, or from any Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, more than such Fifty Statute Acres; and in case the said Company shall purchase such Fifty Statute Acres from any Person or Corporation under such legal Disability or Incapacity as aforesaid, and shall afterwards sell the Whole or any Part of such Fifty Statute Acres so purchased, it shall not be lawful for the said Company to purchase of or from the same, or of or from any other Person or Corporation, being under legal Disability or Incapacity, nor for the same nor for any other Person or Corporation, being under legal Disability or Incapacity, to sell to the said Company any other Lands in lieu of such Fifty Statute Acres of Land, or any Part thereof, so sold or disposed of by the said Company.

Company not to claim Mines, &c. under Lands purchased.

LXXXVI. And be it further enacted, That nothing in this Act contained shall extend to give to the said Company any Coal, Ironstone, Limestone, Stone, Slate, Clay, or other Mines or Minerals under any Land purchased by the said Company under the Provisions of this Act, except only so much of such Coal, Ironstone, Limestone, Stone, Slate, Clay, or other Mines and Minerals as may be necessary to be dug or carried away or used for the Purposes of this Act, or as may be found not deeper than the Line of the Section herein-before mentioned and referred to (unless the said Mines shall have been expressly purchased and conveyed by the Owner thereof to the said Company), but all such Coal, Ironstone, Limestone, Stone, Slate, Clay, or other Mines and Minerals not necessary to be so dug, carried away, or used as aforesaid shall (unless the contrary be expressed) be deemed to be excepted out of the Purchase and Conveyance of such Lands, and may, subject to the Restrictions herein-after contained for the Purchase thereof by the said Company, be worked by the respective Owners or Lessees thereof under the said Lands, or the Railway or other Works of the said Company as if this Act had not been passed; provided that in the working of such Mines or Minerals no Damage be wilfully done to the said Railway or Works, and that the said Mines and Minerals be not worked in an improper Manner.

Owners of Mines to give Notice to the Company of their Intention to work, and Company to have Liberty to purchase.

LXXXVII. Provided always, and be it further enacted, That when and so often as the Proprietor or Lessee or Tenant of any Mines of Coal, Ironstone, Limestone, Stones, Slate, Clay, or other Mines and Minerals lying under the said Railway and Works or any of them, or within the Distance of Forty Yards from such Railway or Works respectively, shall be desirous of working the same, then and in every such Case such Proprietor, Lessee, or Tenant shall give Notice in Writing to the said Company under his Hand of such Intention at least Twenty-one Days before he shall begin to work such Mines, and upon the Receipt of such Notice it shall be lawful for the said Company to inspect such

Mines,

Mines, or cause the same to be inspected, and to contract and agree with any such Proprietor, Lessee, or Tenant for the Purchase of and to purchase any such Mines or Minerals, or any Part thereof, the getting and working of which may appear to the said Company likely to prejudice or damage the said Railway or other Works; and in case the said Company and such Proprietor, Lessee, or Tenant do not agree as to the Amount or Value of such Mines or Minerals, the same shall be ascertained and settled by the Verdict of a Jury, as is herein-before directed with respect to the Lands which shall or may be taken for the Purposes of this Act: Provided nevertheless, that in case the said Company do not before the Expiration of such Twenty-one Days declare their Desire to purchase the said Mines, and do not treat with such Proprietor, Lessee, or Tenant for the same, then it shall be lawful for the Proprietor, Lessee, or Tenant of such Mines, and he is hereby authorized, to work and get such Part of the said Mines as lie under the said Railway and Works, or within the Distance aforesaid, without being liable to the said Company for any Damage that may be done thereby, unless such Damage be wilfully done, or be caused by the working of the said Mines in an improper Manner.

If Company purchase Mines, the Owners of Mines adjoining on each Side of Railway may make Communications.

LXXXVIII. Provided always, and be it further enacted, That in case the said Company shall purchase any such Mines under the said Railway, or within the Distance of Forty Yards thereof, it shall be lawful for the respective Proprietors, Lessees, or Tenants of the adjoining Mines (such Proprietors, Lessees, or Tenants being the Proprietors, Lessees, or Tenants of the Mines on both Sides of the Mines so purchased,) to cut and make such and so many Airways, Headways, Gateways, or Water Levels through the Mines, Measures, or Strata so purchased by the said Company as may be requisite to enable such Proprietors, Lessees, or Tenants to ventilate, drain, work, and get the Minerals on each Side of the Mines so purchased as aforesaid: Provided always, that no Airway, Headway, Gateway, or Water Level shall be of greater Dimensions or Section than Eight Feet wide and Eight Feet high; and the respective Proprietors, Lessees, or Tenants of such Mines, or other the Persons cutting and making the same, shall allow and repay unto the said Company, for all Coal and other Minerals worked or obtained by them from or out of such Airway, Headway, Gateway, or Water Level, at the same Rate or Price at which the said Company shall have purchased and paid for the said Mines: Provided also, that no Airway, Headway, Gateway, or Water Level shall be so cut or made as in any way to injure the said Railway or Works, or to obstruct or impede the Passage upon or along the said Railway.

Method of discovering when Mines are working under the Railway.

LXXXIX. And for the better ascertaining whether any such Mines are being worked or got, or about to be worked or gotten, so as to prejudice or damage the said Railway and other Works, or any of them, be it further enacted, That it shall be lawful for the said Company, by themselves, their Agents and Workmen, from Time to Time and at all Times hereafter to enter upon any Lands through or near which the said intended Railway and other Works shall pass wherein any such Mines shall be found or shall be working, or be supposed to be working, and likewise to enter into and return from

any

any Coal-pit Works or other Mines, and for that Purpose to make use of any Gins, Whimsies, Tackling, Ropes, Machines, Apparatus, or Machinery belonging to such Proprietors, Lessees, or Tenants, and to view, search, bore, dig, and measure, latch, and use all other Means for discovering the Distance of the said intended Railway and other Works from the working Parts of such Mines respectively; and in case it shall appear that any such Mines have been worked or got contrary to the Directions of this Act, it shall be lawful for the said Company to give Notice to the Proprietors, Lessees, or Tenants of any such Mines who have so worked or got the same contrary to the Directions of this Act respectively, and to adopt and construct the requisite Means and Supports for sustaining, securing, and making safe the said Railway and other Works, and preventing any Injury which may arise in consequence of such Mines having been so got contrary to the Directions of this Act; and in case the said Proprietors, Lessees, or Tenants respectively shall not immediately after such Notice proceed to secure and make safe the said Railway and Works, and use due Diligence in effecting the same, to the Satisfaction of the said Company or their Engineer, then and in every such Case it shall be lawful for the said Company, their Agents and Workmen, at the Expence, Costs, and Charges of such respective Proprietors, Lessees, and Tenants of such Mines, to enter into and upon all such Mines, and from Time to Time to use all necessary and reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe the said Railway and other Works; and such Expences, Costs, and Charges shall be recovered by the said Company from such Proprietor, Lessee, or Tenant who shall so respectively have worked or got the same contrary to the Directions of this Act, in such and the same Manner as the Rates, Tolls, or Sums by this Act granted may be recovered, and shall be applied to the Purposes of this Act.

No Shaft to be sunk under the Railway.

XC. And be it further enacted, That no Shaft, Pit, or Quarry shall be dug, sunk, or made in or on the Line of the said intended Railway or Works, but it shall be lawful for any Proprietor, Lessee, or Tenant of any Mines or Works on each Side of the said Railway to fix all such Ropes, Chains, Connection Rods, and other Matters as may be necessary for working the said Mines in conformity with any Provisions of this Act, over, under, across, near, or by the said Railway, provided that by so doing such Proprietor, Lessee, or Tenant do not injure such Railway or Works, or interrupt in any Manner the free Passage upon or along the same.

Railway not to cross Turnpike Roads on a Level.

XCI. And be it further enacted, That where the said Railway shall cross any Turnpike Road, either such Turnpike Road shall be carried over the said Railway or the said Railway shall be carried over the said Turnpike Road, 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 herein-after mentioned.

Height and Depth of Ledge of Railway in

XCII. And be it further enacted, That where the said Railway shall cross any public Highway, other than a Turnpike Road, the Ledge or Flanch of such Railway, for the Purpose of guiding the Wheels

crossing public Roads.

Wheels of the Carriages thereupon, shall not rise above or sink below the Level of such Road more than One Inch.

Regulations as to Width and Height of Bridges for carrying Railway over public Roads.

XCIII. And be it further enacted, That where any Bridge shall be erected by the said Company for the Purpose 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 Fifteen Feet, and of a Height from the Surface of such Road to the Centre of such Arch of not less than Sixteen Feet, and the Descent under any such Bridge shall not, with respect to any Turnpike Road, exceed One Foot in Thirty-five Feet, and with respect to any public Carriage Road, One Foot in Twenty Feet, and with respect to any private Carriage Road, One Foot in Thirteen Feet.

Bridges for carrying public Roads over Railway.

XCIV. 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 Fifteen Feet, and the Ascent of every such Bridge for the Purpose of such public Road, if Turnpike, shall not be more than One Foot in Thirty-five Feet, and with respect to any public Carriage Road not Turnpike, One Foot in Twenty Feet, and with respect to any private Carriage Road, not more than One Foot in Thirteen Feet, and a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Regulation as to crossing Highways, &c. on a Level.

XCV. And be it further enacted, That the said Railway shall not be made across any Street or Highway, or public Bridleway or Footpath, on the Level, without the previous Consent in Writing of some Two Justices of the Peace for the County acting for the Division within which the Street, Highway, Bridleway, or Footpath so to be crossed shall be situate; and where the said Railway shall cross any public Bridleway or Footpath in any other Manner than on the Level, the said Company shall make and maintain convenient Ascents and Descents, as the Case may be, to such Bridleway or Footpath: Provided nevertheless, that the said Company, and all other Persons and Corporations who may think themselves aggrieved by any Determination, Consent, or Refusal of Consent of the said Justices herein, shall have Power of Appeal in the same Manner, and under the same Provisions and Restrictions, as are ordered and directed in Cases of Appeal against stopping up and diverting Highways by an Act passed in the Fifth and Sixth Years of the Reign of His present Majesty, intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of* Great Britain *called* England.

5 & 6 W. 4. c. 50.

Openings into Tunnels not to be

XCVI. And be it further enacted, That in case it shall be found requisite to form Shafts, Pits, Eyes, or Openings to or from any Tunnel to be made for the Purposes of this Act, it shall be lawful for

for the said Company to sink and construct such Shafts, Pits, Eyes, or Openings in such Places as the said Company shall think necessary, but such Shafts, Pits, Eyes, or Openings shall not be sunk or constructed in any public Highway. made in public Highways.

If Danger is occasioned to Passengers on Turnpike Roads by the Railway, the Company to erect Screens.

XCVII. 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 be, 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, 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 Works until the due Completion thereof, or shall not complete the same within the Time in that Behalf appointed, the said Conpany 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 recovered 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.

Providing for Injury to Roads.

XCVIII. Provided always, and be it further enacted, That in all Cases wherein, in the Exercise of any of the Powers hereby granted, any Part of any Carriage or Horse Road, Railway or Tramroad, either public or private, shall be found necessary to be cut through, raised, sunk, taken, or so much injured as to be impassable or inconvenient for Passengers or Carriages, or to the Persons entitled to the Use thereof, the said Company shall at their own Expence, before any such Road shall be so cut through, raised, sunk, taken, or injured as aforesaid, cause another good and sufficient Road (as the Case may require) to be set out and made instead thereof, and such new Road shall be as convenient for Passengers and Carriages as the said Road so to be cut through, raised, sunk, taken, or injured as aforesaid, or as nearly so as may be; and where the Road cut through, raised, sunk, or injured shall be a Turnpike Road, the substituted Road, if temporary, shall be set out and made, and the principal Road shall be restored, within Six Calendar Months

Months after the Commencement of the Operation; 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 during which such good and sufficient Road shall be neglected to be made as herein-before directed, or during which such Turnpike Road shall not be restored after the Expiration of the said Six Calendar Months, the Sum of Twenty Pounds, which Penalty shall be recoverable from the said Company in such and the same Manner as any other Penalties incurred by the said Company for which no special Provision is made by this Act.

Where the Railway crosses public Highways on a Level the Company to erect Gates.

XCIX. And be it further enacted, That in all Cases wherein the said Railway shall cross any public Highway on a Level the said Company shall erect and at all Times maintain good and sufficient Gates across the said Railway at the Point where it shall cross such public Highway, all which Gates shall be constantly kept shut by some Person to be appointed by the said Company (and which Person the said Company are hereby required to appoint under a Penalty of Five Pounds for each Default), except during the Times when Carriages passing along the said Railway shall have to cross such public Highway, and then the same Gates shall be opened for the Purpose only of letting such Carriages pass through, and the Person entrusted with the Care of such Gates shall cause every such Gate to be shut as soon as such Carriages shall have passed through the same, under the Penalty of Forty Shillings for every such Default therein.

Company to erect Gates for the Protection of adjoining Lands.

C. 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, Culverts, Fences, Ditches, Drains, and Passages over, under, or by the Side of or leading to or from the said Railway, of such Dimensions and in such Manner as Two or more Justices of the Peace acting within their Jurisdiction shall, upon the Application of the Owner or Occupier of any Lands, judge necessary and appoint, (in case there shall be any Dispute about the same,) for the Use of the Owners or Occupiers of the respective 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 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 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,

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 and along such Lands, in such Manner as to do as little Damage as may be to the same; 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 herein-before directed, or any of them, for the Space of Ten Days next after the Time to be appointed for those Purposes respectively by such Justices, 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, 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, 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 and Charges within the Time aforesaid the said Justices are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges 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 and Charges 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 and Charges 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 or using the said Railway.

In case of Compensation in lieu for Gates, Bridges,

CI. Provided always, and be it further enacted, That in every Case in which the Owner of any Lands, or other Person by this Act capacitated to convey, shall in their Arrangements with the said Company have

have received or agreed to receive Compensation for Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, instead of the same being erected or formed by the said Company, for the Purpose of facilitating the Passage to or from either Side of the Lands severed or divided by the said Railway, it shall not be lawful for such Owners, or those claiming under them, to pass, and they shall for ever be prevented from passing or crossing the said Railway, from one Part to the other Part of their Lands so severed and divided, otherwise than by a Bridge, Arch, or Culvert, to be erected at the Charge of such Owners.

Owners of Lands empowered to erect Gates, &c. in case of Insufficiency of those erected by Company.

CII. And be it further enacted, That if any of the Owners or Occupiers of any Lands through which the said Railway shall be made shall at any Time apprehend that any of the Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, or Passages which the said Justices shall have so directed or appointed to be made or erected by the said Company are insufficient, either in Number or Situation, for the commodious Use or Occupation of there spective Lands through which the said Railway shall pass, it shall be lawful for any such Owner or Occupier, with the Consent of the said Company, upon Request in Writing made to them, or in case of their Refusal for the Space of Ten Days next after such Request then with the Consent of the said Justices, given after Summons to the said Company and due hearing of their Objections, to make and erect, at the Costs and Charges of such Owner or Occupier, any other Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, or Passages, of the same or like Construction or Form with those made and erected by the said Company, over, under, or by the Side of or leading to or from the said Railway, in such Cases as shall be found and adjudged most convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands; and such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages shall thenceforth be repaired and maintained by and at the Expence of the respective Owners or Occupiers for the Time being of the respective Lands the respective Owners or Occupiers of which shall have made or erected the same, so that the Passage to or upon the said Railway be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than shall be unavoidably necessary.

For fencing off Railway through private Lands.

CIII. 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 with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences; and the said Company shall make and maintain all necessary Gates and Stiles in all such Fences to be made as aforesaid (all such Gates being made to open towards such Lands, and not towards the said Railway); and in every such Case the Powers, Provisions, Directions, 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,

sions, Directions, 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.

CIV. 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 the Lands adjoining or lying near to the said Railway as before making the said Railway, without obstructing or impounding the same Water to the Prejudice of any of the said Lands, and also to 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 ancient Watering Places, and to 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 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 and 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 as 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 acccordingly, and the reasonable Expence thereof (to be ascertained by such Justices) shall be defrayed by the said Company; and in case the said Company shall neglect or refuse to satisfy and defray such Expences for the Space of Five Days after Demand thereof made, 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 made by

virtue

virtue of this Act be levied and recovered upon or from the said Company.

Act not to prevent the Owners of adjoining Lands from making Branches to communicate with Railway;

CV. And be it further enacted, That nothing in this Act contained shall extend to prevent the respective Owners or Occupiers of Lands adjoining to the said Railway, or any other Person, from laying down, either upon their own Lands or upon the Lands of other Persons, with the Consent of such Persons, any collateral Branches from their respective Lands to communicate with the said Railway; and the said Company shall be bound to make, at the Expence of such Owners and Occupiers and other Persons as aforesaid, 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 or Toll or Sum for the passing of any Goods or other Things along such Branch so to be made by any such Owner or Occupier or Person as aforesaid: Provided also, 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 Places where they shall have erected or set up any Building, Steam Engine, Works, Machinery, or Yard, nor upon any Inclined Plane, nor in any Tunnel, nor in any Places which they shall have appropriated or set apart for any specific Purpose with which such Communication would interfere; and in case any Disagreement or Difference shall arise between any such Owners and 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 or may, on the Application of either Party, after Proof of Service of Notice in Writing to the opposite Party, specifying the Intention of Application to Two Justices for an Inquiry into the Merits of the Case having been made Seven Days at least previously to the Inquiry, be inquired into and determined by 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, and the taking of such Evidence as they may require for Information in the Premises, shall be binding, and such Justices are hereby authorized and empowered to take cognizance of all such References, and to inquire into and determine the same.

nor from making Communications across the Railway.

CVI. 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 Railway, Bridge, or Culvert to, from, across, or over or under or into the said Railway hereby authorized to be made by the said Company, and to use such Railway, 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 Railway, 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 Railways, 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,

pany, and according to Plans and Specifications to be submitted to and approved of by such Engineer previously to the commencing of such Railways, 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 His 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 in or to 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 other Railway, 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, together with the reasonable Expences of recovering the same by Distress and Sale of the Goods and Chattels of such respective Owners (under a Warrant of Distress and Sale under the Hands of any Two Justices of the Peace having Jurisdiction, and which Warrant all Justices of the Peace are hereby authorized, empowered, and required to grant), or by Action of Debt or on the Case, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*.

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

CVII. 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 respectively required, as soon as they, and the Carriages, Cattle, and other Animals or Things under their Care, or which they may accompany, shall have passed through the same, to shut and fasten every such Gate, and every Person neglecting to do so shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Persons making false Declaration to be guilty of a Misdemeanor.

5 & 6 W. 4. c. 62.

CVIII. And be it further enacted, That where in this Act a Declaration is directed to be used for the Purpose of Confirmation of written Instruments or Allegations, or of the Execution of Deeds or other Matters, the same shall be made in the Form prescribed in the Schedule in an Act passed in the Fifth and Sixth Years of the Reign of His present Majesty, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual 'Abolition of Oaths and Affirmations taken and made in various Depart-'ments of the State, and to substitute Declarations in lieu thereof, and 'for the more entire Suppression of voluntary and extra-judicial Oaths 'and Affidavits,' and to make other Provisions for the Abolition of unnecessary Oaths*, or as near thereto as the Circumstances of the Case will admit, and shall be of the like Force and Effect as if an Affidavit or Affirmation in Writing had been made; and if any Declaration so made shall be false or untrue in any material Particular, the Person wilfully making such false Declaration shall be deemed guilty of a Misdemeanor.

Enabling the Company to sell Lands not wanted.

CIX. And whereas by means of the Purchases which the said Company are empowered or are required to make by virtue of this Act they may happen to be seised or possessed of more Lands than will be necessary for effecting the Purposes of this Act, or of Lands not applicable to the Purposes hereof; be it therefore 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 the Sale of and to sell, and by any Deed under their Common Seal, and for such Considerations as they may deem reasonable, to convey to the Purchasers thereof any Part of such superfluous Lands, 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 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, 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 of 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 before a Master or Master Extraordinary in the High Court of Chancery, or before any Justice of the Peace for the County, City, or Place where such Lands may be situate, 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 in case any such Person as aforesaid shall be desirous of purchasing any such Lands, and such Person and the said Company shall not agree with respect to the Price thereof, then the Price thereof shall be ascertained by a Jury in the Manner by this Act directed with respect to the disputed Value of Lands to be taken or used by the said Company, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as in this Act is directed with respect to the disputed Value of Lands to be taken or used by the said Company, *mutatis mutandis*, 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 in the meantime, and until the said Company shall think proper to make such Sale, it shall be lawful for the

the said Company to let any superfluous Lands to any Person willing to become the Tenant thereof, in such Manner and upon such Terms as the said Company shall think proper; and all Conveyances which shall be made by the said Company pursuant to the Authority by this Act in them reposed shall be adjudged 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.

Company, upon Payment of Money, to give Receipts.

CX. 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 a Secretary 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.

CXI. 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 Land 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, 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

Actions to be brought assign Breach or Breaches of Covenant, as they might do in case such Covenants were expressly inserted in such Conveyances.

First and other General Meetings of the Company when to be held.

CXII. And be it further enacted, That it shall be lawful for the Proprietors of Shares in the said Undertaking to assemble and hold the first General Meeting of the said Company on the first *Thursday* next after the Expiration of Two Calendar Months from the Day of the passing of this Act, at the *Crown and Anchor* Tavern in the *Strand* in the City of *Westminster*, or on such other Day and at such Place as shall or may be appointed by the provisional Directors in pursuance of the Provision herein-after contained, and that the said Proprietors at such Meeting shall proceed to elect Twelve Persons duly qualified, who shall from thenceforward be and proceed to act as Directors of the said Company, with the Powers and subject to the Provisions herein-after contained; and all subsequent General Meetings of the said Company shall and may be held half-yearly on the last *Thursday* in the Month of *January* and on the last *Thursday* in the Month of *July* in every Year, or within Fourteen Days next after such respective Periods, at the House aforesaid, or at such other House or Place as shall be fixed by the said Company at the previous Meeting, and public Notice shall be published in One or more *Cornwall* Newspapers and in One or more *London* Newspapers, and by a printed Notice thereof delivered to each Proprietor, or sent by the Post to his or her last known Place of Abode, by the Secretary or Clerk to the said Company, of the Place or Hour appointed for holding such First General Meeting as aforesaid, and such other half-yearly Meetings, at least Fourteen Days previous to the Day of holding the same; and the said First General Meeting, and also all half-yearly General Meetings respectively, may be adjourned from Time to Time, to be held at the same House or Place, or at any other House or Place, provided that no Business which shall be done or determined upon at any General Meeting of the said Company shall be rescinded or altered at any such adjourned General Meeting.

Special General Meetings of the Company how to be called and held.

CXIII. And be it further enacted, That it shall be lawful for the Directors of the said Company, at any Time or Times when they shall think it necessary or expedient, to call any Special General Meeting of the said Company, by giving Fourteen Days Notice thereof in the Manner herein-after mentioned; and it shall also be lawful for any Twenty or more Proprietors, holding in the aggregate Three hundred Shares or upwards in the said Undertaking (upon which Shares all Calls actually previously made shall have been paid and satisfied), 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 Place of Abode, to require the Directors of the said Company to call a Special General Meeting 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, then it shall be lawful for any Fifteen or more Proprietors of Shares in the said Undertaking

dertaking to call any Special General Meeting of the said Company for the Objects expressed in the Notice so previously given to the said Directors, by giving Fourteen Days Notice thereof in the Manner herein-after mentioned, signed by such Fifteen or more Proprietors; and all Notices calling any Special General Meeting shall specify the Matter or Object for which any such Special General Meeting shall be called, and the Place, Day, and Hour at which the same is intended to be held, whether the same shall be called by the said Directors or by such Proprietors; and it shall be lawful for the said Company to meet in pursuance of any such Notice from Time to Time, and to proceed in the Execution of the Powers by this Act given to the said Company with respect to the Matters specified in such Notice as aforesaid, and to those only; and all Acts of the major Part in Votes of the Proprietors of Shares in the said Undertaking, 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 of the said Company held in pursuance of this Act; and such Special General Meetings of the said Company may be adjourned from Time to Time, and be held according to such Adjournment: Provided always, that no Business shall be transacted at any Special General Meeting other than the Business for which it shall have been called and specified in such Notice, and no Business shall be transacted at any adjourned Special General Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

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

CXIV. And be it further enacted, That at all General Meetings and Special General Meetings of the said Company the Chairman of the Directors, or in his Absence the Deputy Chairman of the Directors, or in his Absence some one of the Directors of the said Company to be chosen at any 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.

Notice of Meetings how to be given.

CXV. 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 said Company, and all other Notices which may be required to be given by or on behalf of the said Company to the Proprietors of Shares in the said Undertaking, or to any of them, or respecting any other Matter in the Execution of any of the Powers or Provisions of this Act, and which are not otherwise provided for in or by this Act, shall be given by Advertisements inserted in One or more *Cornwall* Newspapers and in One or more *London* Newspapers, and by a printed Notice thereof delivered to each Proprietor or sent by the Post to his or her last known Place of Abode.

Directing how Subscribers shall vote at Meetings.

CXVI. 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 Number

Number of Shares shall have One Vote in respect of every 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 (at the Time of voting) Proprietors of at least Five 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 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 Appointer or Appointers 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 Duke of *Cornwall*'s Harbour and *Launceston* and *Victoria* Railway 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 .'

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

CXVII. 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 Purposes of this Act 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 required for any of the Purposes of this Act 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, 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.

CXVIII. And

Lunatics and Minors to vote by Committees and Guardians.

CXVIII. 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 by 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 or act.

CXIX. 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 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.

Provisional Directors.

CXX. And be it further enacted, That Sir *John Ross* Knight, Captain in the Royal Navy, *George Ross*, *William Beetham*, *Thomas Bilcliffe Fyler*, *James Ponsford*, and *James Clark Ross*, Captain in the Royal Navy, and the Survivors of them, shall be the provisional Directors of the said Company until the First General Meeting to be called in pursuance of this Act, and that such Directors as shall be then chosen and appointed at such Meeting, and the Survivors of them, shall continue in Office until other Directors of the said Company shall be elected by the said Company at a General Meeting to be held from Time to Time in pursuance of this Act; and it shall be lawful for such Directors, or any Five or more of them, to assemble and hold Meetings at such Places and at such Times as the said Directors or any Five or more of them shall from Time to Time think proper; and it shall be lawful for such Directors or any Five or more of them, assembled at any Meeting, and they are hereby empowered, to allot the Shares in the said Undertaking which shall be remaining undisposed of at the Time of the passing of this Act as to them shall seem fit, and also to exercise all other Powers and Authorities which are by this Act given to or which may be exercised by the Directors of the said Company as herein-after mentioned.

Directors may fix and call the First General Meeting of the Company.

CXXI. And be it further enacted, That it shall be lawful for the said Directors, in case they shall think it expedient that the First General Meeting of the said Company should be held on an earlier Day than the Day herein-before mentioned, or in case no Meeting shall be held on or before such Day, and they or any Five or more of them are hereby empowered, to fix the Time for holding the First General Meeting of the said Company, and to give Notice of the Day and Hour and Place of holding the same; and such Notice shall be signed by Three or more of such Directors, and published in One or more *Cornwall* Newspapers and in One or more *London* Newspapers Fourteen Days at least before the Day fixed for holding such Meeting.

CXXII. And

Directors to go out annually by Rotation.

CXXII. And be it further enacted, That at the General Meeting to be held in the Month of *July* which will be in the Year of our Lord One thousand eight hundred and thirty-seven Three of the said Directors (to be determined by Ballot among themselves) shall go out of Office, and Three Persons who shall be Proprietors and respectively possessed in their own Right of Twenty 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 *July* which will be in the Year One thousand eight hundred and thirty-eight Three of the remaining Directors who shall have been so primarily elected as aforesaid (to be determined as aforesaid) shall go out of Office and their Places as Directors be supplied in like Manner; and at a General Meeting to be held in the Month of *July* which will be in the Year of our Lord One thousand eight hundred and thirty-nine Three others of the said Directors (to be determined as aforesaid) shall go out of Office, and their Places as Directors be supplied in like Manner; and at a General Meeting to be held in the Month of *July* which will be in the Year of our Lord One thousand eight hundred and forty the remaining Three Directors shall go out of Office, and their Places as Directors be supplied in like Manner; and at the General Meeting to be held in the Month of *July* in every subsequent Year Three of the Directors who shall have been longest in Office shall go out of Office, and their Places as Directors be supplied in like Manner: Provided always, that in case it shall at any Time happen that no such Election shall be made, then the Directors for the Time being who would under the Provisions aforesaid otherwise have gone out of Office shall continue to act as Directors of the said Company until the next annual Period of Election, or until others shall be appointed in their Place in pursuance of this Act.

Directors going out of Office re-eligible.

CXXIII. 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.

For supplying Vacancies among Directors.

CXXIV. 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 Rotation as aforesaid, it shall be lawful for the remaining Directors, if they shall think proper so to do, to elect some other Proprietor of Shares in the said Undertaking, duly qualified to be a Director; and every such Proprietor so elected to fill up any Vacancy shall be a Member of the same Body of Directors, and 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 in Office if he had not died or ceased to be a Director.

CXXV. Pro-

No Person holding Office capable of being Director.

CXXV. 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 or of acting as a Director of the said Company, nor shall any Director be capable of accepting any other Office, or any 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 subsequently to his Election accept or continue to hold any other Office or any 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 the Profit or Risk of any Work to be done for the said Company, or shall at any Time cease to be a Proprietor of Twenty Shares in the said Undertaking, he shall thenceforth be disqualified from voting or acting as a Director, and the Office of such Director shall thereupon become and be vacant.

Powers and Duties of Directors.

CXXVI. And be it further enacted, That the Directors for the Time being of the said Company shall superintend all the Affairs thereof, and shall have the Custody of the Common Seal of the said Company and full Power to use the same on behalf of the said Company, 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, or which the said Company are by this Act authorized to do, except such as are herein particularly required and directed to be done by the Company assembled at some General or Special General Meeting of the said Company; and the said Directors shall have full Power and Authority to appoint Harbour Masters, Ballast Masters, Collectors of Harbour Rates and Dues, Pilots, Boatmen, and other Officers and Servants necessary for the Purposes of this Act in relation to the said Harbour, Breakwaters, Piers, Wharfs, and other Works connected with the said Harbour, and also to appoint a Treasurer and a Secretary, or Clerk or Clerks, Collectors of Tolls and other Officers and Servants requisite for the Assistance or Service of the said Company, and to allow to them such Salaries, Gratuities, or Recompences as to the said Directors shall seem proper, and may also displace all or any of such Officers and Servants, and appoint others in their Stead; and the said Directors shall have Authority to meet and adjourn from Time to Time and from Place to Place as they shall think proper; and there shall be Five 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 the Service of the said Company, or having any Concern, Dealing, or Transaction in respect of the said Undertaking, or from any other Person on any Account for the Use of the said Company, and shall regularly enter or cause to be entered, into some Book or 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 Disbursements, 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.

Requiring the Company or the Directors to take Security from the Treasurer, &c.

CXXVII. And be it further enacted, That the said Company or the said Directors shall and they are hereby required to take sufficient Security from their Treasurer, Receiver, or Collector for the faithful Execution of his Office; and the said Directors may also, if they shall think it expedient, take such Security as they may deem reasonable from every other Person or Persons who shall be appointed to any Office under the said Company, for the faithful Execution of his Office, before he shall enter thereupon.

Directors may appoint Committees.

CXXVIII. And be it further enacted, That it shall be lawful for the said Directors from Time to Time to nominate and appoint, out of their own Body, a Committee or Committees, who shall have full Power and Authority to do, execute, and perform all such and so many of the Matters and Things which under the Provisions of this Act the Directors are empowered and authorized to do, execute, and perform, and which shall be confided to them by the said Directors; and it shall be lawful for the said Directors, by an Order or Resolution for that Purpose, to break up and dissolve any Committee which shall have been appointed by them, or to supply any Vacancy which may occur, or to remove and displace any Member of such Committee, and to appoint another in his Place and Stead, when and as often as such Directors shall think proper; and such Committees respectively shall have Power to meet from Time to Time, and to adjourn from Place to Place as they shall think proper, and as Occasion shall require, for effecting the Purposes aforesaid; and at all Meetings of the said Committees one of the Members present shall be appointed Chairman, who shall be entitled to vote on all Questions, and in case of an equal Division of Votes upon any Subject entertained by the said Committee shall have an additional or casting Vote.

Contracts to be signed by Three Directors.

CXXIX. And be it further enacted, That all Contracts and Agreements in Writing relating to the Affairs of the said Company, entered into by the said Company, or by the Directors or their Committee

mittee on behalf of the said Company, and 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.

Orders and Proceedings to be entered in a Book.

CXXX. 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 in some Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of such respective Meetings; 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 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.

Directors to cause Accounts to be kept.

CXXXI. And be it further enacted, That the said Directors shall cause Books to be kept, and shall cause to be entered therein separate Accounts of all Receipts and Expences, Disbursements or Payments on account of the said Harbour and on account of the said Railway, and shall cause to be entered in the said Books true and regular Accounts of all Sums of Money received and expended for or on account of the said respective Purposes 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 such Books shall at all reasonable Times be open to the Inspection of the respective Loan Creditors for Money advanced and lent for the Purposes of this Act, without Fee or Reward; and the said Loan Creditors or any of them may take Copies of or Extracts from the said Books without paying any thing for the same; and in case the Clerk, Book-keeper, or Person having the Custody of any such Books or Book shall refuse to permit, or shall not permit such Loan Creditors or any of them to inspect any such Books or Book, or to take such Copies or Extracts as aforesaid, such Clerk, Book-keeper, or Person as aforesaid 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.

Chairman and Deputy Chairman of Directors to be appointed.

CXXXII. And be it further enacted, That at the First Meeting of the First Directors herein-before named which shall be held after the passing of this Act, and at the First Meeting of the Directors to be elected in pursuance of this Act, and which shall be held next after the First Election of the said Directors under the Provision herein contained, and at the First Meeting of the Directors which shall be held next after the half-yearly General Meeting in the Month of *July* in each Year, (except the Year One thousand eight hundred and thirty-six,) the Directors present at such respective Meetings

Meetings shall choose from amongst themselves a Chairman and Deputy Chairman of such Directors, and the Chairman for the Time being of such Directors shall have the Custody of the Common Seal of the said Company: Provided always, that when and so often as the Chairman or Deputy Chairman to be chosen by virtue of this Act shall die or resign, or become disqualified to act, or otherwise cease to be a Director, it shall be lawful for the Directors present at the Meeting next after such Vacancy shall have occurred, or at some subsequent Meeting, to choose some other of the said Directors to be Chairman or Deputy Chairman; and every such Chairman or Deputy Chairman to be chosen as last aforesaid to fill such Vacancy shall continue in such Office so long only as the Person in whose Place or Stead he may be so elected would have been entitled under the Provisions of this Act to continue if such Vacancy had not happened.

At Meetings of the Directors, the Chairman or Deputy Chairman of Directors to preside.

CXXXIII. And be it further enacted, That at all Meetings of the said Directors the Chairman of the Directors, or in his Absence the Deputy Chairman of the Directors, or in his Absence some one of the Directors of the said Company to be chosen at any 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 Vote, have an additional or casting Vote as Chairman.

Same Person not to be Clerk and Treasurer.

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

the same, to be recovered, with full Costs of Suit, by Action of Debt or on the Case in any of His Majesty Courts of Record at *Westminster*.

Officers to account.

CXXXV. 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 Balance 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, 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 the said Justice the several Vouchers and Receipts relating to such Accounts, 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 and he is hereby required, by Warrant under his Hand and Seal, to commit such Officer or Person to some Common Gaol or House of Correction, 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, 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.

Bye Laws.

CXXXVI. And be it further enacted, That it shall be lawful for the said Company from Time to Time to make and frame, ordain and establish, such Bye Laws, Rules, Orders, and Regulations as they shall think fit for the good Government of the said Harbour and Railway, and Persons frequenting the same or employed therein, and for the Government of the Harbour Masters, Ballast Masters, Pilots, Boatmen, Clerks, Collectors, Officers, Assistants, Servants, and other Persons appointed or employed under or by virtue of this Act, and for the better Regulation of the said Harbour and other Works connected therewith, or any of them, and the mooring and stationing of the Shipping therein, and for the well-governing, ordering, and managing of the Pilots to be employed for the said Harbour, and the Seamen and others employed in or belonging to the said Shipping, resorting to or seeking Shelter at or in the said Harbour, and also for the better regulating, governing, and managing the several Works connected with the said Harbour by this Act authorized and directed to be constructed, as well whilst the same are constructing as after they shall be finished, and for the more safe and convenient shipping, loading, landing, discharging, carrying, conveying, laying, depositing, and moving of Goods, Wares, and Merchandize upon any of the Quays, Wharfs, or Landing Places belonging to the said Harbour, and for the better governing and regulating Porters, Carters, and Carmen and others carrying Goods, or using or driving Horses, Waggons, Carts, Drays, Trucks, Sledges, or other Carriages for conveying Goods, Wares, and Merchandize to and from the said Quays, Wharfs, or Landing Places, and generally for the good Government of the said Harbour; and to make such other Bye Laws, Rules, Orders, and Regulations as by the said Company shall be thought necessary or expedient for the Management of the said Harbour and Railway, and general Purposes of the said Undertaking, and for effecting the Purposes of this Act, and the due Execution thereof, and to repeal, add to, amend, or alter such Bye Laws, Rules, Orders, and Regulations, or any of them, and to annex, impose, and appoint pecuniary Penalties or Forfeitures not exceeding Ten Pounds for each Offence (to be recovered in manner herein-after mentioned) for the Non-observance, Non-performance, or other Breach of or Offence against any such Bye Laws, Rules, Orders, and Regulations; and all such Bye Laws, Rules, Orders, and Regulations of and relating to the said Harbour or Breakwaters, or other Works connected therewith, and all such Alterations thereof

thereof, shall be reduced into Writing, and under the Common Seal of the said Company, and Copies thereof in legible Characters shall be printed on Paper or painted on a Board, and affixed on some accessible and conspicuous Place or Buildings in or adjoining the said Harbour, for the Inspection and Information of all Persons interested therein; and all such Bye Laws, Rules, Orders, and Regulations of and relating to the said Railway or Works connected therewith, and all such Alterations thereof, shall also be reduced into Writing, under the Common Seal of the said Company, (either separately from or jointly with those relating to the Harbour,) and shall be printed and published, and shall be painted on Boards, or legibly printed on Paper and affixed to 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, and other Buildings or Places at which any such Tolls shall be collected or paid under the Authority of this Act, and all such Boards shall from Time to Time be renewed as often as the same or any of them or any Part thereof shall be obliterated or destroyed; and all such Bye Laws, Rules, Orders, and Regulations 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, Rules, Orders, and Regulations be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any Directions in this Act contained; and all such Bye Laws, Rules, Orders, and Regulations, when so published and affixed, shall be subject to Appeal in manner herein-after mentioned.

Accounts to be made up half yearly.

CXXXVII. And be it further enacted, That the said Directors shall and they are hereby required to cause the several Accounts herein-before directed to be kept to be separately made up twice in every Year, that is to say, on the Thirty-first Day of *December* and the Thirtieth Day of *June*, and therefrom to be drawn out and made true and particular Accounts and Statements of all Monies received by or for the Use of the said Company by virtue of this Act, and of the Charges and Expences attending the making, maintaining, and carrying on the respective Objects of the said Undertaking, and of all other the Receipts and Expenditure of the said Company up to those Periods respectively, which Accounts and Statements shall be laid before the Half-yearly General Meetings of the said Company herein-before directed to be held in the Months of *January* and *July* respectively: Provided always, that if the Accounts and Statements 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 Five Proprietors, each of whom shall hold at least Ten Shares in the said Undertaking, who shall examine into such Accounts and Statements, 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 Five Members thereof, all Books of Accounts, Vouchers, and Documents in the Possession or Power of the said Directors relating to the Affairs of the said Company.

CXXXVIII. And

Dividend to be declared.

CXXXVIII. 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 Profits of the said 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 once in Six Months, 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.

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

CXXXIX. 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 Subscriptions 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 Duke of *Cornwall*'s Harbour and *Launceston* and *Victoria* Railway Company.

'Number

'THESE are to certify, That *A. B.* of is the Proprietor of the Share [*or* Shares], Number of "The Duke of *Cornwall*'s Harbour and *Launceston* and *Victoria* Railway 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 .'

CXL. And

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

CXL. 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 such Certificate or Ticket so worn out, damaged, lost, or destroyed was granted, the said Company receiving for every such Certificate or Ticket which shall so be given or exchanged the Sum of Two Shillings and Sixpence and no more.

Company to enter and keep List of Proprietors of Shares.

CXLI. And be it further enacted, That the said Company shall, in some proper Book to be provided by the said Company for that Purpose, enter and keep a true Account 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 any Share therein; and every Proprietor of the said Undertaking (or in case of a Corporation the Clerk or Agent of such Corporation duly appointed) may at all convenient Times have recourse to and peruse such Book *gratis*, and may demand and take Copies thereof or of any Part thereof, paying at and after the Rate of Sixpence for every One hundred Words so copied.

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

CXLII. 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-before directed, a Declaration in Writing shall be made by some credible Person before some Master or Master Extraordinary in the High Court of Chancery, or any of His 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 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 Delaration 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 any of His 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, or in the Course of Administration, shall be entitled to receive the same, or be entitled to vote in respect of any Share, the said Will or the Probate thereof, or the Letters of Administration, or an official Extract of such Probate or Administration, shall be produced and shewn to the said Company.

To compel Payment of Subscriptions.

CXLIII. And be it further enacted, That the several Parties who have subscribed or who shall hereafter subscribe for or towards the said Undertaking shall and they are hereby required to pay the Sums of Money by them respectively subscribed for, or such Parts or Proportions thereof as shall from Time to Time be called for by the Directors of the said Company under and by virtue of the Powers of this Act, at such Times and at such Places and to such Person as shall be directed by the said Directors; and in case any Party shall refuse or neglect to pay as aforesaid the Money by him so subscribed for, or the Part or Proportion thereof so called for, it shall be lawful for the said Company to sue for and recover the same in any Court of Law or Equity, together with Interest on such unpaid Sum of Money after 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 actual Payment thereof.

Powers to pay Subscription in advance; Interest to be paid on the Amount in advance.

CXLIV. And be it further enacted, That it shall be lawful for the several Proprietors for the Time being of the said Undertaking, and they are hereby empowered, whether before or after any Call shall have been paid in respect of any Shares held by them respectively, to pay in advance, in case the Directors shall think proper to accept the same, which they are hereby authorized to do, to such Person as the said Directors shall appoint, the respective Sums of Money by them respectively subscribed for, or such Part or Proportion thereof as shall be wanting (over and above the Amount, if any, actually paid in respect of such Shares) to make up the full Sum of Twenty-five Pounds in respect of each such Share; and the said Company shall and they are hereby required to pay Interest, at such Rate not exceeding the Rate of Four Pounds for every One hundred Pounds by the Year, upon the Principal Monies which shall have been so paid in advance, or for so much thereof as shall from Time to Time exceed the Amount of the Calls which shall have been made upon the Shares in respect of which such Money shall have been paid in advance as aforesaid, as the Subscriber paying such Sum in advance and the Directors for the Time being of the said Company shall agree upon.

Power of Directors to make Calls.

CXLV. And be it further enacted, That the said Directors 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 from

from Time to Time shall 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 Twenty-five Pounds on any such Share, and so that no One such Call shall exceed the Sum of Two Pounds upon each Share which any Person or Corporation shall be possessed of or entitled unto in the said Undertaking, and that the total Amount of such Calls in any One Year shall not exceed Twelve Pounds upon each Share; and an Interval of Two Calendar Months at the least shall elapse between the Day appointed for Payment of one Call and the Day appointed for 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 *Cornwall* and *London* Newspapers as aforesaid, and by a printed Notice thereof delivered to each Proprietor or sent by the Post to his or her last known Place of Abode; 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 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 Centum 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, at the Time appointed, or within Seven Days then next following, then or at any Time thereafter it shall be lawful for the said Company to sue for and recover the same in any of His 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 forfeited and 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 Hand of the Clerk of the said Company that such Share hath 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 the 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

If Calls are not paid at the Time Interest to be charged thereon; and if Calls and Interest are not paid within Seven Days the same may be sued for, or the Shares declared to be forfeited and sold.

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 Purchase Money for forfeited Shares be more than sufficient to pay the Arrears of Calls, &c. Surplus to be paid to the Owners of such Shares.

CXLVI. And be it further enacted, That in case the Money produced by the Sale of any Share which shall be forfeited by reason of the Nonpayment of any Call as aforesaid shall be more than sufficient to pay all Arrears of Calls as aforesaid and legal Interest thereon as aforesaid, and the Expence attending the Sale thereof, the Surplus of such Purchase Money shall, on Demand, be paid to the Party to whom such forfeited Share or Shares shall have belonged: Provided always, that it shall not be lawful for the said Company or for the said Directors to sell or transfer more of the Shares of such Defaulter under the Powers last herein-before contained than shall be sufficient as near as may be at the Time of such Sale to pay the Arrears of Calls due from such Defaulter, and the Interest and Expences as aforesaid; and from and after Payment of such Arrears of Calls and Interest and Expences as aforesaid any Share vested in the said Company as aforesaid which will remain in their Hands unsold shall revert to and again become the Property of the Party to whom such Share shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly paid.

Proceedings in Actions for Calls.

CXLVII. And be it further enacted, That in any Action to be brought by the said Company against any Proprietor for the Time 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 or Shares 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 or Shares belonging to the said Defendant, whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the 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 such Share or Shares 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,

said, on such Calls, unless it shall appear that any such Call exceeded Two 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; or that Calls amounting to more than Twelve Pounds in the whole had been made in some One Year, 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.

CXLVIII. 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 Transfers 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 Three Directors, or under the Hand of a 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 published in some Two or more *Cornwall* and *London* 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 hereinbefore 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 Proprietors 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 Cases of Proprietors being Abroad the Shares shall not be forfeited until the Expiration of Twelve 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.

CXLIX. 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.

CL. And be it further enacted, That it shall be lawful for the several Proprietors of Shares in the said Undertaking, and their respective Executors and Administrators and Successors, to sell and dispose of any Shares to which they shall be entitled therein, subject to the Rules and Conditions herein mentioned; and the Conveyance of such Shares shall be by Writing duly stamped, and 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,)

Form of Conveyance of Shares.

'I *A. B.* of 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 Duke of
'*Cornwall*'s Harbour and *Launceston* and *Victoria* Railway 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, who shall enter or cause to be entered in some Book to be kept for that Purpose a Memorial of such Transfer and Sale, and cause an Indorsement

dorsement of the Entry of such Memorial on the said Deed of Sale or Transfer to be made and signed by some Person or Persons authorized by them for that Purpose, for which Entry and Endorsement the Sum of Two Shillings and Sixpence and no more shall be paid to the said Company, and the said Company is hereby required to make or cause to be made such Entry or Memorial accordingly, and on Demand to make or cause to be made an Endorsement 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 Endorsement no more than Two Shillings and Sixpence shall be paid; and such Endorsement 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 Profits 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.

CLI. 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.

Receipt of One Proprietor of a Share a sufficient Discharge.

CLII. 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 the 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 sufficient Discharge.

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

Proprietors not to be responsible *for more* than the Amount of their original Subscriptions.

CLIV. Provided always, and be it further enacted, That no Person or Persons, being a Proprietor or Proprietors of any Share or Shares in the Capital or Joint Stock of the said Company, or his, her, or their Estate or Effects, shall, by reason of his, her, or their being such Proprietor or Proprietors, be responsible or liable for or to the Payment of any larger or greater Sum of Money for any the Purposes of this Act, or in consequence of any Proceedings to be had under or by virtue of the same, than the Amount of the Sum or Sums by him, her, or them subscribed

snbscribed for or to be subscribed for, or than was or had been subscribed for by any original Proprietor or Proprietors of the Share or Shares constituting any such Proprietorship, any thing in this Act contained to the contrary notwithstanding.

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

CLV. And be it further enacted, That it shall be lawful for the said Company to demand, receive, and recover, or to cause to be demanded, received, or recovered, 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 Tolls not exceeding the following; (that is to say,)

For all Sea Sand, Dung, Compost, and all Sorts of Manure, Limestone, Culm, and Salt, and all undressed Materials for the Repair of public Roads or Highways, the Sum of Three-pence *per* Ton *per* Mile:

For all Coals, Coke, Charcoal, Cinders, Lime, Building, Pitching, and Paving Stones dressed, Bricks, Tiles, Slates, Clay, Sand, Ironstone, Iron, Copper, Manganese, or other Ores, Pig, Bar, Rod, Hoop, Sheet, and all other similar Descriptions of wrought Iron and Castings, not manufactured into Utensils or other Articles of Merchandize, and Corn, Flour, and Potatoes, the Sum of Four-pence *per* Ton *per* Mile:

For all Sugar, Grain, Dye Woods, Earthenware, Timber, Staves and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, Cotton and other Wools, Hides, Drugs, manufactured Goods, and all other Wares, Merchandize, Articles, Matters, or Things, the Sum of Sixpence *per* Ton *per* Mile.

Tolls allowed to be taken by the Company on Carriages conveying Passengers.

CLVI. And be it further enacted, That it shall be lawful for the said Company to demand, receive, and recover, or to cause to be demanded, received, and recovered, 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 Burthen, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any such Carriage, the Sum of Three-pence *per* Mile:

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

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

For every Carriage of whatever Description, not being a Carriage adapted and used for travelling upon a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, the Sum of Eight-pence *per* Mile.

Company empowered to provide and charge for loco.

CLVII. 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 Articles, Matters, or Things, Persons, Cattle, or Animals, upon the said

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.

motive or other propelling Power.

CLVIII. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized, if they shall think proper, to use and employ locomotive Engines and other moving Power, and in Carriages or Waggons drawn or propelled thereby to 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 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 Halfpenny *per* Mile, including the Toll or Rate hereinbefore granted.

Company authorized to carry Passengers, Cattle, and Goods, and charge for the same.

CLIX. And for the better preventing of Accidents or Injury which may 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 by the said Railway any Aquafortis, Oil of Vitrol, 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.

Packages containing Goods of a dangerous Quality to be marked.

CLX. And be it further enacted, That without extra Charge it 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 anyway liable or responsible for the safe Carriage 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, other than and except such Passenger's Articles of Clothing not exceeding the Weight and Dimensions aforesaid: Provided always, that nothing herein contained shall in any Case extend or be deemed or construed to extend to

Passengers may carry Luggage without extra Charge.

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 Stage Coach Proprietors or Common Carriers 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 Company from hiring locomotive Engines.

CLXI. 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 authorized to fix the Prices of small Parcels.

CLXII. 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 separate 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 for short Distances.

CLXIII. Provided always, and be it further enacted, That in all Cases where any of the before-mentioned Articles, Matters, Things, or Persons shall be conveyed on the said Railway for a less Distance than Four Miles, the said Company are hereby empowered to demand and receive the afore-mentioned Rates, Tolls, and Charges for Conveyance, as the Case may be, for Four Miles, exclusive of a reasonable Charge for the Expence of loading and unloading such Articles, Matters, and Things in Cases where the loading and unloading shall be done by the said Company, and which Charge the said Company are hereby authorized to make.

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

CLXIV. And be it further enacted, That (without Prejudice to any of the Provisions herein-before contained) in all Cases in which there shall be 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 in which there shall be a Fraction of a Mile in the Distance which any Carriage shall pass upon the said Railway beyond Four Miles or any greater Number of Miles, the Proportion of the Rates or Tolls which shall be demanded and taken for such Fraction shall be after the Rate of the Number of Quarters of a Mile contained therein, and when

when there shall be a Fraction of a Quarter of a Mile such Fraction shall be deemed and considered as 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.

Distance Stones to be erected.

CLXV. And be it further enacted, That it shall be lawful for the said Company to demand, receive, and recover, or to cause to be demanded, received, and recovered, for the Wharfage and warehousing of all Goods which shall be landed or placed upon the said Wharfs, or deposited in Warehouses belonging to the said Company, such reasonable Sums as to them shall seem meet, not exceeding the highest Rate allowed to be charged by other Railway Companies in *Great Britain*.

Dues to be paid for Wharfage.

CLXVI. 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 Duties or Tolls by this Act authorized to be taken, and to take the reduced Rates or Duties and the reduced Tolls, and afterwards from Time to Time to raise the same Rates or Duties and the same Tolls or any of them respectively, and then to take such higher Rates or Duties or Tolls, so that the same respectively shall not at any Time exceed the respective Sums by this Act authorized.

Power to reduce the Rates or Tolls.

CLXVII. Provided always, and be it further enacted, That the aforesaid Rates and Tolls for the said Railway to be taken by virtue of this Act shall at all Times be charged equally and after the same Rate *per* Ton *per* Mile throughout the whole of the said Railway in respect of the same Description of Articles, Matters, or Things, and that no Reduction or Advance in the said Rates and Tolls on the said Railway 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 Railway, but that every such Reduction or Advance of Rates and Tolls 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 Railway, 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 or carrying the same Description of Articles, Matters, and Things thereon, any thing to the contrary thereof in any wise notwithstanding.

Rates to be charged equally.

CLXVIII. And whereas it would tend much to the Convenience of the Public if Companies were empowered to enter into mutual Arrangements so as to avoid the Necessity of a Change of Carriages and other Delays, arising from Diversity of Interests; be it therefore enacted, That notwithstanding any thing in this Act contained it shall be lawful for the said Duke of *Cornwall*'s Harbour and *Launceston* and *Victoria*

Company empowered to contract with other Railway Companies.

Victoria Railway Company, and they are hereby empowered, from Time to Time to make and enter into any Contract or Agreement with any other Company (and which Contract or Agreement all other Companies are hereby empowered to make and enter into) either for the Division or Apportionment of the Rates, Tolls, and Duties, or for the Passage over or along the Railway by this Act authorized to be made, of any Engines, Coaches, Waggons, or other Carriages of or belonging to any other Company, or which shall pass over or along any other Line of Railway, or for the Passage over or along any other Line of Railway of any Engines, Coaches, Waggons, or other Carriages which shall belong to "The Duke of *Cornwall*'s Harbour and *Launceston* and *Victoria* Railway Company," or which shall pass over or along their Line of Railway, upon the Payment of such Rates, Tolls, or Duties, 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 Company that may be deemed advisable; and every such Contract may contain such Covenants, Clauses, Provisions, Conditions, and Agreements as the contracting Parties may respectively deem 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 be respectively authorized to have, demand, receive, or recover 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 Rates, Tolls, 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 Rates, Duties, or Tolls 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 Rate, Duty, or Toll for or in respect of any Carriage, Passengers, Goods, Articles, Matters, or Things carried or conveyed upon or along or using the said Railway than any of such Companies.

A List of the Rates, Tolls, &c. to be painted on Boards, and affixed in conspicuous Places.

CLXIX. And be it further enacted, That the said Company shall cause to be painted on Boards, or legibly printed on Paper and affixed on Boards, and to be affixed and continued, and renewed as often as the same shall be obliterated or defaced, on some conspicuous and accessible Places or Buildings in or adjoining to the said Harbour (so far as relates to the Harbour Rates and Duties), and also (so far as relates to the Railway) to or upon every Toll House or Building at which any of the Tolls by this Act authorized shall be collected or received, in some conspicuous Place, in large and legible Characters, an Account or List of the several Rates or Duties and Tolls which the said Company shall from Time to Time direct and appoint to be taken, and which shall be payable by virtue of this Act; and in case any Person authorized or entitled to demand or receive such

Rates

Rates or Duties or Tolls, or any of them, or any Person deputed to demand or receive the same or any of them, or assisting in the Collection thereof, shall, after and whilst such Account or List shall be affixed as aforesaid, demand or take more than the Amount thereon specified, such Owner, Master, Collector, or other Person as aforesaid shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Rates or Tolls only payable whilst such Boards remain.

CLXX. Provided always, and be it further enacted, That it shall not be lawful for the said Company to demand or take any Rates or Duties or Tolls for or in respect of any Ship or Vessel, or Goods, Wares, or Merchandize, Article, Matter, or Thing, or any Carriage, Passenger, or Cattle, except during the Time that such Boards respectively shall be so affixed as aforesaid, and (so far as relates to the said Railway) for and during such Time only as the Stones or other conspicuous Marks, with proper Inscriptions thereon, by this Act directed to be set up for ascertaining the Distance for which such Tolls shall be taken on the said Railway, shall remain so set up.

Penalty on Persons defacing such Boards, &c.

CLXXI. And be it further enacted, That if any Person shall wilfully or designedly pull down, deface, obliterate, injure, or destroy any Copy of such Bye Laws, or any Board or Stone which shall have been set or put up or affixed by virtue or in pursuance of this Act, or any of the Inscriptions, Marks, or Figures thereon, or on 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.

CLXXII. And be it further enacted, That every Collector of the 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, immediately on his coming 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 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 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 demand and take any Toll in respect of any Carriage, Matter, or Thing, or Person exempt from the Payment 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 Toll, or shall in answer to such Demand give a false Name or Names, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct or hinder any Carriage or any Person from passing upon the said Rail-

way, 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.

Recovery of Rates or Tolls.

CLXXIII. And be it further enacted, That the Tolls hereby authorized to be taken in respect of the said Railway shall be paid to such Persons, at such Places upon or near the said Railway, 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 Tolls, direct or appoint; and in case of Refusal or Neglect, on Demand, to pay such Tolls as have accrued due unto the respective Persons appointed to receive the same as aforesaid, the said Company may, in case such Tolls shall amount to or exceed the Sum of Twenty Pounds, sue for and recover the same by an Action of Debt or upon the Case in any of His Majesty's Courts of Record, or the Person to whom such Tolls ought to have been paid may and he is hereby empowered, whether such Tolls shall amount to the Sum of Twenty Pounds or not, to seize the Goods, Articles, and other Things for or in respect whereof any such Tolls ought to have been paid, or any Part thereof, and the Carriage laden therewith, or any other Goods, Articles, or Things belonging to the Person liable to pay such Tolls, and detain the same until such Payment shall be made, together with all reasonable Charges for such Seizure and Detention; and if such Goods, Articles and Things shall not be redeemed within Twenty-one Days next after the taking thereof the same shall be appraised and sold, and such Tolls and Charges satisfied thereout as the Law directs in Cases of Distress for Rent.

Recovery of small Debts due to Company.

CLXXIV. And whereas the District through which the said Railway is intended to be made is supplied with Sea Sand as the staple Manure of the Country, and such Manure is expected to be conveyed on the said Railway, and in order to accommodate the Consumers thereof the said Company may find it expedient to give Credit to such Consumers, but in such Case a special Provision is necessary for the more easy Recovery of any Rates, Tolls, or Duties which may become due to the said Company in respect thereof or any other Account; be it therefore enacted, That in all Cases in which the said Company, or their Agents or Servants duly authorized, shall give Credit to any Person or Persons for any Rates, Tolls, or Duties made payable by this Act not exceeding the Sum of Ten Pounds, and such Person or Persons shall neglect or refuse to pay the same, or dispute the Amount thereof, the same shall be ascertained by some Justice of the Peace for the said County of *Cornwall*, who, upon Application made to him for that Purpose, shall examine the said Matter upon the Oath of the Parties or other Witness or Witnesses, and determine if any and what Sum shall be due to the said Company, and shall award such Costs to be paid by either of the Parties as he shall think just; and in case of Nonpayment of the Sum or Sums awarded by such Justice, on Demand, the same shall be levied by Distress and Sale of the Goods and Chattels of the Party directed to pay the same respectively, by Warrant under the Hand and Seal of such Justice.

CLXXV. And

Owners of Carriages to give Account of Lading.

CLXXV. 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 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 Tolls, then such Owners or other Persons shall specify the respective Quantities liable to each or any of the said 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 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.

CLXXVI. And for the better ascertaining the Weight of Goods and other Things to be charged with the Payment of Tolls or Monies for using the said Railway and Works connected therewith, be it further enacted, That as respects all such Goods and other Things as aforesaid, except Stone, Timber, and Sand, 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, Timber, and Sand, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Beech, and Ash, Fifty Cubic Feet of all other Timber, and Eleven Sacks of Sand, each Sack containing Sixteen Gallons Imperial Measure, 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.

CLXXVII. And be it further enacted, That if any Difference shall arise between any Collector of any such Tolls or Monies, 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 Tolls or Monies due in respect thereof, it shall be lawful for such

such Collector or other Officer as aforesaid to detain such Carriage, and to examine, weigh, measure, and gauge, or caused 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 upon Demand, shall and may be recovered and levied by and in such Ways and Manner as the said Tolls are in this Act authorized to be recovered and levied; but 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 examining, weighing, measuring, or gauging, and shall also pay to such Owner of or Person having Charge of such Carriage, and to the respective Owners of such Goods, Articles, and Things, such Damage as shall appear to any Justice of the Peace acting within his Jurisdiction, on the Oath, or, in the Case of a Quaker, the Affirmation, of any credible Witness, to have arisen from or by such Detention; but in case it shall at any Time be made appear to such Justice, upon the Complaint of the said Company, and upon the like Oath or Affirmation, that such Detention, and examining, weighing, measuring, or gauging, was without reasonable Ground or Belief, or that it was vexatious on the Part of such Collector or other Officer as aforesaid, then such Collector or other Person as aforesaid shall himself pay the Costs and Expences of such examining, weighing, measuring, or gauging, and shall also pay to such Owner or Person, or to the respective Owners of such Goods, Articles, or Things as aforesaid, such Damage as shall appear to such Justice to have arisen from such Detention; 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 and Chattels 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 other Officer as aforesaid (as the Case may require).

For settling Disputes about the Amount of Rates or Tolls.

CLXXVIII. And be it further enacted, That if any Dispute shall arise concerning the Amount of the Rates or Duties 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 Duties or Tolls due, or (as the Case may require) the Amount of the Charges of seizing, distraining, keeping, or selling such Distress, or both (as the Case may require), shall be ascertained by some

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 Duties or Tolls due, or (as the Case may be) the Amount of the said Charges, or the Amount of both (as the Case may be); 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 Non-payment thereof on Demand such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party directed to pay the same, by Warrant under the Hand and Seal of such Justice.

Company empowered to lease the Rates or Tolls.

CLXXIX. And be it further enacted, That it shall be lawful for the said Company from Time to Time to let the Rates or Duties and Tolls by this Act made payable, or any Part thereof, at the said Harbour, or upon the Whole or upon any Part of the said Railway, 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 Duties or Tolls so let, shall, during the Continuance of such Lease, be deemed Collectors of the Rates or Duties or Tolls so let, but for the proper Use of the Lessees 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 or Duties and Tolls, or the Part thereof intended to be let, shall be given by the said Company by Advertisement to be inserted in some *Cornwall* and *London* Newspaper 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 or Duties and Tolls shall be let as aforesaid.

Power of Re-entry in case of Non-performance of Conditions of Leases of Rates or Tolls.

CLXXX. And be it further enacted, That in case any of the Rates or Duties or Tolls granted or authorized to be taken by this Act shall be demised or let to farm in any Manner whatsoever, and the Lessee or Farmer thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or any of them, or in case all or any Part of any Rent agreed to be paid by any such Lessee or Farmer shall be in arrear or unpaid for the Space of Seven Days next after any of the Days on which the same ought to be paid pursuant to the Lease, Agreement, or Contract for demising or letting the same Rates or Duties or Tolls, or in case any temporary or other Collecter of any of the said Rates or Duties or Tolls shall be discharged from his Office, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family or any Representative of any such Collector who shall die, abscond, or absent himself, or be discharged, or in case any Person being in Possession shall refuse to deliver up or shall not deliver up Possession

of any Toll House, Office, Weighing Machine, or other Building, with the Appurtenances thereto respectively belonging, to be erected or provided under the Powers, or used for any of the Purposes of this Act, for or within the Space of Seven Days after Demand thereof made in Writing given to him or left at such Toll House, Office, Weighing Machine, or Building, or at any of such Toll Houses, Offices, Weighing Machines, or Buildings, which shall be or have been in the Possession or Occupation of such Collector or Person, such Demand in Writing to be signed by any Three or more of the said Directors or by the Secretary or Clerk for the Time being of the said Company, or in case any such Lease, Agreement, or Contract shall in any Manner become void or voidable, then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace acting within their Jurisdiction, upon Application made by the said Directors, or by the Secretary or Clerk for the Time being of the said Company, by Warrant under the Hands and Seals of such Justices respectively, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take possession of every or any such Toll House, Office, Weighing Machine, or other Building, with the Appurtenances thereunto belonging, and to remove and put such Lessee, Farmer, or Collector, or other Person who shall be found therein, together with his Goods, from and out of the same and the Possession thereof, and from the Collection of such Rates or Duties or Tolls, and to put the said Company or their Agent, or their new Lessee or Farmer or Collector, into the Possession thereof, and thereupon it shall be lawful for the said Company to vacate and determine the Lease, Contract, or Agreement (if any) which was previously subsisting, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants and Agreements for Payment of the Rent thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part); and it shall be lawful for the said Company in every such Case, either during such Proceedings or on the Termination thereof, again to demise or let to farm the said Rates or Duties or Tolls to the same or any other Person, or cause them to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

Weights allowed to be carried on the Railway.

CLXXXI. And be it further enacted, That no Carriage, except a Steam Engine or Engines to be constructed or used in the Manner authorized by this Act, shall carry or bear at any One Time upon the said Railway, including the Weight of such Carriage, more than Seven Tons Weight, but any One Piece of Timber, Stone, Boiler, Cylinder, or any other single Article, not exceeding Twelve Tons, including the Weight of the Carriage, may be conveyed on a Platform bearing on Two Carriages united together; and no Piece of Timber, Stone, Machinery, or other Article exceeding the Weight of Seven Tons, including the Weight of the said Carriage, shall be carried upon any Part of the said Railway without the special Licence of the said Company, and for the Tonnage of which the said Company are hereby authorized to demand, receive, and recover such Sum as they may deem proper.

CLXXXII. And

Company to regulate the Passage on the Railway.

CLXXXII. 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 the Times when the same shall be open for Use, 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 by or belonging to the said Company, and generally for regulating the passing upon, using, or working the said Railway and other Works by this Act authorized, or in any way relating thereto respectively; and all such Orders and Regulations, when published and affixed in manner by this Act directed or provided for publishing and affixing any Bye Laws to be made by virtue of this Act, shall be binding upon and be conformed to by the said Company, and by all the Owners of and the 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.

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

CLXXXIII. 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; and which Rules and Regulations the said Company are hereby expressly authorized to make, and wholly or partially alter or revoke from Time to Time, with Power to make new Rules and Regulations from Time to Time in lieu of or in addition to any former Rules and Regulations: Provided always, that all the 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 once in some one of the *Cornwall* and *London* Newspapers, and such Publication as aforesaid shall be deemed

deemed 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 such Newspaper containing a Notice purporting to be a Notice of the Rules and Regulations of the said Company shall for all Purposes be considered 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 from Time to Time or at any Time of any such Carriage, in reference to the then past or existing Rules and Regulations of the said Company, such Disputes shall from Time to Time, when and as they may arise, be immediately referred to Three indifferent Persons, One to be appointed by the said Company, and another One by the Owner of any such Carriage, 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 the Umpire, or of any Two of them (as the Case may be), shall be final and conclusive; 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 in their or his Behalf, then the Referee of the other Party may alone make a final Decision in Writing; and such Award or Decision shall, upon the 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 from Time to Time or at any 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 on 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 for every such Offence.

Engines used on the Railway to be approved by the Company.

CLXXXIV. 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 to Time used in drawing or 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 have been first 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 any such Engine at any Place within Five Miles of the said Railway, and to report thereon to the said Company, who shall 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 any Engine used upon the said Railway being out of Repair, or unfit to be used

upon

upon the said Railway, to order the same to be taken off or forbid the same to be used on 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 insufficient 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 sufficiently the same, 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.

Locomotive Engines to consume their own Smoke.

CLXXXV. And be it further enacted, That the Boiler of every locomotive Steam Engine to be used upon the said Railway shall be constructed on the Principle of consuming its own Smoke, under a Penalty of Five Pounds for every Offence, to be recovered in a summary Way, by the Order and Adjudication of One or more Justice or Justices of the Peace, on Complaint to him or them for that Purpose made, in the same Manner as other Penalties and Forfeitures for the Recovery whereof no special Directions are given are by this Act directed to be recovered, one Half of which Sum, as often as the same shall be recovered, shall be paid to the Informer, and the other Half to the Vestry Clerk or other proper Officer of the Parish or Place where such Offence shall be committed, to be applied by him for the Benefit of the Poor of such Parish or Place.

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

CLXXXVI. 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 an 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 Number thereof, and also the Name and Place of Abode of the Owner thereof, entered with some Secretary or other Officer of the said Company appointed for that Purpose, or without having such Name, Place of Abode, Number, Weight, and Gauge marked upon each such Carriage as hereinbefore 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 any Damage done by their Servants.

CLXXXVII. 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 Damages 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 Damages, forfeit and pay to the Informer any Sum not exceeding Forty Shillings, and all Costs, Charges, and Expences attending such Conviction; all which Damages, Penalties, 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 Deduction of 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; and in case no sufficient Distress can be conveniently found, then such Owner shall be committed to Prison as herein-after directed with respect to Persons who are convicted in any Penalty, and have no sufficient Goods whereon such Penalty may be levied; but if the Value or Amount of such Trespass, Damage, or Mischief shall exceed the Sum of Twenty Pounds, the Owner of such Carriage, his Executors or Administrators, may, at the Option of the said Company or of the Person injured, as the Case may be, be sued and prosecuted for the same in any of His Majesty's Courts of Record; and if a Verdict or Judgment shall be given against him, either upon Proof made or by Default or upon Demurrer, the Plaintiff in any such Case shall recover his Damages sustained as aforesaid, with full Costs of Suit.

Owners may recover from their Servants Money paid for their Neglect.

CLXXXVIII. Provided always, and be it further enacted, That in case any Owner of any Carriage passing or being upon the said Railway and Works, or any Part thereof, shall be compelled to pay any Penalty or to make any Satisfaction for any Damage by reason of any wilful Act, Neglect, or Default of any of his Servants, every such Servant shall be liable to pay such Penalty or Satisfaction for Damages, or both (as the Case may be), with the Costs attending the same, to such Owner,

Owner, and in case of Nonpayment thereof on Demand, and Oath, or in the Case of a Quaker Affirmation, made by such Owner of the Payment by him of such Penalty and Satisfaction or either of them (as the Case may be), and that the same has not been repaid to him by such Servant, although demanded, such Oath or Affirmation being made before some Justice of the Peace for the County, City, or Place in which such Penalty or Damage was incurred, such Penalty and Satisfaction, or either of them, as the Case may be, and the Costs aforesaid, shall be levied by Warrant under the Hand and Seal of such Justice by Distress and Sale of the Goods and Chattels of such Servant, together with all Costs and Charges attending such Distress and Sale; and the said Penalty and Satisfaction, or either of them, (as the Case may be,) and Costs and Charges as aforesaid, when recovered, shall be paid to such Owner in discharge of such Penalty and Satisfaction, or either of them, and the Costs so by him paid for the wilful Neglect or Default of such Servant as aforesaid; and in case no sufficient Distress can be had such Justice shall and he is hereby required to commit such Servant to the Gaol or House of Correction for the said County, City, or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Railway to be free on Payment of the Rates.

CLXXXIX. 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 Tolls as shall be demanded by the said Company, not exceeding the respective 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 said Company or by the said Directors, by virtue of the Powers to them respectively by this Act granted.

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

CXC. 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 Purposes 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 Bull, Cow, or other Neat Cattle, Sheep, Swine, or any other Beast or Animal (except only in directly crossing the same 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 Ten Pounds for every such Offence.

Owners and Occupiers of adjoining Lands to cross Railway without Payment of Toll.

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

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, Bull, Cow, or other Cattle, Sheep, Swine, or other Beast, directly, but not otherwise, over and 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 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.

Penalty on Persons on Foot using Railway.

CXCII. And whereas it may be attended with very great Danger to the Public 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 Consent of the said Company (unless for the Purpose of attending any Carriage under his Care, 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 exceeding Ten Pounds for every such Offence.

Penalty on Persons obstructing free Course of Railway.

CXCIII. And be it further enacted, That if any Person shall throw, place, or wilfully scatter or drop any Gravel, Stone, 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 or other Works (unless by Authority of the said Company), or shall wilfully obstruct or prevent any Person in the lawful 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 or constructively aiding or assisting therein, shall respectively forfeit and pay any Sum not exceeding Ten Pounds nor less than Forty Shillings for every such Offence.

Penalty on destroying Works.

CXCIV. And be it further enacted, That if any Person shall wilfully, and to the Detriment of the said Undertaking or of the said Company, injure, break, throw down, destroy, steal, or take away any Part of the Works which shall be constructed in or belong to the said Harbour, or any Part of the said Railway or other Works erected or made by virtue of this Act, or any Part of the Materials of any such Works, or shall wilfully do any Damage to any of the Shipping or Goods within the said Harbour, or shall wilfully extinguish or put out any of the Lights used in or belonging to the said Harbour for the Safety or Protection of the same, or of any Ships or Vessels or Persons resorting thereto or using the same, or do any Act, Matter, or Thing whereby the Use of or Passage on the said Harbour or Railway shall be or shall be liable to be obstructed, impeded, or otherwise interrupted, every Person being lawfully convicted of any such Offence shall be subject and liable to the Pains and Penalties to which Persons shall be liable in Cases of Simple Larceny.

Punishment of Persons in the Ser-

CXCV. And whereas it is expedient, for the further Security of Property and the better Conduct of the Business on the said Railway, after

after the same or any Part thereof shall be completed, that Punishment beyond that which is now by Law provided shall be inflicted upon any Person in the Service of the said Company who may be found in a State of Drunkenness on any Part of the said Railway, or in any of the Stations, Warehouses, or other Works connected therewith; be it therefore enacted, That if any Person in the Service for the Time being of the said Company shall be found on any Part of the said Railway, or within any of the Stations, Warehouses, or other Premises connected therewith, to be in a State of Drunkenness, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds or less than Ten Shillings, to be recovered and applied in like Manner as Penalties imposed under this Act are herein-after directed to be recovered and applied.

vice of the Company for Drunkenness.

CXCVI. And be it further enacted, That in case the Money hereby authorized to be raised by Subscription as herein-before mentioned shall be found insufficient for the Purposes of this Act, it shall be lawful 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 Fifty-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, Duties, and Tolls and other 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 such Rates, Duties, or Tolls, or Sums as a Security for any Money to be borrowed 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 a Director or by a Secretary of the said Company to be a true Copy, shall be sufficient Evidence of the Money authorized to be raised by Subscription being insufficient for the Purposes of this Act, and 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,)

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

‘ The Duke of *Cornwall*'s Harbour and *Launceston* and *Victoria* Railway Company.

Form of Mortgage.

‘ Number .

‘ BY virtue of an Act passed in the Sixth Year of the Reign of His ‘ Majesty King *William* the Fourth, intituled, [*here set forth the* ‘ *Title of this Act*], we, "The Duke of *Cornwall*'s Harbour and ‘ *Launceston* and *Victoria* Railway Company," incorporated 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, Duties, and ‘ Tolls,

'Tolls, and Sums of Money arising by virtue of the said Act, [*or* the 'Harbour Rates or Duties by the said Act granted, *or* the Tolls 'arising in respect of the said Railway, *as the Case may be*], 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, Ad-'ministrators, 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, Duties, or 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 of the Date of any such Order of Meeting, or Priority in Date of such Mortgage or Assignment, or any other Account whatsoever; and an 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 Ten Days next after the Date thereof be entered in some Book to be kept by a 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 transfer their respective Rights and Interests therein to any other Person; and every Transfer thereof shall be by Deed, in which the Consideration for such Transfer shall be truly stated, and may be in the Words or to the Effect following; (that is to say,)

Form of Transfer of Mortgage.

'I *A. B.* of in consideration of the Sum of
'paid by *C. D.* of , do hereby
'transfer to the said *C. D.*, his Executors, Adminiatrators, and As-'signs, a certain Mortgage, Number made by
'"The Duke of *Cornwall*'s Harbour and *Launceston* and *Victoria* 'Railway 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, Duties, or Tolls, Sums of Money and Property 'thereby assigned. Dated this Day of
'in the Year of our Lord .'

Entry of Transfer to be made by the Clerk.

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 a Clerk of the said Company, who shall cause an Entry or Memorial to be made thereof in the same Manner as of the original

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.

Company may increase the Capital Stock by the Issue of new Shares.

CXCVII. And be it further enacted, That in case the said Company, at any Special Meeting to be called as in this Act is directed, instead of borrowing such further or additional Sum as aforesaid by way of Mortgage, or continuing the same on Mortgage, shall think it advisable to raise such further or additional Sum, or any Part thereof, by way of Augmentation of their Capital Stock, or shall deem it expedient to borrow or continue at Interest only a Part of the said further or additional Sum by way of Mortgage, and to raise the Remainder thereof, or Part of the Remainder thereof, by way of Augmentation of their Capital Stock, then and in either of the said Cases it shall be lawful for the said Company, by the issuing of new Shares, to augment the Capital Stock of the said Company by any further Sum or Sums of Money, so as the same, together with any Sum of Money that may be borrowed and continuing at Interest by way of Mortgage as aforesaid, shall not exceed such further and additional Sum of Fifty-five thousand Pounds hereby authorized to be raised as aforesaid; and all such further and additional Capital Stock, not exceeding such additional or further Sum as aforesaid, as shall be so raised, shall be considered as Part of the general Capital Stock of the said Company, and be under and subject to the same Provisions, Regulations, Directions, and Management, in all respects, and to all Intents and Purposes, as if the same had been Part of the original Capital Stock of the said Company, except as to the Times of making Calls for the said additional Capital Stock and the Amount of such Calls, which Time, and the Amount of such Calls respectively, shall from Time to Time be appointed by the said Company: Provided always, that all the Regulations, Provisions, and Authorities herein contained, in relation to the Calls for the Capital Stock of the said Company and to the Recovery thereof or of any Arrears thereof, and to the Forfeiture of any Sums advanced by reason of any Neglect or Refusal to comply with such Calls, shall be applicable to the Calls for the said further and additional Sum hereby authorized to be raised or subscribed as aforesaid, or such Part thereof as shall be required to be raised by way of additional Capital Stock as aforesaid, and to the Refusal or Neglect to comply with such last-mentioned Calls.

Power to borrow Money of Exchequer Loan Bill Commissioners, and give Security, 3 G. 4. c. 86.

CXCVIII. And be it further enacted, That it shall be lawful for the said Company at any Time or from Time to Time, by Order at any General or Special General Meeting, to borrow of the Commissioners for carrying into execution an Act of Parliament passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend Two Acts of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty*, *for*

for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Act, any Sum or Sums of Money not exceeding in the whole the Sum or Sums of Money hereby authorized to be raised by Mortgage as aforesaid, and by Deed under the Common Seal and at the Costs of the said Company to assign and assure to the Secretary for the Time being of the said Commissioners, and as they shall direct, free from all Incumbrances, the said Undertaking, and all the Works and Property of the said Company, and all Rates, Tolls, Profits, and Receipts accruing or thereafter to accrue to or for the Use of the said Company under or by virtue of the Authority of this Act, or otherwise, for securing to the said Commissioners the Repayment of the Amount of the Exchequer Bills to be so borrowed as aforesaid.

Security to Commissioners to have the Priority.

CXCIX. And be it further enacted, That every Security to be given to the said Commissioners as aforesaid shall not be affected by any Informality in any Meeting or Proceeding of the said Company or the said Directors, and shall have Priority over all other Mortgages, Charges, and Securities whatsoever to be created by the said Company under the Authority of this Act.

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

CC. And be it further enacted, That the Interest of the Money 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 Peace acting for the said County of *Cornwall*, 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 Interest shall be so in arrear, by an Order under their Hands to appoint some Persons 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 Interest 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 His Majesty's Courts of Record at *Westminster*.

Creditors not to vote.

CCI. Provided always, and be it further enacted, That no Person to whom any such Mortgage or Assignment shall be made or transferred

ferred 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.

CCII. 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 Date.

Directors may pay off such Mortgages on giving Six Months Notice.

CCIII. 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 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 said Company, or a Clerk to 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 or more Newspapers circulated in the County of *Cornwall*, 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, on Demand, make default in the Payment thereof, in pursuance of such Notice.

For securing Repayment of Principal Monies borrowed.

CCIV. 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 *Cornwall*, 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 Mortgages or Assignments as aforesaid, and to whom any Principal Sums of Money shall be then due thereon and unpaid, amounting together to the Sum of Ten thousand Pounds, by an Order under their Hands to appoint some Person to receive the Whole or such Parts of the said Rates, Duties, and Tolls or Sums

as are liable to pay such Principal Monies so due or 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, Duties, and Tolls or Sums, and all Interest then due thereon, shall be fully paid and satisfied; and after such Principal, Interest, 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 His Majesty's Courts of Record at *Westminster*.

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

CCV. 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 Fifty-five thousand Pounds in the whole, over and above the Amount of the Calls for the Time being remaining unpaid and still to be called for by the said Company.

Indictments, Informations, &c. how to be preferred or instituted.

CCVI. 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 or 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 Harbour or Railway, 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 taken, 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,

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 Harbour or Railway, 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 or on behalf of the said Company, or for or 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.

CCVII. And be it further enacted, That if the Loading of any Carriage using the said Railway shall be suffered to extend more than Eighteen 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 be 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 any other Way, relating thereto except for wilful Damage done to any Carriage, Goods, or Things so unloaded, removed, or detained; nor shall they or he 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 case of Dispute, to be settled by Two Justices.

CCVIII. 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, City, or Place wherein such Damages or Charges shall be incurred or be directed to be paid; 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

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 of the Goods of the Company.

CCIX. 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 Damages or Injury of any Nature or Kind soever 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 or Satisfaction shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Company, under a Warrant to be issued for that Purpose by such Justice, which Warrant any such Justice is hereby authorized and required to grant 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 of such Distress and Sale, then such Overplus shall be returned, on Demand, to the said Company.

Recovery and Application of *Penalties*.

CCX. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or by virtue of any Bye Law, Rule, Order, or Regulation 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, Township, or Place within which the Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Parish, Township, or Place; and in case such Penalties and Forfeitures shall

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 Seven Days from the taking 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 be forthwith 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 required, by Warrant under their Hands and Seals, to commit such Offender to some Common Gaol or House of Correction for the County, City, or Place within their Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, 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.

Justices may proceed by Summons in the Recovery of Penalties.

CCXI. 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 hereof, 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.

CCXII. And be it further enacted, That it shall be lawful for any Harbour Master, Collector, or 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 Harbour Master, Collector, or other 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, City, or Place within which such Offence shall be committed, 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.

CCXIII. And be it further enacted, That all the 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 (whenever an 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.

'} to wit. } BE it remembered, That on the Day of *A. B.* of informeth me *C. D.*, One of His Majesty's Justices of the Peace for the County [*as the Case may be*], that *E. F.* of [*here describe the Offence, and the Time and Place when and where committed,*] contrary to an Act passed in the Sixth Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act*]; which has imposed a Forfeiture of for the said Offence. Taken the Day of before me, *C. D.*'

Form of Conviction.

'} 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 His Majesty's Justices of the Peace for the County of [*here describe the Offence, and the Time and Place when and where committed*], contrary to an Act passed in the Sixth Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act*]. Given under my Hand and Seal the Day and Year first above written. *C. D.*'

Justices may appoint Persons nominated by the Company to be Special Constables.

CCXIV. And be it further enacted, That it shall be lawful for Two or more Justices of the Peace acting within their Jurisdiction from Time to Time to appoint such fit and proper Persons as shall be nominated to them by any Three of the Directors of the said Company for that Purpose to be Special Constables within the said Harbour or upon the said Railway and other Works, and every or any Part thereof, and every Person so appointed shall take an Oath, to be administered by the said Justices of the Peace, duly to execute the Office of a Constable for the said Premises; and every Person so appointed and sworn 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 Harbour, Railway, and other Works to be made in pursuance of this Act, 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 and Matters 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 said Justices, or any Three or more Directors of the said Company, to dismiss or remove any such Constable from his Office of Constable, 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.

CCXV. And

General Power to Justices to administer Oaths.

CCXV. And be it further enacted, That in all Cases in which any Justice of the Peace is authorized by this Act to examine any Persons, 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.

CCXVI. 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 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 on Oath, or (in case of a Quaker) on Affirmation, to give Evidence before such Justice, then and in either of the said Cases every such Person shall forfeit and pay any Sum not exceding Ten Pounds for every such Offence.

Persons aggrieved may appeal to Quarter Sessions.

CCXVII. And be it further enacted, That all Persons and Corporations who may think themselves aggrieved by any Bye Law, Order, or Rule of the said Company or of the said Directors, or by any Order or Judgment made or given thereon, and also the said Company and all other Persons and Corporations 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 particular Power of Appeal is by this Act specifically given, may, within Four Calendar Months next after such Order, 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 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 Recognizance before some Justice of the Peace, with Two sufficient Sureties, 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, 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.

CCXVIII. And

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

CCXVIII. And be it further enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice or Writ, or any other Proceeding at Law or in Equity, upon the said Company, personal Service thereof upon the Secretary or a Clerk of the said Company, or leaving the same at the Office of the said Company, or of the Secretary or Clerk, or delivering the same to some Inmate at 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 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 said Company.

CCXIX. 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 Proceeding at 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 some Member or upon the Clerk or other Officer of such Corporation, or delivering the same to some Inmate of the last or usual Place of Abode of such Person, or of such Member, Clerk, or other Officer of such Corporation, or at the Office of such Clerk or other 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 a 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.

How Debts may be proved in the Cases of Bankruptcy.

CCXX. 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, any Secretary, Clerk, or other Officer or Person authorized by the said Company to act in such Case may do all the same Acts, and have and exercise all the same Powers and Priveleges, (such as the Establishment or Proof of Debts, voting in the Choice of Assignees, signing Certificate, 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 the Estate of such Bankrupt or Insolvent, could have or exercise in respect of his Debt or Claim.

Directors empowered to grant Releases to Witnesses.

CCXXI. 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

or may be deemed necessary for the Purpose of exonerating, releasing, or discharging any Person who may be required as a Witness in any such Action, Suit, Arbitration, Reference, or other Proceeding as aforesaid, from legal Disability to give Evidence, or 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, Act, Matter, 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.

Authenticated Bye-Laws to be Evidence.

CCXXII. And be it further enacted, That in all Cases of Prosecution for Offences against the Bye Laws, Rules, Orders, or Regulations of the said Company, the Production of a written or printed Paper, purporting to be the Bye Laws, Rules, Orders, or Regulations of the said Company, and authenticated by having the Common Seal of the Company affixed thereto, shall be Evidence of the Existence and of the due making of such Bye Laws, Rules, Orders, or Regulations; and it shall be sufficient to prove that a printed Paper or painted Board containing a Copy of such of the Bye Laws, Rules, Orders, or Regulations as shall subject any Person (not being a Proprietor of the said Company) to any Fine or Penalty hath been affixed and published in manner by this Act directed, and in case of its being afterwards displaced or damaged hath been replaced as soon as conveniently might be, unless Proof shall be adduced by the Defendant that such printed Paper or painted Board is not a Copy of such Bye Laws, Rules, Orders, or Regulations, or hath not been duly affixed and generally continued in manner by this Act directed.

Distress not unlawful for Want of Form.

CCXXIII. 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 *ab initio* on account of any Irregularity which shall be afterwards 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.

CCXXIV. 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 His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Limitation of Actions.

CCXXV. And be it further enacted, That no Action, Suit, or Information, nor any other Proceeding, of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or omitted to be done in pursuance of this Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under this Act, unless Fourteen

Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding to the intended Defendant, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Three Calendar Months next after the Act committed, or in case there shall be a Continuation of Damage then within Three Calendar Months next after the doing or committing such Damage shall have ceased, nor unless such Action, Suit, or Information shall be laid and brought in the County or Place where the Matter in dispute or Cause of Action shall arise; and the Defendant in such Action, Suit, Information, or other Proceeding may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the Acts were done or omitted to be done in pursuance of and by the Authority of this Act; and if they shall appear to have been so done, or to have been so omitted to be done, or if it shall appear that such Action, Suit, Information, or other Proceeding shall have been brought otherwise than as hereinbefore directed, then and in every such Case the Jury shall find for the Defendant; upon which Verdict, or if the Plaintiff shall become nonsuited, or shall suffer a Discontinuance of his Action, Suit, Information, or other Proceeding after the Defendant shall have appeared thereto, or if a Verdict shall pass against the Plaintiff therein, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant shall have his Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in other Cases.

Plaintiff not to recover after Tender of Amends.

CCXXVI. 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 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 for Acts legally done as Directors.

CCXXVII. And be it further enacted, That none of the Directors herein named, and none of the Directors of the said Company to be elected 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, 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, Chattels, Lands, or Tenements

of

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.

CCXXVIII. And be it further enacted, That the Directors, their Heirs, Executors, and Administrators, shall be indemnified and saved harmless from and against all Payments made or Liability 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.

Provision for Deficiencies of Land Tax.

CCXXIX. And whereas by reason of the Exercise of the Powers by this Act granted there may be Deficiencies in the Assessments for Land Tax in the several Parishes or Townships 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 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 the Land Tax, be subject and liable from Time to Time to pay and make good, to or in aid of such several Parishes or Townships 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 or Townships 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 Deficiencies, on Demand thereof, to the Collector of the said Assessments.

The whole of the Expence to be subscribed for before the compulsory Powers

CCXXX. And whereas the probable Expence of making the said Harbour, Breakwaters, Railway, and other Works hereby authorized will amount to the Sum of One hundred and forty-five thousand five hundred and forty-three Pounds Ten Shillings, and the Sum of Eighty-four thousand Pounds and upwards has been already subscribed for by several

of the Act are put in force.

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 One hundred and forty-five thousand five hundred and forty-three Pounds Ten Shillings 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 this Act shall be put in force.

Certificate under the Hand of a Justice of the Peace to be Evidence that the whole of the Money has been subscribed.

CCXXXI. 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 *Cornwall*, that the whole of the said Sum of One hundred and forty-five thousand five hundred and forty-three Pounds Ten Shillings hath been subscribed as aforesaid, (and which Certificate such Justice is hereby authorized and required to grant on Application made to him by the said Company,) and on Production of the Subscription Deed of or relating to the said Undertaking, and Proof of the Execution thereof, shall for all Purposes whatsoever be conclusive Evidence that the whole of the said Sum of One hundred and forty five thousand five hundred and forty-three Pounds Ten Shillings has been subscribed.

If Land not contracted for within a certain Time the Power to take same on Compulsion to cease.

CCXXXII. And be it further enacted, That unless the said Company shall within the Space of Two 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 Works hereby authorized to be made (save and except the Land which the said Company are by this Act authorized to purchase, in addition to the Lands hereby authorized to be taken or used for making the said Works), 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 Works not completed in Seven Years, Powers to cease, except as to such Part, if any, as shall be completed.

CCXXXIII. And be it further enacted, That in case the said Works shall not have been made and completed, unless prevented by an 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 Works as shall be declared and certified to have been completed within the said Term by the Justices of the Peace of the said County of *Cornwall* assembled at any General or Quarter Sessions of the Peace to be held in and for the said County at any Time before the Expiration of the said 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 Justices for that Purpose.

Extension of Powers of Magistrates to Mayor and

CCXXXIV. And whereas certain Parts of the said Railway and Works connected therewith are intended to be constructed within the Limits of the Borough of *Launceston*; be it therefore enacted, That it

it shall be lawful for the Mayor and Justices of *Launceston* to act within their Jurisdiction in every Case in which any Power or Authority is given to any Justice or Justices of the Peace for the said County of *Cornwall* as fully and effectually to all Intents and Purposes as if the said Mayor and Justices had been expressly named in this Act. Justices of Launceston.

CCXXXV. And be it further enacted, That if the said Railway or any Part thereof shall at any Time hereafter be abandoned or given up by the said Company, or after the same shall have been completed shall for the Space of Twenty-one Years cease to be used and employed as a Railway, then and in such Case the Lands so purchased or taken by the said Company for the Purposes of this Act, or otherwise the Parts thereof over which the said Railway or any Part of such Railway which shall be so abandoned or given up by the said Company shall pass, shall vest in the Owners for the Time being of the Land adjoining that which shall be so abandoned or given up in manner following; (that is to say,) One Moiety thereof in the Owners of the Land on the one Side, and the Remainder thereof in the Owners of the Land on the other Side thereof. If Works abandoned, the Land to vest in the Owners of the adjoining Lands.

CCXXXVI. And be it further enacted, That nothing in this Act contained shall be construed to give any Right, Title, or Power to any Tenant or Tenants of the Duke of *Cornwall* for the Time being (not having heretofore enjoyed or possessed any Right, Title, or Power in that Behalf) either to work Mines within the said Duchy or to contract with the said Company or any other Person or Persons for the Sale or other Disposition of any Mines within the same; and that nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Estate, Right, Title, Interest, Privileges, or Authority of the King's most Excellent Majesty, His Heirs and Successors, in right or in respect of His Duchy of *Cornwall*, or of the Duke of *Cornwall* for the Time being, nor at any Time or Times be admitted in any Court of Law or Equity, or otherwise considered as Evidence upon any Occasion to affect in any Manner such Rights of His Majesty, His Heirs and Successors, in right or in respect of His said Duchy of *Cornwall*, or of the Duke of *Cornwall* for the Time being. General Saving of Duchy Rights.

CCXXXVII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed, deemed, or taken to extend, to exempt the Railroad to be formed under or by virtue of the Powers in and by this Act contained and given, or any Branch thereof, from the Provisions of any General Act or General Acts for the Regulation of Railroads which may be passed before the Expiration of One Year from the passing of this Act, if Parliament shall be sitting at the Expiration of such Period of One Year, or (if Parliament shall not then be sitting) before the End of the then next Session of Parliament. Act not to exempt Railway from Provisions of any General Act to be passed within a certain Period.

CCXXXVIII. And be 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 FIRST SCHEDULE to which the foregoing Act refers.

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

	£	s.	d.
Apples - - - - per Bushel, Winchester Measure	0	0	2
Alum - - - - - - - - per Cwt.	0	0	2
Arrack - - - - - per Hogshead of 54 Gallons	0	1	3
Ashes of all Sorts - - - - - - - per Cwt.	0	0	6
Barley - - - - per Quarter of Eight Imperial Bushels	0	0	3
Bark - - - - - - - - per Ton	0	1	6
Barrels - - - - - - - empty each	0	0	2
Beer, Ale, or Porter - - - - - per Hogshead	0	0	6
Ditto - - - - - - - per Barrel	0	0	4
Ditto - - - - - - - per Kilderkin	0	0	2
Ditto - - - - - - - - per Butt	0	1	0
Beans - - - - - - - per Quarter	0	0	6
Bottles (Stone) - - - - - per Gross of 12 Dozen	0	1	0
Bottles (Glass) - - - - - per Gross of 12 Dozen	0	0	6
Bran - - - - - - - - per Cwt.	0	0	0½
Brandy - - - - - - - per Hogshead	0	1	3
Braziers Wares - - - - - - per Cwt.	0	0	4
Bricks or Tiles - - - - - - - per 1,000	0	2	6
Butter - - - - - - - per Cwt.	0	0	4
Calves - - - - - - - per Head	0	0	3
Chairs - - - - - - - per Dozen	0	1	0
Cheese - - - - - - - - per Cwt.	0	0	4
Clay - - - - - - - - per Ton	0	0	4
Clinkers or Paving Bricks - - - - - per 1,000	0	1	6
Clover Seed - - - - - - - per Cwt.	0	0	3
Coals - - - - - - - per Ton	0	1	0
Copper, Lead, Tin, or other Metal, except Iron - - - per Ton	0	1	6
Copper, Lead, Tin; Iron, Manganese, or other Ores - - per Ton	0	1	0
Cordwood - - - - - - per Load	0	0	6
Cordage - - - - - - - - per Cwt.	0	0	2
Cows, Bulls, or Oxen - - - - - - per Head	0	1	0
Culm and Cinders - - - - - per Ton	0	0	6
Cyder - - - - - - - per Hogshead	0	0	8
Currants - - - - - - - per Cwt.	0	0	3
Carriages, Four-wheeled - - - - - - each	0	5	0
Carriages, Two-wheeled - - - - - - each	0	2	6
Cork - - - - - - - - per Cwt.	0	0	3
Deals, Double or Single - - - - - per 120	0	2	6
Deal Ends and Battens - - - - - per 120	0	1	3
Dogs - - - - - - - - each	0	0	6
Earthenware - - - - - per Hamper or Chest	0	0	6
Earthenware - - - - - - per Crate	0	1	0
Earthenware (Coarse) - - - - - per Dozen	0	0	1
Earthenware Pans for Chimneys - - - - per Dozen	0	1	0

		£	s.	d.
Eggs	per 1,000	0	0	6
	per 100	0	0	6
Faggots	per Cwt.	0	2	0
Feathers	per Cwt.	0	0	3
Figs	per Cwt.	0	0	3
Flax	per Cwt.	0	0	4
Flour or Meal	per Sack of 2½ Cwt.	0	0	4
Fuller's Earth	per Hogshead	0	1	0
Fish (Salt)	per Ton	0	1	6
Glass	per Crate	0	1	0
Grindstones	per Cwt.	0	0	3
Groceries or other dry Goods, in Barrels of 20 Gallons, not otherwise enumerated	per Barrel	0	0	6
——— smaller Casks or Firkins	each	0	0	4
Gunpowder	per Cwt.	0	0	8
Hampers with Wine	per Dozen Bottles	0	0	4
Hampers or Cases with Beer, Porter, or Cyder	per Dozen Bottles	0	0	2
Hemp or Plaster Hair	per Cwt.	0	0	2
Herrings, Red or White	per Barrel	0	0	4
Hogsheads, empty	each	0	0	3
Honey	per Cwt.	0	0	4
Hoops (Wooden)	per Bundle	0	0	1
Hops	per Bag	0	1	3
Horse, Mare, Gelding, or Mule	per Head	0	2	0
Iron, Bar, Bolt, Bushel, or Last	per Ton	0	2	0
Iron Hoops, Rods, or Plate	per Ton	0	4	0
Iron, manufactured, Wrought, Cast, and Steel	per Cwt.	0	0	3
Kelp or Ore Weed	per Ton	0	0	6
Kitchen Ranges	each	0	1	6
Laths	per Dozen Bundles	0	0	2
Lathwood	per Fathom	0	0	9
Lead	per Ton	0	1	6
Lemons	per Chest	0	0	6
Leather	per Cwt.	0	0	6
Limestone	per Ton	0	0	2
Lime	per Ton	0	0	6
Linen or Woollen, Bundle, Bale, Pack, or Parcel	per Cwt.	0	0	9
Logwood, and all other dyeing Materials	per Cwt.	0	0	2
Mahogany	per Ton	0	2	6
Malt	per Quarter	0	0	4
Marble	per Ton	0	3	0
Molasses	per Puncheon	0	1	6
Nails	per Cwt.	0	0	3
Nuts	per Bushel	0	0	2
Oakum and Tow	per Cwt.	0	0	2
Oats	per Quarter	0	0	3
Oil	per Hogshead	0	1	0
Ores and Minerals	per Ton	0	1	0
Oil (Salad) in Chests	per Chest	0	0	3
Onions	per Bushel	0	0	1
Oranges	per Chest	0	0	6
Painters Colours	per Cwt.	0	0	6
Passengers coming to and from the Harbour	each	0	1	0
Pears	per Bushel	0	0	2
Peas	per Quarter	0	0	4
Pewter Wares	per Cwt.	0	0	4
Pigs	per Head	0	0	3
Pipe Clay	per Ton	0	1	0
Pitch	per Barrel	0	0	4
Plaster of Paris	per Cwt.	0	0	2

		£	s.	d.
Planks not Fir	per Load	0	2	0
Potatoes	per Ton	0	1	6
Prunes	per Cwt.	0	0	3
Raisins	per Cwt.	0	0	3
Rice	per Cwt.	0	0	2
Rum, and other Spirituous Liquors	per Hogshead	0	1	3
Salt	per Ton	0	1	6
Sea Sand, for Manure	per Ton	0	0	2
Seeds	per Quarter	0	0	4
Sheep and Lambs	per Head	0	0	3
Shot (Bird)	per Cwt.	0	0	3
Slabs and old Timber	per Ton	0	0	9
Slates	per Ton	0	0	6
Soap	per Cwt.	0	0	2
Spices	per Cwt.	0	1	0
Staves (Barrel)	per 120	0	0	3
Staves (Firkin)	per 120	0	0	1½
Staves (Hogshead)	per 120	0	0	6
Staves (Pipe)	per 120	0	0	9
Stones (Burr)	per 100	0	4	0
Stones (Paving)	per 100 Feet	0	1	6
Stone (Block and Ashler)	per Ton	0	0	6
All other Stone not before mentioned	per Ton	0	0	2
Sugar and other Dry Goods not before enumerated	per Hogshead	0	2	6
Sugar and other Dry Goods not before enumerated	per Tierce	0	1	4
Stoves	each	0	0	6
Sugar in Loaves or Lumps	per Cwt.	0	0	2
Tallow	per Cwt.	0	0	2
Tares	per Quarter	0	0	2
Tar	per Barrel	0	0	4
Tea in Quarter Chests, and so on in proportion		0	0	3
Terras or Cement	per Barrel	0	0	6
Timber, Beech	per Load of 50 Cubic Feet	0	1	3
Timber, converted	per Load	0	2	6
Timber, Elm, Ash, and Oak	per Load	0	1	3
Timber (Fir)	per Load	0	0	9
Timber (Walnut)	per Load	0	1	6
Tobacco	per Cwt.	0	0	4
Treenails	per 1,000	0	0	6
Vinegar	per Hogshead	0	1	0
Wainscoat Boards 12 Feet long and One Inch thick	per 120	0	3	0
Wax	per Cwt.	0	0	6
Wheat	per Quarter	0	0	4
Whiting	per Hogshead	0	1	0
Window Glass	per Crate	0	1	0
Wine	per Hogshead	0	1	3
Wool and Cotton	per Cwt.	0	0	6
Yarn	per Cwt.	0	0	6

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

The

The SECOND SCHEDULE to which the foregoing Act refers.

Certain Property to be used for the Purposes of this Act.

Description of Property.	Owners or reputed Owners.	Lessees.	Occupiers.
COUNTY OF CORNWALL.			
Parish of Saint Gennys otherwise Saint Gennis.			
Road - -	The Right Honourable Lord Rolle.	- -	John Ramsbottom, Esquire.
Road - -	Parish of Saint Gennys.		
Garden - -	The Right Honourable Lord Rolle.	- -	Jacob Tinney.
Stable, Curtilage, and Road by Mill.	Ditto - -	- -	Ditto.
Garden - -	Ditto - -	- -	Ditto.
Garden - -	Ditto - -	- -	Ditto.
Lane to Fields -	William Cock - -	- -	In hand.
Garden - -	Ditto - -	- -	Edward and Thomas Stacey.
Road - -	Parish of Saint Gennys.		
Road - -	Parish of Saint Gennys.		
Road - -	Parish of Saint Gennys.		
Garden - -	William Cock - -	- -	Henry Correy.
Garden - -	Ditto - -	- -	Ditto.
Road - -	Parish of Saint Gennys.		
Road - -	Parish of Saint Gennys.		
Lane - -	Parish of Saint Gennys.		
Garden - -	Robert Chichester, Esq.	- -	Henry Moyes.
Road - -	Ditto - -	- -	Ditto.
Garden - -	Ditto - -	- -	Ditto.
Garden - -	William Baker -	- -	Henry Baker.
Road - -	Parish of Saint Gennys.		
Parish of Warbstow.			
Garden - -	Ann Uglow - -	- -	In hand.
Road - -	Parish of Warbstow.		
Orchard - -	Benjamin Bowden, Esq.	- -	Nicholas Uglow.

Description of Property.	Owners or reputed Owners.	Lessees.	Occupiers.
	Parish of Jacobstow.		
Road - -	Parish of Jacobstow.		
Orchard - -	The Right Honourable Earl Fortescue.	- -	Thomas Doidge.
Curtilage - -	Ditto	- -	Thomas Doidge and John Rowse.
Lane - -	Ditto - -	- -	Samuel Doidge.
Road - -	Parish of Jacobstow.		
	Parish of Treneglos.		
Road - -	Parish of Treneglos.		
	Parish of Tremayne.		
Road - -	Parish of Tremayne.		
Road - -	John Jolliffe - -	- -	In hand.
Lane - -	John Jolliffe - -	- -	In hand.
Lane - -	William Weymouth, Esq.	- -	John Ridgeman.
Orchard - -	Ditto - -	- -	Ditto.
Road - -	Parish of Tremayne.		
	Parish of Tresmeer.		
Road - -	Parish of Tresmeer.		
Plantation - -	William Jope, Esquire -	- -	In hand.
	Parish of Egloskerry.		
Plantation - -	Sydney Marke, Esq. -	- -	John Bone.
Lane - -	Ditto - -	- -	Ditto.
Plantation - -	Ditto - -	- -	Ditto.
Orchard - -	Ditto - -	- -	Ditto.
Lane - -	The Reverend Henry A. Simcoe.	- -	Joseph Hornabrook.
Wood - -	Ditto - -	- -	Richard Kitto.
Lane - -	Ditto - -	- -	Ditto.
Garden - -	Ditto - -	- -	In hand.
Plantation - -	Ditto - -	- -	In hand.
Plantation - -	Ditto - -	- -	In hand.
Wood - -	Ditto - -	- -	Joseph Hornabrook.
Lane - -	Ditto - -	- -	Ditto.
Road - -	The Launceston Turnpike Trustees.		
	Parish of Saint Stephen's.		
Lane - -	The Executors of the late Digory Fletcher.	- -	William Curtis.
Wood and Plantation	Ditto - -	- -	Ditto.
Wood and Plantation	George Pearse - -	- -	In hand.
Manganese Yard -	George Pearse - -	- -	In hand.
Wood - -	Ditto - -	- -	Ditto.
Road - -	Ditto - -	- -	Sampson Kitto.
Wood - -	Ditto - -	- -	Ditto.

Description of Property.	Owners or reputed Owners.	Lessees.	Occupiers.
	Parish of Saint Thomas.		
Road - -	Rev. Charles Swete	- -	Sarah Gynn.
Road - -	Parish of Saint Thomas.		
Wood - -	The Executors of the late Edward Archer, Esquire.		John Martin.
Wood - -	The Executors of the late Edward Archer, Esquire.	- -	John Martin.
Road - -	Parish of Saint Thomas.	- -	
Gardens - -	The Executors of the late Edward Archer, Esquire.	- -	Henry Pethick and Robert Hawke.
Wood - -	Ditto - -	- -	In hand.
Wood - -	John Gynn and others -	- -	Ditto.
Wood - -	The Executors of the late Edward Archer, Esquire.	- -	Ditto.
Garden - -	John Gynn - -	- -	In hand.
Road - -	Parish of Saint Thomas.		
Garden - -	His Grace the Duke of Northumberland.	- -	Thomas Hague's Widow.
Garden - -	His Grace the Duke of Northumberland.	- -	William Burt and others.
Road - -	Parish of Saint Thomas.		
Orchard - -	His Grace the Duke of Northumberland.	- -	James Treleaven.
Garden and Road -	His Majesty, in right of His Duchy of Cornwall.	- -	John Scown.
Gardens - -	Ditto - -	- -	Ditto.
	Parish of Saint Mary Magdalen, or the Hamlet of Saint Thomas Street.		
Garden and Willow Bed. - -	His Majesty, in right of His Duchy of Cornwall.	- -	Thomas Shelson.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1836.