



ANNO QUINQUAGESIMO SEPTIMO

GEORGI III. REGIS.

Cap. xxxvii.

An Act for making and maintaining a Railway or Tram Road from *Bull's Head Lane*, in the Parish of *Mansfield*, in the County of *Nottingham*, to communicate with the *Cromford Canal* at *Pinxton Basin* in the Parish of *Pinxton*, in the County of *Derby*. [16th June 1817.]

WHEREAS the making and maintaining a Tram Road or Iron Railway, for the Passage of Waggons and other Carriages, from or from near a Place called *Bull's Head Lane*, in the Parish of *Mansfield*, in the County of *Nottingham*, through the several Parishes, Townships, and Places herein-after mentioned, to the *Cromford Canal*, at or near to a Place called *Pinxton Basin*, in the Parish of *Pinxton*, in the County of *Derby*, will open a more easy Communication between such Places, and afford a cheaper Conveyance for Stone, Lime, Limestone, Coal, Manure, Goods, Wares, Merchandize, and other Matters of various Kinds, and would be a most material Benefit to the adjacent Neighbourhood and the Country at large: And whereas the several Persons herein-after named are desirous, at their own Costs and Charges, to make and maintain such Railway or Tram Road, but the same cannot be effected without the Aid and 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 Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

[Local.]

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His

Proprietors.

His Grace the Duke of Portland, John Wright, William Wylde, Francis Wakefield, William Ellis, James Maltby, Thomas Maltby, John Mason, William Paulson, James Heygate, George Ellis, John Ellis, Dickinson Ellis, John Coke, John Need, Charles Hurst, John Gresham, Peter Wood, William Wragg, Joseph Wood, William Taylor, William Brodburst, John Andrews, Thomas Foster, Thomas Walker, William Wilcox, D'Ewes Coke, the Reverend P. Wilson, William Siddon, Thomas Rycroft, James Robinson, Thomas Watson, Samuel Seddon, Catherine Ellis, Arkwright, Samuel Fox, Henry Galley Knight, George Stevenson, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company, for making, completing, and maintaining the said Railway or Tram Road, and other Works, according to the Rules, Orders, and Directions herein-after mentioned and expressed, and shall for that Purpose be one Body Corporate, by the Name and Style of *The Mansfield and Pinxton Railway Company*, and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued; and that the said Company of Proprietors shall have Power and Authority, from and after the passing of this Act, and at all Times thereafter, to purchase and hold Lands and Hereditaments to them and their Successors and Assigns, for the Use of the said Undertaking and Works; and also to sell or dispose of the said Lands and Hereditaments again, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and the said Company of Proprietors shall be and are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain a Railway or Tram Road, to be called *The Mansfield and Pinxton Railway*, on which Waggon and other Carriages, to be constructed as herein-after mentioned, may pass to and from near a Place called *Bull's Head Lane*, in the Parish of *Mansfield*, in the County of *Nottingham*, through the said Parish of *Mansfield*, and into and through the several Parishes of *Sutton in Ashfield*, *Kirkby in Ashfield*, and *Selston*, in the said County of *Nottingham*, and of *Pinxton* in the County of *Derby*, to and from a Place called *Pinxton Basin*, in the same Parish of *Pinxton* and County of *Derby*, and to and from the intermediate Parishes or Places: And for the Purposes aforesaid, the said Company of Proprietors, their Deputies, Agents, Servants, Surveyors, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, and to survey, and take Levels of the same, or any Part thereof, and to set out, ascertain, and appropriate, for the Purposes herein mentioned, such Parts thereof as they shall think necessary and proper for making or altering the said Railway or Tram Road, and all such other Works, Matters, and Conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining, and using the same; and for those Purposes to bore, dig, cut, trench, fough, get, raise, remove, take, carry away, lay, use, and manufacture any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Materials or Things, which can or may be dug, raised, or gotten, in making the said Railway or Tram Road or other Works, out of the Lands or Grounds of any Persons, Bodies Politic, Corporate, or Collegiate, adjoining or contiguous to such Railway or Tram Road, and which may be proper, requisite, or necessary for making, carrying on, continuing, maintaining, altering, or repairing the said Railway or Tram Road, and other Works, or upon the Lands adjoining or

near to the same, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Weirs, Pens for Water, Wharfs, Houses, Warehouses, Toll-houses, Landing-places, Weighing-beams, Cranes, Fire-engines, or other Machines, and other Works and Ways, Roads and Conveniences, where and in such Manner as the said Company of Proprietors shall think necessary and convenient for the Purposes of the said Undertaking; and also from Time to Time to alter, repair, and amend or discontinue the same, and also to place, lay, work, or manufacture the Materials necessary for the making, erecting, maintaining, and repairing the said Railway or Tram Road, and other Works, on the Lands or Grounds near to the Place or Places where the said Works or any of them shall be or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said Railway or Tram Road; and also to make, set out, and appoint such Roads and Ways convenient for hauling or drawing of Waggon and other Carriages, passing upon the said Railway or Tram Road, with Men or Horses, or otherwise, and proper Branches or turn-out Places for the Waggon or other Carriages, either to remain or pass each other, as the said Company of Proprietors shall think convenient; and to construct, erect, and keep in Repair any Piers, Arches, and other Works in, upon, and across any Rivers or Brooks, for the making, effecting, preserving, improving, completing, using, maintaining, and repairing of the said Railway or Tram Road and other Works; and to construct, erect, make, and do all other Matters and Things which they shall think convenient or necessary for the making, effecting, altering, preserving, improving, completing, and using the said Railway or Tram Road, and other Works to be made or constructed, in pursuance and according to the true Intent and Meaning of this Act, they the said Company of Proprietors, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction, in Manner herein-after mentioned, to the Owners or Proprietors of and all Persons interested in any Lands, or other Hereditaments which shall be taken, occupied, used, removed, diverted, or injured, either immediately or consequentially, for all Damages to be by them sustained in or by the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Company of Proprietors and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisions and Restrictions as are herein-after mentioned and contained: Provided always, that where the said Railway or Tram Road shall cross any Turnpike Road or public Highway, the Ledge or Flank of such Railway or Tram Road, for the Purpose of guiding the Wheels of the Carriages, shall not exceed One Inch in Height above the Level of such Road.

Crossings.

II. Provided always, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Railway or Tram Road, or other Works, or for any other of the Purposes aforesaid, any House or other Building which was erected or built at or before the passing of this Act, without the Consent of the Owners and Occupiers thereof, and Persons interested therein respectively,

Houses not to be taken except such as are mentioned, &c.

respectively, other than and except a Dwelling-house in the Parish of *Mansfield* aforesaid, in the Possession of *William Crampton*, and a Barn or Building now used as a Foundry, in the same Parish of *Mansfield*, in the Possession of *Hinde*, or to take, use, injure, or damage, for any of the Purposes of this Act, any Garden, Orchard, Yard, Park, Paddock, Planted Walk, or Avenue to a House.

Maps and Books of Reference deposited and made Evidence.

III. And whereas Maps describing the Line of the said intended Railway or Tram Road, and the Lands in and through which the same were intended to be made and carried, together with Books of Reference thereto, containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, have severally been deposited, one with the Clerk of the Peace for the County of *Nottingham*, and the other with the Clerk of the Peace of the County of *Derby*; be it therefore enacted, That the said Maps and Books of Reference shall from Time to Time remain and be kept with the said respective Clerks of the Peace, and that Duplicates of the said Maps and Books of Reference respectively shall also be deposited with the Clerk or Clerks for the Time being, to be appointed as herein-after mentioned by the said Company of Proprietors; and that all and every Person and Persons in any Manner interested therein shall have Liberty to inspect and peruse, and to make Extracts from or Copies of the said Maps and Books of Reference at all seasonable Times, on Payment to such Clerks respectively of the Sum of Two Shillings and Sixpence for each Time of Inspection, and of One Shilling more for every Hour during which such Inspection shall continue after the first Hour; and also paying for every such Extract or Copy, not exceeding Seventy-two Words, the Sum of One Shilling, and when the same shall exceed Seventy-two Words, the further Sum of Sixpence for every succeeding Seventy-two Words after the first; and the said Maps and Books of Reference, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or Equity and elsewhere; and the said Clerk or Clerks for the Time being to be appointed as aforesaid, upon Twenty-one Days Notice to him or them given in Writing for that Purpose, shall and he or they is and are hereby required from Time to Time to produce or cause to be produced the said Maps and Books of Reference so deposited with him or them as aforesaid, or a true Copy thereof, before any Jury or Juries to be impannelled by virtue of this Act, or at any Meeting of the Commissioners hereby appointed, at the Time or Place or Times and Places to be respectively mentioned in such Notice, in order that the same may be then and there given in Evidence, such Clerk or Clerks having a reasonable Sum of Money allowed for travelling Expences, Loss of Time, and Attendances upon such Occasions.

Deviation from the Line laid down in the Plan.

IV. And be it further enacted, That the said Company of Proprietors, in making the said Railway or Tram Road shall, not deviate more than Two Hundred Yards from the Course or Direction delineated in the said Plan, and set forth in the said Book of Reference.

Land Owners omitted in Book of Reference not to obstruct making the Railway, &c.

V. And be it further enacted, That the said Company of Proprietors may make the said Railway or Tram Road and other Works into, through, across, or over the Lands or Grounds of any Person or Persons whomsoever, Bodies Politic, Corporate, or Collegiate, whose Name or Names shall appear to the Satisfaction of any Two or more of His Majesty's Justices

Justices of the Peace for the County or Place in which such Lands or Grounds shall be situate, and be by them certified under their Hands to be by Mistake omitted in the said Book of Reference, or that instead thereof the Name or Names of such other Person or Persons, Bodies Politic, Corporate, or Collegiate, to whom such last-mentioned Lands or Grounds do not belong, have or hath been by Mistake inserted therein; any Thing herein contained to the contrary thereof in anywise notwithstanding.

VI. And be it further enacted, That the Lands and Grounds to be taken or used for making or using the said Railway or Tram Road shall not exceed Ten Yards in Breadth, except in those Places where it shall be judged necessary for Waggons or other Carriages to turn, lie, or pass each other, or for raising Embankments for crossing the Valleys, or in deep Cuttings, or where any Warehouses, Cranes, or Weigh Beams may be erected, or where any Places may be set out or appropriated for the Reception or Delivery of Goods, Wares, or Merchandize which shall be conveyed on the said Railway or Tram Road.

Breadth of the Land to be taken for the Railway.

VII. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall have been set out and ascertained for making the said Railway or Tram Road, and other Works, or any Part or Parts thereof, and for providing and constructing the Wharfs and other Works and Conveniences herein-before authorized to be made, or any of them, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Tenants in Tail or for Life, Husbards, Guardians, Trustees, and Feoffees in Trust for Charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts or Wards, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and to and for all and every other Person or Persons whomsoever who is, are, or shall be seised, possessed of, or interested in any such Lands, Grounds, or Hereditaments as last aforesaid, as shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said Company; and all Bodies Politic, Corporate, or Collegiate, and all other Persons so conveying as aforesaid, are hereby indemnified for what they shall respectively do by virtue hereof; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company of Proprietors; and such of them as shall be made of any Lands or other Hereditaments to the said Company of Proprietors, shall be made according to the following Form:

Bodies Politic, &c. empowered to sell and convey Lands.

‘ I *A. B.* of _____ in consideration of the Sum of _____
 ‘ to me paid by _____ do hereby, by virtue of the
 ‘ Powers contained in an Act of Parliament passed in the Fifty-seventh
 ‘ Year of the Reign of His Majesty King *George* the Third, intituled
 ‘ [*here set forth the Title of this Act*] grant and release to the said Com-
 ‘ pany of Proprietors all, [*describing the Premises to be conveyed*] and all
 ‘ my Right and Interest in and to the same, and every Part thereof, to
 ‘ hold

Form of Conveyance to the Company.

[*Local.*]

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shall be Occasion to cut through, take, or use any Part of any Commons or Wastes, the Conveyance of such Parts of Commons or Wastes, by the Lord or Lords, Lady or Ladies for the Time being, of the Manor or Manors in which the same are situate, to the said Company of Proprietors, shall be a good and sufficient Conveyance thereof (without the Commoners or other Persons interested therein, joining in such Conveyance); and the Lord or Lords, Lady or Ladies of such Manor or Manors respectively, are hereby authorized and required to make and execute such Conveyances accordingly; Compensations for such Part of the said Commons and Wastes as shall be required to be taken for making the said Railway or Tram Road, being first made or tendered to the Surveyors of the Highways within the respective Parishes or Townships wherein such Commons or Wastes shall lie; and the Money which shall be paid to such Surveyors respectively for such Compensation shall be by them laid out and applied towards the Repairs of the Highways within their said respective Parishes or Townships, and in no other Manner.

when conveyed by the Lords of the Manors, to be deemed a sufficient Conveyance.

XI. And be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees, and other Person or Persons herein-before enabled to sell or convey Lands, or other Hereditaments, and any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Hereditaments, through, in, or upon which the said Railway or Tram Road, or other Works hereby authorized, shall be made, may accept and receive Satisfaction for the Value of such Lands and Hereditaments, and for the Damages to be sustained by making and completing the same, in gross Sums; and in case the said Company of Proprietors, and the said Parties interested in such Lands or other Hereditaments, cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Commissioners hereby appointed, in such Manner, and subject to such Verdict of a Jury, if required, as is hereinafter directed.

Satisfaction to be made.

XII. And whereas Differences may arise between the said Company of Proprietors and the several Persons Owners of and Persons interested in the Lands and Hereditaments which shall or may be used, taken, affected, or prejudiced by the Execution of the Powers hereby granted, touching the Purchase Money to be paid, or Recompence to be made to them respectively; be it therefore enacted, That the Right Honourable Lord *William Henry Cavendish Bentinck*, the Right Honourable Lord *Frederick Bentinck*, the Right Honourable Lord *Charles Bentinck*, the Right Honourable the Earl of *Surry*, the Right Honourable *Henry Pierrepont*, the Right Honourable *Philip Pierrepont*, *Frank Frank*, *William Sherbrooke*, *Henry Coape*, *Ichabod Wright*, *Thomas Wright*, *John Hall*, *Samuel Jenken*, *John Mustars Chaworth*, *Thomas Clarke*, *Thomas Heygate*, *William Brodburst junior*, *John Brodburst*, *Edward Miller Mundy*, *Winfield Alton*, *William Jeffrey Lockett*, *John Wilkinson*, *Thomas Hallows*, *Edward Smith Godfrey*, *Charles Stanton*, *John Parker*, *Isaac Heywood*, *Shore*, *John Doddsley*, *Thomas Neale*, *Henry Hollins*, *William Howitt*, *Abraham Booth*, *William Siddon*, *Samuel Siddon*, *George Johnson*, *Francis Humphries*, *Thomas Hudson Brock*, *Milner*, *William Wilkinson*, the Reverend *Brook Boothby*, the Reverend *Thomas Cursbam*, the Reverend *John Wood*, the Reverend *Thomas Hurt of Linby*, the Reverend *John Smith*, and their Successors to be elected in Manner hereinafter mentioned, shall be and they

Commissioners for settling Differences.

they are hereby appointed Commissioners for settling, determining, and adjusting all Questions, Matters, and Differences which shall or may arise between the said Company of Proprietors and the several Persons as aforesaid.

Election of
new Commis-
sioners.

XIII. And for continuing a sufficient Number of Commissioners for putting this Act into Execution, be it further enacted, That when any of the Commissioners hereby appointed or to be elected in Manner herein mentioned shall die or refuse to act, the surviving or remaining Commissioners shall and they are hereby empowered from Time to Time, at some Meeting to be held for that Purpose, by Writing under their Hands to elect and appoint any Person in the Place of every Commissioner dying or refusing to act; and all such Commissioners so to be appointed shall from the Time of their respective Appointments have the like Authority in all Things relating to the Execution of this Act, as if they had been expressly named Commissioners in and by the same.

Quarter Ses-
sions to no-
minate Com-
missioners in
certain Cases.

XIV. Provided always, That in case it shall happen that the surviving or remaining Commissioners shall at any Time neglect or refuse, upon any Vacancy, to appoint a new Commissioner, or that, for want of a proper Number of Commissioners in the Neighbourhood, it shall become difficult to procure a Meeting or Meetings for executing the Powers of this Act; or in case the Commissioners hereby nominated, or hereafter to be elected by virtue of this Act, shall be reduced to a less Number than Twenty, then and in any of the said Cases it shall be lawful for the said Company of Proprietors from Time to Time to make Complaint thereof to the Justices of the Peace assembled at any Quarter Sessions to be holden for the said Counties of *Nottingham* or *Derby*, as the Case may happen; and such Justices are hereby authorized to receive and hear the said Complaint, and, as often as they find Occasion, to nominate and appoint such fit and proper Persons as they in their Discretion shall think fit to be Commissioners for the Purposes of this Act; and the said Commissioners by them nominated and appointed shall from thenceforth have the like Powers and Authorities as if they had been named Commissioners in and by this Act.

Commission-
ers being
Justices may
act as such.

XV. And be it further enacted, That any of the said Commissioners who are or shall be Justices of the Peace for the said Counties of *Nottingham* or *Derby*, shall and may, notwithstanding their being Commissioners, act as Justices of the Peace in the Execution of this Act.

Qualification
of Commis-
sioners.

XVI. Provided always, and be it further enacted, That no Person shall act as a Commissioner in any Case in the Execution of this Act, during the Time of his holding any Place of Profit arising out of the Rates to be collected by virtue of this Act, or during the Time of his being a Proprietor in the said Undertaking, or concerned or interested in the Matter in question, nor unless he shall be seized in his own Right, or in the Right of his Wife, and not as a Mortgagee, at the Time of such his acting, of an Estate of Freehold or Copyhold of Inheritance, or both, in Lands, Tenements, or Hereditaments of the yearly Value of Two hundred Pounds, over and above all Reprizes, or unless he shall be possessed of or entitled unto a Personal Estate of the Amount or Value of Four thousand Pounds, or unless he shall be the eldest Son or Heir Apparent of a Peer, or of a Person qualified to serve in Parliament as a Knight of the Shire; nor shall any

any Person (not being an Heir Apparent as aforesaid), act as a Commissioner in the Execution of this Act (otherwise than by giving Notice of the First Meeting of the Commissioners, and by administering an Oath or Affirmation in the Words following to the other Commissioners), until he shall have taken such Oath or Affirmation before any One or more of the said Commissioners, who is or are hereby authorized and empowered to administer the same; (that is to say),

I A. B. do swear [*or, being one of the People called Quakers, do solemnly affirm*] that I am truly and *bonâ fide* in the actual Possession and Enjoyment, [*or Receipt*] of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds above Reprizes [*or, possessed of or entitled to a Personal Estate to the Amount or Value of Four thousand Pounds*]; and that I will without Favour or Affection, truly and impartially, according to the best of my Skill and Judgment, execute and perform the Powers and Authorities vested in me as a Commissioner by an Act made in the [*set forth the Title of this Act.*] So help me GOD. Oath.

And an Entry or Memorandum of such Oath being taken by the Commissioners shall be made by and certified under the Hand of such Clerk, which Certificate shall be deemed sufficient Evidence of such Oath having been taken, in all Courts whatsoever; and if any Person not qualified to act as a Commissioner shall nevertheless presume to act as such in the Execution of this Act, every such Person shall for every such Offence forfeit the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, by Action at Law in any of His Majesty's Courts of Record at *Westminster*, in which Action no Essoign, Protection, Privilege, Wager of Law, or more than One Imparlance, shall be allowed; and such Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Commissioner in the Execution of this Act.

XVII. And be it further enacted, That no Meeting whatsoever of the said Commissioners shall at any Time or Times be had for putting in Execution any of the Powers or Authorities vested in them by this Act, unless previous Notice of the Time and Place, and Purpose of such Meeting shall be given, and inserted in some Newspaper or Newspapers circulated in the said Counties of *Nottingham* and *Derby*, at least Seven Days before such Meeting; and that every Meeting of the said Commissioners to be held by virtue of this Act shall be Public; and that no Act, Order, or Proceeding of the said Commissioners or any of them in the Execution of this Act (except in such Cases as are hereby otherwise directed) shall be valid, unless the same shall be made or done at a Meeting to be held in pursuance of this Act; and that all Powers and Authorities of what Nature soever by this Act given to or vested in the said Commissioners shall and may from Time to Time be exercised by a Majority of the Commissioners present at every such Meeting, such Meeting on all Occasions not consisting of less than Five Commissioners; and at all such Meetings, in case of an Equality of Votes, the Chairman shall have the decisive or casting Vote. Notice of Commissioners Meetings to be given.

[*Local.*]

XVIII. And

On Application of the Proprietors or Land Owners Commissioners to meet.

XVIII. And be it further enacted, That upon Application in Writing being made by the said Company of Proprietors or any Five or more of them, or by the Owners or Occupiers of any Lands to be taken for or affected by the said Railway or Tram Road or other Works, or any of the Works necessary or relating thereto, or any of them, requesting or desiring that a General Meeting of the said Commissioners may be holden, the Commissioners so applied to shall and they are hereby respectively authorized and empowered, within Seven Days after such Request or Application, to give Notice in Manner aforesaid of a General Meeting to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Ten Days nor more than Fourteen Days from the Day on which such Request shall be made to them as aforesaid; and the said Commissioners are hereby authorized and empowered to assemble, at the Time and Place so to be appointed, in order to put this Act, and the Powers and Authorities hereby given to and vested in them, in Execution, and shall then adjourn themselves, and afterwards meet at such Time and Place as the said Commissioners there assembled shall think proper or convenient; and if it shall happen that there shall not appear, at any Meeting which shall be appointed to be had or held by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time, then and from Time to Time, as often as the Case shall happen, the Clerk or Clerks to the said Commissioners shall and may, by Notice to be given in Manner aforesaid, appoint the Commissioners to meet at the Place where the last Meeting of the said Commissioners was appointed to be held, on that Day Fortnight after the Day on which the last Meeting of the said Commissioners was appointed to be held.

Power to hold occasional Meetings.

XIX. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners or any Five or more of them, and they are hereby empowered, although they shall not be assembled at any Meeting to be held by virtue of this Act, from Time to Time and at all Times, upon such Request made as aforesaid, by Notice in Writing signed by them, and published in Manner aforesaid, to summon a Meeting of the said Commissioners at such Time and Place as shall be mentioned in such Notice, for the settling and ascertaining such Damages as are herein directed to be settled and ascertained, and for other Purposes, notwithstanding any Adjournment or Non-adjournment of the said Commissioners.

Proceedings to be entered in a Book;

XX. And be it further enacted, That all the Orders and Proceedings of the said Commissioners shall be regularly entered in a Book or Books to be kept for that Purpose, such Book or Books to be open at all reasonable Times for the Inspection of any Person or Persons interested in the said Proceedings, or his or their Agent or Solicitor, and desirous of seeing and examining the same, without Fee or Reward; and such Entries being signed by such Number of the said Commissioners respectively as are empowered by this Act to make such Orders, or carry on such Proceedings, shall be deemed Originals, and the same or true Copies thereof shall be admitted as Evidence in all Courts whatsoever; and the said Commissioners may and are hereby required at their First Meeting to appoint One out of Three Persons to be named by the said Company of Proprietors, to be their Clerk, and from Time to Time may remove any such Person; and on such Removal, or in case any such Clerk shall die, or quit the said Employment,

Clerk to be appointed.

ployment, the said Company of Proprietors, or their Committee for the Time being, shall, within the Space of Twenty-one Days after Notice in Writing for that Purpose shall have been given by the said Commissioners, nominate Three other Persons and give Notice thereof unto the said Commissioners from whom such Notice in Writing was received; and the said Commissioners shall and may appoint such One of the said Three last-named Persons as they shall think proper to be their Clerk; and in like Manner a Clerk to the said Commissioners shall be from Time to Time nominated and appointed as Occasion shall require, and such Clerk shall be paid for his Care, Expences, and Trouble in the Execution of his Office, by the said Company of Proprietors; and any Clerk who shall be removed, or die, or quit the Service as aforesaid, his Executors or Administrators, shall, within Two Calendar Months after such Notice in Writing to him or them respectively given by the said Commissioners, produce and deliver up to such Commissioners all Books, Accounts, Papers, or Writings whatsoever, relating to the Execution of his Office, which shall be in his or their Custody or Power; and every such Person neglecting or refusing to produce and deliver up such Books, Accounts, Papers, or Writings, after such Notice as aforesaid, shall for every such Neglect or Refusal respectively, forfeit the Sum of Fifty Pounds to any Persons or Person who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, in which no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance, shall be allowed.

XXI. And be it further enacted, That the said Commissioners acting in any Question, Matter, or Difference, which shall or may arise, are hereby authorized and empowered by Writing under their Hands, with the Consent of the Parties concerned, to determine and adjust from Time to Time what Sum or Sums of Money shall be paid by the said Company of Proprietors to the Bodies Politic, Corporate, or Collegiate, Person or Persons respectively, who shall be so entitled or interested as aforesaid, for the absolute Purchase of the Lands or Hereditaments which shall be set out and appropriated for making the said Railway or Tram Road, and other Works and Conveniences or Part thereof, and other the Purposes of this Act; and also to determine and adjust what other distinct Sum or Sums of Money shall be paid by the said Company of Proprietors as a Recompence for any Damages which may or shall at any Time or Times whatsoever be sustained by such Bodies Politic, Corporate, or Collegiate, or other Person or Persons respectively, being Owners of and interested in any Lands or Hereditaments, by reason or means of the Execution of any of the Powers herein contained, by the said Company of Proprietors, or by their Agents, Workmen, or Servants, or for any other Matter or Thing whatsoever for which a Recompence or Satisfaction is by this Act directed to be made, in case such Price or Value, Damages and Recompence respectively, cannot be settled, adjudged and agreed for by and between the said Company of Proprietors or their Agents, and such Proprietors or Persons interested in the said Lands or Hereditaments as aforesaid; and if the said Company of Proprietors for and on the Part and Behalf of themselves, or if any such Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons so interested or entitled as aforesaid, for and on his, her, or their Part or Parts, shall refuse to submit any such Matter to the Determination of the said Commissioners, or shall be dissatisfied with any Determination which shall be by them

Commissioners to settle Differences.

made

Jury to be
summoned in
certain Cases.

Commission-
ers may
summon Wit-
nesses, and
examine them
upon Oath.

made as aforesaid; or if any such Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons interested or entitled as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money or such Recompence as shall be determined to be paid; or shall, upon Notice in Writing given to the principal Officer or Officers of such Bodies Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands or Hereditaments, for the Space of Twenty-one Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company, or by reason of Absence shall be prevented from treating, or through Disability cannot treat for themselves, or make such Agreement as shall be convenient for promoting the said Undertaking, or shall not produce and evince a clear Title to the Premises which they are or shall be in Possession of, or to the Interest which they shall claim therein, then and in every such Case the said Commissioners shall and they are hereby empowered and required from Time to Time to issue a Warrant or Warrants under their Hands and Seals to the Sheriff of the said Counties of *Nottingham* or *Derby*, as the Case may require; and in case the said Sheriff or his Under Sheriff shall happen to be one of the said Company of Proprietors, or enjoy any Office of Trust or Profit under them, or shall be likewise interested in the Matters in Question, then to some one of the Coroners of the said County, not interested as aforesaid, commanding such Sheriff or Coroner respectively to impanel, summon, and return a Jury, and such Sheriff or Coroner is accordingly hereby required to impanel, summon, and return a Jury of Twenty-four sufficient and indifferent Men; qualified according to the Laws of this Realm to be returned for the Trials of Issues in His Majesty's Courts of Record at *Westminster*, to appear before the said Commissioners at such Time and Place as in such Warrant or Warrants shall be appointed, not being less than Fourteen Days nor more than Twenty-one Days after such Warrant or Warrants shall be served upon the said Sheriff or Coroner; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, the said Sheriff or Coroner or their Deputies respectively shall return other honest and indifferent Men of the Standers-by, or 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 Commissioners are hereby empowered to summon and call before them all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question, either by or before them the said Commissioners, or by or before any Jury or Juries as aforesaid, as the Case may be; and the said Commissioners may order and authorize the said Jury or any Six of them to view the Place or Places or Matters in Controversy; and such Jury upon their Oaths, (which Oaths as well as the Oaths to any Person or Persons who may be called upon to give Evidence, any One of the said Commissioners is hereby empowered to administer) shall inquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands or Hereditaments, or the Recompence to be made for the Damages which may or shall be sustained as aforesaid; and the said Commissioners shall give Judgment for such Purchase Monies or Recompence to be assessed by such Juries; which said Verdict, and the Judgment

Judgment thereupon pronounced as aforesaid shall be signed by the said Commissioners, and shall be binding and conclusive to all Intents and Purposes, against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever; and if any such Sheriff or Coroner, or his or their Deputy or Agent, shall make Default in the Premises, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds; and if any Person so summoned and retained as aforesaid, upon such Jury will not appear, or appearing shall refuse to give his Verdict, or 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 shall not appear, after having been paid or tendered a reasonable Sum for his Expences, or appearing, shall refuse to be sworn and examined, or to give Evidence; every Person so offending, having no reasonable Excuse to be allowed by the said Commissioners, shall for any such Offence forfeit and pay any Sum not exceeding Ten Pounds, for the Benefit of the Party in whose Behalf any such Person was summoned.

XXII. And be it further enacted, That in all Cases where a Verdict shall be given for more Monies, as a Recompence or Satisfaction for any Lands or Hereditaments of any Person or Persons, or for any Damage to be done to any Lands or Hereditaments of any Person or Persons, than had been previously offered by or on Behalf of the said Company of Proprietors, or determined by the said Commissioners as aforesaid, then all the Expences of calling a Meeting of such Commissioners, summoning such Jury, and calling such Inquest, shall be settled by the said Commissioners, and be defrayed by the said Company of Proprietors; but if any Verdict shall be given or made for the same or a less Sum than had been previously offered by or on Behalf of the said Company of Proprietors, or than had been determined by the said Commissioners as aforesaid; or in case no Damage shall be given by the Verdict, where the Dispute is for Damages only, then and in every such Case the Costs and Expences of calling a Meeting of such Commissioners, summoning such Jury, and taking such Inquest, shall be settled in like Manner by the said Commissioners, and be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have such Controversy or Dispute; which said Costs and Expences having been so settled shall and may be deducted out of the Money so assessed and adjudged, where the same shall exceed such Costs and Expences, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed or adjudged, or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Commissioners, in and by such Ways and Means as are herein-after provided for recovering of Penalties and Forfeitures: Provided always, that when any Person or Persons shall, by reason of Absence or otherwise, have been prevented from treating with the said Company of Proprietors, such Costs, Charges, and Expences shall be borne and defrayed by the said Company of Proprietors in Manner aforesaid.

Expences of
Commission-
ers and Jury.

XXIII. And be it further enacted, That all and every Person and Persons making Complaint, and requesting such Jury, shall, before the said
[Local.] 10 Y Commissioners

Persons re-
questing a
Jury, to enter

into a Bond
to prosecute.

Commissioners shall be obliged to issue out their Warrant or Warrants for the summoning of such Jury, first enter into a Bond with sufficient Sureties to the Treasurer of the said Company of Proprietors for the Time being, in the Penalty of One hundred Pounds, or in such other Penalty as the said Commissioners shall appoint, not exceeding the Sum of One hundred and twenty Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Costs and Expences of summoning such Jury, and taking such Inquest, in the Proportion and Manner hereinbefore mentioned: Provided always, that the said Commissioners or any of them shall not be obliged by virtue of this Act to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons for any Damages or Injury by him, her, or them sustained, or supposed to be sustained, in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing hath or shall be given in relation thereto by or on Behalf of such Person or Persons to the Clerk of the said Company of Proprietors within the Space of Two Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Notice of Injury to be given to the Proprietors before Complaints to the Commissioners.

Notices how to be served on the Company.

XXIV. And be it further enacted, That all Notices or legal Proceedings hereby required to be given to or served upon the said Company of Proprietors, shall be deemed and taken to be well and sufficiently given if the same shall have been left at the usual Place of Abode of the Clerk to the said Company of Proprietors, or if such Notice shall have been inserted Twice in some one Newspaper usually circulated in the said County of *Nottingham*.

Verdict of Value of Lands and Damages to be ascertained separately.

XXV. And be it further enacted, That the said Commissioners and Juries respectively shall award all Determinations, Judgments, and Verdicts, which they shall respectively make and give in the Execution of the Powers hereby vested in them concerning the Value of Lands and Hereditaments, separately and distinctly from the Consideration of any other Damages sustained or to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Jury to be under the same Regulations as in the Courts at Westminster, and Persons guilty of wilful and corrupt Perjury may be prosecuted.

XXVI. And be it further enacted, That every such Jury and Juryman as aforesaid shall be under and subject to the same Regulations, Pains, and Penalties, as if such Jury or Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and that all and every Person and Persons who, in any Examination to be taken by virtue of this Act shall wilfully give false Evidence before the said Commissioners, or before any such Jury as aforesaid, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishments and Disqualifications as any Person or Persons can or may be subject to for wilful and corrupt Perjury by the Laws and Statutes of this Realm.

Directing the Places for Commissioners Meetings.

XXVII. And be it further enacted, That all Meetings of the said Commissioners shall be holden within Five Miles of some Part of the said Railway or Tram Road.

XXVIII. And be it further enacted; That all Determinations of the said Commissioners which shall be submitted to and acquiesced in by the Parties concerned, and also the Verdicts of the Juries and the Judgments of the said Commissioners thereon as aforesaid, shall be transmitted to and be kept by the Clerk of the Peace for the said Counties of *Nottingham* or *Derby*, as the Case may require, 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 each Inspection the Sum of One Shilling and no more, and to take Copies thereof, or Extracts therefrom, paying for every Copy or Extract after the Rate of Sixpence for every One hundred Words.

Verdict to be recorded, and Lands vested in the Proprietors.

XXIX. And in order that the said Company of Proprietors may not be impeded in the Prosecution of their said Undertaking by means of any such Proceedings before the said Commissioners or Jury, be it further enacted, That upon Payment of such Sum or Sums of Money by the said Company of Proprietors as shall have been agreed upon between the Parties, or adjusted and determined by the said Commissioners, or determined by such Juries, in Manner respectively as aforesaid, as the Purchase Money for any such Lands, Tithes, or Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as herein-before mentioned, to the Proprietor or Proprietors of such Lands and Premises, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, or upon Payment of the said Sum or Sums of Money into the Bank of *England* in Manner by this Act directed, as the Case may be, then and in all or any of the said Cases, as often as the same shall happen, it shall be lawful for the said Company of Proprietors and their Agents, Workmen, and Servants, immediately to enter upon the Lands, Tenements, and other Hereditaments respectively; and such Lands, Tenements, and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property for ever of the said Company of Proprietors, and their Successors, to and for the Purposes of this Act; and such Payment as aforesaid shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion and Remainder of his, her, or their Issue, and of every other Person therein: Provided nevertheless, that until Payment as aforesaid shall have been made, it shall not be lawful for the said Company of Proprietors, or any Person acting under their Authority, to dig or cut the Lands or Grounds of the Person or Persons entitled to such Payment for the Purpose of making the said Railway or Tram Road, or other Works, without the Consent of the Person or Persons respectively.

The Lands are to vest absolutely in the Company, upon Payment or Tender of the Money assessed or agreed upon.

XXX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers and for the Purposes of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or any Person or Persons under any Disability or Incapacity,

Application of Compensation Money where exceeding 200l.

or

or seized or possessed of only a particular or determinable Estate or Interest therein, 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 High Court of Chancery, to be placed to his Account *ex parte The Mansfield and Pinxton Railway Company*, together with the Name or Names of such Person or Persons as any Five of the said Commissioners shall by Writing under their Hands direct and appoint, to the Intent that such Money may be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands and Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime and until such Purchases shall be made, the said Money shall be, by Order of the Court of Chancery, upon Application thereto, be vested 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; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands or Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

Application where the Compensation is less than 200l. and exceeds 20l.

XXXI. Provided also, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so taken or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands), be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like

like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Commissioners (such Nomination and Approbation to be signified in Writing, under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising therefrom, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

XXXII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before-mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners or any Five of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application where Money less than 20l.

XXXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands or Hereditaments to be purchased by virtue of this Act for the Purposes aforesaid, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Company; or in case the Person or Persons to whom any such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Company to order the Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands or Hereditaments (describing them, if they are known), and if they are not known, then generally to the Credit of the Parties interested in the said Lands or Hereditaments, without any Description of them, subject to the Order, Control, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part thereof by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise, as to the same 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 Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to the Person or Persons who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of not making out Titles, or where Persons cannot be found, &c.

Respecting
disputed
Titles.

XXXIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest in any Lands or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful one, and that some other Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

Court may
order Ex-
pences of
Purchases to
be paid.

XXXV. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and be applied in the Purchase of other Lands and Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all such Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company of Proprietors, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

Compensa-
tion to be
made in lieu
of Tithes.

XXXVI. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors for all Tithes, Great and Small, which would have been issuing from or out of any of the Lands which shall be taken or made use of for the Purposes of this Act, to the several Persons who now are or at any Time hereafter might have been entitled to such Tithes, according to their respective Interests therein; such Tithes to be estimated at the average Value of the last Four Years, commencing on the First Day of *January* One thousand eight hundred and thirteen, and ending on the First Day of *January* One thousand eight hundred and seventeen; and such Value to be ascertained (in case of any Difference concerning the same) in like Manner as the Value of any Lands or other Hereditaments is herein-before directed to be ascertained.

Recovery of
Sums af-
fessed for
Damages.

XXXVII. And be it further enacted, That in Default or Refusal of Payment by the said Company of Proprietors of such Sum or Sums of Money, and at such Times and in such Manner as shall be agreed upon, determined, awarded, or assessed as herein-before is mentioned, as a Recompence

pence for any Damages to be done in Exercise of the Powers hereby given, the same being lawfully demanded, it shall be lawful for the said Commissioners or any Three or more of them, and they are hereby authorized and required, by Writing under their Hands, to appoint One or more Person or Persons (from whom the said Commissioners, or any Three or more of them so assembled, shall take a proper Security) to collect and receive the Tolls, Rates, and Duties by this Act imposed, or any of them, and therewith in the first Place to pay all such Damages so to be agreed upon; determined, awarded, or assessed as aforesaid; and the Costs (if any) occasioned by such Default or Refusal of Payment thereof, together with legal Interest for the same, to be computed from the Time such Damages shall be agreed upon, awarded, or assessed, and also the Costs and Expences of collecting and receiving the said Tolls, Rates, or Duties, and the Person or Persons so to be appointed shall be deemed a Collector or Collectors of the said Tolls, Rates, and Duties, and shall have such and the same Powers for collecting the same, as if he or they had been appointed for that Purpose by the said Company of Proprietors; and the Money so to be collected by such Person or Persons shall be and is hereby declared to be as so much Money received to and for the Use of the Person or Persons who shall be entitled to receive such Satisfaction for Damages as aforesaid, in the Order and Course respectively in which such Agreement, Determination, Award, or Assessment shall be in Priority of Time; and after such Damages, Interests, and Costs shall be paid and satisfied, the Power and Authority of such Collector or Collectors, for the Purposes aforesaid, shall cease and determine, or otherwise the Party or Parties so aggrieved shall and may recover such Sum and Sums of Money so to be agreed upon, determined, awarded, or assessed, and which shall not be paid as aforesaid, together with Interest and Costs for the same, by Action at Law in any of His Majesty's Courts of Record at *Westminster*, against the said Company of Proprietors, with full Costs of Suits; or it shall and may be lawful to and for the Person or Persons who shall be entitled to any such Sum or Sums of Money so agreed upon, determined, awarded, or assessed as aforesaid, to make Oath of such Default or Refusal of Payment before any One Justice of the Peace of the County, City, or Place where the Cause of Complaint shall arise, who shall and may thereupon issue a Warrant under his Hand and Seal for levying such Sum or Sums of Money by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, wherever the same may be found, rendering the Overplus, if any, to the said Company, after deducting the Costs and Charges attending such Distress and Sale.

XXXVIII. And be it further enacted, That the Lands, Dwelling-houses, Wharfs, Warehouses, Toll Houses, and other Houses of and belonging to the said Company, shall be rateable and chargeable to the Maintenance of the Poor, and to all other parochial Rates and Taxes in the several Parishes and Places where they are respectively situated, the Lands according to the Quantity and Quality, and the Dwelling-houses, Wharfs, Warehouses, Toll-houses, and other Houses, according to the Nature and respective Uses, Dimensions, and Descriptions thereof, and shall be charged and assessed in like Manner as Lands of a like Quality, and Dwelling-houses, Wharfs, Warehouses, Toll-houses, and other Houses of a like and similar Size, Nature, Dimension, or Description, in the respective Parishes where the same shall be situate, are or shall be assessed and charged;

Mode of rating Property of the Company.

charged; and that the Rates, Duties, and other personal Property of the said Company liable to be rated to the Poor, or other parochial Taxes in any such Parishes or Places, shall be rated and assessed in like Manner and in the same Proportion as other Personal Property rateable in the said Parishes and Places respectively, shall be rated and assessed, and according to the Length of the said Railway in such respective Parishes and Places, and not otherwise, or in any other Manner: Provided that before such personal Property shall be rated, Ten Days Notice in Writing shall be given to or left at the Dwelling-house or usual Place of Abode of the Treasurer or Clerk, or any other Officer of the said Company residing in or nearest to the Parish or Place where such Rate shall be intended to be made by the respective Overseers of the Poor of the Intention so to do.

For paying
off Mortgages
on Lands
used by the
Company.

XXXIX. And be it further enacted, That in case any Lands or Hereditaments to be used for the Purposes of this Act shall happen to be in Mortgage to any Person or Persons, it shall be lawful for the said Company of Proprietors, and they are hereby required, upon Application being made to them by such Mortgagee or Mortgagees, his, her, or their Executors or Administrators, to pay the Money, or any Part thereof, secured by such Mortgage or Mortgages, out of or with such Sum or Sums of Money after the same shall have been so agreed for and adjusted or assessed in Manner aforesaid for such Lands in Mortgage, in part of or in full for the principal Money that shall be due on such Mortgage or Mortgages unto such Mortgagee or Mortgagees, his, her, or their Executors or Administrators: Provided always, that upon Receipt or Receipts of such Sum or Sums, such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, shall acknowledge the Receipt of such Sum or Sums of Money by an Indorsement, to be made upon the Back of such Mortgage or Mortgages, and signed by such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, in the Presence of One or more credible Witness or Witnesses, in Satisfaction of so much of the principal Money due upon such Mortgage or Mortgages.

Company to
give the first
Offer of Land
to the Persons
from whom
it was purchased.

XL. And whereas by means of the Purchases which the said Company of Proprietors are empowered and required to make by virtue of this Act, they may happen to be seized of more Land or Ground than will be necessary for effecting the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Company of Proprietors to sell and dispose of any Piece or Pieces of such Land or Ground, either together or in Parcels, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Company of Proprietors, before they shall sell and dispose of any such Piece or Pieces of Land or Ground, shall first offer to re-sell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Land or Ground; and in case such Person or Persons respectively shall not then and thereupon agree or shall refuse to purchase or re-purchase the same respectively, an Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said Counties of *Nottingham* or *Derby*, by some Person or Persons not interested in the said Piece or Pieces of Land or Ground, stating that such Offer was made by or on Behalf of the said Company of Proprietors, and that such Offer was not then and thereupon agreed

agreed to or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in such Case such Person or Persons shall be desirous of purchasing or repurchasing the same, and he, she, or they, and the said Company of Proprietors, shall differ or not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in Manner herein-before directed with respect to disputed Value of Premises to be purchased by the said Company of Proprietors in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchase made by the said Company of Proprietors, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Company of Proprietors of such Piece or Pieces of Land or Ground as aforesaid shall be applied for the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

XLI. And be it further enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute among themselves, in such Proportions as they may think proper, a competent Sum of Money for making and completing the said Railway or Tram Road, and the Ways, Quays, Wharfs, and other Works and Conveniences belonging or requisite thereto, not exceeding in the whole the Sum of Twenty-two thousand eight hundred Pounds, except as herein-after mentioned; and the same shall be divided into Shares of One hundred Pounds each, and that such Shares shall be numbered in regular Progression, and every such Share shall always be distinguished by the Number to be applied to the same; and that the said Shares shall be and are hereby vested in the several Persons so raising and contributing the same, and their several and respective Executors, Administrators, Successors, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sums they shall severally raise and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, or subscribe such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Undertaking, and other the Purposes of the said Subscription, shall be entitled to receive, after the said Undertaking shall be completed, the entire and net Distribution of an equal proportionate Part, according to the Money so by them respectively paid, or the Profits and Advantages which shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, or received by the said Company of Proprietors by the Authority of this Act; and every Body Politic, Corporate, or Collegiate, Person and Persons, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionate Sum towards carrying on the same in Manner herein directed and appointed; and all and every the Shares and Proportions of all Bodies Politic, Corporate, or Collegiate, and all other Person and Persons of and in the said Undertaking, or the joint Stock or Fund of the said Company of Proprietors, shall be deemed personal Estate, and transferrable as such, and not of the Nature of real Property; and that all the Money to be raised by the said

Proprietors to raise Money amongst themselves for making the Railway and other Works.

[Local.]

11 A

Company

Company of Proprietors by virtue of this Act is hereby directed and appointed to be laid out and applied in the first Place for and towards the Payment, Discharge, and Satisfaction of all Costs, Charges, and Expences in applying for, obtaining, and passing this Act, and all other necessary Expences preparatory and relating thereto, and all the Residue and Remainder of such Money for and towards making, completing, and maintaining the said Railway or Tram Road and other Works, and for and towards furnishing and providing Horses and Waggons for the Conveyance of Lime, Minerals, Goods, Wares, and Merchandize on the said intended Railway, if the same shall be found necessary, and for other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

Shares to be personal Property.

XLII. And be it further enacted, That all and every the Shares of all Bodies Politic, Corporate, and Collegiate, and all other Person and Persons of and in the said Undertaking, or the joint Stock or Fund of the said Company, shall be deemed personal Estate, and transmissible as such, and not of the Nature of real Property.

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

XLIII. And for better securing to the said several Proprietors of the said Undertaking their several Shares therein, be it further enacted, That the said Company of Proprietors shall and they are hereby required, at their First or some subsequent General Assembly, to cause the Names and proper Additions of the several Persons who shall be then entitled to the Shares in the said Undertaking, with the Number of the Shares, or the Amount of all the Subscriptions which they are then respectively entitled to hold, 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 Clerk to the said Company of Proprietors; and, after such Entry made, to cause their Common Seal to be affixed thereto, and shall cause a Ticket or Instrument, with their Common Seal of the said Company of Proprietors affixed thereto, to be delivered to each such Subscriber upon Demand, specifying the Share or Shares to which he or they is or are entitled in the said Undertaking, every such Proprietor paying to the Clerk One Shilling and no more for every such Ticket or Instrument; and such Ticket or Instrument shall be admitted in all Courts whatsoever as Evidence of the Title of such Subscriber, his or her Executors, Administrators, or Assigns, to the Share or Shares therein specified; but the Want of such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof, and which said Ticket or Instrument may be in the Words or to the Effect following; *videlicet*,

Form of Ticket.

‘ The Mansfield and Pinxton Railway Company,
‘ N^o

‘ THESE are to certify, That *A. B.* of _____ is a Proprietor of the Share or Number _____, being One Share of the _____ Railway, subject to the Rules, Regulations, and Orders of the said Company; and that the said *A. B.* his [or her] Executors, Administrators [or Successors] and Assigns, is and are entitled to the Profits and Advantages of such Share. Given under the Common Seal of the said Company, the _____ Day of _____, in the Year of our Lord

XLIV. And

XLIV. And be it further enacted, That all and every Body or Bodies Politic or Corporate, or other Person or Persons, and his, her, or their Successors, Executors, Administrators, and Assigns, who shall have subscribed for, or shall become entitled to, and be in the actual Possession of One or more Share or Shares in the said Undertaking, shall be deemed a Proprietor for every such Share, and shall have a Vote for and in respect of every such Share, subject to the Restrictions herein-after mentioned in the general and special Assemblies of the said Company of Proprietors, to be held as herein directed for carrying on the said Undertaking, or relative thereto, which Vote shall and may be given by him, her, or them, or by his, her, or their Proxy or Proxies duly constituted under his, her, or their Hand or Hands, or Common Seal if a Corporation, or in case of Infancy, under the Hand or Hands of his, her, or their Guardian or Guardians; and that every such Vote by Proxy shall be as good and valid to all Intents and Purposes as if such Principal or Principals had voted in Person, and, being an Infant, had been of full Age; the Appointment of which Proxy shall and may be made in the Words or to the Effect following, (varying the same so as to meet each particular Case); *videlicet*,

‘ I *A. B.* One of the Proprietors [*or, We, A. B. and C. D. Guardians* of *E. F.* One of the Proprietors] of the Form of the Appointment of a Proxy.
 ‘ do hereby nominate, constitute, and appoint *G. H.* to be my [*or his, or her*], Proxy in my [*or his, or her*] Absence, to vote and give my
 ‘ [*or his, or her*] Assent or Dissent to any Business, Matter, or Thing
 ‘ relating to the said Undertaking, which shall be mentioned or proposed
 ‘ at any Meeting of the Proprietors of the said Railway or Tram Road,
 ‘ or any of them, in such Matters as the said *G. H.* shall think proper,
 ‘ according to his Opinion and Judgment, for the Benefit of the said
 ‘ Undertaking, or any Thing appertaining thereto. In Witness whereof
 ‘ I [*or we*] have hereunto set my Hand [*or our Hands*] the
 ‘ Day of _____, in the Year of our Lord

And that every Election of Committees and Officers, and every Question, Matter, and Thing whatsoever which shall be discussed or considered in any General or Special Assembly of the said Company to be held by virtue of this Act, shall be finally determined by the Majority of Votes and Proxies then present, computing One Vote to every Share as aforesaid; and that at every such Assembly one of the Proprietors present shall be appointed President or Chairman, who shall not only have such Vote or Votes as a Proprietor as aforesaid, but shall also, in case of an equal Division, have the decisive or casting Vote. All Questions to be decided by the Majority of Votes.

XLV. And be it further enacted, That in case the said Sum of Twenty-two thousand eight hundred Pounds, herein-before authorized to be raised, shall be found insufficient for making, completing, and maintaining the said Railway or Tram Road, and other Works hereby authorized to be made, and defraying all necessary Charges and Expences relating thereto, then and in such Case it shall be lawful for the said Company to raise and contribute amongst themselves, in Manner and Form aforesaid, and in such Shares and Proportions as to them shall seem meet, or by the Admission of new Subscribers, any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding the Sum of Ten thousand Pounds; and Proprietors may raise an additional Sum if necessary.

and every Subscriber towards raising such further or other Sum of Money shall be a Proprietor in the said Undertaking, and shall have a like Vote by himself or herself, or his or her Proxy, in respect of every Share in the said additional Sum so to be raised, and shall also be liable to such Forfeitures, and stand interested in all the Profits and Powers of the said Undertaking, in proportion to the Sum he, she, or they shall or may subscribe thereunto, as generally and extensively to all Intents and Purposes as if such further or other Sum hereby allowed to be subscribed for or raised had originally been Part of the said Sum of Twenty-two thousand eight hundred Pounds; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Power to
raise Money
by Mortgage.

XLVI. Provided always, That in case the said Company of Proprietors shall be desirous of raising the said Sum of Ten thousand Pounds hereinbefore authorized to be raised, or any Part thereof, by Mortgage of the said Undertaking, it shall be lawful for the said Company of Proprietors, by an Order of the General Assembly of the said Company of Proprietors, to borrow and take up at Interest all or any Part of the said Sum of Ten thousand Pounds on the Credit of the said Undertaking, as to them shall seem meet and convenient; and the said Company of Proprietors, or the Committee of the said Company of Proprietors, after an Order of any General Assembly, are hereby authorized and empowered to assign the Property of the said Undertaking, and the Rates 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), as a Security for any such Sum or Sums of Money to be borrowed as aforesaid, with Interest, to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance the same; all which said Mortgages or Assignments shall be made, under the Common Seal of the said Company of Proprietors, in the Words or to the Effect following; (that is to say),

Form of
Mortgage.

‘ N^o.
 ‘ BY virtue of an Act made in the Fifty-seventh Year of the Reign of
 ‘ King George the Third, intituled [*here set forth the Title of this Act*]
 ‘ We, the Mansfield and Pinxton Railway Company, incorporated by and
 ‘ under the said Act, in consideration of the Sum of
 ‘ to us in Hand paid by _____ of
 ‘ do assign unto the said _____ his [*or her*] Executors,
 ‘ Administrators, and Assigns, the said Undertaking, and all and singular
 ‘ the Rates arising by virtue of this Act, and all the Estate, Right, Title,
 ‘ and Interest of, in, and to the same, to hold unto the said
 ‘ his [*or her*] Executors, Administrators, and Assigns, until the said Sum
 ‘ of _____ together with Interest for the same after the
 ‘ Rate of _____ for every One hundred Pounds for a
 ‘ Year, shall be fully paid and satisfied. Given under our Common Seal,
 ‘ this _____ Day of _____ in the Year of
 ‘ our Lord _____

And all and every Person or Persons to whom such Mortgage or Assignment shall be made shall be equally entitled, one with the other, to his, her, or their Proportion or Proportions of the said Rates and Premises, according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of Priority of any such Assignments, or on any other Account whatsoever; and a Memorial of every such

such Assignment, containing the Date, and Name or Names of the Person or Persons to whom made, and the Sum of Money borrowed, and the Rate of Interest, shall be entered in a Book or Books to be kept by the Clerk of the said Company of Proprietors; which said Book or Books shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all and every Person and Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may transfer his, her, and their Right or Interest therein to any Person or Persons whomsoever, which Transfer shall and may be in the Words, or to the Effect following; (that is to say),

‘ I of [or we] in consideration of the Sum of
 ‘ of paid by of
 ‘ do hereby transfer a certain Mortgage, Number made by
 ‘ the *Mansfield and Pinxton* Railway Company to
 ‘ bearing Date the Day of
 ‘ for securing the Sum of and all my [or our] Right
 ‘ and Property therein, to the said his [or her]
 ‘ Executors, Administrators, and Assigns. Dated this
 ‘ Day of in the Year of our Lord ..’

Form of
Transfer.

And every such Transfer shall, within Twenty-eight Days after the Date thereof, be produced to the Clerk to the said Company of Proprietors, who shall cause a Memorial to be made thereof in like Manner as the original Mortgages or Assignments, for which the said Clerk shall be paid such Sum as the said Company of Proprietors shall appoint, not exceeding Two Shillings and Sixpence; and after such Entry made, every Transfer shall entitle such Assignee or Assignees, his, her, and their Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Person or Persons who shall have made such Transfer to make void, release, or discharge the same, or any Sum or Sums of Money thereon due, or thereby secured, or any Part thereof.

XLVII. And be it further enacted, That the Interest of the Money which shall be borrowed by Mortgage as aforesaid shall be paid Half-yearly to the several Persons entitled thereto, in preference to any Interest or Dividends due and payable by virtue of this Act, to the said Company of Proprietors or any of them, and shall from Time to Time be fully paid and discharged or provided for before the yearly or other Interest or Dividends due to the said Proprietors or any of them shall be paid, made, or divided; and in case the same or any Part thereof shall be behind and unpaid, by the Space of Twenty-eight Days next after the same shall become due and payable as aforesaid, and after Demand made thereof, that then it shall be lawful for the said Commissioners, and they are hereby required, on Request to them made by any Creditor whose Interest shall be so in Arrear, by an Order under their Hands, to appoint One or more Person or Persons to receive the whole or such Part or Parts of the said Rates, as are liable to pay such Interest so due and unpaid as aforesaid; and the Money so to be received by such Person or Persons is hereby declared to be so much Money received by or to the Use of such Person or Persons to whom such Interest shall be then due, until the same, together with the

Interest of
Money bor-
rowed to be
paid in pre-
ference to the
Dividends, or
may be sued
for at Law.

[Local.]

II B

Costs

Mortgagees
not to vote
on account
of having
lent Money.

Costs and Charges of recovering and receiving the Rates, shall be fully satisfied and paid; and after such Interest and Costs shall be paid and satisfied, the Power and Authority of such Receiver and Receivers, for the Purposes aforesaid shall cease and determine, or otherwise the said Interest so due and unpaid as aforesaid shall be sued for and recovered with Costs by Action of Debt in any of His Majesty's Courts of Record at *Westminster*: Provided always, that no Person to whom any such Mortgage or Assignment shall be made or transferred shall be deemed a Proprietor of any Share, or be capable of acting or voting as such, either by Principal or by Proxy, at any Meeting of the said Company of Proprietors for or on account of his or her having lent or advanced any Sum or Sums of Money on the Credit of such Assignment.

First and
other General
Assemblies.

Committee to
be elected.

XLVIII. And be it further enacted, That the First General Assembly of the said Company of Proprietors for putting this Act in Execution shall be held at the *Swan Inn* in *Mansfield*, on the Second *Monday* after the passing of this Act, or as soon after as conveniently may be, at the Hour of Eleven in the Forenoon; and the Second and every other General Assembly shall be held at such Times and Places as shall at such first or any subsequent General Assembly be appointed; and the said Company of Proprietors, at such respective General Assemblies, together with such Proxies as shall be then present, shall choose and elect out of such of the said Proprietors a Committee to manage the Affairs of the said Company of Proprietors as herein directed, and to consist of Five or more Persons, Three of whom shall at all Meetings of the said Committee be a Quorum; and the said Company of Proprietors shall have Power and Authority at any such General Assembly to remove and displace any Person or Persons who shall have been chosen a Member or Members of the said Committee, or any Officer or Officers under them, and to choose and elect others in case of Death or other Vacancy, and to revoke, alter, amend, or change any of the Rules, Bye-laws, or Orders which may have been made by them by virtue of this Act, with regard to their Proceedings amongst themselves, as they shall think proper, (the Method of calling Special or General Assemblies, and their Time and Place of meeting and voting, and appointing Committees, only excepted); and shall also have Power and Authority to make such Rules, Bye-laws, and Orders for the good Government of the said Company of Proprietors, their Agents and Workmen, for making, maintaining, and using the said Railway or Tram Road or other Works, and all other Conveniences, Matters, and Things, that shall be made for the same, and also for and concerning all such Goods and Commodities as shall be conveyed thereon, and also for the Management of all Persons who shall be employed in the conveying of any Goods, Wares, and Merchandize, and other Articles and Things, upon any Part of the said Railway or Tram Road or other Works, and from Time to Time to alter and repeal and again to renew the said Rules, Bye-laws, Orders, and Regulations, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the major Part of such General Assemblies shall seem meet, not exceeding the Sum of Five Pounds for any One Offence, such Fines and Forfeitures to be levied and recovered by such Ways and Means as herein-after mentioned; which said Rules, Bye-laws, and Orders being reduced into Writing under the Common Seal of the said Company of Proprietors, and printed and published, shall be hung up and affixed on the Front of the

Toll-houses on the said Railway, and shall be binding upon and observed by all Parties and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided they be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or any Directions in this Act contained; and every such General Assembly shall have Power to call for, audit, and settle all Accounts for Money received, laid out, and disbursed on account of the said Undertaking by the Treasurers, Receivers, or Collectors of the Rates, and other Officers by them appointed, or by any other Person or Persons employed by or concerned for or under them, in and about the said Railway or Tram Road, and collateral Branch, and the Works thereto belonging; but no Vote or Votes by Proxy shall be given, or have any Power in or as to the Audit and Settlement of Accounts; and the said Company of Proprietors shall have Power to adjourn themselves from Time to Time to such Place or Places as at such General Assemblies shall be thought proper and convenient.

XLIX. Provided always, and be it further enacted, That if at any General Assembly there shall not be Persons present who shall be possessed of or entitled to at least Fifty Shares or Subscriptions of One hundred Pounds or upwards in the said Undertaking, either as Principals or Proxies, no Choice of a Committee, nor any Removal of a Person or Persons from any such Committee, nor any Election of any Person or Persons in the Room of such of the Members of the said Committee who shall die or decline to act, shall be made at that Time; but in such Case there shall be another Assembly of the said Company of Proprietors, at the same Place, at the Expiration of One Calendar Month; and if a sufficient Number of Proprietors, as Principals or by Proxies shall not then attend, the said General Assembly shall stand adjourned to the *Monday* Three Weeks next following at the same Place, and such Choice, Removal, or new Appointment of any Member of any such Committee shall then take place, and not before; and such Committee so before appointed shall continue to act, and have the same Powers as they had and were possessed of, until a new Committee shall be appointed as aforesaid; and in case of Failure of the assembling of a sufficient Number of Proprietors having such Shares or Subscriptions as Principals or Proxies at such First General Assembly, every Proprietor who shall not attend such Second Assembly in Person or by Proxy shall forfeit to the said Company (unless he shall have a sufficient Excuse for his Non-attendance), for every Share or Subscription of One hundred Pounds which he or she shall possess in the said Undertaking, the Sum of Ten Shillings, to be deducted out of his or her next succeeding Payment of Interest or Dividends of the Profits of the said Undertaking, as the Case may happen; and in case no Interest or Dividends shall be payable to such Person or Persons making Default as aforesaid, within Three Calendar Months next after the making of such Default, then the Payment of the said Forfeiture of Ten Shillings may be recovered and enforced by the Ways and Means herein-after appointed for the Recovery of any other of the Penalties or Forfeitures imposed by this Act.

General Assemblies for choosing Committees, to consist of Fifty Shares.

L. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act in Execution, a Special General Assembly of the said Company of Proprietors is necessary to be held, it shall be lawful for any Five or more of the said Proprietors, who shall each

Assemblies of Proprietors may be specially convened.

each of them be possessed of or entitled unto Three Shares or Subscriptions of One hundred Pounds each or upwards at the least in the said Undertaking, to cause Ten Days Notice at the least to be given thereof in some Newspaper usually circulating in the said Counties, or by giving to each Proprietor, or leaving at his or her usual Place of Abode, a Notice in Writing, signed by such Proprietors, or by the Clerk to the said Company of Proprietors for the Time being, or in such other Manner as the said Company of Proprietors shall at any General Assembly direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special Assembly, and the Time when and Place where the same shall be held; and the said Proprietors are hereby authorized to meet in pursuance of such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company with respect to the Matters so specified only; and all such Acts of the Proprietors, or the major Part of them met together at every such Special General Assembly (provided such major Part shall be possessed of at least One hundred and twenty Shares or Subscriptions of One hundred Pounds each in the said Undertaking, either as Principals or Proxies), shall be as valid with respect to the Matters specified in such Notice as if the same had been done at a General Assembly at the Time herein-before appointed for holding the same.

Officers to
the Company
to be ap-
pointed.

LI. And be it further enacted, That it shall be lawful for the said Company of Proprietors at any General Meeting assembled, and they are hereby required from Time to Time to nominate and appoint a Treasurer, or Treasurers, and Clerk, and such other Officers as they shall think proper and shall take sufficient Security from every such Treasurer or Treasurers, Clerk and other Officer having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of his Office, as the said Company of Proprietors shall think proper, and from Time to Time to remove and again to replace any such Treasurer or Treasurers, Clerk or other Officer, or any of them; and such Clerk shall attend the General Meetings and Assemblies of the said Company of Proprietors, and the Meetings of the said Committee, and shall, in a proper Book or Books to be provided for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors, or entitled to any Share or Shares therein, and of all the Acts, Proceedings, and Transactions of the said Company of Proprietors, and of the said Committee, by virtue of and under the Authority of this Act; and that every Proprietor of the said Undertaking shall and may at all convenient Times have Recourse to, and peruse and inspect the same, and also the Book or Books to be kept by the Clerk of the said Commissioners, *gratis*, and may demand and have Copies thereof, or any Part thereof, paying Sixpence for every One hundred Words so to be copied; and if any such Clerk shall refuse to permit any of the said Proprietors to inspect or peruse any such Books at all convenient Times and Seasons, or refuse to make any such Copy or Copies in a reasonable Time at the Rate aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings for the Benefit of the said Undertaking; and whensoever any such Treasurer or Clerk shall die, or be removed from or quit the Service of the said Company of Proprietors, it shall be lawful for the Committee of such Proprietors for the Time being,
or

or the Majority of them, to appoint some other fit Person or Persons to be Treasurer or Clerk in the Place of him or them so dying, being removed, or quitting the said Service, until the then next General Assembly of the said Company of Proprietors, when such Appointment shall be confirmed, or another Treasurer or Clerk shall be nominated and appointed in his or their Stead.

LII. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, 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, the Clerk to the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of this Act, every Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Same Person not to act as Clerk and Treasurer.

LIII. And be it further enacted, That the Committee for the Time being of the said Company of Proprietors shall have Power from Time to Time to make such Call or Calls for Money from the Proprietors of the said Undertaking, to defray the Expences of, and to carry on the same, as they shall from Time to Time find necessary for those Purposes, so that no such Call do exceed the Sum of Ten Pounds upon each Share, and so as no Calls be made but at the Distance of One Calendar Month at the least from each other, which Monies so called for shall be paid to such Person and Persons and in such Manner as the said Committee shall from Time to Time appoint and direct, for the Use of the said Undertaking; and such Committee shall meet at such Times and at such Places, and from Time to Time adjourn themselves to such other Time as they shall think fit; and at all Meetings of the said Committee, one of the Members present shall be appointed President or Chairman, and all Questions, Matters, and Things which shall be proposed, discussed, or considered at such Meeting, shall be finally determined by the Majority of Votes; but no Member of such Committee shall have more than One Vote in the said Committee, except the President or Chairman, who, in case of an equal Division, shall always have a Second and the casting Vote; and in order to defray the Expence of the Meeting of the said Committees, it shall be lawful for the said Committees, and they are hereby allowed, to expend or retain to themselves a reasonable Sum of Money out of the Capital Stock of the said Proprietors, for their Expences in attending such Meeting, not exceeding Ten Shillings and Sixpence for each Committee-man attending each Meeting; and the said Committee shall have Power and Authority to direct and manage all the Affairs of the said Company of Proprietors, as well in buying and purchasing Lands and Hereditaments, and Materials for the Use of the said Undertaking and Works, as in employing, ordering,

Powers of the Committee for making Calls.

Expences of Committee to be paid.

[Local.]

11 C

and

and directing the Works and Workmen, and in placing and displacing Under Officers, Clerks, Servants, Agents, and Workmen, and in making all Contracts and Bargains touching the said Undertaking, so that no Purchase, Bargain, or other Matter be done or transacted without the Concurrence of a Majority of the said Committee as aforesaid then assembled; and all and every Owner or Owners of One or more Share or Shares in the said Undertaking shall pay his, her, or their Shares and Proportions of the Monies to be called for as aforesaid, not exceeding the Sum aforesaid for every Share, at such Time and Place as aforesaid, of which Twenty Days Notice at least shall be given, by publishing the same in some one such Newspaper as aforesaid, or by giving Notice in Writing to such Proprietor, or leaving the same at his or her usual or last Place of Abode, or in such other Manner as the said Company of Proprietors shall at any General Assembly direct or appoint; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for by the First or any Call to be made by virtue of this Act at the Time and Place appointed as aforesaid, it shall be lawful for the said Company of Proprietors 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, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for after the First Call as aforesaid, at the Time and Place so appointed as aforesaid, he, she, or they so neglecting or refusing shall forfeit any Sum not exceeding Five Pounds for every One hundred Pounds of his, her, or their respective Share or Shares in the said Undertaking; and in case such Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for as aforesaid, for the Space of Three Calendar Months after the Time appointed for Payment thereof as aforesaid, and at the Place so to be appointed for Payment thereof as aforesaid, then he, she, or they so neglecting or refusing shall forfeit his, her, or their respective Share or Shares in the said Undertaking, and all the Profit and Benefit thereof, and all Money advanced by him, her, or them, to and for the Use and Benefit of the other Proprietors of the said Undertaking; and all such Forfeitures shall be sold at a Public Sale by the said Company of Proprietors for the most Money that can be gotten for the same, and the Produce thereof shall be equally divided amongst the rest of the said Company of Proprietors in proportion to their respective Shares and Interests in the said Undertaking; but if it should happen that the Share or Shares so forfeited as aforesaid shall on such Sale produce a less Sum than the Amount which should have been paid or advanced by such Defaulter in respect of such Share or Shares, the said Company of Proprietors shall and they are hereby empowered, if they think fit, to recover the Amount of such Deficiency from such Defaulter or Defaulters by a Suit at Law or in Equity in any of His Majesty's Courts at *Westminster*.

Subscriber to
have Notice
before their
Shares are
forfeited.

LIV. Provided always, That no Advantage shall be taken of the Forfeiture of any Share or Shares of the said Undertaking, until Notice shall be given by the Clerk or Treasurer of the said Company to the Owner or

Owners thereof, or Notice in Writing left at his, her, or their usual or last Place of Abode, or unless the same shall be declared to be forfeited at some General Assembly of the said Company of Proprietors which shall be held after the End of Two Calendar Months after the Forfeiture shall happen to be made, and every such Forfeiture shall be an Indemnification and Discharge to and for every Proprietor or Proprietors so forfeiting, after such Share or Shares shall have been deemed to be forfeited by a General Assembly, but not before, against all Actions, Suits, or Prosecutions whatsoever to be commenced or prosecuted for any Breach of Contract or other Agreement between such Proprietor or Proprietors so forfeiting, and the rest of the Proprietors, with regard to carrying on the said Undertaking.

LV. And be it further enacted, That in any Action to be brought by the said Company of Proprietors against any Owner or Owners of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company of Proprietors for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company of Proprietors to declare and alledge that the Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company of Proprietors in such Sum or Sums of Money as the Call or Calls in Arrear shall amount unto, for such or so many Call or Calls of such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be), whereby an Action hath accrued to the said Company of Proprietors, 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 or Defendants, at the Time of making such Call or Calls, was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in Fact made, and that such Notice was given, as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls, or any other Matter whatsoever; and the said Company of Proprietors shall be thereupon entitled to recover what shall appear due, unless it shall appear that any such Call exceeded the Sum of Ten Pounds for every such Sum of One hundred Pounds, or was made within the Distance of One Calendar Month from the last preceding Call, or without Notice given as aforesaid.

Directing the Proceedings in the Action for Calls.

LVI. And be it further enacted, That such Committee shall from Time to Time make Reports of their Proceedings to, and be subject to the Examination and Control of the said General and Special Assemblies of the said Proprietors as aforesaid, and shall pay due Obedience to all such Orders and Directions in and about the Premises as shall from Time to Time be made by the said Proprietors at any such General or Special Assembly, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Committee to be under the Control of General Assemblies.

LVII. And be it further enacted, That proper Books of Account and other Matters relating to the said Undertaking shall be kept, and that all such

Books of Account to be kept.

such Books shall be deposited and kept under the Direction of the Committee for the Time being, at such Place or Places as the said Company of Proprietors shall from Time to Time direct, and every Proprietor or Proprietors at all reasonable Times shall have free Access to the same for his, her, or their Inspection, without Fee or Reward.

On the Death of Subscribers before Shares completed, Executors may complete the same.

LVIII. And be it further enacted, That if the Owner or Owners of any Share or Shares in the said Undertaking shall happen to die before such Call or Calls shall have been made for the full Sum to be advanced on any Share or Shares which he, she, or they shall have been possessed of or entitled to, without having made Provision by Will or otherwise how and in what Manner such Share or Shares shall be disposed of, and how and by what Means the future Calls in respect thereof shall be paid to the said Company of Proprietors for the Purpose of the said Undertaking, then and in such Case the Executors or Administrators of any such Owner so dying, or the Trustee or Trustees, Committee or Committees of any Lunatic or Lunatics, Guardian or Guardians of any Infant or Infants, or of any other Person or Persons entitled to the Estate and Effects of such deceased Owner, shall be indemnified against all and every such Infant or Infants, and against all and every Person and Persons whomsoever, for or on account of his, her, or their having paid any Sum or Sums of Money when called for as aforesaid, to complete every such Subscription; and if such deceased Owner or Owners shall not have left Assets sufficient, or in case the Executors or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, the said Company of Proprietors shall be and they are hereby authorized and required to admit any other Person or Persons to be a Proprietor or Proprietors of the Share or Shares of such deceased Owner or Owners, on Condition that he, she, or they so admitted do and shall, on or before such Admissions, pay to the Executors or Administrators of such deceased Owner or Owners, or to the Trustee or Trustees, Guardian or Guardians of any Infant or Infants, or any other Person or Persons who shall or may be entitled to his, her, or their Effects, the full Sum or Sums of Money which shall have been paid to such Owner or Owners, in his, her, or their Life-time, by virtue of any Call or Calls or otherwise upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for; and in case no Person or Persons shall be found who is or are willing to be admitted on such Condition as aforesaid, then and in such Case such Share or Shares shall be forfeited to and become vested in the rest of the said Company of Proprietors, in Trust for, and for the equal Benefit of all the rest of the said Proprietors, in proportion to their respective Interests in the said Undertaking, and shall be subject to be sold and disposed of in like Manner as other forfeited Shares may be sold and disposed of by virtue of this Act.

Shares may be sold.

LIX. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, and his, her, or their respective Executors or Administrators, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned and provided; and the Form of Conveyance for such Sales shall be in the following Words or to the like Effect (varying the

the Names and Descriptions of the contracting Parties, as the Case may require) :

‘ I *A. B.* in consideration of paid by me to Form of Con-
 ‘ *C. D.* do hereby grant, bargain, sell, and transfer unto the said *C. D.* veyance.
 ‘ Share or Shares [*as the Case may be*] of the Undertaking
 ‘ called *The Mansfield and Pinxton Railway*, to hold to him, the said *C. D.*
 ‘ his Executors, Administrators, and Assigns, subject to the same Rules,
 ‘ Orders, and Restrictions, and on the same Conditions that I held the
 ‘ same immediately before the Execution hereof: And I the said *C. D.* do
 ‘ hereby agree to take and accept the said Share or Shares, subject to the
 ‘ same Rules, Orders, Restrictions, and Conditions. As witness our
 ‘ Hands and Seals, the Day of .’

And on every such Sale the said Deed of Conveyance, executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares, shall be kept by the said Purchaser or Purchasers for his, her, or their Security, after the Clerk for the Time being to the said Company of Proprietors shall have entered in the said Books a Memorial of such Transfer and Sale, to be kept for the Use of the said Company of Proprietors, and have testified and indorsed the Entry of such Memorial on the Deed of Sale or Transfer, for which no more than Two Shillings and Sixpence shall be paid; and the said Clerk is hereby required to make such Entry or Memorial accordingly; and unless and until such Memorial shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Part of the Profits of the said Undertaking, nor any Interest for such Share or Shares paid unto him, her, or them, or any Vote as a Proprietor or Proprietors of the said Undertaking.

LX. And be it further enacted, That after any Call for such Money shall have been made by such Committee as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, upon the Penalty of forfeiting his, her, or their respective Share or Shares therein to the said Company of Proprietors, in Trust for the Benefit of all the said Proprietors, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid and discharged to the Treasurer of the said Company of Proprietors the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred; such Forfeiture nevertheless to be notified and declared at a General Assembly in Manner before directed. After a Call
no Share to
be sold until
after the Call
be answered.

LXI. And be it further enacted, That if any of the Deeds for or respecting the Shares of the said Company of Proprietors shall be worn out or damaged, then upon the same being brought and shewn at some General Assembly of the said Company of Proprietors such Deeds may be cancelled and destroyed, and other similar Deeds given under the Seal of the said Company of Proprietors, to the Person or Persons in whom the Property of such Deeds, and the Shares therein mentioned, shall be at any Time vested; or in case such Deeds shall be burnt or totally destroyed, that then, upon due Proof thereof, like Deeds shall be given to the Person or Persons who were the Owner or Owners of or entitled to such Deeds so burnt or destroyed, so as that a due Entry of the Transfer of For granting
new Deeds
when any of
the old ones
are destroyed
or worn out.
 [Local.] such
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such Deed or Deeds (if any such have been made) shall have been entered by the Clerk to the said Company of Proprietors in Manner herein directed.

Proof to be given of the Title to Shares acquired by Marriage, &c.

LXII. And whereas much Inconvenience may arise by the frequent Transfer of Shares in the said Undertaking, by the Marriage and Death of Proprietors, and it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid and do belong; be it therefore further enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking, by virtue of his, her, or their Marriage or Marriages, shall be entitled to receive the same, an Affidavit containing a Copy of the Register of such Marriage shall be made and sworn to by some credible Person before a Judge in one of His Majesty's Courts of Record at *Westminster*, or before a Master or Masters Extraordinary in Chancery, or one of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk for the Time being of the said Company of Proprietors, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by him for the entering of Transfers of Shares in the said Undertaking; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking by virtue of any Bequest or Will, or of any Letters of Administration, shall be entitled to receive the same, the said Will, or the Probate Copy thereof, or such Letters of Administration shall be produced and shown to the Law Clerk of the Company of Proprietors, or an Affidavit containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator or Testatrix, or a Copy of the said Letters of Administration in case the Proprietor shall have died intestate, and a Copy of so much as aforesaid of such Will and Letters of Administration in case Administration shall have been granted with the Will annexed, shall be made and sworn to by the Executor or Executors of such Will, or by the Administrator or Administrators of the Estate and Effects of the Proprietor dying intestate, or to whom Administration shall be granted, with the Will annexed (as the Case may happen to be), before a Judge of one of His Majesty's Courts of Record at *Westminster*, or a Master or Masters Extraordinary in Chancery, or one of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company of Proprietors, who shall file and enter the same in Manner aforesaid.

Rate of Tonnage.

LXIII. And in consideration of the great Charge and Expence which the same Company of Proprietors must incur and sustain in making and maintaining the said Railway or Tram Road, and other the Works hereby authorized to be made and maintained; be it further enacted, That it shall and may be lawful for the said Company of Proprietors from Time to Time and at all Times hereafter to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company of Proprietors, for the Tonnage of all Goods, Wares, Merchandize, and other Things which shall be carried or conveyed upon the said Railway or Tram Road, or upon any Part thereof, the Rates and Duties herein-after mentioned; that is to say,

For all Stone for the Repairs of any Turnpike Roads, or other public Roads or Highways, and all Manure, such Sum as the said Company of Proprietors

Proprietors shall from Time to Time direct and appoint, not exceeding the Sum of Two-pence *per Ton per Mile* :

For all Stone, Cinders, Chalk, Marl, Sand, Lime, Clay, Ashes, Peat, Limestone, Ironstone, and other Materials, Building Stone, Pitching and Paving Stone, Bricks, Tiles, Slates, Timber, Lead in Pigs or Sheets, Bar Iron, Waggon Tire, and all gross or unmanufactured Articles, and Building Materials, such Sum as the said Company of Proprietors shall from Time to Time direct and appoint, not exceeding the Sum of Three-pence *per Ton per Mile* :

For all Coal, Coke, and Slack, which shall be carried along the said Railway, or any Part thereof, into the Parish of *Mansfield*, the Sum of Two Shillings *per Ton* :

For all Coal, Coke, and Slack, which shall be carried along the said Railway, or any Part thereof, in the Direction towards the said Parish of *Mansfield*, but which shall not be carried into the said Parish of *Mansfield*, the Sum of Three-pence *per Ton per Mile* :

For all Coal, Coke, and Slack, which shall be carried along the said Railway, or any Part thereof, in the Direction towards or to the *Cromford Canal at Pinxton Basin*, such Sum as the said Company of Proprietors shall from Time to Time direct and appoint, not exceeding the Sum of Three-pence *per Ton per Mile* :

And for all other Goods, Commodities, Wares, and Merchandizes, such Sum as the said Company of Proprietors shall from Time to Time direct and appoint, not exceeding the Sum of Sixpence *per Ton per Mile* :

And in all Cases where there shall be a Fraction of a Ton in any such Weight or Lading, a Proportion of the said Rates shall be demanded and taken for such Fraction, according to the Number of Quarters of a Ton contained in such Fraction ; and where there shall be a Fraction of a Quarter of a Ton, such Fraction shall be deemed and considered as a whole Quarter of a Ton ; and in all Cases where there shall be a Fraction of a Mile in the Distance which any Waggon, Cart, or other Carriage shall pass upon the said Railway or Tram Road, or any Part thereof, a Proportion of the said Rates shall be demanded and taken for such Fraction, according to the Number of Quarters of a Mile contained in such Fraction ; and where there shall be a Fraction of a Quarter of a Mile, such Fraction shall, in ascertaining the said Rates, be deemed and considered as a Quarter of a Mile ; and in order to ascertain such Distances, the said Company of Proprietors shall cause the said Railway to be measured, and Stones or Posts with proper Inscriptions to be erected and for ever maintained on the Sides of the same, at the Distance of One Fourth of a Mile from each other, or at such other Distances as the said Company of Proprietors or their Committee shall think fit.

LXIV. And be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time at any General Assembly, (with the Consent of the major Part of the Commissioners present at any General Meeting of the said Commissioners), to ascertain and fix the Price or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel, not exceeding Five hundred Pounds Weight, upon the said Railway,

Power to fix
the Price of
small Parcels.

Railway, or upon any Part thereof; and the said Company of Proprietors shall from Time to Time cause to be printed and affixed upon every public Wharf on the said Railway, in some conspicuous Place, a List or Account ascertaining and particularizing the Price or Sum or Sums of Money so to be charged or taken for the Carriage of such Parcels as aforesaid upon the said Railway, or upon any Part thereof; and in case any Owner or other Person having the Care of any Waggon or Waggons passing upon the said Railway, or upon any Part or Parts thereof, after such List or Account so ascertaining and particularizing the Price or Sum or Sums of Money, at which every such Parcel shall be carried and conveyed, shall be so fixed up as aforesaid, shall demand or take for the Carriage of any such Parcel as aforesaid more than the Price or Sum or Sums of Money in such List or Account ascertained and particularized for that Purpose, such Owner or other Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, at the Discretion of the Justice before whom such Person shall be convicted.

Recovery of Rates.

LXV. And be it further enacted, That the Rate of Tonnage herein authorized to be demanded and taken shall be paid to such Person or Persons at such Place or Places at, upon, or near the said Railway or Tram Road, in such Manner and under such Regulations as the said Company of Proprietors at some General or Special Assembly or Assemblies shall direct or appoint; and in case of Refusal or Neglect of Payment of such Rates, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company of Proprietors may sue for the same by Action of Debt or upon the Case in any of His Majesty's Courts of Record, or the Person or Persons to whom such Rate or Tonnage ought to have been paid may and he or they is or are hereby authorized to seize the Goods or other Things for or in respect whereof any such Rate of Tonnage ought to have been paid, or any Part thereof, and the Horse, Cattle, Waggon, or other Carriage laden therewith, and detain the same until such Payment shall be made, and also until Payment of all Arrears of any Rates which may be due from the Owner or Owners of such Horse, Cattle, Waggon, or other Carriage, as the Case may be, to the said Company of Proprietors, together with the reasonable Charges for such Seizure and Detention; and if such Goods shall not be redeemed within Five Days next after the taking thereof, the same may be appraised and sold as the Law directs, in Cases of Distress for Rent; and the said Company of Proprietors shall have full Power from Time to Time at any General Assembly to lower or reduce all or any of the said Rates or Duties and Tolls, and again to raise the same as they shall think proper, not exceeding the Rate of Tonnage herein mentioned, as often as it shall be deemed necessary for the Interest of the said Undertaking.

Punishing Collectors taking greater or less Tolls than Two Shillings or Three-pence respectively.

LXVI. And be it further enacted, That if any Lessee, Renter, or Collector of the said Rates or Tolls shall knowingly and wilfully demand and take, or cause to be demanded and taken from any Person or Persons, for the Carriage or Conveyance of any Coal, Coke, or Slack, along the said Railway, any greater or less Rate or Toll than the said Rate or Toll of Two Shillings *per* Ton, or in proportion for less than a Ton, for any Coal, Coke, or Slack carried along the said Railway into the said Parish of

of *Mansfield*, or the said Rate or Toll of Three-pence *per* Ton *per* Mile for any Coal, Coke, or Slack carried along the said Railway towards or in the Direction of the said Parish of *Mansfield*, but not carried or conveyed within the said Parish, such Lessee, Renter, or Collector, shall, for every such Offence, forfeit any Sum not exceeding Twenty Pounds, and every such Collector, not being the Lessee or Renter, shall, for every such Offence, forfeit any Sum not exceeding Twenty Pounds; such Penalties respectively to be recovered in such Manner as hereby directed with respect to the Penalties to be inflicted upon Persons evading or endeavouring to evade the Payment of any of the Rates or Tolls hereby granted, and when recovered to go and belong to the Person or Persons suing for and recovering the same.

LXVII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, at any of their General Assemblies, by Writing under their Common Seal, at any Time or Times to let to farm the Rates and Tolls hereby made payable, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Railway or Tram Road, unto any Person or Persons for any Term or Time which they shall think fit and proper, not exceeding Three Years from the commencing of any Lease, and every such Lease shall be valid and effectual; and the Lessee or Lessees thereof, and also such Person or Persons as such Lessees or Lessee shall appoint to collect and receive the Rates and Tolls so let, shall, during the Continuance of any such Lease, be deemed Collectors of the Rates so let, but for the proper Use of such Lessee or Lessees, and shall have the same Power and Authority for collecting and recovering the same as if he or they had been appointed for that Purpose by the said Company of Proprietors; provided public Notice of the Intention to let the said Rates and Tolls, or any Part thereof, be given in Writing by the said Committee, or by the Clerk to the said Company of Proprietors, by Advertisement published in such Newspaper, or by Notice to such Proprietors as aforesaid, at least Twenty-one Days prior to any such General Assembly, at which the said Rates and Tolls, or any Part thereof, are proposed to be let as aforesaid.

Company empowered to lease the Rates.

Notices of the Intention to let the same to be given.

LXVIII. And for better ascertaining and more easily collecting the said Rates and Tolls, be it further enacted, That the Owner or Owners, or Person or Persons having the Care of any Waggon or other Carriage passing upon the said Railway or Tram Road, or any Part thereof, shall give an exact and true Account in Writing, signed by him or them, to the Collectors of the said Rates and Tolls, at the Place or Places where they shall attend for that Purpose, of what Quantity of Goods or other Things as aforesaid shall be in such Waggon or other Carriage, and with respect to such Waggon or other Carriage from whence brought, and where the same are intended to be unloaded or left; and in case any Person shall neglect or refuse to give such Account, or to produce his Bill of Lading to any such Collector demanding the same, or shall give a false Account, or shall deliver any Part of his Lading or Goods at any other Place than what is or are mentioned in such Account, with an Intent to avoid the Payment of the said Rates and Tolls or any Part of them, he shall forfeit and pay any Sum not exceeding Twenty Shillings for every Ton of Goods

Masters of Waggons, &c. to give an Account in Writing of Lading.

[Local.]

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and

and other Things, and so in proportion for any less Quantity than a Ton, which shall be in such Waggon or other Carriage of which such Account shall be so refused to be given, or which shall be fraudulently delivered out as aforesaid, as the Case shall happen to be, over and above the respective Rates and Tolls directed to be paid for the same by virtue thereof.

Weight of
Tonnage
ascertained.

LXIX. And for the better ascertaining the Tonnage of Goods and other Things to be charged with the Payment of such Rate as aforesaid, be it further enacted, That One hundred and twelve Pounds Weight shall for the Purposes of this Act be deemed, rated, or estimated as for One hundred Weight, any Usage to the contrary notwithstanding.

If any Dif-
ferences con-
cerning
Weight, Col-
lectors may
weigh or
measure
Waggons.

LXX. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates and Tolls and the Owner or Person having the Charge of any Waggon or other Carriage, or the Owner of any Goods or other Things, it shall be lawful for any such Collector to stop and detain any such Waggon or other Carriage, and to weigh or cause to be weighed such Waggon or other Carriage, and all such Goods and other Things as shall be therein respectively contained; and in case the same shall upon such Weighing appear to be of greater Weight or Quantity than what is set forth and contained in the Account given thereof as aforesaid, then the Owner or Person giving in such Account shall pay the Costs and Charges of such Weighing; all which said Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied by such Ways and Means and in such Manner as the said Rates and Tolls are hereby appointed to be recovered and levied; but if such Goods or other Things shall appear to be of the same or less Weight or Quantity than the same shall by such Account appear to be of, then the said Collector shall pay the Costs and Charges of such Weighing, and also pay to such Owner or Person, or to the Owner or Owners of such Goods or other Things, such Damages as shall appear to any One or more Justices of the Peace for the County where the Offence shall be committed, on the Oath of any credible Witness or Witnesses (all which Oaths such Justice is hereby empowered to administer), to have arisen from such Detention; and in Default of immediate Payment thereof by the Collector, the same shall be recovered from the said Company of Proprietors by Distress and Sale of the Goods and Chattels of such Company, by Warrant under the Hand and Seal of such Justice, rendering the Overplus, after deducting such Costs and Damages, and the Expences of such Distress and Sale, upon Demand, to the said Company.

Passage on
the Railway,
&c. to be
free upon
Payment of
Rates of
Tonnage.

LXXI. And be it further enacted, That all Persons shall have free Liberty to pass upon and use the said Railway or Tram Road with Carts, Waggons, or other Carriages, properly constructed, as herein-after mentioned, and to employ the said Wharfs and Quays for loading and unloading such Goods and other Things, upon Payment only of such Rates and Tolls as shall be demanded by the said Company of Proprietors, not exceeding the respective Sums herein mentioned, and subject to the Rules and Regulations which shall be from Time to Time made by the said Company of Proprietors by virtue of the Powers herein granted.

LXXII. And

LXXII. And be it further enacted, That if any Person or Persons shall ride, lead, or drive, or cause to be rode, led, or driven, upon such Railway or Tram Road, or any Part thereof, any Horse, Mule, or Afs, or shall lead or drive, or cause to be led or driven thereon, any Cow or other Neat Cattle, Sheep, Swine, or any other Beast or Animal (except only in crossing the same at Places to be appointed for that Purpose, and for the necessary Occupation of the respective Farms through which the same Railway may be made), he, she, or they shall forfeit or pay to the said Company of Proprietors any Sum not exceeding Forty Shillings.

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

LXXIII. And be it further enacted, That no Persons or Person shall pass upon any Part of the said Railway or Tram Road with any Waggon or other Carriage whatsoever, unless the same shall be constructed according to the Orders and Regulations of the said Company of Proprietors, which Orders and Regulations shall be affixed upon a conspicuous Part of every Toll House erected on such Railway or Tram Road for collecting the Rates of Tonnage by this Act imposed (except in crossing the same for the convenient Occupation of the adjacent Ground, and in passing any public or private Carriage Road which may happen to cross the said Railway or Tram Road), and that if any Person or Persons shall pass upon any Part of the said Railway or Tram Road with any Cart, Waggon, or Carriage, not constructed in the Manner by this Act directed (except as before excepted), he, she, or they so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds to the said Company of Proprietors.

No Waggon to pass on Railway, unless properly constructed.

LXXIV. And for the better Regulation of the Owners of Waggons and other Carriages, and others employed by or under them respectively, and for the more easy Detection of any Thing by them done contrary to the Directions of this Act, be it further enacted, That every Owner of any Waggon or other Carriage passing along the said Railway or Tram Road shall cause his or her Name and Place of Abode, and the Number of his or her Waggon or other Carriage, to be entered with the Clerk to the said Company of Proprietors, and shall also cause such Name and Number to be painted in large White Capital Letters and Figures on a Black Ground, Three Inches high at the least, and a proportionable Breadth, on some conspicuous Part of the Outside of every such Waggon or other Carriage, and shall permit and suffer every such Waggon or other Carriage to be gauged or measured at the Expence of the said Company of Proprietors whenever it shall be required by them, or any Person or Persons appointed for that Purpose, provided that no such Waggon or other Carriage shall be gauged or measured more than Four Times in any One Year; and every Owner of any Waggon or other Carriage which shall pass on any Part of the said Railway or Tram Road without having such Name, Figures, and Gauge thereon as herein-before directed, and every Person who shall alter, erase, deface, or destroy the same or any Part thereof, or who shall refuse to permit and suffer the same to be gauged and measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds to the said Company of Proprietors.

Owners to put their Names on outside their Waggons.

LXXV. And be it further enacted, That the Owner or Owners of every Waggon or other Carriage passing upon the said Railway or Tram Road,

shall Owners of Waggons answerable for Damages.

shall be and is hereby made answerable for any Damage, Spoil, or Mischief which shall be done by his, her, or their Waggon or other Carriage, or any of the Waggoners or other Persons belonging to or employed in or about the same respectively, unto the Railway or Tram Road; and other Works to be made by virtue hereof, or by loading or unloading any Waggon or other Carriage, or for any Trespass or Damage that shall or may be done to the Owners or Occupiers of any Buildings, Lands, Tenements, or other Property, adjoining or lying near the same, or any of them, or any other Trespass whatsoever; and the said Owner or Owners of such Waggon or other Carriage shall, for every such Damage, upon Conviction of such Person or Persons before any One Justice of the Peace, either by the Confession of the Party or Parties offending, or upon the Oath of One or more credible Witnesses or Witness (which Oath or Oaths such Justice is hereby empowered and required to administer), pay to the Person or Persons injured the Damages to be ascertained by such Justice, provided such Damages do not exceed the Sum of Five Pounds, and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Twenty Shillings, and all Costs, Charges, and Expences attending such Conviction; which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners of such Waggon or other Carriage by Warrant or Warrants under the Hand and Seal of such Justice; and the Overplus (if any) after such Penalty, Damages, and the Costs and Charges of such Distress and Sale have been deducted, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; or if the said Damages shall exceed the Sum of Five Pounds, then and in such Case the Owner or Owners of such Waggon or other Carriage shall and may be prosecuted for the same, in any Court of Record at *Westminster*; and if a Verdict pass against him or her, or Judgment be given against him or her upon Demurrer or by Default, the Plaintiff in such Case shall recover his Damages thereby sustained, with full Costs of Suit.

Owners to recover back from their Servants any Sums paid for their Neglect or Default.

LXXVI. Provided always, That in case the Owner or Owners of any Waggon or other Carriage as aforesaid shall be compelled to pay any Penalty, or make Satisfaction for any Damage by reason of any wilful Neglect or Default of his, her, or their Servant or Servants, such Servant or Servants shall be liable to repay such Penalty or Satisfaction of such Owner or Owners; and in case of Non-payment upon Demand thereof, and Oath made by such Owner or Owners of the Payment by him, her or them of such Penalty or Satisfaction, and that the same hath not been repaid to him, her, or them, by such Servant or Servants although demanded (such Oath to be made before any Justice of the Peace for the County or Place in which such Penalty was incurred), the same Penalty and Satisfaction 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 full Costs and Charges attending such Distress and Sale; and the said Penalty and Satisfaction when recovered shall be paid to such Owner or Owners in discharge of such Penalty and Satisfaction so by him or them paid for the wilful Neglect or Default of such Servant or Servants as aforesaid; and in case no sufficient Distress can be had, such Justice shall and is hereby required to commit such Servant to the

Common Gaol or House of Correction for the said County or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

LXXVII. And be it further enacted, That if any Waggon or other Carriage shall be placed or suffered to remain in any Part of the said Railway or Tram Road or other Works, so as to obstruct the Passage thereof, and the Person having the Care of such Waggon or other Carriage, shall not immediately, upon Request made, remove such Waggon or other Carriage, he shall forfeit for every such Offence any Sum not exceeding Five Shillings for every Hour such Obstruction shall continue after the making of such Request; and it shall be lawful for any Agent or Officer to the said Company of Proprietors, to cause any such Waggon or other Carriage to be unloaded if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction, and detain such Waggon or other Carriage, and the loading thereof, or any Part of such Loading, until the Charges occasioned by such Removal shall be paid.

LXXVIII. And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Undertaking, break, throw down, damage, destroy, steal, or take away any Part of the said Railway or Tram Road or other Works to be erected and made by virtue of this Act, or do any other wilful Hurt or Mischief to obstruct, hinder, or prevent the carrying or completing, supporting, and maintaining the same, every Person so offending, and being thereof lawfully convicted, shall be subject and liable to the like Pains and Penalties as in Cases of Felony, and the Court by and before whom such Person shall be tried and convicted, shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws or Statutes of this Realm, or in Mitigation of such Punishment such Courts may, if they think fit, award such Sentence as the Law directs in Cases of Petit Larceny.

LXXIX. And be it further enacted, That the said Company of Proprietors shall, at their own proper Costs and Charges, within Twelve Calendar Months next after any Part of the said Railway or Tram Road shall be laid out and formed, at their own Costs and Charges, make, erect, and set up, and from Time to Time maintain and support such and so many convenient Gates in and upon the said Railway or Tram Road, and also all Arches, Culverts, Ditches, Drains, and Passages, over and under or by the Side of the said Railway or Tram Road, of such Dimensions and in such Manner as any Two Justices of the Peace for the said Counties, within their respective Jurisdictions, shall from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same, for the Use of the Owners and Occupiers of Lands and Grounds through which such Railway or Tram Road shall be made, or for protecting the said Lands and Grounds from Trespass, or the Cattle or other Property of the Owners or Occupiers thereof from estraying or escaping thereout, by reason of such Railway or Tram Road, or any other Matter or Thing to be done in pursuance of this Act; and all such Gates, Arches, Cul-

[Local.]

II F

verts,

Company or
Committee
to regulate
the Passage
on the Rail-
way.

Penalty on
Persons ob-
structing the
using of the
Railway or
Works.

Company
empowered
to make and
erect Gates,
&c. under
Direction of
the Justices.

verts, Ditches, Drains, and Passages so to be made as aforesaid, shall from Time to Time and at all Times thereafter be supported, maintained, and kept in sufficient Repair and Condition by the said Company of Proprietors; and in case the said Company of Proprietors shall refuse or neglect to make, erect, or set up such Gates, Arches, Culverts, Ditches, Drains, and Passages as herein-before directed, or to maintain and support the same, or any of them when erected, set up, and made in Manner aforesaid, for the Space of Six Calendar Months next after the Time to be appointed for those Purposes respectively by the said Justices, then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said Lands or Hereditaments, who shall find himself, herself, or themselves aggrieved by such Neglect or Refusal to make, erect, and set up all such Gates, Arches, Culverts, Ditches, Drains, and Passages, as the said Justices shall have before directed or appointed to be made, erected, and set up as aforesaid, and to maintain, repair, and support the same, from Time to Time as Occasion shall require, so that in making and maintaining such Gates, Arches, Culverts, Ditches, Drains, and Passages as aforesaid, the said Railway or Tram Road, and other Things hereby authorized to be made or erected by the said Company of Proprietors, shall not be obstructed or injured for any longer Space of Time, or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof (to be settled and allowed by the said Justices) shall be repaid to the respective Owners or Occupiers of the said Lands and Hereditaments who shall have so erected and made, repaired or maintained such Gates, Arches, Culverts, Drains, and Passages as aforesaid, by the said Company of Proprietors, within the Space of Two Calendar Months next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof, to and from the said Company of Proprietors, by Delivery of such Account or Demand to the Treasurer or Clerk for the Time being of the said Company of Proprietors; and in default of Payment of the said Costs and Charges within the Time aforesaid, the said Justices shall and they 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 of Proprietors, for the Use of such Person or Persons as shall have recovered such Costs and Charges, rendering to the said Company of Proprietors the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices; and every or any of the said Owners or Occupiers, upon Refusal or Neglect by the said Company of Proprietors to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against them, or any of them, for the Recovery thereof, by Action of Law, to be commenced and prosecuted in such Manner as in other Cases is by this Act directed.

Owners of
Lands em-
powered to
erect Gates
on Insuffici-
ency of those

LXXX. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or other Hereditaments through which the said Railway or Tram Road shall be made, do or shall at any Time or Times hereafter, apprehend that any of the Gates, Arches, Culverts, Ditches, Drains, and Passages respectively, which the said Justices shall have

have so directed or appointed to be made by the said Company of Proprietors, are insufficient, either in their Number or Situation, for the commodious Use and Occupation of the respective Lands or Hereditaments through which the said Railway or Tram Road shall pass, then and so often, and in any such Case, it shall be lawful for any such Owners or Occupiers, with the Consent and Approbation of the said Justices, to make, fix, and erect, at their own Costs and Charges, any other Gates, Arches, Culverts, Ditches, Drains, or Passages of the same or like Construction or Form with those made and erected by the said Company of Proprietors in, upon, along, or near to the said Railway or Tram Road, in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands or Hereditaments, and to repair and support the same at their own Costs and Charges as Occasion shall require, so that the Passage through or along the said Railway or Tram Road be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than the same would necessarily have been, if such Gates, Arches, Culverts, Ditches, Drains, and Passages had been made or erected by the said Company of Proprietors: Provided that it shall be lawful for the Owners and Occupiers of the said respective Lands or Grounds, through which the said Railway or Tram Road shall be made, and his and their Servants and Workmen, Cattle and Carriages, at all Times to pass and repass over, upon, and across such Part of the said Railway or Tram Road, as shall be made in and upon the said Lands or Grounds respectively, not damaging or obstructing the same, or the Passage thereof, without Payment of any Toll or Tonnage for the same, provided they shall not pass along any other Part of the said Railway or Tram Road.

erected by
the Com-
pany.

LXXXI. Provided also, and be it further enacted, That nothing herein contained shall extend to prevent the Owners and Occupiers of the respective Lands or Grounds adjoining or near to the said Railway or Tram Road from laying down any collateral Branch or Branches in or upon their respective Lands or Grounds, to communicate with the said Railway or Tram Road, nor from making at their own Expence such Openings in the Edges or Flanches of the said Railway or Tram Road as may be necessary or expedient for effecting such Communication; and that the said Company of Proprietors shall not receive any Tonnage for the passing of any Goods, Wares, and Merchandize along such collateral Branch or Branches.

Owners of
adjoining
Lands may
lay collateral
Branches.

LXXXII. Provided always nevertheless, That the said Company of Proprietors shall and they are hereby empowered and required, at their own proper Charges, after any Land shall be taken for the Use of the said Railway or Tram Road, to divide and separate, and keep constantly divided and separated, the same from the Lands or Grounds adjoining to such Railway or Tram Road, with good and sufficient Posts, Rails, Quickset Hedges, Ditches, Mounds, or other Fences, at their own Costs and Charges, and from Time to Time maintain and support the said Posts, Rails, Hedges, Ditches, Mounds, and other Fences so to be made as aforesaid, in case the Owner or Owners of such Lands or Grounds adjoining to such Railway or Tram Road, or any of them respectively, shall at any Time desire

Railway to be
fenced off.

desire the same to be fenced off, or in case the said Company of Proprietors shall think proper to fence off the same, instead of Gates being erected as aforesaid; and the said Company of Proprietors shall also 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 Grounds; and that then and in every such Case the Powers, Provisoos, Directions, and Regulations herein-before contained with respect to the Gates and other Works as aforesaid, shall extend and apply and be applicable to the making and maintaining of such Fences as fully and effectually to all Intents and Purposes as if the said Powers, Provisoos, Directions, and Regulations were now repeated and re-enacted with respect to such Fences.

Lords of
Manors may
erect Wharfs
on their own
Lands:

LXXXIII. And be it further enacted, That it shall be lawful for the Lord or Lords, Lady or Ladies of any Manor or Manors, and the Owner or Owners of such Lands or Grounds, near to, through, or by which the said Railway or Tram Road or any Part thereof shall be made, to erect and use any Wharfs, Landing Places, Cranes, Weigh Beams, or Warehouses, in or upon his, her, or their respective Wastes, Lands, or Grounds adjoining or near to the said Railway or Tram Road or any of them, and to land any Goods or other Things upon such Wharfs or Landing Places, or upon the Banks lying between the same and the said Railway or Tram Road, or any Part thereof (except at the Extremity of the said Railway or Tram Road, at the Town of *Mansfield*, as herein mentioned), and also to make and use proper and convenient Places for Waggons, Carts, and other Carriages to lie and turn in, and pass each other, so that the making or using thereof do not obstruct or prejudice the Passage of the said Railway or Tram Road; and that all Rates or Tolls which shall be paid for the Use of such Wharfs, Landing Places, Cranes, Weigh Beams, and Warehouses respectively, shall be and the same are hereby accordingly vested in the Lord or Lords, Lady or Ladies of such Manors, or the Owner or Owners of such Lands or Grounds, who shall make and erect the same as aforesaid, and his, her, or their Representatives, so that the Rates and Powers herein granted to the said Company of Proprietors be not thereby reduced, altered, or infringed.

But if they
refuse when
required by
the Com-
pany, the
Company
may erect the
same.

LXXXIV. And be it further enacted, That if any such Lord or Lords, Lady or Ladies, Owner or Owners, shall not, within the Space of Six Calendar Months next after Notice in Writing to him, her, or them, or left at his, her, or their last or most usual Place or Places of Abode, by or on Behalf of the said Company of Proprietors, signifying that any Part of such Wastes, Lands, or Grounds is necessary or proper to be used by them for the Purpose of erecting and making Wharfs, Landing Places, Warehouses, and Buildings for the Use of the said Railway or Tram Road, make, erect, and lay out, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs and Landing Places, Warehouses, and Buildings for the Use of the said Railway or Tram Road, as any Two Justices for the said Counties within their respective Jurisdictions shall think necessary, on the respective Part or Parts of the Wastes, Lands, and Grounds described in such Notice, then and in every or any such Case the said Company of Proprietors shall have

have full Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Wastes, Lands, or Grounds, (not being the Ground whereon any House or other Building stands, or any Garden, Orchard, Yard, Park, planted Walk, or any Avenue to any House, except as herein-before mentioned) for erecting and building proper and sufficient Wharfs, Landing Places, Warehouses, and Buildings, agreeably to such Notice, to be delivered as aforesaid.

LXXXV. And be it further enacted, That at the Extremity of the said Railway or Tram Road at *Pinxton* the said Company of Proprietors shall and they are hereby required to make, erect, and build and maintain, and keep in good Repair, proper and sufficient Wharfs, Landing Places, Warehouses, and Buildings adjoining the said Railway or Tram Road, such as the said Justices shall think necessary for the Reception of Goods, Wares, and Merchandize passing along the said Railway or Tram Road; and that the said Company of Proprietors shall be paid for the housing of Goods, Wares, and Merchandize, in any Warehouse or Warehouses so to be built by them as aforesaid, such Sum as the said Justices shall from Time to Time fix and determine, the same not being more than One Penny for every Package not exceeding Fifty-six Pounds Weight; and above Fifty-six Pounds Weight and not exceeding Five hundred Pounds Weight, Twopence; and not more than after the Rate of Sixpence *per* Ton for any Package exceeding Five hundred Pounds Weight: Provided, that nothing herein contained shall prevent the Owner or Owners of any Land adjoining the said Railway or Tram Road, at the Extremity thereof, at *Pinxton*, and which shall not be taken and used by the said Company of Proprietors for the Purposes aforesaid, from making, erecting, or building any Wharfs, Landing Places, Cranes, Weigh Beams, or Warehouses in or upon his, her, or their said respective Lands.

Directing
Wharfs and
Warehouses
at *Pinxton*.

LXXXVI. And be it further enacted, That the said Company of Proprietors shall make Satisfaction for the Lands or Grounds taken and used by them for the Purpose of making any such Wharfs, Landing Places, Warehouses, and Buildings as aforesaid, in such Manner as is herein directed with respect to any other Lands or Grounds which shall be taken or used by the said Company of Proprietors for the Purposes of this Act.

Compensa-
tion to be
made for
Lands taken
for Ware-
houses.

LXXXVII. And be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any other Person or Persons, to make use of any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, which shall be set out, erected, or made by the Lord or Lords, Lady or Ladies of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near to the said Railway or Tram Road, for his, her, or their own private Use only, or to set up, erect, or use any Cranes or Weighing Machines in or upon any such Wharfs, Quays, or Landing Places, without the Consent of such Lord or Lords, Lady or Ladies, Owner or Owners, unless such private Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouse, shall be erected without previous Consent in Writing of the said Company of Proprietors, and they the said Company of Proprietors shall deem the same

Company
not to use
Wharfs, &c.
made by
Owners of
Lands.

[Local.]

II G

necessary

necessary for the Purposes of the said Undertaking, in which Case the same shall or may be used in the same Manner as if the same had been set out, erected, or made in pursuance of and for the general Purposes of this Act.

Limiting the Wharfage to be taken by Individuals who may erect Wharfs.

LXXXVIII. And be it further enacted, That no more than the Sum of One Penny *per* Ton shall be demanded or taken by any such Lord or Lords, Lady or Ladies, Land Owner or Land Owners, who shall make, erect, or build any such Wharfs or Quays, or make or lay out any Roads to and from the said Railway or Tram Road, in pursuance of the Notice to be given by or on Behalf of the said Company of Proprietors to such Lord or Lords, Lady or Ladies, Owner or Owners, for that Purpose as aforesaid, or by the said Company of Proprietors themselves, under the Power herein for that Purpose contained (as the Case may be), for the Wharfage of Coals, Culm, Limestone, Clay, Iron, Ironstone, Lead Ore, or any other Ores, Timber, Stone, Bricks, Tiles, Slates, or Gravel, nor more than Two-pence *per* Ton for the Wharfage of any other Goods or Things where the same shall be respectively placed and remain upon any such Wharfs or Quays, and shall not continue thereupon for a longer Space of Time than Twenty-one Days: Provided always, that in case any of the said Articles shall be left and remain in and upon any such Wharfs or Quays for the Space of Ten Days over and above the Time hereby limited for the same respectively, then the Owners or Owner of such Articles shall pay to the Proprietors of such Wharfs or Quays One Penny *per* Ton for such Ten Days, and One Penny *per* Ton for every further Day which such Articles shall remain upon such Wharfs or Quays after the Expiration of Ten Days: Provided always, that it shall be lawful for the said Company of Proprietors to erect, repair, and use any Cranes or Weighing Machines upon any such Wharfs or Quays last mentioned, for the more convenient loading and unloading and weighing of any such Minerals or other Goods, Wares, Merchandize, or Commodities, in case the Proprietors of such Wharfs or Quays shall neglect or refuse to make and erect the same for the Space of Three Calendar Months after they shall have received Notice in Writing for that Purpose from the said Company of Proprietors, or when so erected neglect or refuse to keep the same in Repair; any Thing in this Act contained to the contrary thereof notwithstanding.

Damage to Lands, &c. not before provided for, to be maintained by Commissioners.

LXXXIX. And be it further enacted, That if at any Time or Times hereafter any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, Hereditaments, or Property, by reason of the Execution of any of the Powers hereby given, and for which no Remedy is herein-before provided, then and in every such Case the Recompence or Satisfaction for such Damage shall from Time to Time be settled and ascertained in such Manner as is herein-before directed in respect to any other Recompence or Satisfaction herein-before mentioned.

Payment of Subscriptions.

XC. And be it further enacted, That the several Persons who have subscribed, or who shall hereafter subscribe, to advance any Money for or towards making and maintaining the said Railway or Tram Road and other Works hereby authorized to be made, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called

called for by the said Committee, under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Company of Proprietors, or the said Committee, in Manner before mentioned; and in case any Person or Persons shall refuse or neglect to pay the same at the Time and in Manner required for that Purpose, it shall and may be lawful for the said Company of Proprietors to sue for and recover the same in any Court of Law or Equity.

XCI. Provided always, and be it further enacted, That in all Places where it may be necessary to erect or build any Bridge or Bridges to communicate with any public Carriage Road, the Ascent to every such Bridge, for the Purpose of such Road, shall not be more than One Foot in Thirteen, and that 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.

Regulations as to Ascent to Bridges and Height of Fence.

XCII. And whereas the probable Expence of making the said Railway, and other Works hereby authorized to be made, will amount to the Sum of Twenty-two thousand eight hundred Pounds, and the Sum of Nineteen thousand one hundred Pounds; being more than Four-fifth Parts thereof, has been already subscribed by several Persons under a Contract binding themselves, their Heirs, Executors, Administrators and Assigns, for the Payment of the several Sums by them subscribed respectively; be it therefore enacted, That the whole of the said Sum of Twenty-two thousand eight hundred Pounds shall be subscribed in like Manner before any of the Powers given by this Act shall be put in force.

Whole of Expence to be subscribed before the Work is commenced.

XCIII. Provided always, and be it further enacted, That in case the said intended Railway or Tram Road shall not have been completed and made (unless prevented by inevitable Accidents) within the Space of Three Years to be computed from the passing of this Act, then, from and after the Expiration of the said Term of Three 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 intended Railway or Tram Road and Works as shall have been declared and certified to have been completed within the said Term by the Justices of the Peace of the said Counties of *Nottingham* or *Derby*, assembled at any Quarter Sessions of the Peace to be holden in and for the said Counties, at any Time before the Expiration of the said Term of Three Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of One or more Witness or Witnesses upon Oath, to be produced before them for that Purpose).

If Railways be not completed within the Space of Three Years, Powers of this Act to cease, except as to Parts certified to have been completed within the Time.

XCIV. And be it further enacted, That all Penalties or Forfeitures for Offences against this Act, or any Rule, Bye-law, or Order to be made by the said Company of Proprietors or Committee as aforesaid, shall, upon Proof of the Offences respectively before any Justice of the Peace for the said Counties of *Nottingham* and *Derby*, or for the Place where the same shall be committed, either by the Confession of the Party or Parties, or by the Oath of any credible Witness, be levied and recovered by Distress and Sale of the Goods and Chattels of the Party or Parties by Warrant under

Recovery of Forfeitures.

under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant), and the Overplus, after such Penalties or Forfeitures, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the County or Place where such Offence shall be committed, there to remain without Bail or Mainprize for such Time as such Justice shall direct, not exceeding Two Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges attending the Recovery thereof, shall sooner be paid and satisfied; and such Penalties and Forfeitures, the Application whereof is not herein-before particularly directed, shall go and belong to the said Company of Proprietors, and be applied for the Purposes of this Act.

Persons ag-
grieved by
Irregularity
in Distress
to recover
Damages.

XCV. 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 the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damages in an Action upon the Case.

XCVI. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justice or Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case may require; *videlicet*,

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 [or Place, as the Case
' may be, specifying the Offence, and Time and Place when and where the
' same was committed]. Given under my Hand and Seal, the Day and
' Year aforesaid.'

Proceedings
not to be
quashed for
want of
Form.

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

XCVIII. And

XCVIII. And be it further enacted, That any Person or Persons who may think himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye-law, or Order of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace, may within Two Calendar Months after such Order or Determination shall have been made or given, appeal to the Justices of the Peace at any General Quarter Sessions to be held for the County or Place where such Appeal shall happen or arise, first giving Fourteen Days Notice at the least in Writing, of such Intention to appeal, to the Parties interested in such Complaint; and the said Justices shall in a summary Way hear and determine the said Appeal at such Sessions, or, if they think proper, may adjourn the Hearing thereof to the next General Court of Quarter Sessions of the Peace to be held for the said County or Place; and if they see Cause may mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye-law, Order, 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 in their Judgment shall think right, just, and reasonable.

Person aggrieved may appeal.

XCIX. And be it further enacted, That no Action, Suit, or Information, shall be brought, commenced, or prosecuted against any Person or Persons for any Thing to be done in pursuance of this Act or of any the Powers or Authorities, or any of the Orders made, given, or directed in, by, or under this Act, unless One Calendar Month's previous Notice in Writing shall be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Information, to the said Company of Proprietors, or their Clerk or Treasurer for the Time being, nor unless such Action, Suit, or Information shall be brought or commenced within Three Calendar Months next after the Fact 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, and not afterwards, and shall be laid or brought in the County or Place where the Matter in Dispute or Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information, shall and may plead the General Issue, and give this Act and the special Matter in Evidence upon any Trial to be had thereupon, and that the same was done in pursuance and under the Authority of this Act; and if it shall appear to have been so done, or if such Action, Suit, or Information shall have been brought or commenced before or after the respective Times so limited for bringing or commencing the same, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared, or if a Verdict shall have passed against the Plaintiff or Plaintiffs, or if on Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have such Remedy for the same as any Defendant hath for Costs of Suit in any other Case by Law.

Limitation of Actions.

[Local.]

II H-I

C. And

Public Act.

C. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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