



ANNO QUINQUAGESIMO NONO

GEORGI III. REGIS.

Cap. cxv.

An Act for making and maintaining a Railway or Tramroad from *Crabtree*, in the Parish of *Egg Buckland* in the County of *Devon*, to communicate with the Prison of War on the Forest of *Dartmoor*, in the Parish of *Lydford* in the said County. [2d July 1819.]

WHEREAS the making and maintaining a Tramroad or Iron Railway, for the Passage of Waggons and other Carriages, from or from near a Place called *Prince Town*, in the Parish of *Lydford* in the County of *Devon*, through the several Parishes, Townships, and Places herein-after mentioned, at or near to a Place call *Crabtree*, in the Parish of *Egg Buckland* in the said County, will be the Means of opening a more easy Communication between such Places, and afford a cheaper Conveyance for Stone, Lime, Limestone, Coal, Culm, Manure, Goods, Wares, Merchandize, and other Matters of various Kinds, and will be of most material Benefit and Convenience 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 Tramroad ; but the same cannot be effected without the Authority of Parliament : May it therefore please your Majesty that it may be enacted ; and be it enacted by the 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

[Local.]

Proprietors.

rity of the same, That Sir *Manassah Masseh Lopes* Baronet, Sir *Thomas Tyrwhitt*, Sir *William Elford* and Company, *William Balcombe*, *Benjamin Tucker*, *George Hunt*, *John Julian*, *Thomas Cook* Royal Navy, *P. L. O'Reilly* Royal Navy, *N. Chapman* Royal Navy, Captain *John Pascoe* Royal Navy, *Edmund Lockyer*, *Edmund Lockyer* (for his Grand Children), *Boyle* Royal Navy, Reverend *William Radcliffe*, *James Glencross*, *William Hodge*, *Thomas Husband*, *Charles Carpenter*, *George Spurien*, Admiral Sir *Herbert Sawyer* Knight Commander of the Bath, *Thomas Billing*, *J. Tingcombe*, *J. Clark Langmead*, *John Pridham*, *Edward Hoxland*, Mrs. *Aitcheson*, *John Powning*, Messrs. *Saunders and Son*, *Samuel Pym*, *William Stuart*, Miss *Jane Paddon*, *Richard Dunning*, *G. T. Dunning*, *John Symons*, *Abel Mackrill*, *Ralph Franco*, Captain *Bennett*, *L. Congdon*, *J. Garland*, *G. Pritchard*, *R. Perring*, *R. Kilby Cox*, Miss *Helen Cox*, *Kendall (Exeter)*, Lieutenant *W. Green* Royal Navy, the Right Honourable Lord *Graves*, General *Samuel Hulse*, *Robert Gray*, Sir *William Congreve* Baronet, *W. H. Tonkin*, *J. Arthur*, *Long*, Sir *Tyrwhitt Jones* Baronet, *Yewens*, Sir *Lawrence Palk* Baronet, Reverend *J. H. Mason*, *J. Shillibeer*, *J. B. Lausada*, *William Hallet*, *Treby Hayes*, *Richard Rodd*, Major *Julian*, the Earl of *Yarmouth*, *Richard Wilson*, *Thomas Rowland*, *Albany Saville*, Miss *O'Reilly*, Miss *B. O'Reilly*, *J. Congdon*, Captain *Brooking*, *J. Brooking*, *J. F. Elliott Drake* and others, 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 Tramroad, 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 *Plymouth and Dartmoor* 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 Tramroad, to be called 'The *Plymouth and Dartmoor* Railway,' on which Waggon and other Carriages, to be constructed as herein-after mentioned, may pass from *Prince Town* aforesaid, in the Parish of *Lydford*, through certain Inclosures in the Parish of *Walkhampton*, by *Peake Hill*, to a certain Place or Tenement called *Dousland's Barn*; from thence to a Place called *Jump*, in the Parish of *Bickleigh*, and into and through the several Parishes of *Lydford*, *Walkhampton*, *Meavy*, *Egg Buckland*, *Buckland Monachorum*, *Bickleigh*, and *Tamerton Foliot*, to and from a Place called *Crabtree*, in the said Parish of *Egg Buckland*, and to and from the intermediate Parishes or Places, all in the said County of *Devon*; 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,

Their Powers.

mentioned, such Parts thereof as they shall think necessary and proper for making or altering the said Railway or Tramroad, 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, sough, 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 Tramroad or other Works, out of the Lands or Grounds of any Persons, Bodies Politic, Corporate, or Collegiate, adjoining or contiguous to such Railway or Tramroad, and which may be proper, requisite, or necessary for making, carrying on, continuing, maintaining, altering, or repairing the said Railway or Tramroad, and other Works, or upon the Lands adjoining to the same, such and so many Bridges, Piers, Arches, Tunnels, Wharfs, Houses, Warehouses, Toll Houses, Weighing Beams, Cranes, Fire Engines, 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 Tramroad, and other Works, on the Lands or Grounds adjoining 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 Tramroad; and also to make, set out, and appoint such Roads and Ways, convenient for hauling or drawing of Waggons and other Carriages passing upon the said Railway or Tramroad, with Men, Oxen, or Horses, or otherwise, and proper Branches or Turn-out Places for the Waggons or other Carriages either to remain or to 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 Tramroad 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 Tramroad and other Works to be made or constructed in pursuance 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 Provisoos and Restrictions as are herein-after mentioned and contained.

II. Provided

Crossings.

II. Provided always, That where the said Railway or Tramroad shall cross any Turnpike Road or Public Highway, the Ledge or Flank of such Railway or Tramroad, for the Purpose of guiding the Wheels of the Carriages, shall not exceed One Inch in Height above the Level of such Road.

Houses not to be taken except such as are mentioned.

III. Provided always, That nothing herein contained shall authorize and 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 Tramroad 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; 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.

IV. And whereas Maps describing the Line of the said intended Railway or Tramroad, 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 been deposited with the Clerk of the Peace of the said County of *Devon*; be it therefore enacted, That the said Maps and Books of Reference shall from Time to Time remain and be kept with the said Clerk of the Peace, and the 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 hereinafter mentioned by the said Company of Proprietors; and that all and every Person or 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 Sixpence, 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.

V. And

V. And be it further enacted, That the said Company of Proprietors, in making the said Railway or Tramroad, shall not deviate more than Three hundred Yards, except in Cases where the same is carried over Waste Lands, from the Course or Direction delineated in the said Plan, and set forth in the said Book of Reference.

Deviation from the Line laid down in the Plan.

VI. Provided always, and be it enacted, That the said Company of Proprietors may make the said Railway or Tramroad 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 of the Peace for the County of *Devon*, 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.

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

VII. And be it further enacted, That the Lands and Grounds to be taken or used for making or using the said Railway or Tramroad shall not exceed Twelve 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 Warehouse, Cranes, or Weighbeams 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 Tramroad; and in such Places the Lands and Grounds so to be taken shall not exceed Sixty Yards in Breadth in any Place, without the Consent in Writing of the Owners of the Lands adjoining to the said Railway.

Breadth of the Land to be taken for the Railway.

VIII. 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 Tramroad 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 and may be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, Husbands, 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

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

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:

Form of
Conveyance
to the Com-
pany.

‘ I in consideration of the Sum of to
‘ me paid by the *Plymouth* and *Dartmoor* Railway Company, do hereby,
‘ by virtue of the Powers contained in an Act of Parliament passed in
‘ the Fifty-ninth 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 Company 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 to the said Company of Proprietors and their Suc-
‘ cessors for ever, by virtue and according to the true Intent and Meaning
‘ of the said Act. In witness whereof I have hereunto set my Hand and
‘ Seal, the Day of in the
‘ Year of our Lord

And all such Conveyances shall be kept by the Clerk or Clerks to the said Company of Proprietors, who shall from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive the Sum of Sixpence *per* Sheet for every attested Copy, reckoning One hundred Words for every Sheet; and every such Conveyance shall be valid and effectual: Provided always that all Contracts, Agreements, Bargains, and Sales of any Lands, Grounds, or Hereditaments which are of the Nature of Copyhold shall be executed and completed by Surrender thereof in the respective Courts of the Manors whereof the same are held, according to the Custom of the said Manors respectively, and shall remain subject to such and the same Fines, Rents, and Services as the same would have been subject to if this Act had not been made.

Where small
Parcels of
Land, are in-
tersected,
Company
compellable
to purchase
the whole.

IX. And be it further enacted, That if in making the said Railway or Tramroad, any Pieces or Parcels of Ground shall be cut through and divided so that what shall be left on each or either Side of the said Railway or Tramroad shall be less than One Acre in Quantity, or less than Fifty Yards in Breadth, and if the Owner or Owners of any such Pieces or Parcels of Ground shall not have any other Land or Ground adjoining to what shall be so left on each or either Side of the said Railway or Tramroad, then and in every such Case the said Company of Proprietors shall also take and purchase the Piece or Parcel, Pieces or Parcels of Ground so left on each or either Side of the said Railway or Tramroad, being less than One Acre in Quantity, or less than Fifty Yards in Breadth as aforesaid, and shall pay for the same after the Rate and in the same Manner as they shall pay for the Land or Ground adjoining thereto which shall be taken and used for making the said Railway or Tramroad, provided the Owner or Owners or Person or Persons entitled in Possession to the Rents and Profits of such small Pieces or Parcels of Ground respectively shall require the said Company of Proprietors to take and purchase the same, but not otherwise.

The Com-
mons or
Waste Lands,

X. And be it further enacted, That in all Cases where, in making the said Railway or Tramroad and other Works hereby authorized, there shall

shall be Occasion to cut through, take, or use any Part of any Commons or Wastes, the Conveyance of such Parts of such 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, and Compensation for such Part of the said Commons and Wastes as shall be required to be taken for making the said Railway or Tramroad 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 Tramroad, or other Works hereby authorized, shall be made, may accept and receive Satisfaction for the Value of such Lands and Hereditaments, and for the Damage 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 Verdict of a Jury, if required, as is herein-after directed.

Satisfaction to be made.

XII. And be it further enacted, That in case of any Difference of Opinion between the said Company of Proprietors, or their Agents, and any Bodies Politic, Corporate, or Collegiate, Trustees, or other Person or Persons interested in or entitled to any Lands, Tenements, or Hereditaments, relative to the Price or Value, Damages or Recompence to be given for the same, to be taken or used for the Purposes of this Act; and in case such Price or Value, Damages or Recompence, cannot be settled, adjusted, and agreed for by and between the said Company of Proprietors or their Agents, and such Proprietors or Persons interested in the Lands, Tenements, or Hereditaments 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 offered to be paid by such Company of Proprietors, or shall, upon Notice in Writing given to the principal Officer or Officers of such Bodies Politic, Corporate, or Collegiate; then and in every such Case it shall and may be lawful for the said Company of Proprietors, 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 County of *Devon*, 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,

For settling Differences as to the Price of Lands, &c.

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 at least Eighteen 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 Company of Proprietors, and at such Time and Place as in such Warrant or Warrants shall be appointed; 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 Jury are hereby empowered to summon and call before them all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question; and the said Company of Proprietors may order and authorize the said Jury, or any Six or more 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 Company of Proprietors is hereby empowered to administer,) shall enquire 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 Company of Proprietors shall give Judgment for such Purchase Monies or Recompence to be assessed by such Juries; which said Verdict, and the Judgment thereupon pronounced as aforesaid, shall be signed by the said Company of Proprietors, and 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 Fifty Pounds; and if any Person so summoned and returned 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 Company of Proprietors, 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.

Expences of
Commission-
ers and Jury.

XIII. 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

prietors as aforesaid, then all the Expences of summoning such Jury and calling such Inquest shall 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 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 summoning such Jury and taking such Inquest shall 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 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 Company of Proprietors 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.

XIV. And be it further enacted, That all and every Person and Persons making Complaint and requesting such Jury shall, before the said Company of Proprietors 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 Company shall appoint, not exceeding the Sum of One hundred 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 herein-before mentioned: Provided always, that the said Company of Proprietors 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 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 Six 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.

Persons requesting a Jury to enter into a Bond to prosecute.

Notice of Inquiry to be given to the Proprietors before Complaints made.

XV. And be it further enacted, That the said Company of Proprietors 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

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

[*Local.*]

34 Q

distinguish

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.

XVI. And be it further enacted, That every such Jury and Jurymen as aforesaid shall be under and subject to the same Regulations, Pains, and Penalties as if such Jury or Jurymen 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 Company of Proprietors, 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.

Verdict to be recorded; and to be good Evidence.

XVII. And be it further enacted, That all Determinations of the said Company of Proprietors which shall be submitted and acquiesced in by the Parties concerned, and also the Verdicts of the Juries, and the Judgments of the said Company thereon as aforesaid, shall be transmitted to and be kept by the Clerk of the Peace for the said County of *Devon*, 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 such Inspection the Sum of Two Shillings and Sixpence 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.

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

XVIII. And 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 such Juries in manner aforesaid, as the Purchase Money for any such Lands, Tenements, or Hereditaments, or as a Compensation for the yearly Produce or Profits thereof, or as a Compensation for Damages, as hereinbefore-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 Tramroad, or other Works, without the Consent of the Person or Persons respectively.

XIX. 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, or seised 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 *Plymouth* and *Dartmoor* Railway Company, together with the Name or Names of such Person or Persons as any Five or more of the Committee of Management of the said Company of Proprietors 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 Purchase 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 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
of Compen-
sation Money
where ex-
ceeding 200*l.*

XX. Provided

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

XX. 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 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 Option, to Three Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the Committee of Management of the said Company of Proprietors (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.

Application where Money is less than 20*l.*

XXI. Provided always, 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 so 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 Company of Proprietors, or any Five or more 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 so entitled respectively.

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

XXII. 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, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making claim

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 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.

XXIII. 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 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.

Respecting
disputed
Titles.

XXIV. 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 of 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 and may 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 of 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.

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

XXV. 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,

Mode of
rating Pro-
perty of the
Company.

[*Local.*]

34 R

Wharfs,

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, Dimensions, or Description, in the respective Parishes where the same shall be situate, are or shall be assessed and 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.

XXVI. 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.

Requiring Company to give the first Offer of Land not wanted for the Purpose of this Act to the Persons from whom it was purchased.

XXVII. 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 seised of more Land or Ground than will be necessary for effecting the Purposes of this Act; be it further 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 or dispose of any such Piece or Pieces of Land or Ground, shall first offer to resell 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 there-

upon

upon 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 County of *Devon*, 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 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 re-purchasing 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.

XXVIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute amongst themselves, in such Proportions as they may think proper, a competent Sum of Money for making and completing the said Railway or Tramroad, and the Ways, Quays, Wharfs, and other Works and Conveniences belonging or requisite thereto, not exceeding in the Whole the Sum of Twenty-seven thousand seven hundred and eighty-three Pounds, except as herein-after mentioned; and the same shall be divided into Shares of Fifty 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 or 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

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

Application of Money to be raised.

carrying on the same in manner herein directed and appointed ; and that all the Money to be raised by the said 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 Tramroad and other Works, and for and towards furnishing and providing Horses and Waggon 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.

XXIX. 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 the Proprietors to be entered; and Tickets of their Shares delivered to them.

XXX. 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 into 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 the 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 the Ticket.

‘ The *Plymouth and Dartmoor* Railway Company.

‘ Number

‘ THESE are to certify, That _____ 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
 ‘ _____ his [*or her*] Executors, Administrators, [*or*
 ‘ Successors,] and Assigns, is and are entitled to the Profits and Advan-
 ‘ tages of such Share. Given under the Common Seal of the said Com-
 ‘ pany, the _____ Day of _____ in the Year of our
 ‘ Lord _____

XXXI. And

not exceeding the Sum of Five thousand Pounds; 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-seven thousand seven hundred and eighty-three Pounds; any thing herein contained to the contrary thereof in anywise notwithstanding.

Power to
raise Money
by Mortgage.

XXXIII. Provided always, and be it further enacted, That in case the said Company of Proprietors shall be desirous of raising the said Sum of Five thousand Pounds herein-before 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 Five 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.

‘ Number

‘ **BY** virtue of an Act made in the Fifty-ninth Year of the Reign of His
 ‘ Majesty King *George* the Third, intituled [*here set forth the Title of*
 ‘ *this Act*], We, the *Plymouth* and *Dartmoor* Railway Company, incor-
 ‘ porated 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 Com-
 ‘ mon Seal, this Day of in
 ‘ the Year of our Lord

And all and every Person or Persons to whom such Mortgage or Assign-
 ment 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

according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of Priority of any such Assignment, or on any other Account whatsoever; and a Memorial of every 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 whatsoever; which Transfer shall and may be in the Words or to the Effect following; (that is to say,)

‘ I [or we] of in Form of
 ‘ consideration of the Sum of paid by of Transfer.
 ‘ do hereby transfer a certain Mortgage, Number
 ‘ made by the *Plymouth* and *Dartmoor* 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 ’

And every such Transfer shall within Twenty-eight Days after the Date thereof be produced to the Clerk of 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.

XXXIV. 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 and 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 Thirty Days next after the same shall become due and payable as aforesaid, and after Demand made thereof, that then it shall be lawful for any Creditor or Creditors whose Interest shall be so in arrear, by an Order under his or their Hand or 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

Interest of Money borrowed to be paid in preference to the Dividends, or may be sued for at Law.

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 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.

Mortgagees not to vote on account of having lent Money.

First and other General Assemblies.

Committee to be elected.

XXXV. 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 Royal Hotel, *Plymouth*, on the Third *Tuesday* next after the passing of this Act, or as soon after as conveniently may be, at the Hour of Twelve at Noon; 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, and 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 Tramroad, 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 Parts of the said Railway or Tramroad 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

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 Tramroad 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.

XXXVI. 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 Twenty Shares or Subscriptions of Fifty 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 Three Weeks, 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 same Place at the Day Three Weeks next following, 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 Fifty Pounds which he or she shall possess in the said Undertaking, the Sum of Two Shillings and Sixpence, 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 Interests 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 Two Shillings and Sixpence 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 Twenty Shares.

XXXVII. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act into execution a Special
 [Local.] 34 T General

Assemblies of Proprietors may be

specialy convened.

General Assembly of the said Company of Proprietors is necessary to be held, it shall be lawful for any Three or more of the said Proprietors, who shall each of them be possessed of or entitled unto Two Shares or Subscriptions of Fifty Pounds each, or upwards, at the least in the said Undertaking, to cause Fourteen Days Notice at the least to be given thereof in some Newspaper usually circulating in the said County; 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 such Acts of the Proprietors, or the major Part of them, met together at every such Special General Assembly (provided such Proprietors shall be possessed of at least One hundred and twenty Shares or Subscriptions of Fifty 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 appointed.

XXXVIII. 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 Officers, 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 Officers, 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 Company of Proprietors, *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 and 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

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 a 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.

XXXIX. 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 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.

Books of
Account to
be kept.

XL. 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 Imparlanche, shall be allowed.

Same Person
not to act as
Clerk and
Treasurer.

XLI. 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 *per Centum* upon each Share, and so as no Calls be made but at the Distance of Two Calendar Months 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 a 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 a casting Vote; and

Powers of the
Committee
for making
Calls.

Expences of
the Com-
mittee to be
paid.

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 themselves a reasonable Sum of Money out of the Capital Stock of the said Proprietors for their Expences in attending such Meeting, not exceeding Five Shillings 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, 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 One Calendar Month's 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 shall 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

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*.

XLII. 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 thereof 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.

Subscribers to have Notice before their Shares are forfeited.

XLIII. 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 allege 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 so much 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 Two Calendar Months from the last preceding Call, or without Notice given as aforesaid.

Directing the Proceedings in the Action for Calls.

XLIV. 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 Controul 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

Committee to be under the Controul of General Assemblies.

[*Local.*]

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Special

Special Assembly; such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

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

XLV. 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 every 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 by such Owner or Owners in his, her, or their Lifetime, 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 Conditions 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 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.

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

‘ I in consideration of paid by me to
‘ I do hereby grant, bargain, sell, and transfer unto the said
‘ Share or Shares [as the Case may be] of the Undertaking called
‘ The

‘ ‘ The *Plymouth and Dartmoor Railway*,’ to hold to him the said
 ‘ ‘ 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 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 One Shilling 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.

XLVII. 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.

XLVIII. 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 and 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 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.

For granting
new Deeds
when any of
the old ones
are destroyed
or worn out.

XLIX. 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

Proof to be
given of the
Title to Shares
acquired by
Marriage, or

Letters of
Administra-
tion.

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 thereof, or such Letters of Administration, shall be produced and shewn to the 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 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.

Rates of
Tonnage.

L. And in consideration of the great Charge and Expence which the said Company of Proprietors must incur and sustain in making and maintaining the said Railway or Tramroad, 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 Tramroad, 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 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 Sixpence *per Ton per Mile*:

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And

And for all other Goods, Commodities, Wares, and Merchandize, 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 Tramroad 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 Half Mile from each other, or at such other Distance as the said Company of Proprietors or their Committee shall think fit.

LI. And be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time, at any General Assembly, 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 Fifty-six Pounds Weight upon the said 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 Twenty Shillings, at the Discretion of the Justice before whom such Person shall be convicted.

Power to fix
Price of small
Parcels.

LII. And be it further enacted, That it shall and may be lawful to and for the said Company, from Time to Time and at all Times for ever, to ask, demand, take, and receive, to and for their own proper Use and Benefit, the several further Tolls following; that is to say,

Company
empowered
to take Toll
for Horses,
&c. passing
on Railway.

For every Horse, Colt, Mule, Ass, or other Beast, (not carrying or drawing any Mineral, Goods, or Commodities in respect whereof a Rate, Toll, or Duty is herein-before made payable,) which shall or may go or travel upon the said Railway, and shall pass through or by any Stop Gate, or any Gate or Toll House to be erected upon or across the same by
[Local.] Horse,

the said Company of Proprietors or their Successors, and before such Horse, Colt, Mule, Ass, or other Beast shall be permitted to pass through or by the same, any Sum not exceeding Three-pence :

For all Cows, Horned or Neat Cattle (except Sheep and Swine), which shall or may go or be driven loose upon the said Railway, and shall pass through or by any such Stop Gate or other Gate or Toll House as aforesaid, and before such Cows and Horned and Neat Cattle shall be permitted to pass through or by the same, any Sum not exceeding One Penny each :

For all Swine and Sheep, any Sum not exceeding Three-pence *per* Score.

Collector of such Tolls to deliver Tickets.

LIII. Provided always, and be it further enacted, That the Collector or other Person appointed by the said Company to receive the said Rates or Tolls shall, on Payment thereof, give and deliver to the Person or Persons paying the same a Ticket, specifying the Day when and the Number of Horses or other Beasts or Cattle for which the same shall be paid, and that such Rates or Tolls shall not be demanded or taken or be payable more than once in every one Day upon such Tramroad (to be computed from Twelve of the Clock at Night to Twelve of the Clock on the succeeding Night), for the same Horse, Colt, Mule, Ass, Cow, or Horned or Neat Cattle, Pigs, Sheep, or other Beast which shall pass or repass through or by all or any of the Stop Gates or other Gates or Toll Houses to be erected upon or across such Railway, so that the Person or Persons who shall be travelling with or attending such Horse, Colt, Mule, Ass, or Horned or Neat Cattle, Pigs, or Sheep, or other Beast, do and shall produce to the Collector or other Person appointed by the said Company to receive such Rate or Tolls, at every such Stop Gate or other Gate or Toll House through or by which the same shall pass or repass (if demanded), the Ticket which he, she, or they shall have received at the Stop Gate or other Gate or Toll House on the same Railway at which he or they shall have already paid such Toll.

Recovery of Rates.

LIV. 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 Tramroad, 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 of 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, 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.

LV. And be it further enacted, That every Toll Collector appointed, either by the said Company of Proprietors or by any Lessee or Lessees under them, to collect the Rates or Tolls payable at any Gate to be erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately upon his coming on Duty, each of the Letters of such Name to be at least one Inch in Length and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Rates or Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Rate or Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of this Act, or shall refuse to permit or suffer or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having been paid the said Rates or Tolls, or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to deliver a Ticket *gratis* denoting the Payment thereof, and naming and specifying the several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Railway, or shall without sufficient Cause detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be levied, recovered, and applied in such and the same Manner as other Penalties are by this Act directed to be levied, recovered, and applied.

Toll Collectors to put up their Names on some conspicuous Place, and continue the same while on Duty.

LVI. And be it further enacted, That upon the Payment of the Rates or Tolls granted by this Act at any Gate erected by virtue thereof, the Collector or Receiver thereof respectively shall and he is hereby required to deliver *gratis* to the Person paying such Toll a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Company; and there shall be printed and specified thereon the Name of the Gate or Gates freed by such Payment.

Tickets denoting Payment of Toll to be provided.

LVII. 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 Goods, Wares, or Merchandize along the said Railway, any greater or less Rate or Toll than is authorized by this Act, such Lessee, Renter, or Collector shall for every such Offence forfeit any Sum not exceeding Forty Shillings; and every such Collector, not being the Lessee or Renter, shall for every such Offence forfeit any Sum not exceeding Forty Shillings; such Penalties respectively to be recovered in such Manner as hereby directed with respect to the Penalties to be inflicted

Punishing Collectors taking greater or less Tolls than authorized by this Act.

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.

For settling
Disputes con-
cerning Tolls.

LVIII. And be it further enacted, That if any Dispute shall happen about the Amount of the Rates or Tolls granted by this Act, or the Charges of making, keeping, or selling any Distress, it shall and may be lawful for the Collector or the Person so distraining to retain such Distress or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Tolls due, and the Charges of the Distress and Sale, and of keeping the Distress, be ascertained by some Justice of the Peace for the County or Place wherein such Dispute shall happen to arise, who, upon Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or other Witness or Witnesses, (which Oath such Justice is hereby authorized to administer,) and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Warrant under the Hand of such Justice, rendering the Overplus (if any), upon Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Effects shall have been so distrained and sold.

Company em-
powered to
lease the
Rates.

LIX. 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 Tramroad, 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 Lessee or Lessees 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 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.

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

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

LX. 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 Tramroad, 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

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 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.

LXI. 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 and for One Hundred Weight, any Usage to the contrary notwithstanding.

Weight of
Tonnage
ascertained.

LXII. 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 (if any), after deducting such Costs and Damages, and the Expences of such Distress and Sale, upon Demand, to the said Company.

If any Differ-
ences con-
cerning
Weight, Col-
lectors may
weigh or
measure
Waggons.

LXIII. And be it further enacted, That all Persons shall have free Liberty to pass upon and use the said Railway or Tramroad, with Carts, Waggon, and
[Local.]

Passage on
the Railway,
&c. to be

free, upon
Payment of
Rates of
Tonnage.

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.

No Waggon
to pass on
Railway un-
less properly
constructed.

LXIV. And be it further enacted, That no Person or Persons shall pass upon any Part of the said Railway or Tramroad 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 Tramroad for collecting the Rate of Tonnage by this Act imposed, (except in passing along or 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 Tramroad;) and that if any Person or Persons shall pass upon any Part of the said Railway or Tramroad, 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.

Owners to
put their
Names on
Outside their
Waggons.

LXV. 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 Tramroad 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 of 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 every Waggon or other Carriage (except as aforesaid) which shall pass on any Part of the said Railway or Tramroad, 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 of
Waggons
answerable
for Damages.

LXVI. And be it further enacted, That the Owner or Owners of every Waggon or other Carriage passing upon the said Railway or Tramroad 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 Tramroad 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 Witness or Witnesses, (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 Forty 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: 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 to such Owner or Owners; and in case of Nonpayment 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 Six Calendar Months.

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

Company to regulate the Passage on the Railway.

LXVII. 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 Tramroad 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 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.

Penalty on Persons obstructing the using of the Railway or Works.

LXVIII. 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 Tramroad or other Works to be erected and made by virtue of this Act, 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 transported for the Term of Seven Years, 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.

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

LXIX. 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 Tramroad 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 Tramroad, and also all Arches, Culverts, Ditches, Drains, and Passages over and under or by the Side of the said Railway or Tramroad, of such Dimensions and in such Manner as any Two Justices of the Peace for the said County 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 Tramroad 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 Tramroad, or any other Matter or Thing to be done in pursuance of this Act; and all such Gates, Arches, Culverts, Hedges, 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, Hedges, 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 Thirty Days next after the Time

to

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, Hedges, 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, Hedges, Ditches, Drains, and Passages as aforesaid, the said Railway or Tramroad, 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, Hedges, Drains, and Passages as aforesaid, by the said Company of Proprietors, within the Space of Thirty Days 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 at Law, to be commenced and prosecuted in such Manner as in other Cases is by this Act directed.

LXX. 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 Tramroad shall be made do or shall, at any Time or Times hereafter, apprehend that any of the Gates, Arches, Culverts, Hedges, Ditches, Drains, and Passages respectively, which the said Justices shall have so directed or appointed to be made by the said Company of Proprietors, are insufficient, either in Number or Situation, for the commodious Use and Occupation of the respective Lands or Hereditaments through which the said Railway or Tramroad 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, Hedges, 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 Tramroad, in such Places as shall be

Owners of Lands empowered to erect Gates on Insufficiency of those erected by the Company.

[*Local.*]

found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands or Hereditaments, and to répair 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 Tramroad 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, Hedges, 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 Tramroad 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 Tramroad 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 Tramroad.

Owners of adjoining Lands may lay Collateral Branches.

LXXI. 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 Tramroad from laying down any Collateral Branch or Branches in or upon their respective Lands or Grounds, to communicate with the said Railway or Tramroad, nor from making at their own Expence such Openings in the Hedges or Flanches of the said Railway or Tramroad 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.

Railway to be fenced off.

LXXII. 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 Tramroad, to divide and separate, and keep constantly divided and separated, the same from the Lands or Grounds adjoining to such Railway or Tramroad, 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 Tramroad, or any of them respectively, shall at any Time 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.

LXXIII. And

LXXIII. 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 Works, Lands, or Grounds near to, through, or by which the said Railway or Tramroad, or any Part thereof, shall be made, to erect and use any Wharfs, Landing Places, Cranes, Weighbeams, or Warehouses, in or upon his, her, or their respective Waste Lands or Grounds, adjoining or near to the said Railway or Tramroad, 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 Tramroad, or any Part thereof, (except at the Extremity of the said Railway or Tramroad at *Prince Town*, as herein mentioned,) and also to make and use proper and convenient Places for Waggon, 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 Tramroad; and that all Rates or Tolls which shall be paid for the Use of such Wharfs, Landing Places, Cranes, Weighbeams, 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.

Lords of Manors may erect Wharfs on their own Lands.

LXXIV. Provided always, and be it further enacted, That if any such Lord or Lords, Lady or Ladies, Owner or Owners, shall not within the Space of Two 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 Tramroad, 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 Tramroad, as any Two Justices for the said County 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 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.

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

LXXV. 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.

Compensation to be made for Lands taken for Warehouses.

LXXVI. 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,

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

Cranes, Weighbeams, 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 to the said Railway or Tramroad, 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, Weighbeams, or Warehouses 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 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.

LXXVII. 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 Tramroad, 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, and 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 Halfpenny *per* Ton for every further Day which such Articles shall remain upon such Wharfs or Quays after the Expiration of Ten Days: Provided also, 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 Land, &c. not before provided for, how to be ascertained.

LXXVIII. 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 Damages shall from Time to Time be settled and ascertained

ascertained in such Manner as is herein-before directed in respect to any other Recompence or Satisfaction herein-before mentioned.

LXXIX. And be it further enacted, That the several Persons who have subscribed and who shall hereafter subscribe to advance any Money for or towards making and maintaining the said Railway or Tramroad 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 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.

Payment of Subscriptions.

LXXX. 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-seven thousand seven hundred and eighty-three Pounds, and the Sum of Twenty-two thousand two hundred and twenty-four 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-seven thousand seven hundred and eighty-three 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.

LXXXI. Provided always, and be it further enacted, That in case the said intended Railway or Tramroad shall not have been completed and made (unless prevented by inevitable Accidents) within the Space of Five Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Five 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 Tramroad 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 County of *Devon*, assembled at any Quarter Sessions of the Peace to be holden in and for the said County at any Time before the Expiration of the said Term of Five 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 Five Years, Powers of this Act to cease, except as to Parts certified to have been completed within the Time.

LXXXII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve upon the said Company any Notice or Notices, or any Writ or Writs or other legal Proceedings, the Service upon one of the Committee of Management to be appointed by virtue of this Act, or left at his last or usual Place of Abode, or upon the Clerk or Clerks of the said Company, or left at the Office or usual Place of Abode of such Clerk or Clerks, shall be deemed good and sufficient Service of the same respectively upon the said Company.

Directing what shall be allowed Service of Notice on the Company.

Recovery of
Forfeitures.

LXXXIII. 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 Offenders respectively, before any Justice of the Peace for the said County of *Devon*, or for the Place where the Offence 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 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 Overplus of the Charges of such Distress and Sale, when 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 hereinbefore particularly directed, shall go and belong to the said Company of Proprietors, and be applied for the Purposes of this Act.

Persons
aggrieved by
Irregularity
in Distress
to recover
Damages.

LXXXIV. 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.

Form of
Conviction.

LXXXV. 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*,

‘ *Devon* } **B**E it remembered, That on the Day of in the
‘ to wit. } Year of our Lord
‘ is convicted before me One of His Majesty’s Justices of
‘ the Peace for the County of *Devon* [*or Place, as the Case may be, spe-*
‘ *cifying 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.

LXXXVI. 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.

LXXXVII. And

LXXXVII. And be it further enacted, That any Person or Persons ^{Persons ag-} who may think himself, herself, or themselves aggrieved by any Order or ^{grieved may} Judgment made or given in pursuance of any Rule, Bye Law, or Order of ^{appeal.} the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace, may, within Two Calendar Months next 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 to arise, first giving Fourteen Days Notice at least in Writing of such Intention to appeal, and of the Matter thereof, 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 just and reasonable.

LXXXVIII. 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.

LXXXIX. Pro-

Saving the
Rights of the
Trustees of
Plymouth
Eastern
Turnpike.

LXXXIX. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of passing this Act the Trustees acting under and by virtue of an Act passed in the Fifty-fourth Year of the Reign of His present Majesty, intituled *An Act for altering and enlarging the Term and Powers of Three Acts made for repairing the High Road leading from Brent Bridge in the County of Devon to Gashing Gate in or near the Borough of Plymouth in the said County of Devon*, do or may lawfully claim, use, or exercise under or by virtue of the said recited Act; any thing herein contained to the contrary thereof in anywise notwithstanding.

Public Act.

XC. 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.

SCHEDULE to which this Act refers.

| Description of Property and Parishes. | Owners. | No. on the Plan. | Occupiers. |
|---|---|------------------|--|
| Parish of Lydford, Part of the Forest of Dartmoor | His Royal Highness the Prince of Wales, Duke of Cornwall, &c. &c. | 1 | Rev. James Holman Mason. |
| Walkhampton | Do. | 2 | The Honourable the Commissioners of the Transport Service. |
| Part of Lake Tenement | Sir M. Masseh Lopes Bart. | 1 | John March. |
| | Do. | 2 | |
| | Do. | 3 | |
| Part of Lake and Doustland Tenements | Do. | 4 | Sir M. Masseh Lopes Bart. |
| | Do. | 5 | |
| | Do. | 6 | |
| | Do. | 7 | |
| Part of Boram Tenement | Do. | 8 | John Damerell, |
| | Do. | 9 | |
| Part of Peeke Hill Tenement | Do. | 10 | James Brown. |
| | Do. | 11 | |
| | Do. | 12 | |
| | Do. | 13 | |
| Part of Peeke Hill Tenement | Do. | 14 | James Creber. |
| | Do. | 15 | |
| | Do. | 16 | |
| Part of Peeke Hill Tenement | Do. | 17 | Elizabeth Cowling. |
| | Do. | 18 | |
| Part of Horseyeat Tenement | Do. | 19 | John Creber. |
| Part of Horseyeat Tenement | Do. | 20 | Henry Glanvill. |
| | Do. | 21 | |
| | Do. | 22 | |
| Crofts | Do. | 23 | James Barter King. |
| Crofts | Do. | 24 | William Spur. |
| Horn Hill | Do. | 25 | James Barter King. |
| Part of Routrendle Tenement | Do. | 26 | William Kivell. |
| | Do. | 27 | |
| | Do. | 28 | |
| Part of Easter Green Tenement | Do. | 29 | Richard Adams. |
| | Do. | 30 | |
| | Do. | 31 | |
| | Do. | 32 | |
| Meavy Part of Lake Barton | Thomas Harris Esq. | 33 | John Edmund. |
| | Do. | 1 | |
| | Do. | 2 | |
| | Do. | 3 | |
| | Do. | 4 | |
| | Do. | 5 | |
| | Do. | 6 | |
| | Do. | 7 | |
| Do. | 8 | | |

| Description of Property and Parishes. | Owners. | No. on the Plan. | Occupiers. |
|--|--|------------------|---------------------------------|
| Part of Lake Estate - | Hon ^{ble} Lord Ashburton - | 9 | James Blatchford. |
| | Do. - - - - - | 10 | |
| | Do. - - - - - | 11 | |
| | Do. - - - - - | 12 | |
| Buckland Monachorum Maber Furze Brake - | Thomas Trayton Fuller Elliot Drake Esq. - | 1 | James Creber. |
| Part of Elford Town, Barton | James Brooking Esq. - | 2 | James Brooking Esq. |
| | Do. - - - - - | 3 | |
| | Do. - - - - - | 4 | |
| | Do. - - - - - | 5 | |
| | Do. - - - - - | 6 | |
| Part of Lake Estate - | Jonas Rideout Esq. - | 8 | Thomas Caunter. |
| | Do. - - - - - | 9 | |
| Part of Lake Estate - | Richard Creber - | 10 | Richard Creber. |
| | Do. - - - - - | 11 | |
| | Do. - - - - - | 12 | |
| | Do. - - - - - | 13 | |
| | Do. - - - - - | 14 | |
| Bickleigh, Part of Jump Inclosures | Sir M. Masseh Lopes Bart. - | 1 | John Bollstone. |
| | Do. - - - - - | 2 | |
| | Do. - - - - - | 3 | |
| Part of Lower Leigh - | Do. - - - - - | 4 | John Hamblin. |
| Part of Jump Inclosures | Do. - - - - - | 5 | |
| | Do. - - - - - | 6 | Thomas Warn. |
| | Do. - - - - - | 7 | |
| Part of Higher Leigh | Do. - - - - - | 8 | Messrs. John and William Smith. |
| | Do. - - - - - | 9 | |
| | Do. - - - - - | 10 | |
| | Do. - - - - - | 11 | |
| | Do. - - - - - | 12 | |
| Part of Higher Frogmore. | Do. - - - - - | 13 | William Towl. |
| | Do. - - - - - | 14 | |
| | Do. - - - - - | 15 | |
| Tamerton Foliot Part of Widewell Estate | James March - | 1 | James March. |
| | Do. - - - - - | 2 | |
| | Do. - - - - - | 3 | |
| | Do. - - - - - | 4 | |
| Part of Bellaford Barton | Sir M. Masseh Lopes Bart. - | 5 | Thomas Billing Esq. |
| Eggbuckland Part of Efford Barton | John Clark Esq. - | 1 | William Cork. |
| | Do. - - - - - | 2 | |
| | Do. - - - - - | 3 | |
| | Do. - - - - - | 4 | |
| Part of Stone and Allipit Estates | John Clark Esq. - | 5 | John Saunders. |
| | Do. - - - - - | 6 | |
| | Do. - - - - - | 7 | |
| | Do. - - - - - | 8 | |
| | Do. - - - - - | 9 | |
| | Do. - - - - - | 10 | |
| | Do. - - - - - | 11 | |

| Description of Property and Parishes. | Owners. | No. on the Plan. | Occupiers. |
|--|------------------------------|------------------|---------------------------------|
| Part of Leigham, Barton, and Shallowford | Addis Archer Esq. | 12 | Addis Archer Esq. |
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| Part of Bowey Tenement | Proprietors of Plymouth Bank | 28 | John Buckel. |
| Pool Park and Orchard | Henry Tolcher Esq. | 29 | John Parsons. |
| | Do. | 30 | |
| Part of Thornbury Estate | Do. | 31 | Messrs. John and Sampson Revel. |
| | Do. | 32 | |
| | Do. | 33 | |
| Thornbury Furze Brakes | Do. | 34 | Henry Tolcher Esq. |
| | Do. | 35 | |
| Eggbuckland | John Briggs Esq. | 36 | John Luscombe. |
| | Do. | 37 | |
| | Do. | 38 | |
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| | Do. | 45 | |
| Do. | 46 | | |
| Part of Fullaford Barton | John Langmead | 47 | William Hancock. |
| | Do. | 48 | |
| Part of Fancy Barton | Sir John St. Aubyn Bart. | 49 | John Tonkin Esq. |
| | Do. | 50 | |
| | Do. | 51 | |

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