



ANNO SEXTO

GEORGII IV. REGIS.

Cap. cxxi.

An Act for making and maintaining a Railway or Tramroad in the Parish of *Saint George*, in the Island of *Portland*, in the County of *Dorset*.

[10th June 1825.]

WHEREAS the making and maintaining of a Railway or Tramroad for the Passage of Waggons and other Carriages from certain Lands called *The Priory Lands*, within the Island of *Portland* in the County of *Dorset*, through and over the same, and other Lands and common or commonable Grounds, to the Stone Piers near *Portland Castle*, on the Northern Coast of the said Island, all situate in the Parish of *Saint George* in the said Island, would afford a cheaper Conveyance for Stone from the Stone Quarries of the said Island, and would tend to the Improvement of the Estates in the Vicinity of the said Railway or Tramroad, and in other respects be of public Utility: 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 Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Gabriel Tucker Steward*, *Richard Augustus Tucker Steward*, *Rebecca Steward*, *John Charles Tucker Steward*, the Reverend *Edward Tucker Steward*, *Robert Browne*, *Thomas*

Proprietors
incorporated

[Local.]

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Richardson

Richardson the younger, George Frampton, Richard Lano, Hall Wake, Thomas Daniel, Benjamin Hatchard, Thomas Dike, Bartholomew Comden, George Buckham, John Searle, 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 hereinafter mentioned and expressed, and shall for that Purpose be One Body Corporate, by the Name and Stile of "The Portland 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 the said Company of Proprietors shall have Power and Authority from Time to Time 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 and dispose of the said Lands and Hereditaments again, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain.

Company
may make
Railway.

II. And be it further enacted, That the said Company of Proprietors shall be and they are hereby authorized and empowered, by themselves and their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain a Railway or Tramroad, to be called "The Portland Railway," passable for Waggons and other Carriages, to be constructed as herein-after mentioned and appointed, from certain Lands called *The Priory Lands*, within the Island of *Portland* in the County of *Dorset*, through and over the same and other Lands and common or commonable Ground, to the Stone Piers near *Portland Castle*, on the Northern Coast of the said Island, all situate in the Parish of *Saint George*, in the said Island; 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, Body or Bodies Politic, Corporate, or Collegiate, whatsoever, according to the Directions and Provisions of this Act, and to survey and take Levels of the same, or any Part thereof, and to set out, ascertain, and appropriate, for the Purposes herein mentioned, such Parts thereof as they shall think necessary and proper, for making and 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 these 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 Person or Persons, Body or 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 which may hinder, prevent, or obstruct the making, using, completing, altering, extending, or maintaining the same, according to the Intent and Meaning of this Act; and also to make, build, erect, bank, excavate, or set up, in, under, or upon the said Railway or Tramroad and other Works, or upon the Lands adjoining to the same, such

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and

and so many Bridges, Piers, Arches, Houses, and Toll Houses, Cranes, 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 or Horses, or otherwise, and proper Places for Waggons and other Carriages to turn, lie, or pass each other, as the said Company of Proprietors shall think convenient; and to construct, erect, and keep in repair any Bridges, Piers, Arches, and other Works, in, upon, and across any Roads, 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 or other Works, to be made and constructed in pursuance and according to the true Intent and Meaning of this Act; they, the said Company of Proprietors, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction, in manner herein-after mentioned, to the Owners or Proprietors of, and all Persons interested in any Lands, Tenements, or other Hereditaments, which shall be taken, used, removed, diverted, or injured, 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, or 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: Provided

Crossings.

III. And be it further enacted, That the Furnace of every Steam Engine to be erected under or by virtue of the Powers of this Act, shall be constructed upon the Principle of consuming its own Smoke.

Steam Engines to consume their Smoke.

IV. And be it further enacted, That in all Places where it may be necessary to erect or build any Bridge or Bridges, to communicate with any public Carriage Road, the Ascent to every such Bridge for the Purpose of such Road shall not be more than One Foot in Thirteen, and that a good and sufficient Fence shall be made on each Side of every such

Ascent to Bridges and Height of Fence.

such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Plan and Book of Reference to remain with the Clerk of the Peace for the County of Dorset.

Not to deviate from the Plan more than 100 Yards.

Land Owners omitted in Book of Reference not to obstruct making the Railway or Tramroad.

Houses and Gardens not to be used.

Breadth of the Land to be taken for Railway or Tramroad.

V. And whereas a Survey has been taken of the Line of the said Railway or Tramroad, and a Map or Plan, with a Book of Reference thereto, has been deposited with the Clerk of the Peace for the County of *Dorset*; be it further enacted, That the said Map or Plan, and Book of Reference thereto, shall remain in the Custody of the Clerk of the Peace for the County of *Dorset*, to the end that all Persons shall have Liberty, at all seasonable Times, to resort to and examine, or make Extracts from or Copies of the same, as Occasion shall require, paying to the said Clerk of the Peace the Sum of Two Shillings and Sixpence for every such Inspection, and for Copies or Extracts from the said Book of Reference at the Rate of One Shilling for every One hundred Words; and the said Map or Plan, and Book of Reference, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the said Company of Proprietors, in making the said intended Railway or Tramroad, shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Map or Plan, and set forth in the said Book of Reference.

VI. Provided also, and be it further enacted, That the said Company of Proprietors may make the said intended Railway or Tramroad, and other Works, into, through, across, or over the Lands or Grounds of any Person or Persons whomsoever, Body or Bodies Politic, Corporate, or Collegiate, whose Name or Names shall appear to the Satisfaction of any Two or more Justices of the Peace for the said County of *Dorset*, and to 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 some other Person or Persons, Body or 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.

VII. Provided always, and be it further enacted, That nothing herein contained shall authorize, or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Railway or Tramroad or other Works, or for any other of the Purposes of this Act, any House or other Building which was erected or built on or before the First Day of *January* One thousand eight hundred and twenty-five, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent in Writing of the Owners thereof first had and obtained.

VIII. And be it further enacted, That the Lands or Grounds to be taken or used for the making and using of the said Railway or Tramroad shall not exceed Fifteen Yards in Breadth (except in such Cases where it shall be adjudged necessary for Waggon or other Carriages to turn out, lie, or pass each other, or where any Cranes may be erected, or

or where any Places may be set out or appropriated for the Reception of any Stone, or other Goods, Wares, or Merchandize, which shall be conveyed on the said Railway or Tramroad, and except the Ground occupied by the Fences on the Sides thereof), and not above Seventy Yards in Breadth in any Place, without the Consent in Writing of the Owners of the Lands or Hereditaments adjoining the said Railway or Tramroad.

IX. And be it further enacted, That the said Company of Proprietors, or such Person or Persons as they shall for that Purpose appoint, is and are hereby authorized to contract and agree with any Person or Persons for making the said Railway or Tramroad, or any Part or Parts thereof, or any other of the Works hereby authorized to be made or done by the said Company, in such Manner, and for such Sum and Sums of Money, and under such Regulations and Restrictions, as the said Company shall think proper; and all Contracts in Writing, for any of the Purposes aforesaid, shall be binding upon the said Company, and all other the Parties thereto, and their respective Successors, Heirs, Executors, or Administrators; and Actions and Suits may be maintained thereon, and Damages and Costs recovered against the said Company, or either of the Parties failing in the Execution thereof.

Company may contract for the Works.

X. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall be set out and ascertained for making the said Railway or Tramroad, or any Part or Parts thereof, and for providing and constructing the other Works and Conveniences, and for doing the several other Matters or Things which the said Company of Proprietors are by this Act empowered or authorized to do or make, or any of them, it shall 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 Interests 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 Lands, Grounds, or Hereditaments which shall be so set out or ascertained for the Purposes aforesaid, to contract for, sell, and convey the same, and every Part thereof, unto the said Company of Proprietors; and all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever, so conveying as aforesaid, are hereby indemnified for what they shall respectively do in relation to any such Sale which he, she, or they, or any of them, shall make by virtue and in pursuance of this Act; and also 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, or as near thereto as Circumstances will admit; *videlicet,*

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

Contracts and Sales to be made at the Expence of the said Company.

[Local.]

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Form of
Conveyance
to the Com-
pany.

I, the Sum of _____ of _____ in consideration of
do hereby, by virtue of the Powers contained in an Act passed in the
Sixth Year of the Reign of His Majesty King *George* the Fourth,
intituled [*here set forth the Title of this Act*], grant and release to the
Company of Proprietors of "The *Portland Railway*" [*describing the*
Premises to be conveyed], and all my Right, Title, and Interest to and
in the same, and every Part thereof, and to hold to the said Company
of Proprietors, and their Successors, 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, this _____ Day of
in the Year of our Lord _____

And all such Conveyances shall be kept by the Clerk or Clerks of the
said Company of Proprietors, who shall from Time to Time, when
requested, deliyer attested Copies thereof to any Person or Persons
requiring the same, and shall have and receive the Sum of Sixpence for
every One hundred Words of each attested Copy, exclusive of Stamps,
and so in proportion for any less Number of Words; and every such
Conveyance to be made by virtue of this Act, in the Form and Manner
aforesaid, shall be valid and effectual to all Intents and Purposes whatso-
ever; any Law, Statute, Usage, or Custom to the contrary thereof in
anywise notwithstanding.

Company
compellable
to purchase
small Slips
of Land left
by Sides of
the Railway.

XI. And be it further enacted, That if, in making the said Railway or
Tramroad, or any of the said Works, any Pieces or Parcels of Land or
Ground shall be cut through and divided, so that what shall be left on
each or either Side of the Railway or Tramroad shall be less than Three-
fourths of an Acre in Quantity, or less than Twenty Yards in average
Breadth throughout the whole Length thereof; and if the Owner or
Owners of any such Pieces or Parcels of Land or Ground shall not have
any other Land or Ground adjoining or contiguous 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 become the
Purchasers of the said Land so left, being less than Three-quarters of an
Acre in Quantity, or less than Twenty Yards in average Breadth
throughout the whole Length thereof, as aforesaid, and pay for the same
after the Rate, and in the same Manner, as they shall pay for the Land
or Ground adjoining thereto, and taken and used for making the said
Railway or Tramroad; provided the Owner or Owners, or Person or
Persons entitled to the Possession, or to the Rents and Profits of such
small Pieces or Parcels of Land or Ground respectively, shall require the
said Company of Proprietors to take and purchase the same, but not
otherwise.

The Com-
mons or
Waste Lands
to be con-
veyed by the
Lords of the
Manors.

XII. And be it further enacted, That in all Cases where, in making the
said Railway or Tramroad, or other Works hereby authorized, there 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 on which the same are situate, to the said Company of Pro-
prietors, shall be a good and sufficient Conveyance (without the Com-
moners

moners 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, Compensation for such Part of the said Commons or 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 said Parish of *Saint George*; 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 the said Parish, and in no other Manner.

XIII. 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 Damages to be sustained by making or completing the said Works herein-before directed, in gross Sums; and from and immediately after the Time of making and executing any such Sale or Conveyance, or any Contract or Contracts for the same, the said Company of Proprietors may and shall be at liberty to enter upon, and thenceforth for ever to have, take, and enjoy, the said Lands or other Hereditaments, for the Purposes of this Act; 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 for Lands taken for the Railway or Tramroad.

XIV. And be it further enacted, That in case of any Difference of Opinion between the said Company of Proprietors, or their Agents, and any Body or 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 Body or 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 Recompence as shall be offered to be paid by the said Company of Proprietors, or shall, for the Space of Twenty-one Days next after Notice in Writing given to the principal Officer of any such Body or Bodies Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands or other Hereditaments for the Purposes of this Act, neglect or refuse to treat; or if any Person or Persons shall, by Absence or otherwise, be prevented from treating, shall not, within the before-mentioned Space of Twenty-one Days, produce

Differences respecting Price of Land, or Damages, to be settled by Jury.

produce and fully disclose the State of the Title to the Premises which he, she, or they is or are, or shall be in possession of, and to the Interest which they claim therein, then and in every such Case the said Company of Proprietors shall, and they are hereby empowered and required to issue a Warrant, under their Common Seal, to the Sheriff of the County of *Dorset*; and in case such Sheriff or his Under Sheriff shall be one of the said Company of Proprietors, or enjoy any Office of Trust or Profit under them, or shall be in anywise interested in the Matters in question, then to some one of the Coroners of such County who shall not be so interested as aforesaid, commanding such Sheriff or Coroner to impanel, summon, and return a Jury, and the said Sheriff, Coroner, or other Person is hereby required accordingly 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 Trials of Issues in His Majesty's Courts of Record at *Westminster*, to appear before the Justices of the Peace for the said County, at some Court of General or Quarter Sessions of the Peace to be holden for the same County, or at some Adjournment thereof, 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, such Sheriff or Coroner 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 Clerk of the Peace for the said County, or his Deputy, is hereby empowered and required to summon or call before the said Justices all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matter in question, and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matter or Matters in controversy; and such Jury, upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Justices are hereby empowered to administer,) shall inquire of, assess, and ascertain the Sum, or Sums of Money to be paid for the Purchase of such Lands or other Hereditaments, or the Recompence to be made for the Damage which shall or may be sustained as aforesaid, and shall assess separate Damages for the same; and the said Justices shall accordingly give Judgment for such Purchase Money or Recompence, so to be assessed by such Jury; which said Verdict, and the Judgment thereupon to be pronounced as aforesaid, shall be binding and conclusive, to all Intents and Purposes, against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever.

Fine on Sheriff making Default, and for Persons refusing to appear, &c.

XV. And be it further enacted, That if such Sheriff, or his Deputy, or other Person so directed to summon and return a Jury as aforesaid, shall make Default in the Premises, he shall, for every such Offence, forfeit the Sum of Fifty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, without sufficient Excuse, or appearing shall refuse to be sworn, or give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Person so to be summoned to give Evidence shall

shall not appear, without sufficient Excuse, after having been paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing shall refuse to be sworn, examined, or to give Evidence, then and in every such Case every Person so offending shall forfeit and pay, for the Benefit of the Party for whom or on whose Account such Jury or Witnesses shall be summoned, any Sum not exceeding Ten Pounds, to be levied by virtue of any Warrant under the Hand and Seal of any One of the said Justices, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, her, or them the Overplus, after such Penalty and the Charges and Expences of such Distress and Sale shall be deducted.

XVI. And be it further enacted, That every such Jury and Jurymen as aforesaid shall also be liable and subject to the same Regulations, Pains, and Penalties, as if such Jury and Jurymen had been returned for the Trial of an Issue joined in any of His Majesty's Courts of Record at *Westminster*; and all and every Person and Persons who, in any Examination to be taken by virtue of this Act, upon their Oath, shall wilfully and corruptly give false Evidence before any Justice of the Peace, acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the same Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable.

Respecting
Juries and
Witnesses.

XVII. And be it further enacted, That in every Case where the Verdict of a Jury shall be given for a greater Sum than shall have been previously offered or tendered by the said Company for the Purchase of any Lands, Grounds, Messuages, Tenements, or Hereditaments to be used or taken by them for the Purposes of this Act, or as a Compensation or Recompence for any Damage, Loss, or Injury which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury, and the Expence of Witnesses, shall be defrayed by the said Company, and such Costs and Expences shall be settled and determined by some Justice of the Peace for the County of *Dorset*, not interested in the Matter in question, (who is hereby authorized and required to settle the same, at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose); and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Ten Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, or of the Treasurer of the said Company, (unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Costs and Expences; but if the Verdict of the Jury shall not be given for a greater Sum than shall have been previously offered or tendered by or on behalf of the said Company, or if no Verdict shall be found for Damages where the whole Dispute shall be whether any Damage has or has not been done, then and in every such Case the whole of the Costs and Expences shall be

Expences of
Jury how to
be paid.

[Local.]

defrayed by the Person or Persons with whom the said Company shall have such Controversy or Dispute, and no Part thereof shall be defrayed by the said Company; and all such Costs and Expences, having been ascertained and settled by some Justice of the Peace of the said County, in manner herein-before described, shall and may be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as aforesaid, as so much Money advanced to and for his, her, or their Use, and the Payment or Tender of the Remainder of the Money so to be determined or adjudged shall be deemed and taken, to all Intents and Purposes whatsoever, to be a good Payment or Tender in Satisfaction of the whole Part thereof: Provided always, that in all Cases where, by reason of Absence in Foreign Parts, or from any other Cause of Disability not herein-before provided for, any Person or Persons shall have been prevented from treating and agreeing as aforesaid, the Whole of such Charges and Expences shall be borne and paid by the said Company.

Persons requesting Juries to enter into Bonds to prosecute.

Complaints for Damages to be made within Six Calendar Months.

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

Compensation Money to be apportioned.

XVIII. And be it further enacted, That all and every Person or Persons, with whom the said Company of Proprietors shall have any such Controversy or Dispute as aforesaid, shall, before the said Company of Proprietors shall be obliged to issue out their Warrant or Warrants for the summoning such Jury, first enter into a Bond, with Two sufficient Sureties, to the Treasurer of the said Company of Proprietors, in a Penalty of One hundred Pounds, to prosecute his, her, or their Complaint, and to bear and pay all the Costs and Expences of summoning and returning such Jury, and taking such Inquest, and of the summoning and of the Attendance of Witnesses, in case such Costs and Expences shall fall upon him, her, or them to be paid according to the true Intent and Meaning of this Act: 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 whomsoever, for any Injury or Damage by him or them sustained or supposed to be sustained by virtue or in consequence of this Act, unless Notice in Writing shall have been given in relation thereto, by or on behalf of such Person or Persons, to 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.

XIX. And be it further enacted, That the said Juries shall award all Determinations, Judgments, and Verdicts, which they shall respectively make and give concerning the Value of Lands and other Hereditaments, separately and distinctly from any Damages sustained or to be sustained as aforesaid, and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

XX. And be it further enacted, That the said Juries shall and they are hereby respectively empowered to settle what Shares and Proportions of the Purchase Money, or Compensation for Damages, which shall be agreed, determined, and adjudged, or assessed in manner as aforesaid, shall be allowed to any Tenant, or other Person or Persons having a particular Estate, Term, or Interest in the Premises, for such his, her, or their Interest or respective Interests therein.

XXI. And

XXI. And be it further enacted, That all the said Verdicts and Judgments shall be kept by the Clerk of the Peace for the said County of *Dorset*, among the Records of the Quarter Sessions for such County, and shall be deemed Records to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of Two Shillings and Sixpence, and no more, and also to take or make Copies thereof, paying for each Copy after the Rate of One Shilling for every One hundred Words.

Verdicts to be recorded.

XXII. And be it further enacted, That all and every Person or Persons who shall have any Mortgage or Mortgages on any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall, on the Tender of the Principal Money and Interest due thereon, together with the Amount of Three Calendar Months Interest on the said Principal Money, by the said Company of Proprietors or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Company of Proprietors; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Company of Proprietors, or their Clerk, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages, at the End or Expiration of Two Calendar Months to be computed from the Day of such Notice, that then at the End of the said Two Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, and their Interest or Interests in the Premises to the said Company of Proprietors, for the Uses and Purposes of this Act; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid, on such Tender or Payment, all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due upon any such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of the Premises, to be ascertained as directed by this Act, then the said Company of Proprietors shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of such Premises so ascertained as aforesaid: Provided also, that in case any such Mortgagee shall neglect or refuse to convey or assign as aforesaid, then, upon Payment of the Principal Money and Interest due on any Mortgage as aforesaid into the Bank of *England*, at the End of Two Calendar Months from the Day of giving such Notice as aforesaid, for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money, in like manner as is herein-after directed in Cases of other Payments into the Bank; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, shall vest in the said Company of Proprietors for the Uses and Purposes of this Act, and the said Company of Proprietors shall be deemed to be in the actual Possession of the Premises comprised in such Mortgage or Mortgages, to all Intents and Purposes whatsoever: Provided also, that if such Mortgage or Mortgages shall comprize any other Lands, Tenements, or Hereditaments than those which shall be so purchased or taken, such Mortgagee or Mortgagees shall,

Mortgagees to convey.

shall, upon Payment or Tender of the Sum so ascertained as the Value of the said Lands, Tenements, and Hereditaments as aforesaid, forthwith convey, assign, and transfer his, her, or their Interest on such Lands, Tenements, or Hereditaments so purchased as aforesaid, to the said Company of Proprietors, for the Uses and Purposes of this Act, and in Default of their doing so, and on Payment of such Monies into the Bank of *England* for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as above mentioned, and thereupon all the Estate, Right, Title, Interest, Uses, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all Person or Persons in Trust for them, in the said Lands, Tenements, or Hereditaments, the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the Trustees of the said Undertaking, for the Uses and Purposes of this Act; and the said Company of Proprietors shall be deemed to be in the actual Possession of the said Premises, to all Intents and Purposes whatsoever, and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

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

1 G. 4. c. 35.

XXIII. 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 of this Act for the Purposes thereof, which shall belong to any Body or Bodies Politic, Corporate, or Collegiate, Infant, Lunatic, Feme Covert, Tenant for Life or in Tail, or Person or Persons under any Disability or Incapacity as herein-before mentioned, 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 Exchequer, to be placed to his Account there, *ex parte* the Company of Proprietors of the *Portland* Railway, pursuant to the Method prescribed in and by an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, without Fee or Reward, to the Intent that such Money 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, Tenements, or Hereditaments, in the Purchase of the Land Tax, or in the Discharge of any Debt or Debts, or such other Incumbrances, or Parts thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where any 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, Tenements, 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, Tenements, or Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as

at

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, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or 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, Tenements, and Hereditaments, to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

XXIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any 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, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by 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 Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

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

XXV. Provided also, and be it further enacted, That where such Money so agreed, ordered, or awarded to be paid as next before mentioned shall not exceed Twenty Pounds then, and in every such Case the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for any of the Purposes of this Act, in such Manner as the said Company of Proprietors shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

If not exceeding 20*l.*

XXVI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make out a good Title to the Premises to the Satisfaction of the said

In case of not making a good Title, &c. the Money to be paid into the Bank.

[*Local.*]

35 Q

Company

Company of Proprietors; or in case such Person or Persons to whom 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, Tenements, 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 of Proprietors to order the said 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 said Court of Exchequer, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them) subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court of Exchequer, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of questionable Title, Person in Possession to be deemed entitled until contrary is shewn.

XXVII. And be it further enacted, That when 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 said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends and Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary thereof shall be shewn to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the 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 Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XXVIII. Provided also, 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, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the

like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Exchequer to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with all the necessary Costs and Expences of obtaining such Order, to be paid by the said Company of Proprietors, who shall from Time to Time pay such Sum of Money accordingly for such Purposes as the said Court shall direct.

XXIX. And be it further enacted; That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the said Parties, or assessed by any Jury or Juries in manner aforesaid, for the Purchase of any such Lands or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages as herein-before mentioned; to the Proprietor or Proprietors of any such Lands or Hereditaments, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, within One Calendar Month after the same shall have been actually so agreed for, determined, or awarded; or if the Person or Persons so entitled or interested, or any of them, shall not be able to make a good Title thereto, or cannot be found, or shall refuse to receive the same, or shall refuse to execute such Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then upon Payment of such Sum or Sums of Money into the Bank of *England* in manner by this Act directed and required, for the Use of such Person or Persons so interested or entitled as aforesaid, it shall be lawful for the said Company of Proprietors, and their Agents, Workmen, and Servants, immediately or at any Time to enter into and upon such Lands and other Hereditaments respectively, and then and thereupon such Land and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, or Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Company of Proprietors, to and for the Purposes of this Act, for ever; and such Tender or Payment 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 all other Estates in Reversion or Remainder, or his, her, or their Issue, and every other Person whomsoever, therein: Provided nevertheless, that before or until such Payment or legal Tender as aforesaid, it shall not be lawful for the said Company of Proprietors, or any Person acting under their Authority, to dig or cut any Land or Ground for the Purpose of making the said Railway or Tramroad, without the Leave or Consent in Writing of the Proprietor or Proprietors thereof respectively entitled to such Payment; and in case any Person or Persons shall enter upon any such Land, Ground, or Premises, and commit any such Offence, before or until such Payment or legal Tender shall have been made, each and every such Person so offending shall forfeit and pay the Sum of Ten Pounds for each and every Day he shall remain or be on such Land or Premises, to the Proprietor or Proprietors thereof.

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

XXX. And be it further enacted, That it shall be lawful for the said Company of Proprietors to sell and dispose of, either together or in Par-

Power to re-sell Lands not wanted.

cels, such Part or Parts of the Lands which shall be so purchased by or conveyed to them as aforesaid, as shall not be wanted for the Purposes of this Act; and such Conveyances from the said Company shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom to the contrary thereof notwithstanding: Provided always, that the said Company of Proprietors, before they shall sell and dispose of any such Lands, shall first offer the same to the Owner or Owners of the adjoining Land; the Price at which the same shall be re-sold being adjusted and settled by a Jury, in like manner as the Price of any Lands to be taken in pursuance of this Act is herein-before directed to be settled, in case of Difference or Dispute as to the Value thereof; and if such Owner or Owners shall not agree, it shall be lawful to and for any Person or Persons not interested in the Premises to make an Affidavit, to be sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County of *Dorset*, stating that such Offer was made by or on the behalf of the said Company of Proprietors, and that such Owner or Owners did not agree or did refuse to purchase such Lands; and such Affidavit shall in all Courts be sufficient Evidence and Proof that such Offer was made and not agreed to, or was refused; and the Money to arise by such Sale or Sales which may be made by the said Company of Proprietors of such Lands 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 Nonapplication of such Money.

The whole
of Expence
subscribed.

XXXI. And whereas the probable Expence of making the said Railway, and other Works hereby authorized to be made, will amount to the Sum of Four thousand six hundred and eighty-nine Pounds Twelve Shillings; and the Sum of Five thousand Pounds hath 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 it shall be lawful for the said Company of Proprietors to proceed in the Execution of this Act.

Proprietors
to raise Mo-
ney among
themselves
for making
the Railway
and other
Works.

XXXII. And be it further enacted, That it shall be lawful for the said Company of Proprietors to apply such Sum of Money, or a competent Part thereof, for making and completing the said Railway or Tramroad, and the Ways, Bridges, and other Works and Conveniences belonging or requisite thereto, not exceeding in the whole the said Sum of Five thousand Pounds; and the same shall be divided into Shares of Fifty Pounds each, and 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 the said Shares shall be and are hereby vested in the several Persons so raising and contributing to 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.

Profits to be
equally dis-
tributed.

XXXIII. And be it enacted, That 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

demanded in lieu thereof, towards carrying on and completing the said Undertaking, and other the Purposes of the said Subscription, shall be entitled to and receive, after the said Undertaking shall be completed, at such Time and Times as the said Company of Proprietors or their Committee shall, at a General or Special Meeting to be convened for that Purpose, (as Meetings on other Occasions are directed to be convened) direct and appoint, the entire and net Distribution of an equal proportionate Part, according to the Money so by them respectively paid, of the Profits and Advantages which shall or 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 or Persons, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same in manner herein directed and appointed.

XXXIV. And be it enacted, That all and every the Shares and Proportions of the Bodies Politic, Corporate, and Collegiate, and all other Person or Persons, of and in the said Undertaking, or the joint Stock or Firm of the said Company of Proprietors, shall be deemed Personal Estate, and transmissible as such, and not of the nature of Real Property.

Shares to be
Personal
Estate.

XXXV. And be it enacted, 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, in 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, Ways, Bridges, Works, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

Application
of the Money
to be raised.

XXXVI. And, for the better securing to the 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 or Clerks 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, she, or they is or are entitled in the said Undertaking, every such Proprietor paying the Clerk or Clerks to the said Company Two Shillings and Sixpence, 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 sell-

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

[Local.]

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ing

ing or disposing thereof, and which said Ticket or Instrument may be in the Words or to the Effect following; *videlicet*,

The *Portland* Railway Company.

Number
 THESE are to certify, That of
 is a Proprietor of the Share or Number , being
 One Share of , subject to the Rules, Orders, and
 Regulations 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 Advantages of such Share. Given
 under the Common Seal of the said Company, the
 Day of in the Year of our Lord .

Subscribers
 to have a Vote
 for every
 Share.

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

Form of Ap-
 pointment of
 Proxy.

I or We, and
 Guardians of , one of the Proprietors of the
 Portland Railway, do hereby nominate, constitute, and appoint
 to be my [or his, or her] Proxy, in my [or his, or her]
 Absence to vote, and give my [or his, or her] Assent or Dissent to any
 Business, Matter, or Thing relating to the said Undertaking, which shall
 be mentioned or proposed at any Meeting of the Company of Proprietors
 of the said Railway or Tramroad, in such Manner as the said
 shall think proper, according to his Opinion and Judgment,
 for the Benefit of the said Undertaking, or any thing appertaining
 thereto. In Witness whereof I [or we] have hereunto set my Hand
 [or our Hands], the Day of in the
 Year of our Lord .

All Questions
 to be decided
 by the Majo-
 rity of Votes.

And every Election of Committees and Officers, and every Question, Matter, and Thing whatsoever, which shall be proposed, discussed, or considered in any General or Special Assembly of the said Company of Proprietors to be held by virtue of this Act, shall be finally determined by the Majority of Votes and Proxies then present, computing One Vote to every Share

Share as aforesaid; and at every such Assembly One of the Proprietors then present shall be appointed Chairman, who shall not only have such Vote or Votes as a Proprietor as aforesaid, but shall also, in case of an equal Division, have the decisive or casting Vote.

XXXVIII. And be it further enacted, That in case the said Sum of Five thousand Pounds herein-before authorized to be raised shall be found insufficient for making, completing, and maintaining the said Railway or Tramroad, and other Works hereby authorized to be made, and for defraying all necessary Charges and Expences relating thereto, then and in such Case it shall and may be lawful for the said Company of Proprietors, by an Order of any General Assembly of the said Company of Proprietors, to borrow and take up at Interest all or any Part of the Sum of Two thousand Pounds on the Credit of the said Undertaking, in such Sum and Sums as to them shall seem meet and convenient; and the said Company of Proprietors or their Committee, after an Order of any General Assembly, are hereby authorized and empowered to assign the Property of the said Undertaking, and the Rates arising and 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 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; *videlicet*,

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

And all and every Person and Persons to whom such Mortgage or Assignment shall be made, shall be equally entitled, one with the other, to his, her, or their Proportion or Proportions of the said Rates and Premises, according to the respective Sums in such Mortgages or Assignments mentioned to have been advanced, without any Preference by reason of Priority of any such Securities, or on any other Account whatsoever; and a Memorial of every such Mortgage or 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 or Clerks of the said Company of Proprietors; which said Book or Books shall and may be perused at all seasonable

Mortgages
may be
transferred.

Form of
Transfer.

sonable 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 from Time to Time transfer his, her, or their Right and Interest therein to any Person or Persons whomsoever; which Transfer shall and may be in the Words or to the Effect following; *videlicet*,

‘ I [or We] of _____ in consideration of
 ‘ the Sum of _____ paid by _____ of _____
 ‘ do hereby transfer a certain Mortgage, Number _____, made
 ‘ by the *Portland* Railway Company to _____, bearing Date
 ‘ the _____ Day of _____, for securing the Sum
 ‘ of _____ and Interest, and all my [or our] Right and Pro-
 ‘ perty therein, to the said _____, his [or her] Executors,
 ‘ Administrators, and Assigns. Dated the _____ 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 or Clerks to the said Company of Proprietors, who shall cause a Memorial to be made thereof in like Manner as the original Mortgages or Assignments, for which the said Clerk or Clerks 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.

Interest of
Money bor-
rowed to be
paid in pre-
ference to
Dividends.

‘ XXXIX. 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 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 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 or unpaid by the Space of Thirty Days next after the same shall become due and payable as aforesaid, and after Demand thereof made, then it shall be lawful for any Creditor or Creditors, whose Interest shall be so in arrear, by an Order under his, her, 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 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 paid and satisfied; and after such Interest and Costs shall be fully satisfied and paid, the Power and Authority of such Receiver and Receivers, for the Purposes aforesaid, shall cease and determine; or otherwise the said Interest so due or unpaid as aforesaid shall be sued for and recovered, with Costs, by

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.

XL. And be it further enacted, That the First General Assembly of the said Company of Proprietors for putting this Act into Execution shall be held at *Weymouth* in the County of *Dorset*, within Two Calendar Months next after the passing of this Act; 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 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; 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 other Officer or Officers under them, and to choose and elect others in case of Death or other Vacancy, and to revoke, alter, amend, or change any of the Rules, Bye Laws, or Orders which may have been made by them by virtue of this Act, with regard to their Proceedings amongst themselves, as they shall think proper, (the Method of calling Special or General Assemblies, and their Time and Place of meeting and voting, and appointing Committees, only excepted), and shall also have Power and Authority to make such Rules, Bye Laws, and Orders, for the good Government of the said Company of Proprietors, their Deputies, Agents, Servants, and Workmen, for making, maintaining, and using the said Railway or Tramroad or other Works, and all other Conveniences, Matters, and Things which shall be made for the same, and also for and concerning all such Goods, Wares, and Commodities as shall be conveyed thereon, and also for the Management of all Persons who shall be employed in the conveying of any Goods, Wares, and Merchandize, and other Articles and Things, upon any Part of the said Railway or Tramroad or other Works, and from Time to Time to alter and repeal, and again to renew the said Rules, Bye Laws, and Orders, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the major Part of the Persons present at 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; and such Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company of Proprietors, and printed and published, shall be hung up and affixed on the Front of the Toll House or Toll Houses on the said Railway, and shall from Time to Time be renewed as often as the same, or any Part thereof, shall be obliterated, defaced, or destroyed; and such Rules, Bye Laws, and Orders 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

General Assemblies.

Committee to be elected.

United Kingdom of *Great Britain* and *Ireland* called *England*, or any Directions in this Act contained.

Audit of
Accounts.

XXI. And be it enacted, That every such General Assembly shall have Power to call for, audit, and settle all Accounts of 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 the Works thereunto respectively belonging.

Power to
adjourn.

XLII. And be it enacted, That 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.

General As-
semblies for
choosing
Committee
to consist of
Twenty-five
Shares.

XLIII. Provided always, and be it further enacted, That every General Assembly shall consist of at least Five Persons, who shall possess in their own Right, or represent by Proxy, at least Twenty-five Shares in the said Undertaking; but if at the Time and Place appointed for any such General Assembly there shall not be Five such Persons present, it shall be lawful for the Persons there present to appoint such other Time and Place for a General Assembly as they shall think proper.

Assemblies
of Proprie-
tors may be
specially con-
vened.

XLIV. 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 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 be possessed of or entitled unto Nine Shares in the whole in the said Undertaking, to cause Fourteen Days Notice at the least to be given thereof in some Newspaper circulated in the County of *Dorset*, and also in some Public Newspaper published in *London* or *Westminster*, 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.

Officers of
the Com-
pany to be
appointed,
and Security
taken.

XLV. And be it further enacted, That it shall be lawful for the said Company of Proprietors, at any General Assembly, and they are hereby required, from Time to Time to nominate and appoint a Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors of the Rates of the said Company, and such other Officers as they shall think proper; and to take sufficient Security from every such Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, 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 their respective Offices, as the said Company of Proprietors shall think proper; and from Time to Time to remove and to replace any such Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, or other Officer, or any of them; and such Clerk or Clerks 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

Persons who shall from Time to Time become Owners and Proprietors or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company of Proprietors and of the said Committee by virtue and under the Authority of this Act; and 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 or Clerks to 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 Clerk or Clerks shall refuse to permit any of the said Proprietors to inspect or peruse any such Books at all convenient Times and Seasons, or refuse to make any such Copy or Copies, in a reasonable Time, at the Rate aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, for the Benefit of the said Undertaking; and whenever any such Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, or other Officer, shall die, or be removed from or quit the Service of the said Company of Proprietors, it shall be lawful for the said Committee of such Proprietors for the Time being, or the Majority of them, to appoint some other fit Person or Persons to execute such Office or Offices, in the Place of him or them so dying, being removed, or quitting the said Service, until the next General Assembly of the said Company of Proprietors, when such Appointment of such Person or Persons to such respective Office or Offices shall either be confirmed, or such other fit Person or Persons appointed to succeed to such Office or Offices as the said Proprietors at such General or Special Assembly shall think proper; and all such Acts of the said Committee shall be conclusive, unless revoked by the General Assembly holden next after such Acts as aforesaid.

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

Office of Clerk and Treasurer not to be held by the same Person.

XLVII. And

Committee
empowered
to make Calls.

XLVII. 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 Subscribers to and 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 Five Pounds *per* Share upon each Share which any Person or Persons shall or may be possessed of or entitled unto in the said Railway or Tramroad, and so that no Calls be made but at the Distance of Two Calendar Months at the least from each other, and Twenty-eight Days Notice at the least shall be given of all such Calls as aforesaid, by Advertisement in some Newspaper circulated in the said County of *Dorset*, and also in some Newspaper published in *London* or *Westminster*; 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, until the next General Assembly to be holden in Manner aforesaid, meet at such Times and at such Places, and from Time to Time adjourn themselves to such other Time and Place, as they shall think fit.

Powers of
the Com-
mittee.

Proceedings
in case Calls
be not paid.

XLVIII. And be it enacted, That at all Meetings of the said Committee One of the Members shall be appointed Chairman; and all Questions, Matters, and Things, which shall be proposed, discussed, or considered at such Meeting, shall be finally determined by the Majority of Votes then present, the whole Number present not being at any one Time less than Three; but no Member of such Committee, although he may be a Proprietor of many Shares in the said Undertaking, shall have more than One Vote in the said Committee, (except the Chairman, who, in case of an equal Division, shall always have a Second and the casting Vote); 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 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 at *Westminster*, 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 Impar lance, 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 so 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 Two Pounds *per Centum per* Month upon the Amount of such Call or Calls, until the same shall be paid, to be levied in Manner aforesaid; or the said Company of Proprietors may and they are hereby authorized, at a General Meeting, to declare the Shares belonging to any Person refusing or neglecting to pay any such Calls in manner as aforesaid, to be forfeited 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: Provided always, that in case the Money produced by the Sale of any such Share or Shares shall be more than sufficient to pay any such Arrears as aforesaid, and legal Interest thereon, together with the Penalties incurred by Nonpayment, and the Expences attending the
Sale

Sale or Sales thereof, the Surplus arising from such Sale shall be paid to the Person or Persons to whom such Share or Shares shall have belonged; Provided also, that the said Company shall not, by virtue of this Act, at any Time or Times sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters, than shall be sufficient, as near as may be, at the Time of such Sale, to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest, Penalties, and Expences attending the same; and from and after the Payment of every the Call or Calls to be made by virtue of this Act, and the Interest, Penalties, and Expences as aforesaid, any Share or Shares vested in the said Company as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom such Share or Shares shall have before belonged, in such manner as if such Calls had been duly and regularly paid: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share or Shares in the said Undertaking, until personal Notice in Writing, under the Hand of the Clerk or Treasurer of the said Company of Proprietors, shall have been given to or left at the usual Place or Places of Abode of the Owner or Owners of such Share or Shares respectively, nor until the same Share or Shares shall have been declared to be forfeited at some Special or General Meeting of the said Company of Proprietors, which shall be held after the End of Two or more Calendar Months from the Day on which such Notice of Forfeiture shall have been given.

No Advantage to be taken of Forfeiture of Shares without personal Notice.

XLIX. And be it further enacted, That in any Action or Actions 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 said Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company of Proprietors in such Sum or Sums of Money as the Call or Calls in arrear shall amount unto, for such or so many Call or Calls, or 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 or Actions had 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 or Actions 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 thereof 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 be due.

Directing the Proceedings in Actions for Calls.

L. And be it further enacted, That such Committees 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

Committee to be under Controul of General Assemblies.

[Local.]

and Directions in and about the Premises as shall from Time to Time be made by the said Proprietors at any such General or Special Assembly, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Expences of Journeys of Committee for superintending Works to be paid.

LI. And whereas it may be expedient for such Committee to superintend the Execution of, or occasionally to give their Attendance at the Works of the said Undertaking; be it further enacted, That it shall be lawful for such of the said Committee as shall not reside in the said Island of *Portland*, or in the Borough of *Weymouth* and *Melcombe Regis*, in the said County of *Dorset*, and they are hereby allowed, out of the Capital Stock of the said Company of Proprietors, such a reasonable Sum of Money as will reimburse them for their travelling Expences to and from the said Works, including their reasonable Expences incurred for their Living while necessarily absent from Home on any such Occasion.

Shares may be sold.

LII. 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, from and after the Payment of the Sum of Five Pounds *per* Share by him, her, or them, on his, her, or their Share or Shares in the said Subscription, but not before, to sell and dispose of any Share or Shares to which he, she, or they shall be entitled therein, subject to the Rules and Conditions herein mentioned and provided; and the Form of Conveyance of Shares 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); *videlicet*,

Form of Conveyance.

‘ I of in consideration of the Sum of
 ‘ paid to me by do hereby grant,
 ‘ bargain, sell, assign, and transfer unto the said Share, or
 ‘ Shares, (*as the Case may be*) of and in the Undertaking called “The
 ‘ *Portland Railway Company*,” to hold to the said, his
 ‘ [*or her*] Executors, Administrators, and Assigns, subject to the same
 ‘ Rules, Orders, and Regulations, and on the same Conditions as 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, Regulations, and Conditions.
 ‘ As witness our Hands and Seals, the Day of

And on every such Sale the said Deed or Conveyance (being 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 or Clerks to the said Company of Proprietors shall have entered into a proper Book or Books, to be kept for that Purpose, a Memorial of such Transfer and Sale, for the Use of the said Company of Proprietors, and have testified and indorsed the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than One Shilling shall be paid; and the said Clerk or Clerks is or are hereby required to make such Entry or Memorial accordingly; and until such Memorial shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share or Shares paid to him, her, or them, nor any Vote or Votes in respect thereof, as a Proprietor or Proprietors of the said Undertaking.

LIII. And

LIII. 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, 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.

LIV. And whereas, by the Marriage or Death of Proprietors of Shares in the said Railway, it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid or may belong; be it therefore further enacted, That before any Person or Persons who shall claim any Part of the Profits of the said Railway in Right of Marriage shall be entitled to receive the same, or be entitled to vote in respect of any Shares, an Affidavit or solemn Affirmation by any Person of the Society of Quakers, in Writing, containing a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, shall be made and sworn to, or solemnly affirmed, by some credible Person, before a Master or Masters Extraordinary in Chancery, or any 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 the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry of Transfers of Sales of Shares in the said Railway; and that before any Person or Persons who shall claim any Part of the Profits of the said Railway, by virtue of any Bequest or Will, or in the Course of Administration, shall be entitled to receive the same, or be entitled to vote in respect of any Shares, the said Will, or the Probate thereof, or the Letters of Administration shall be produced and shewn to the said Clerk, or a Copy of so much of such Will as shall relate to the Share or Shares of the Testator or Intestate shall be made and sworn to, or solemnly affirmed to, by the Executor or Executors of the said Will, or the Administrator or Administrators of the Intestate, before a Master or Masters Extraordinary in Chancery, or any one of His Majesty's Justices of the Peace, as aforesaid, and shall also be transmitted to the said Clerk, who shall file and enter the same as herein-before mentioned; and that in all Cases, other than herein-before mentioned, when the Right and Property of any Share or Shares in the said Railway shall pass from the original Proprietor or Proprietors thereof to any other Person or Persons by any other legal Means than by a Transfer and Conveyance thereof as herein directed, an Affidavit or solemn Affirmation, in Writing, shall be made and sworn to, or solemnly affirmed to, by one or more credible Person or Persons, before a Master or Master Extraordinary in Chancery, or any one of His Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons; and such Affidavit or solemn Affirmation shall be transmitted

Regulations as to Acquisition of Shares:

By Marriage:

By Will, or in Course of Administration:

By any other Means.

transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors of the said Railway: Provided always, that such and similar Entries shall be made in the Register Books of the said Company of Proprietors, of all Transfers or Acquisitions or Devolutions of Mortgages, Assignments, or Securities on the said Tolls, Rates, and Duties (if any), by Sale or Assignment, Marriage, Will, Intestacy, or by any other Means as aforesaid, in order to ascertain the Parties who shall from Time to Time be Creditors on the said Railway, and entitled to receive the Interest of, or Dividends in respect of such Mortgages, Assignments, or Securities as aforesaid, as are herein-before directed with respect to Shares in the Joint Stock of the said Company of Proprietors, *mutatis mutandis*; and that the Clerk of the said Company shall be entitled to receive, for each and every of such Entries as is herein-before directed, the Sum of Two Shillings and Sixpence, and no more.

After a Call,
no Share to
be sold until
such Call
shall be paid.

LV. And be it further enacted, That after any such Call of 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, on pain of forfeiting his, her, or their respective Share or Shares therein to the said Company, 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 or discharged to the Treasurer of the said Company the whole and entire Sum of Money which shall have been called for in respect of each Share so sold or transferred; such Forfeiture, nevertheless, to be notified and declared at a General Assembly, in manner before directed.

Power to take
Tonnage.

LVI. 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 Works hereby authorized to be made and maintained; be it further enacted, That it shall 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, the several Rates herein-after mentioned, for the Tonnage of all Stone and other Goods, Commodities, Wares, and Merchandize, and Things, which shall be carried or conveyed upon any Part of the said Railway or Tramroad; (that is to say),

Rates.

For all Stone of the best Quality, such Sum as the Company of Proprietors shall from Time to Time direct and appoint, not exceeding the Sum of Eight-pence *per Ton per Mile*; and for all Roach Stone, Capping, Ashlars for building, Limestone, and all other inferior Stone, which may be sold at a Price not exceeding Two-thirds of the then current Price charged for the best *Portland* Stone, such Sum as the Company of Proprietors shall from Time to Time direct and appoint, not exceeding the Sum of Sixpence *per Ton per Mile*:
For all other Goods, Commodities, Wares, Merchandize, and Things whatsoever, such Sum as the Company of Proprietors shall from Time to Time direct and appoint, not exceeding the Sum of Eight-pence *per Ton per Mile*.

And

And in all Cases where there shall be the Fraction of a Ton, a Proportion of the same 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 demanded and considered as the 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, the Tonnage which shall be demanded and taken shall be after the Rate of the Number of Quarters of Miles which the said Waggon, Cart, or other Carriage shall have passed; And where there shall be a Fraction of a Quarter of a Mile, such Fraction shall be deemed and considered as a Quarter of a Mile: And in order to ascertain and calculate, with greater Precision and Facility, the Distance for which Tonnage shall be demanded and taken upon the said Railway or Tramroad, the said Company of Proprietors shall cause the said Railway or Tramroad to be measured, beginning at the said Lands called *The Priory Lands*, and Stones or other conspicuous Marks to be set up, and for ever maintained, at the Distance of One Quarter of a Mile from each other, with proper Inscriptions; and whenever any Waggon shall have passed One or more of such Stones or Marks, or the Place where the same shall have been set up, such Waggon shall be deemed to have passed One or more Quarters of a Mile along the said Railway or Tramroad, and Tonnage for such Distance shall be due and payable, although the Distance actually travelled be more or less than is there computed.

Stones or
Marks to
be set up.

LVII. 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 or near the said Railway or Tramroad, in such Manner, and under such Regulations, as the said Company of Proprietors, at their General Assembly or Assemblies, shall direct or appoint; and in case of Denial or Neglect of Payment of any 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 and recover 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, she, or they is and are hereby empowered 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 Waggon or other Carriage laden therewith, and to detain the same until such Payment shall be made, together with reasonable Charges for such Seizure and Detention; and if such Goods shall not be redeemed within Ten Days next after the taking thereof, the same shall be appraised and sold, as the Law directs in Cases of Distress for Rent.

Payment of
Rates, and
Recovery
thereof.

LVIII. And be it further enacted, That 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, and again to raise the same, as they shall think proper, not exceeding the Rate of Tonnage herein-before mentioned, as often as it shall be deemed necessary for the Interest of the said Undertaking.

Power to
vary Rates.

[Local.]

35 U

LIX. And

Company to
put up a
Table of
Tolls.

LIX. And be it further enacted, That within One Calendar Month after any Toll Gate shall be erected by virtue of this Act, the said Company, or their said Directors, shall and they are hereby required to put up, or cause to be put up, and afterwards to be continued at every such Toll Gate, a Table, painted in distinct and legible Black Letters on a Board with a White Ground, containing at the Top thereof the Name of the Gate at which the same shall be put up, and also a List of all the Tolls payable at every such Gate, distinguishing the several Tolls to be paid by virtue of this Act, and to renew such Boards whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated, and also a List of the several Gates which shall be cleared by the Payment of Toll at the Toll Gate or Bar where such Table of Tolls shall be affixed; and in case there shall at any Time or Times be more than one Gate, the said Company shall also provide Tickets, denoting the Payment of Toll, and on such several Tickets shall be named and specified the Name of the Gate at which the same respectively shall be delivered, and also the Names of the several Gates freed by such Ticket, one of which Tickets shall be delivered, *gratis*, to the Person paying the Toll, and on the Production of such Ticket at any Gate or Gates therein mentioned to be cleared as aforesaid by the Payment of the Toll at the Gate where such Ticket was delivered, the Person producing the same shall pass through the Gate or Gates therein mentioned without paying any further additional Toll.

Tolls only
payable
while
Board re-
mains.

LX. Provided always, and be it enacted, That it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any Tolls for or in respect of any Passenger, Horse, Mule, Ass, or other Beast, at any Toll Gate, but for and during such Time as the Board so painted as aforesaid shall remain affixed at such Toll Gate.

For settling
Disputes con-
cerning
Rates.

LXI. And be it further enacted, That if any Dispute shall happen concerning the Rates of Tonnage due, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector or Person distraining to detain such Distress, or the Money arising from the Sale thereof, till the Amount of the Rates of Tonnage due, and the Charges of such Distress (as the Case may be) shall be ascertained by some Justice of the Peace for the said County of *Dorset*, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or of a Witness or Witnesses, and shall determine the Amount of the Rates of Tonnage due; and it shall be lawful for every such Justice to award such Costs and Charges to either Party as to him shall appear right and proper, all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Distress and Sale of the Goods and Chattels of the Person or Persons directed to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after Payment of such Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been distrained and sold.

Company
empowered
to lease the
Rates.

LXII. 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, to let to farm the Rates of Tonnage hereby made payable, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Railway or Tramroad,

road, unto any Person or Persons, for any Term or Time not exceeding Three Years; and every such Lease shall be valid and effectual to the Lessee or Lessees thereof; 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 so let, shall, during the Continuance of 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 receiving 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, or any Part thereof, be given in Writing by the said Committee, or any Three or more of them, or by the Clerk or Clerks of the said Company of Proprietors, by Advertisement, published in some Newspaper usually circulated in the said County of *Dorset*, at least Fourteen Days prior to any such General Assembly, at which the said Rates, or any Part thereof, are proposed to be let as aforesaid.

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

LXIII. And, for the better ascertaining and more easy collecting of the said Rates hereby directed to be paid to the said Company of Proprietors, be it further enacted, That the Owner or Person or Persons having the Care of any Waggon or other Carriage passing upon the said Railway or Tramroad, or upon any Part or Parts thereof, shall give a just Account in Writing, signed by him or them, to the Collector of the Rates, or other Officer to be appointed, at such Place or Places as they shall attend for such Purpose, of the Quantities and Weight of the Goods and other Things which shall be put into or upon such Waggon or other Carriage, from whence brought, and where the same is intended to be unladen or left; and if the Goods or other Things contained in any such Waggon or other Carriage shall be liable to the Payment of different Rates, then such Owner or other Person or Persons shall specify the Quantities liable to the Payment of each of the said Rates; and in case he or they shall neglect or refuse to give and deliver such an Account, or shall refuse to produce his or their Bill of Lading to the Collector or Officer demanding the same, or shall, with an Intent to avoid the Payment of the said Rates, or any Part of them, give a false Account, or shall deliver out any Part of such Goods at any other Place or Places than is or are mentioned in such Bill of Lading, and shall be thereof convicted before any Justice of the Peace for the said County of *Dorset*, every such Person so offending shall, for every such Offence, forfeit and pay to the said Company of Proprietors any Sum not exceeding Five Pounds, over and above the Rate to which such Articles or Things are liable.

Owners of Waggons and other Carriages to give Account of their Loadings.

LXIV. And, for the better ascertaining the Tonnage of Goods and other Articles to be charged with the Payment of such Rates as aforesaid, be it further enacted, That for the Purposes of this Act, Sixteen cubic Feet shall be deemed and rated as a Ton of Stone, and in other Cases One hundred and twelve Pounds shall be deemed, rated, or estimated as and for One Hundred Weight, any Usage to the contrary notwithstanding.

Tonnage ascertained.

LXV. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, 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 all such Goods and other

If any Differences concerning Weight, &c. Collectors may weigh or measure Things Waggons.

Things as shall be therein respectively contained; and in case the same shall upon such Measurement or Weighing (as the Case may be) appear to be of greater Admeasurement, or 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 Admeasurement or 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 are hereby appointed to be recovered and levied; but if such Goods or other Things shall appear to be of the same or of less Admeasurement or 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 measuring or 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 said County of *Dorset*, on the Oath of any credible Witness or Witnesses, (all which Oaths such Justices are 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.

Railway or
Tramroad
to be free,
upon Pay-
ment of
Rates, under
certain Re-
strictions.

LXVI. And be it further enacted, That all Persons whomsoever shall have free Liberty to use all Roads, Ways, and Passages, for the Purpose of conveying Stone or other Goods, Merchandize, and Things, to or from the said Railway or Tramroad, and every Part thereof, and also to pass upon and use the said Railway or Tramroad with Waggons and other Carriages properly constructed as herein-after mentioned, and to employ the Crane or Cranes for loading and unloading such Stone or other Goods, Merchandize, and Things, upon Payment only of such Rates 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: Provided the said Waggons or other Carriages shall not, without the Licence and Consent of the said Company of Proprietors, or their General Committee, pass upon the said Railway or Tramroad at any other Times than between the Hours of Six in the Morning and Six in the Evening during the Months of *November, December, January, and February*, and between the Hours of Five in the Morning and Five in the Evening during the Months of *March, April, September, and October*, and between the Hours of Three in the Morning and Nine in the Evening during the Months of *May, June, July, and August*, in every Year.

No Waggon,
&c. to pass
unless con-
structed as
directed by
the Com-
pany.

LXVII. And be it further enacted, That no Person or Persons whomsoever shall pass upon any Part of the said Railway or Tramroad with any Waggon or other Carriage whatsoever, unless the same be constructed agreeably 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 Rates of Tonnage by this Act imposed (except in crossing the same

same for the convenient Occupation of the adjacent Grounds, or in passing any public or private Carriage Road which may happen to cross or passing along the said Railway or Tramroad), nor shall cross the said Railway or Tramroad with more than Two Waggon or other Carriages attached to each other; and if any Person or Persons whomsoever shall pass upon any Part of the said Railway or Tramroad with any Waggon or other Carriage not constructed in the Manner by this Act directed (except as aforesaid), or with more than Two Waggon or other Carriages attached to each other, he, she, or they so offending shall for every such Offence forfeit and pay to the said Company of Proprietors any Sum not exceeding Five Pounds.

LXVIII. And, for the better Regulation of the Owners of Waggon 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 the Owner or Owners of every Waggon or other Carriage, passing along the said Railway or Tramroad, shall cause his, her, or their Name or Names, and Place or Places of Abode, and the Number of his or their Waggon or other Carriage, to be entered with the Clerk or Clerks of the said Company of Proprietors; and shall also cause such Name or Names, and Number, to be painted in large White Capital Letters and Figures on a Black Ground, Two Inches high at the least, and of a proportionable Breadth, on some conspicuous Part of the Outside of every such Waggon or other Carriage, so as to be always open to View, and shall permit and suffer every such Waggon or other Carriage to be gauged, weighed, and 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; and every Owner or Owners, or other Person having the Care of any Waggon or other Carriage, or who shall conduct the same upon the said Railway or Tramroad, without having such Names, Figures, and Indexes thereon respectively as herein-before directed, or who shall alter, erase, deface, or destroy such Names, Figures, and Indexes, or either of them, or any Part thereof, or shall fix thereon any false Name, Figure, or Index, or who shall refuse to permit and suffer such Waggon or other Carriage to be gauged, weighed, and measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXIX. And be it further enacted, That the Owner or Owners of every Waggon or other Carriage passing upon the said Railway shall be, and he, she, and they is and are hereby respectively made answerable for any Trespass, Damage, Spoil, or Mischief that shall be done by his, her, or their Waggon or other Carriage, or Horses, Mules, or Cattle drawing the same, or by any of the Waggoners or other Person or Persons belonging to or employed in or about the same respectively, unto the said Railway or Tramroad, and other Works and Conveniences made or to be made by virtue of this Act, either by the loading or unloading of any Waggon or other Carriage, or by any means whatsoever, or for any Trespass or Damage which shall be done to the Owners or Proprietors of any Building or other Erection, Lands, Tenements, or Hereditaments, or other Property adjoining or lying near to the same, or any other Trespass whatsoever; and the said Owner or Owners of such Waggon

[Local.]

35 X

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

Owners of
Waggon
accountable
for Damage
done by their
Servants.

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 or Oaths 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 that such Damages do not exceed the Sum of Five Pounds; and shall also pay all the Costs, Charges, and Expences attending such Conviction, which Damages, Costs, Charges, and Expences 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, 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 Damages shall exceed the Sum of Five Pounds, then and in such Case the Owner or Owners of such Waggon or other Carriage may be sued or prosecuted for the same in any of His Majesty's Courts of Record at *Westminster*; and if a Verdict or Judgment shall be given against him, either in Proof made, or by Default, or upon Demurrer, the Plaintiff in any such Case shall recover his Damages thereby sustained, with full Costs of Suit.

Owners to
recover back
from their
Servants any
Sums paid
for their
Neglect, &c.

LXX. Provided always, and be it further enacted, That in case the Owner or Owners of any Waggon or other Carriage passing upon the said Railway or Tramroad shall be compelled to make any Satisfaction for any Damages, by reason of any wilful Act, Neglect, or Default of his, her, or their Servant or Servants or Waggoners; then and in such Case every such Servant or Waggoner shall be liable to repay such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners; and in case of Nonpayment thereof on Demand, 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 said County of *Dorset*), 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 or Servants, together with all 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, her, 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 or Servants to the Common Gaol or the House of Correction for the said County of *Dorset*, there to remain without Bail or Mainprize for any Term not exceeding Six Calendar Months.

Company to
regulate the
Passage on
the Railway.

LXXI. 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, 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,

riage, he shall forfeit, for every such Offence, any Sum not exceeding Twenty 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 such Waggon or other Carriage to be unloaded (if necessary), and to be removed in such Manner as shall be proper for preventing such Obstructions, 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.

LXXII. And be it further enacted, That if any Person shall throw any Gravel, Stones, or Rubbish, or any other Matter or Thing, upon any Part of the said Railway or Tramroad to be made by virtue of this Act, or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, or shall do any other Act, Matter, or Thing to obstruct the free Passage of the said Railway or Tramroad, or any Part thereof, every Person so offending in any of the Cases aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Punishing
Persons
obstructing
Railway.

LXXIII. And be it further enacted, That it shall be lawful for the said Company from Time to Time to make such Rules, Orders, and Regulations as they shall think proper for or relating to Waggon or other Carriages passing along or using the said Railway or Tramroad, and other Works; all such Rules, Orders, and Regulations shall be binding upon and be conformed to by the Owners or Persons having the Care or Conduct of such Waggon or other Carriages, upon pain of forfeiting a Sum not exceeding Forty Shillings for every Default.

Company to
make Rules,
Orders, &c.

LXXIV. 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, 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 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 Court may, if they think fit, award such Sentence as the Law directs in Cases of Petit Larceny.

Punishing
Persons
damaging
Works.

LXXV. And be it further enacted, That the said Company of Proprietors shall, at their own proper Costs and Charges, within Thirty Days 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, Hedges, 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 of *Dorset* 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

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

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 Twenty Days next after the Time to be appointed for those Purposes respectively by the said Justices, then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said Lands or Hereditaments, who shall find himself, herself, or themselves aggrieved by such Neglect or Refusal, to make, erect, and set up all such Gates, Arches, Culverts, 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 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, Ditches, 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; 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 of 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.

Land Owners
may erect
other Gates,
&c. if those

LXXVI. 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

Times hereafter, apprehend that 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 found and adjudged most convenient and necessary for the better Use, Cultivation, and Improvement or Occupation of such Lands or Hereditaments, and to repair and support the same at their own Costs and Charges, as Occasion shall require, so that the Passage through or along the said Railway or 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 by
the Company
are insuffi-
cient.

LXXVII. Provided always, and be it enacted, That the said Company of Proprietors shall and they are hereby empowered and required, at their own proper Charges, after any Land (except the common or commonable 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, except as aforesaid, from the Lands or Grounds adjoining to such Railway or Tramroad, with good and sufficient Posts, Rails, Quickset Hedges, Ditches, Mounds, Walls, and other Fences, at their own Costs and Charges, and from Time to Time to maintain and support the said Posts, Rails, Hedges, Ditches, Mounds, Walls, 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.

Railway to
be fenced off.

LXXVIII. Provided always, and be it enacted, 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

Land Owners
to pass upon
the Railway.

[Local.]

35 2

respectively,

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.

LXXIX. 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 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 Edges 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 Goods, Wares, and Merchandize along such Collateral Branch or Branches.

Damage to Land, &c. not before provided for, how to be settled.

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

The Railway not to interfere with the Military Defence of Portland Castle.

LXXXI. Provided also, and be it further enacted, That the said Railway or Tramroad shall be so constructed as not to interfere with or impede, by any Embankment or otherwise, the Military Defence of the Castle of *Portland*; and that no Building shall be erected upon or near the said Railway or Tramroad, or upon any Land adjoining to the said Castle, within Two hundred Yards therefrom.

Payment of Subscriptions.

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

If Railway be not completed within the Space of Three Years, the Powers of this Act to

LXXXIII. 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 Three Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Three Years, all the Powers, Authorities, and Privileges given by this Act shall cease and determine,

save only and except as to so much (if any) of the said intended Railway or 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 *Dorset*, 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 Three Years, or within One Year 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.

cease, except as to Parts certified to have been completed within the Time.

LXXXIV. Provided also, and be it further enacted, That if the said Company of Proprietors shall be in the Possession of any Lands or Grounds by virtue of this Act for the Space of Three Years without making the said intended Railway or Tramroad through the same, or if the said Railway or Tramroad shall be made and completed and afterwards discontinued or disused for the Space of Three Years, then and in either of the said Cases the said Company of Proprietors shall convey all their Right, Property, and Interest in or to such Lands or Grounds respectively, unto the several Persons, or Bodies Politic, Corporate, or Collegiate, or their Heirs, Successors, or Assigns, who were the Owners or Proprietors thereof immediately before the said Company of Proprietors became seised of the same, in case they or any of them shall think fit to become Purchasers thereof, and to pay such valuable Consideration for the said Lands or Grounds to the said Company of Proprietors as the said Company or any Three or more of them shall judge reasonable; and in case any Difference shall happen in ascertaining thereof by the said Company, then as a Jury, to be impannelled in manner hereinbefore directed, shall ascertain or award to be paid for the same; but no such Consideration, to be ascertained by such Company, or to be awarded by such Jury as aforesaid, shall exceed the Sum or Sums of Money first paid by the said Company of Proprietors for the Purchase of such Lands or Grounds; and in case the said Company of Proprietors, upon the Payment or Tender of such Consideration as aforesaid, shall refuse or neglect to convey the Lands or Grounds as aforesaid, then and in such Case such Lands or Grounds shall revert to, and be from thenceforth vested in the said several and respective Persons, Bodies Politic, Corporate, or Collegiate, their Heirs, Successors, or Assigns.

If Railway be not completed in Three Years after Lands possessed by the Company, or when made, if not used for Three Years, the Lands may be purchased by former Owners, &c.

LXXXV. 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 of Proprietors any Notice or Notices, or any Writ or Writs, or other Legal Proceedings, or Proceedings in Equity, the Service upon any 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 any Treasurer or Clerk, or upon any Agent or Officer of the said Company, or left at his last or usual Place of Abode, 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.

LXXXVI. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever

In case of Non-payment of Compensation by Company, the

done

same to be
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done, or committed by the said Company, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made from the Clerk to the said Company, or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in such Company by virtue of this Act, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Company, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

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

LXXXVII. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered, in Addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is hereby authorized and required, on Non-payment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels, in manner hereby directed for the levying of any Penalties or Forfeitures.

Recovery of
Penalties.

LXXXVIII. And be it further enacted, That all Penalties, Forfeitures, and Fines inflicted or authorized to be imposed by this Act, the Manner of recovering, and levying, and applying whereof is not herein otherwise directed, shall, upon Proof and Conviction of the Offences respectively before any Justice of the Peace for the said County of *Dorset*, either by the Confession of the Party offending, or by the Oath or Affirmation of any credible Witness or Witnesses, which Oath and Affirmation such Justice is in every such Case hereby authorized fully to administer, be levied, together with the Costs attending the Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant,) and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand
unto

unto the Owner or Owners of such Goods and Chattels; and if such Forfeitures, Penalties, and Fines shall not forthwith be paid upon Conviction, it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his, her, or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security such Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for any such Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal; to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County of *Dorset*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Monies arising from such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be paid, One Moiety thereof to the Informer, or Person suing for and recovering the same, and the other Moiety to the Treasurer of the said Directors, and applied and disposed of for the Purposes of this Act: Provided always, that where any such Penalty shall be payable by and recovered from the said Directors, the Moiety thereof, instead of being paid to the Treasurer of the said Directors, shall be paid to the Informer.

LXXXIX. 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.

Persons aggrieved by Irregularity in Distress to recover Damages.

XC. And be it further enacted, That it shall be lawful for any Collector, Surveyor, or other Officer of the said Company of Proprietors, and such Person or Persons as he shall call to his Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons, being unknown to such Collector, Surveyor, or other Officer, who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the said County of

For securing transient Offenders.

[Local.]

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Dorset,

Dorset, and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Form of Conviction.

XCI. 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*,

to wit. } BE it remembered, That on the _____ Day of _____ in the Year of our Lord _____ is convicted before me _____ One of His Majesty's Justices of the Peace for the County of *Dorset*, [*specifying the Offence, and Time and Place when and where the same was committed*]. Given under my Hand and Seal the Day and Year aforesaid.

Proceedings not to be quashed for Want of Form.

XCII. 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.

Persons aggrieved may appeal.

XCIII. And be it further enacted; That any Person or Persons who may think himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye-Law, or Order of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace, may, within Three Calendar Months next after such Order or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions, to be held for the said County of *Dorset*; 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 or Quarter Sessions of the Peace to be held for the said County; 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.

Limitation of Actions.

XCIV. 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 of 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

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 Continuance of Damages, 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 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 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.

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

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