

ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. lxxxi.

An Act for enabling the Hartlepool Dock and Railway Company, and the Great North of England, Clarence, and Hartlepool Junction Railway Company, to lease their respective Railways and Works to the York, Newcastle, and Berwick Railway Company. [22d July 1848.]

HEREAS an Act was passed in the Session of Parliament held in the Second Year of the Reign of His Majesty King William the Fourth, intituled An Act for making 2 & 3 W. 4. and maintaining Wet Docks in the Port of Hartlepool, and a Railway c. 67. from the said Docks into the Township of Moorsley, with certain Branches therefrom, all in the County of Durham, whereby a Company was incorporated by the Name of "The Hartlepool Dock and Railway Company:" And whereas the Powers and Provisions of the said Act were altered, amended, extended, and enlarged by Two Acts passed respectively in the Sessions of Parliament held in the Fourth Year of the Reign of His said Majesty King William the Fourth and the Third and Fourth Years of the Reign of Her present Majesty: And whereas an Act was passed in the Session of Parliament held in the First Year of the Reign of Her present Majesty, intituled An Act for 7 W. 4. & making 1 Vict. c, 95. [Local.]

c. 80.

c. 133.

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making and maintaining a Railway to connect the Great North of England, Clarence, and Hartlepool Railways in the County of Durham, whereby a Company was incorporated by the Name of "The Great North of England, Clarence, and Hartlepool Junction Railway Company:" And whereas the Powers and Provisions of the said lastmentioned Act were altered, amended, extended, and enlarged by several Acts passed respectively in the Sessions of Parliament held in the Fifth, the Sixth, the Seventh, and the Eighth and Ninth Years of the Reign of Her present Majesty: And whereas an Act was passed in the Session of Parliament held in the Fifth and Sixth Years 5 & 6 Vict. of the Reign of Her present Majesty, intituled An Act for completing the Railway Communication between the Towns of Newcastle-upon-Tyne and Darlington, by a Railway to be called "The Newcastle and Darlington Junction Railway, with a Branch to the City of Durham," whereby several Persons were incorporated by the Name of "The Newcastle and Darlington Junction Railway Company," which Name was afterwards altered to "The York and Newcastle Railway Company:" And whereas the Powers and Provisions of the said Act have been amended, and extended or altered, by several Acts relating to the said last-mentioned Company, passed respectively in the Sessions of Parliament held in the Sixth and Seventh, the Seventh and Eighth, the Eighth and Ninth, the Ninth and Tenth, and the Tenth and Eleventh Years of the Reign of Her said present Majesty: And whereas an Act was passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, 10 & 11 Vict. intituled An Act to authorize the Consolidation into One Undertaking of the York and Newcastle and the Newcastle and Berwick Railway Companies, by virtue of which the Companies so consolidated have assumed the Name of "The York, Newcastle, and Berwick Railway Company:" And whereas it would be more convenient if the said Hartlepool Dock and Railway, and the Great North of England, Clarence, and Hartlepool Junction Railway, and the Works connected therewith respectively, were placed under the Management or Control of the said York, Newcastle, and Berwick Railway Company, and for that Purpose that such last-mentioned Company should be empowered to lease the said Hartlepool Dock and Railway and the said Great North of England, Clarence, and Hartlepool Junction Railway, and the Works° connected therewith respectively; but such Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's

Power to the Hartlepool Dock and Railway Company to lease their Railway and Works to the York, Newcastle, and Berwick Railway Company.

the Time so appointed for such Meeting a sufficient Number of Proprietors as aforesaid shall not be present to constitute such Meeting, then such Meeting shall stand adjourned to and be held at the same Place and Hour on the next succeeding Thursday, and so from Time to Time until a sufficient Number of Proprietors shall be present to constitute a General Meeting as aforesaid; and it shall be lawful for

most Excellent Majesty, by and with the Advice and Consent of the

Lords Spiritual and Temporal, and Commons, in this present Parlia-

ment assembled, and by the Authority of the same, That a General

Meeting of the Proprietors of Shares in the Hartlepool Dock and

Railway Company shall be held at the Offices of the said Company

at Hartlepool aforesaid on the Fourth Thursday next after the passing

of this Act, at Twelve o'Clock at Noon, or if within One Hour after

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the said Company, by and with the Consent of Three Fifths of the Votes of the Proprietors of Shares in the said Company who may be present at such Meeting, either personally or by Proxy, to demise or lease, for any Term or Number of Years, to the said York, Newcastle, and Berwick Railway Company, and for the last-mentioned Company, by and with the Consent of a General Meeting of the Shareholders or Proprietors therein specially convened for the Purpose, to accept and take, for such annual or other Rent and on such Terms as the said Companies may mutually agree or may have agreed, a Lease of the said Hartlepool Dock and Railway, together with all Branch Railways, Stations, Docks, Quays, Wharfs, Shipping Places, Staiths, Houses, Warehouses, Buildings, Works, Lands, Hereditaments, and Appurtenances belonging thereto respectively, or with them or any of them held, used, or enjoyed, or any Part thereof, and all their Rights, Powers, and Privileges in relation thereto, or otherwise belonging to them; and every such Lease shall be valid and effectual, during the Continuance thereof, for the Purpose of entitling the said York, Newcastle, and Berwick Railway Company freely to use and enjoy the Railways, Docks, Hereditaments, and Premises comprised in such Lease, and the several Works connected therewith, and also to exercise all or any of the Rights, Powers, and Privileges of the said Hartlepool Dock and Railway Company relating thereto, or otherwise vested in them.

II. And be it enacted, That a General Meeting of the Proprietors The Great of Shares in the Great North of England, Clarence, and Hartlepool North of Junction Railway Company shall be held at the Offices of the same England, Clarence, and Company in Hartlepool aforesaid on the said Fourth Thursday next Hartlepool after the passing of this Act, at Two o'Clock in the Afternoon of the Junction same Day, or if within One Hour after the Time so appointed for such Railway Meeting a sufficient Number of Proprietors as aforesaid shall not be empowered present to constitute such Meeting, then such Meeting shall stand to lease their adjourned to and be held at the same Place and Hour on the next Railway, &c. succeeding Thursday, and so from Time to Time until a sufficient Number of Proprietors shall be present to constitute a General Meeting as aforesaid; and it shall be lawful for the said Company, by and with the Consent of Three Fifths of the Votes of the Proprietors of Shares in the said Company who may be present at such Meeting, either personally or by Proxy, to demise or lease, for any Term or Number of Years, to the said York, Newcastle, and Berwick Railway Company, and for the said last-mentioned Company, by and with the Consent of a General Meeting of the Shareholders or Proprietors therein, specially convened for the Purpose, to accept and take, for such annual or other Rent and on such Terms as the said Companies may mutually agree or may have agreed, a Lease of the Great North of England, Clarence, and Hartlepool Junction Railway, together with all Branch Railways, Stations, Wharfs, Staiths, Houses, Warehouses, Buildings, Works, Lands, Hereditaments, and Appurtenances belonging thereto respectively, or with them or any of them held, used, or enjoyed, or any Part thereof, and all their Rights, Powers, and Privileges in relation thereto, or otherwise belonging to them, and every such Lease shall be valid and effectual, during the Continuance thereof, for the Purpose of entitling the said York, Newcastle, and Berwick Railway Company freely

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freely to use and enjoy the Railways, Hereditaments, and Premises comprised in such last-mentioned Lease, and the several Works connected therewith, and also to exercise all or any of the Rights, Powers, and Privileges of the said Great North of England, Clarence, and Hartlepool Junction Railway Company relating thereto, or otherwise vested in them.

Agreements made prior to this Act confirmed.

III. Provided always, and be it enacted, That any Deed or Deeds, Agreement or Agreements, which may have been entered into between the said Hartlepool Dock and Railway Company and the said Great North of England, Clarence, and Hartlepool Junction Railway Company, or by any Person or Persons on behalf of either of the said Companies, or by both or either of them, with the said York, Newcastle, and Berwick Railway Company, or with any Person or Persons on behalf of the said last-mentioned Company, with reference to the making or granting and Acceptance of any such Lease of the Railways, Docks, Lands, Tenements, Hereditaments, and all the Estate, both Real and Personal, of the said Hartlepool Dock and Railway Company and the Great North of England, Clarence, and Hartlepool Junction Railway Company respectively, as aforesaid, or the Terms or Conditions thereof, prior to the passing of this Act, and which shall have received the Sanction of a General Meeting of each of the abovenamed Companies respectively, shall, provided the same shall be consistent with the Provisions of this Act, be as valid and binding on the above-named Companies, or such of them as shall have been Parties thereto, as though the same had been entered into under the Provisions of this Act.

Rent to be paid to the Directors of the demised Company.

IV. And be it enacted, That the annual or other Rents at which the said Railways and other Property respectively shall be or shall have been agreed to be leased to the said York, Newcastle, and Berwick Railway Company shall be paid to the Directors for the Time being of the said Companies respectively.

Receipt of Three Directors of the respective Companies sufficient Discharge.

V. And be it enacted, That the Receipt or Receipts in Writing of Three of the Directors for the Time being of the said Companies respectively, for any Money which may be payable to the same Companies respectively by the said York, Newcastle, and Berwick Railway Company, on any Account whatsoever, shall effectually discharge the said York, Newcastle, and Berwick Railway Company from the Sum or Sums which in such Receipt or Receipts shall be expressed or acknowledged to be received, and such last-mentioned Company shall not be obliged or concerned to see to the Application, or be otherwise answerable or accountable for any Loss, Misapplication, or Nonapplication thereof or of any Part thereof.

During Continuance of of leasing Companies to be exer-Newcastle, and Berwick

VI. And be it enacted, That during the Continuance of any Lease which may be granted to the York, Newcastle, and Berwick Lease, Powers Railway Company by the Hartlepool Dock and Railway Company and the Great North of England, Clarence, and Hartlepool Junction Railway Company, or either of them, all the Powers and Provisions cised by York, contained in the said recited Acts relating to such Companies or either of them (as the Case may be) shall and may be exercised

and

and enjoyed by the said York, Newcastle, and Berwick Railway Com-Railway pany, in the same Manner and to the same Extent as if the said York, Company. Newcastle, and Berwick Railway Company had been named in such Acts respectively instead of the Company to which such Acts respectively specially relate.

VII. Provided always, and be it enacted, That nothing herein General contained shall extend or be deemed or construed to extend in any way to defeat, affect, or prejudice any Rights, Privileges, Liberties, Powers, Easements, Accommodations, or Exemptions, or any of them, which under or by virtue of the said recited Acts relating to the said Hartlepool Dock and Railway and the said Great North of England, Clarence, and Hartlepool Junction Railway respectively, or any of them, are granted, continued, or reserved to or for the Benefit of Persons and Corporations whose Estates, Properties, or Interests are or have been or may be in anywise affected in or by the making or maintaining or otherwise on account of the Railways and Works by the same Acts respectively authorized to be made and maintained, or to which such Persons and Corporations respectively are or may be otherwise entitled, under or by virtue of the said last-mentioned Acts or either of them, but all such Rights, Privileges, Liberties, Powers, Easements, Accommodations, and Exemptions shall be and they are hereby declared to be as valid and effectual as if this Act had not been passed, and such several Persons and Corporations shall be entitled to, and shall have, use, and enjoy, the same Rights, Privileges, Liberties, and Powers, Easements, Accommodations, and Exemptions, as fully and effectually as if this Act had not been passed, and shall and may have and be entitled to such or the like Powers and Remedies against the said York, Newcastle, and Berwick Railway Company, during the Continuance of such Lease, for securing the Possession, Use, and Enjoyment of such Rights, Privileges, Easements, Accommodations, and Exemptions, as under the Provisions of the said last-mentioned Acts or any or either of them they had or were or might have been entitled to against the said Hartlepool Dock and Railway Company and the said Great North of England, Clarence, and Hartlepool Junction Railway Company, or either of them, (as the Case may be,) in case this Act had not been passed; and all such Penalties, Damages, Monies, Costs, and Expenses as, under the Provisions of the said last-mentioned Acts or either of them, would or might have become payable to or recoverable by such Persons and Corporations as aforesaid of and from the said last-mentioned Companies or either of them (as the Case may be), shall be payable by and recoverable from the said York, Newcastle, and Berwick Railway Company, during the Continuance of such Lease, in such Manner and by such Ways and Means as the same are respectively made payable and recoverable under the Provisions of the said last-mentioned Acts or any of them by and from the said Hartlepool Dock and Railway Company and the Great North of England, Clarence, and Hartlepool Junction Railway Company, or either of them.

VIII. And be it enacted, That it shall be lawful for the said York, Tolls to be Newcastle, and Berwick Railway Company, during the Continuance taken on of Railways. [Local.] 10 Q

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of any such Lease as aforesaid, to demand and receive, in respect of Passengers, Animals, Merchandize, Articles, Matters, and Things conveyed on the Railways of the Hartlepool Dock and Railway Company and the Great North of England, Clarence, and Hartlepool Junction Railway Company respectively, or either of them, any Tolls, Rates, and Charges, not exceeding the Tolls, Rates, and Charges which the said York, Newcastle, and Berwick Railway Company are empowered to demand and receive, under and by virtue of "The Great North of England Railway Purchase Act, 1846," upon or in respect of the Railways therein mentioned or referred to, and the same Company shall have the same Powers, Rights, and Remedies for recovering and enforcing Payment of the same Tolls, Rates, and Charges as they have or are entitled to in respect of any other Tolls,. Rates, and Charges they have Power to receive under the Authority of the said recited Acts or any of them: Provided always, that in case any Coal Owner shall be desirous of conveying his own Coal with his own Waggons and Engines on the said Railways hereby authorized to be leased, or either of them, the said York, Newcastle, and Berwick Railway Company shall not charge a higher Rate of Toll for the Coal so conveyed than is authorized by the said recited Acts relating to the Hartlepool Dock and Railway Company and the Great North of England, Clarence, and Hartlepool Junction Railway Company, or any of them, and with respect to such lastmentioned Tolls the said York, Newcastle, and Berwick Railway Company shall have the same Powers, Rights, and Remedies with regard to receiving and enforcing Payment of the same as such Company have or may be entitled to with regard to the other Tolls hereby authorized.

No Tolls to be charged unless Ships enter and use the Docks, &c.

IX. And be it enacted, That from and after the passing of this Act it shall not be lawful for the said Hartlepool Dock and Railway Company, or the said York, Newcastle, and Berwick Railway Company, their respective Successors and Assigns, to demand or receive any Tolls from the Owners or Masters of, for, or in respect of any Ship or Vessel or Goods which shall not actually enter and use the Tide Harbour or Dock of the said Hartlepool Dock and Railway Company, or the said York, Newcastle, and Berwick Railway Company, anything contained in or to be implied from the said recited Acts or any of them to the contrary notwithstanding.

Dock and
Works to be
kept open
and navigable
for public
Use.

X. And be it enacted, That the York, Newcastle, and Berwick Railway Company shall and they are hereby expressly directed and required, from Time to Time and at all Times during the Continuance of the said Lease, to keep and maintain the said Tide Harbour and Dock of the said Hartlepool Dock and Railway Company, which may thereby become vested in the York, Newcastle, and Berwick Railway Company, and every Part thereof, and all the Works thereto belonging, well and sufficiently repaired, and in good Order and Condition, so that the said Tide Harbour and Dock, and the Entrances, Staiths, Wharfs, Shipping Places, and other Works respectively connected therewith, and thereunto belonging, and every Part thereof, may be at all Times kept open and navigable for the Use of all Persons

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Persons desirous to enter, use, and navigate the same, and that without any unnecessary Hindrance, Interruption, or Delay; but subject nevertheless to the Provisions and Restrictions of this Act or the said recited Acts in reference to the Hartlepool Dock and Railway Company for the Recovery of the Rates or Dues payable in respect thereof.

XI. And be it enacted, That it shall not be lawful for the said Deposits for Hartlepool Dock and Railway, Great North of England, Clarence, and future Bills Hartlepool Junction Railway, and York, Newcastle, and Berwick Rail- not to be paid out of Capital way Companies, or any of them, out of any Money by any Act or of Com-Acts relating to the said respective Companies authorized to be panies. raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining any Act authorizing the said Companies or any of them to construct any other Railway or execute any other Work or Undertaking.

XII. And whereas in and by an Act passed in the Ninth Year of During the the Reign of Her present Majesty, intituled An Act for amending the Continuance of Lease Acts relative to the improving of the Pier and Port of Hartlepool in the York, &c. the County of Durham, it is provided that no more than Four Persons Railway who shall be Shareholders or Directors of or hold any Office under Company to the Hartlepool Dock and Railway Company shall be Commissioners be subject to under the now-reciting Act or the therein-recited Acts at one and Restrictions the same Time: Be it therefore enacted, That during the Conti-under nuance of any such Lease as aforesaid of the Hartlepool Dock and 8 & 9 Vict. Railway, the York, Newcastle, and Berwick Railway Company, and c. 139. as the Shareholders, Directors, and Officers thereof, shall be subject to &c. Company the same Restrictions and Disabilities, with respect to being Commis- were before sioners of the Pier and Port of Hartlepool, under the said last-recited passing of Act and the Acts therein recited, as the Hartlepool Dock and Railway Company were subject to before the passing of this Act.

the same Hartlepool, this Act.

XIII. And whereas by an Act passed in the Eleventh Year of the Facilitating Reign of Her present Majesty, intituled An Act to authorize the Con- Proof of solidation into One Undertaking of the York and Newcastle and New-Completion castle and Berwick Railways, it was enacted, that it should be lawful mation of the for the York and Newcastle Railway Company, with the Consent of York and Three Fifths of the Votes of the Proprietors of the same Company Newcastle, present, either personally or by Proxy, at some Meeting of such Company specially convened for the Purpose, and for the said New- Berwick castle and Berwick Railway Company, with the like Consent of Three Railway Fifths of the Votes of their Proprietors present, personally or by Proxy, at some Meeting of such last-mentioned Company specially authorized by convened for the Purpose, to unite, amalgamate, and consolidate in 10 & 11 Vict. One Company, viz. the York and Newcastle Railway Company, the c. 133. Undertakings of the said Two Companies respectively, upon such Terms and Conditions as should be mutually agreed upon, and that after the Execution of an Agreement by Deed for such Union or Amalgamation

of Amalgaand Newcastle and Companies,

Amalgamation by the said Companies, and Publication of Notice thereof in the London Gazette, the several Acts relating to the Newcastle and Berwick Railway Company should be and the same were thereby repealed, and the same Company was thereby dissolved, except from such repealed Acts as therein is excepted; and it was by the same Act further provided, that from and after the Execution of such Agreement, and Publication of the Notice as aforesaid, the York and Newcastle Railway Company should be called the York, Newcastle, and Berwick Railway Company, and by that Name or Style should have, exercise, and be liable to all the Rights, Powers, Privileges, and Duties which the said York and Newcastle Railway Company and the said Newcastle and Berwick Railway Company, or either of them, by that Act, or the several Acts therein recited, or by any Act passed or to be passed in the then Session, were empowered to have or exercise or were made liable to, with a Proviso that it should not be lawful to enter into and conclude such Amalgamation unless it should have been proved to the Satisfaction of the Commissioners of Railways, and certified by them under their Seal previously to the Completion of such Amalgamation, that One Half of the whole Amount of the Capital (exclusive of Loans)-by the Act or Acts relating to each of the said Companies authorized to be raised had been actually paid up and expended for the Purposes authorized by such Act or Acts respectively: And whereas by an Agreement by Deed bearing Date the Twenty-first Day of August One thousand eight hundred and forty-seven, and made between the York and Newcastle Railway Company of the one Part, and the Newcastle and Berwick Railway Company of the other Part, and under the respective Common Seals of the said Two Companies, and made and entered into in accordance with and pursuant to the Provisions of the said last-recited Act, it was agreed to unite, amalgamate, and consolidate in One Company (vizt. the York and Newcastle Railway Company) the Undertakings of the said Two Companies respectively, and Notice thereof was duly published in the London Gazette of the Thirty-first Day of August One thousand eight hundred and forty-seven; and, previously to the said Companies entering upon and concluding such Amalgamation, the said Commissioners of Railways certified under their Seal, that One Half of the Capital of the same Companies was paid up and expended in manner required by the same recited Act: And whereas since the Execution of the said Agreement, and Publication of the Notice as aforesaid, the said Two Companies have, pursuant to the Provisions of the same recited Act, become amalgamated, and are now called the York, Newcastle, and Berwick Railway Company: Be it therefore enacted, That in all Actions, Suits, and other Proceedings preferred by or against the said York, Newcastle, and Berwick Railway Company it shall not be necessary for the same Company to produce or prove the said Deed of Agreement, Notice in the London Gazette, Certificate of the Commissioners of Railways, or other Documents or Proceedings relative to the said Union or Amalgamation, unless the Plaintiff, Defendant, or other Party in such Action, Suit, or other Proceeding shall have given Notice, Three Days at least before the hearing of any such Action, Suit, or other Proceeding, to the said Company, to produce the same, but

but the Production of this Act shall in all Cases, except where such Notice to produce shall have been given as aforesaid, be considered sufficient Evidence that such Amalgamation has been duly made, entered into, and completed, according to the Provisions and in manner required by the said last-recited Act.

XIV. And whereas an Act was passed in the Second Year of the Railway Reign of Her present Majesty, intituled An Act to provide for the Companies to Conveyance of the Mails by Railways; and another Act was passed in be subject the Fourth Year of the Reign of Her said Majesty, intituled An Act of 1 & 2 Vict. for regulating Railways; and another Act was passed in the Sixth c. 98., Year of the Reign of Her said Majesty, intituled An Act for the 3 & 4 Vict. better Regulation of Railways, and for the Conveyance of Troops; and 5 & 6 Vict. another Act was passed in the Eighth Year of the Reign of Her c. 55., said Majesty, intituled An Act to attach certain Conditions to the Con- 7 & 8 Vict. struction of future Railways authorized or to be authorized by any c. 85., and Act of the present or succeeding Sessions of Parliament, and for other c. 105. Purposes in relation to Railways; and another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled An Act for constituting Commissioners of Railways: Be it enacted, That nothing in this Act contained shall be held to exempt the said Railway of the Hartlepool Dock and Railway Company, or the Great North of England, Clarence, and Hartlepool Junction Railway Company, or the said York, Newcastle, and Berwick Railway Company, from the Provisions of the said several above-mentioned Acts respectively, but that such Provisions shall be in force in respect to the same Railways and Companies, so far as the same shall be applicable thereto.

XV. And be it enacted, That nothing herein contained shall be Railways to deemed or construed to exempt the Railways by the said recited Acts be subject to authorized to be made from the Provisions of any general Act relating future geneto such Acts, or of any general Acts relating to Railways, now in ral Acts. force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

XVI. And be it enacted, That in citing this Act in any other Short Title. Acts of Parliament, and in legal Instruments or Proceedings, it shall be sufficient to use the Expression "The York, Newcastle, and Berwick Railway (Hartlepool Dock and Railway, &c. Leasing) Act, 1848."

XVII. And be it enacted, That One Third Part of all the Costs, Expenses of Charges, and Expenses of and attending the passing of this Act or inci-Act. dental thereto shall be paid by the said York, Newcastle, and Berwick Railway Company, pari passu with the Costs, Charges, and Expenses of any other Act of Parliament passed in the present Session to which they may be liable, out of the first Money that shall come to their Hands, and in preference to any other Payment whatsoever; and the Residue of such Costs, Charges, and Expenses shall be paid in equal Proportions by the said Hartlepool Dock and Railway Company and the said Great North of England, Clarence, and Hartlepool Junction 10 R[Local.]

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Junction Railway Company, out of the first Monies that shall come to their Hands respectively, and in preference to any other Payment whatsoever.

Public Act.

XVIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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