



## CHAPTER lxxxvii.

An Act to authorise the Bexley Heath Railway Company to make a new road and sewer in connexion with their authorised railway and to extend the time for the purchase of land and completion of that railway and for other purposes. A.D. 1886.  
[25th June 1886.]

WHEREAS the Bexley Heath Railway Company (herein-after called "the Company") was incorporated by the Bexley Heath Railway Act 1883 (herein-after called "the Act of 1883") with power to make the railways in that Act mentioned :

And whereas it is expedient that the Company be empowered to make the new road and sewer herein-after described and to raise additional capital for that purpose :

And whereas it is expedient that the respective periods limited by the Act of 1883 for the purchase of lands for and for the construction and completion of the railway therein mentioned should be respectively extended as by this Act provided :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Kent and are herein-after respectively referred to as the deposited plans sections and books of reference :

And whereas the purposes of this Act 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 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 as follows (that is to say) :—

1. This Act may be cited as the Bexley Heath Railway Act 1886. Short title.  
[Local.-87.] A 1

A.D. 1886.

Incorporation of Acts.

2. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters that is to say :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of borrowed money into capital ;

The consolidation of shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested ; and

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 and the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 herein-after referred to as "the Lands Clauses Acts" ; and

Part II. (relating to extension of time) of the Railways Clauses Act 1863 ;

are except where expressly varied by this Act incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction :—

The expressions "the new road" and "the sewer" mean the new road and sewer by this Act authorised ;

And for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Power to make road and sewer.

4. Subject to the provisions of this Act the Company may in connexion with their railway make and maintain in the lines and



according to the levels shown on the deposited plans and sections the new road and sewer herein-after described with all proper junctions approaches channels sewers drains works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The new road and sewer herein-before referred to and authorised by this Act will be situate in the county of Kent and are:—

A.D. 1886.

A new road or street in the parish of Eltham commencing at or near the point where the public footpath from Well Hall Lane to St. John's Church Eltham leaves Well Hall Lane thence passing in an easterly direction to and terminating at the eastern boundary of the field numbered 33 on the deposited plans referred to in the Act of 1883.

A sewer or drain in the said parish of Eltham commencing in Well Hall Lane at a point distant  $2\frac{1}{2}$  chains or thereabouts to the northward of the centre line of the Railway No. 1 authorised by the Act of 1883 as shown upon the said deposited plans thereof and terminating by a junction with the main sewer in Eltham Road at or near the point where the road leading across Eltham Green to Eltham Gasworks crosses Eltham Road.

5. For the protection of the estate of Sir Henry Page Turner Barron Baronet and his successors and assigns (in this section called the owner) the following provisions shall have effect (that is to say):—

For protection of Sir H. P. Turner Barron Bart.

(1.) The owner shall have free liberty to connect any sewers to be made on his estate with the sewer all junctions to be made to the reasonable satisfaction of the engineer to the Company or in default of agreement to the satisfaction of a single arbitrator to be nominated by the President for the time being of the Institution of Civil Engineers. But nothing herein contained shall prejudice any rights of the local authority in regard to the sewer.

(2.) The building frontage to the new road eastward of Well Hall Lane shall remain solely with the owner with all necessary right of roadway and the new road shall be maintained and kept up by the Company at their sole expense until the same shall have become a public road and as such shall have been handed over by the Company to the local authority.

6. In constructing the new road and sewer the Company may subject to the provisions of this Act deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said new road and sewer as shown

Power to deviate.



[Ch. lxxxvii.] *Bexley Heath Railway Act, 1886.* [49 & 50 VICT.]

A.D. 1886. on the deposited sections to any extent not exceeding five feet upwards or five feet downwards but not so as to increase the inclinations of the said new road as shown on the deposited sections.

New road and sewer to be subject to the provisions of the general law.

7. In constructing the new road and sewer the Company shall be subject to all the provisions of the Metropolis Management Act 1855 and the Acts amending the same and the said road and sewer shall be made and dealt with subject to and in accordance with the provisions of the said Acts. The said sewer shall have such sectional area and be of such dimensions and constructed of such materials with such fall and in such position within the limits provided by the plan and section as the Metropolitan Board of Works may require and under the supervision and to the satisfaction in all respects of the engineer of the said Board.

As to Eltham Green.

8. The Company shall not purchase or take under the powers of this Act any portion of the common or commonable land known as Eltham Green in the parish of Eltham but the Company may acquire an easement or right of using so much of Eltham Green as may be requisite for constructing and maintaining the new sewer by this Act authorised and on the completion of the sewer the Company shall at their own expense and with reasonable expedition fill up level and re-turf so much of the Green as shall have been disturbed by their operations and remove any surplus earth or other material which may have been excavated in forming the sewer and such restoration of the surface shall be completed to the satisfaction of the Plumstead District Board of Works.

Power to Company to raise additional capital.

9. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 from time to time raise any additional capital not exceeding six thousand pounds in the whole by the creation and issue of new ordinary shares but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

New shares to be subject to the same incidents as other shares.

10. The additional capital in new shares created by the Company under this Act and the new shares therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now authorised capital of the Company and the new shares were shares in that capital.

Dividends on new shares.

11. The capital in new shares so created shall form part of the capital of the Company and every person who becomes entitled to



any such new shares shall in respect of the same be a holder of shares in the capital of the Company and shall be entitled to a dividend with the other holders of shares of the same class or description proportioned to the whole amount from time to time called and paid on such new shares.

A.D. 1886.

**12.** If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Receipt in case of persons not sui juris.

**13.** The Company may in respect of the additional share capital of six thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole two thousand pounds but no part thereof shall be borrowed until shares for the whole of such additional capital of six thousand pounds are issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such additional capital have been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and the Company have proved to such justice as aforesaid before he so certifies that such shares were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Power to borrow on mortgage.

**14.** The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Priority of principal money secured by existing mortgages.

**15.** Section nineteen of the Act of 1883 relating to the appointment of a receiver is hereby repealed but without prejudice to any appointment heretofore made or any proceedings now pending. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appoint-

Appointment of a receiver.



A.D. 1886.

ment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than six thousand pounds in the whole.

Power to create and issue debenture stock.

**16.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under the Act of 1883 or this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages and all such mortgages and debenture stock shall be distinguished as having been granted or issued subject to the provisions of this Act.

Application of moneys.

**17.** All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act and the Act of 1883 to which capital is properly applicable.

Reduction of quorum of directors.

**18.** Section 25 of the Act of 1883 (quorum of meeting of directors) is hereby repealed. The quorum of a meeting of directors shall be three while the number of directors is more than five and when the number of directors is reduced to five or less than five the quorum shall be two.

Period for compulsory purchase of lands.

**19.** The powers by this Act conferred upon the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to owners to grant easements.

**20.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid respectively.

For protection of sewers in the metropolis.

**21.** Where any of the intended works to be done under or by virtue of this Act shall or may pass over under or by the side of or so as to interfere with any drain sewer watercourse defence or work under the jurisdiction or control of the Metropolitan Board of Works (herein-after in this section called the Metropolitan Board)

[49 & 50 VICT.] *Bexley Heath Railway Act, 1886.* [Ch. lxxxvii.]

A.D. 1886.

or of any vestry or district board of works constituted under the Metropolis Management Act 1855 or any Act or Acts amending the same or extending the powers thereof or with any sewers or works to be made or executed by the said boards or vestries or any of them or shall or may in any way affect the sewerage or drainage of the districts under their or either of their control the Company shall not commence such works until they shall have given to the said Metropolitan Board or to the district board or vestry as the case may be twenty-one days notice in writing of their intention to commence the same by leaving such notice at the principal office of such board or vestry as the case may be for the time being with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until such board or vestry respectively shall have signified their approval of the same unless such board or vestry as the case may be do not signify their disapproval or other directions within twenty-one days after service of the said plan section and particulars as aforesaid and the Company shall comply with and conform to all orders directions and regulations of the said Metropolitan Board and of the respective district board or vestry as the case may be in the execution of the said works and shall provide by new altered or substituted works in such manner as such boards or vestries respectively shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by reason of the said intended works or any part thereof and shall save harmless the said boards and vestries respectively against all and every the expense to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other officer or officers of the said Metropolitan Board district board or vestry as the case may be at the costs charges and expenses in all respects of the Company and all reasonable costs charges and expenses which the said Metropolitan Board or any district board or vestry may be put to by reason of such works whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to such board or vestry by the Company on demand and when any new altered or substituted works as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the said Metropolitan Board district board or vestry as the case may be respectively as any sewers or works now are or hereafter may be And nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or



A.D. 1886.

authorities vested or to be vested in the said respective boards or vestries or any or either of them or of their successors but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed.

Powers for compulsory purchase of lands extended.

**22.** The powers granted to the Company by the Act of 1883 for the compulsory purchase of lands are hereby extended and may be exercised by the Company for and during a period of two years from the twentieth day of August one thousand eight hundred and eighty-six and on the expiration of that period those powers shall cease.

Extension of time for completion of railway.

**23.** The time limited by the Act of 1883 for the completion of the authorised railway of the Company shall be and the same is hereby extended and enlarged until the expiration of two years from the twentieth day of August one thousand eight hundred and eighty-eight and on the expiration of that period the powers granted to the Company by the Act of 1883 for executing the railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Restriction as to displacing persons belonging to labouring class.

**24.** The Company shall not under the powers of this Act or the Act of 1883 without the consent of the Secretary of State for the Home Department purchase or acquire in any parish or part of a parish in the metropolis twenty or more houses or without the consent of the Local Government Board purchase or acquire in any urban sanitary district or in any parish or part of a parish not being within an urban sanitary district exclusive of the metropolis ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Period for completion of works.

**25.** If the new road and sewer are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.



**26.** The agreement (of which a copy is set forth in the schedule to this Act) made the 2nd day of April 1883 between Alfred Erasmus Dryden as trustee for and on behalf of Helen Elizabeth Page Fryer widow since deceased and Sir Henry Page Turner Barron Baronet of the one part and Alfred William Bean and the other persons therein named on behalf of the Company of the other part with reference to Railway No. 1 authorised by the Act of 1883 and certain accommodation works in connexion therewith is hereby confirmed and shall be binding and obligatory on Sir Henry Page Turner Barron and the Company respectively provided that the extended time granted by this Act for the completion of the railway shall be substituted for the time specified in the said agreement for the completion of Railway No. 1 and the works therein referred to.

A.D. 1886.  
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Confirmation of agreement with Sir H. P. T. Barron Bart.

**27.** Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such commissioners are hereby authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving rights of the Crown.

**28.** No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Interest not to be paid on calls paid up.

**29.** The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect to any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Deposits for future Bills not to be paid out of capital.

**30.** Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of

Provision as to general railway Acts.

A.D. 1886. — railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by the Act of 1883.

Costs of Act.

**31.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.



SCHEDULE referred to in the foregoing Act.

A.D. 1886.

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IT is agreed this second day of April one thousand eight hundred and eighty-three between Alfred Erasmus Dryden of No. 3 New Square Lincoln's Inn Middlesex barrister-at-law (herein-after called the trustee) as trustee for and on behalf of Helen Elizabeth Page Fryer of 13 Southwick Crescent Hyde Park Middlesex widow the tenant for life of the "Page Turner Kent Estate" (herein-after called the said estate) and Sir Henry Page Turner Barron of the British Legation Brussels in the kingdom of Belgium Baronet the tenant in tail thereof under a deed of disentail dated on the fourth of May one thousand eight hundred and seventy-six of the one part and Alfred William Bean Frederick St. John Newdigate Barne Charles Beadle Richard Jones John Jackson Robert Kersey and Morgan Yeatman on behalf of themselves and all others persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking to be incorporated and known under the Bill now pending in the House of Commons as "the Bexley Heath Railway Company" or under whatever other name or style the promoters of such undertaking shall be incorporated or known (and herein-after called the Company) of the other part.

1. That the trustee shall withdraw his present petition against and all further opposition or objection to and shall assent to the Bill (affecting a portion of the said estate at Eltham and Kidbrooke) promoted by the Company in the present session of Parliament for an Act (the short title of which is proposed to be the Bexley Heath Railway Act 1883) to authorise the Company to make and maintain certain railways and works therein specified (and all in the county of Kent) so far as regards the railway and works following (and herein-after referred to as the said railway and works) videlicet:—

1. A Railway No. 1 seven miles five furlongs two chains and fifty links in length commencing in the parish of Lee by a junction with the South-eastern Railway (Dartford Loop) at a point distant five chains or thereabouts measured along that loop line in the direction of Lee Station from the western face of the railway bridge under Horn Park Lane and terminating in the parish of Crayford by a junction with the South-eastern Railway (North Kent Line) at a point distant twenty-eight chains or thereabouts measured along that line in the direction of Dartford from the southern side of Whitehall level crossing.

2. That in consideration of the withdrawal of such opposition and of such assent the Company shall on such Act being passed as regards the said railway and works and notwithstanding and without reference to any later period prescribed by the said Act complete the said railway and works and also the accommodation and other works herein provided for so far as regards the said estate within four years from the passing of the said Act.

3. The Company shall likewise at their own sole expense and risk and without prejudice to their obligations under the said Act or otherwise execute and carry out their said lines and works and make such accommodation works

A.D. 1886. and otherwise remain under and subject to the following terms and conditions :—

- (1.) The centre line of the actual railway to be as shown by the red line between the points marked F and G on the plan signed for the purpose of identification as the plan referred to in this agreement by Messieurs Dollman and Pritchard (being the plan referred to throughout this agreement and whereon the land distinguished by the colour green forms part of the said estate) and eastward of the point marked G the centre line to be as shown on the deposited plans or within one hundred feet on either side in each case and no part of the garden or curtilage of Well Hall taken or affected by the said railway and works except with the previous consent in writing of the trustee.
- (2.) No spoil banks to be made by the Company on any land now forming part of the said estate.
- (3.) The Company to construct a passenger station at the point marked G on the plan.
- (4.) No more land forming part of the said estate to be taken by the Company than absolutely required for the purposes of their railway stations approach roads and works.
- (5.) The Company to provide and maintain at their own expense the following accommodation works to the satisfaction of the trustee his surveyor and engineer :
  - (A.) A bridge under the line at or near the point marked I on the said plan forty feet wide in the clear and sixteen feet high in the clear throughout above the level of the ground any difference as to the same to be settled by arbitration as herein-after provided.
  - (B.) The Company's bridge over Wellhall Lane to be forty feet wide in the clear and sixteen feet high in the clear throughout from the level of the road beneath.
  - (C.) Roads and footpaths over and under the aforesaid bridges as the case may be and on the approaches thereto to be formed metalled and finished by the Company to the satisfaction of the trustee his surveyor and engineer and the local authorities and to be maintained by the Company till taken to by such local authorities.
  - (D.) The Company to make within three months after notice by the trustee a sewer across the line of such size and at such levels as may be required by him and the local authorities and to their satisfaction respectively at or near the said point marked I and under the road under the bridge there and to maintain the same until taken to by the local authorities.
  - (E.) The trustee and all owners for the time being of the said estate to have power at any time hereafter to make any additional roads sewers drains and bridges across the said railway and under the road next herein-after mentioned such roads sewers drains and bridges to be made in all respects to the reasonable satisfaction of the Company's surveyor or engineer for the time being.
  - (F.) The Company may make a road forty feet wide from Eltham high road at or near the point marked N on the said plan to their proposed station at the point marked G to be maintained by the Company till



taken to by the local authorities the site of such road and of other roads made on the said estate by the Company to be paid for but not to be conveyed to the Company and such road subject to the building rights of the said trustee in regard to the land belonging to the said estate on either side thereof not taken by the Company under the powers of their Act including the right to build a sewer thereunder as herein-before mentioned shall become a public road and be dedicated as such and be handed over to the local authorities whenever the Company or the said trustee shall require.

(G.) The railway and approaches and roads to be fenced with iron fencing to the approval of the trustee or his surveyor.

(H.) All land drainage where interfered with to be provided for by the Company to the satisfaction of the trustee or his surveyor.

(I.) All under bridges to be finished in such manner as to prevent drip.

4. The Company to be at liberty to construct a goods depôt and sidings to be entirely on the south side of the railway.

5. All land tax and tithe rentcharge in respect of the lands taken by the Company to be legally apportioned by the Company at their own expense.

6. The Company if the said Act shall pass (and without prejudice to their statutory liabilities in that respect) shall pay the said trustee seventy-five pounds for his costs and expenses of and incident to the aforesaid withdrawn petition and of this agreement.

7. The price to be paid by the Company for all lands part of the said estate which may be so required and taken or used by the Company as aforesaid for the purpose of the aforesaid railway and works (including sites of roads foot-paths and approaches) and including or together with the compensation for damage by severance to the remaining part of the said estate or otherwise (in case the same respectively cannot be settled by agreement) and also all questions or differences as to the construction or effect or arising out of this agreement or as to any matter arising out of or connected therewith or incidental thereto (other than matters specially defined by this agreement) shall be settled between the parties hereto and their respective representatives at the entire expense of the Company by arbitration from time to time and in like manner as questions of disputed compensation are provided to be settled under and according to the provisions of the Lands Clauses Consolidation Act 1845 and any Acts amending the same.

A. E. DRYDEN.

A. W. BEAN.

CHARLES BEADLE.

ROB. KERSEY.

JOHN JACKSON.

RICHARD JONES.

F. S. N. BARNE.

MORGAN YEATMAN.

