



ANNO SECUNDO

GULIELMI IV. REGIS.

Cap. xlvii.

An Act for making and maintaining a Railway from *Wadebridge* in the Parish of *Saint Breoke* to *Wenford Bridge, Saint Breward*, with a Collateral Branch to the Borough of *Bodmin*, and certain other Branches, all in the County of *Cornwall*.

[23d May 1832.]

WHEREAS the making and maintaining a Railway, together with the several Branches therefrom herein-after mentioned, with proper Warehouses, Wharfs, Landing Places, Bridges, Works, and Conveniences adjoining thereto and connected therewith, for the Passage of Waggon and other Carriages, from or near *Wadebridge* in the Parish of *Saint Breoke* in the County of *Cornwall*, in and through the several Parishes or Places herein-after mentioned, with a Branch to the Borough of *Bodmin*, and certain other Collateral Communications herein-after mentioned, in the same County, will be a Work of great public Utility and Advantage, by opening a convenient and expeditious Communication for the Conveyance of Manure, Goods, Wares, Merchandize, and Passengers along the said Main Line of Railway, and between *Wadebridge* and the said Borough of *Bodmin*: And whereas the several Persons herein-after named are willing and desirous to make, establish, and maintain such

[*Local.*]

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Railway

Proprietors
incorporated.

Railway and Branches as aforesaid at their own proper Costs and Charges, 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 Sir *William Motesworth* Baronet, Sir *Charles Lemon* Baronet, Sir *Richard Hussey Vivian* K.C.B., the Honourable *Anna Maria Agar*, *Edward William Wynne Pendarves*, *Davies Gilbert*, *William Hext*, *John Harry M.D.*, the Reverend *John Pomeroy Gilbert*, *John Wallis*, the Reverend *Francis John Hext*, *John Hooper*, *John Martin Bligh*, *James Liddell*, *Silas Hiscutt Liddell*, *Preston Wallis*, *Charles Coode*, *John Pethybridge*, the Reverend *John Wallis*, *Thomas Clarke*, *James Oliver*, *George Geach*, *William Oliver*, *Edmund William Gilbert*, *Ralph Rogers*, *Thomas Tom*, *Robert Lean*, *John Tom*, *Henry John Hooper*, *Walter Raleigh Gilbert*, *Edwin Denby*, *James Harvey*, *William Benny*, *James Elson*, *Stephen Bate*, *Thomas Lawry*, *Edward Lean*, *Ann Kendall*, *Ann Kendall the younger*, *Mary Kendall*, *Nicholas Stick*, *John Werry*, the Reverend *Thomas Grylls*, *John Nicholls*, *Thurston Collins*, *John Parkyn*, *John Cole Grose*, *Henry Spiller Watkin*, *John Ward*, *Deeble Peter the younger*, *John Billing*, *John May*, *Thomas Baron the younger*, *Nicholas Grose*, *Edward Mountsteven Wright*, *Charles Crespigny Vivian*, *John Harvey*, *James Estridge Bennett*, *John Belling*, *George Stephens*, *Harry Hocken*, *Francis Bear*, *William Hoskins Oliver*, *John Broad*, *Trehane Cullis*, *Richard Hosking*, *Richard Vercoe*, *John Thomas*, *William Rundle the younger*, *Francis Bligh*, *Nicholas Saunders*, *Joseph Kent*, *John Scantlebury*, *Henry Mudge*, *John Cradock*, *Joseph Bastard*, *Francis Brown Hambly*, *William Oliver*, *Robert Gatty*, *John Bazeley*, *Thomas Jago*, *William Collins*, *Mary Climo*, *John Liddell*, *Sarah Saunders*, *Charlotte Saunders*, *Andrew Lovering Sarel*, *Samuel Page*, *Ann Julia Wallis*, *John Viant*, *William Billing*, *Christopher Lean*, *John Robins*, *Elias Hiscutt Liddell*, and all and every other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall hereafter become Subscribers to the said Undertaking for establishing the said Railway and Works, and their several and respective Successors and Assigns, shall be and are hereby united into a Company for making and maintaining the said Railway, and Works incident thereto and to be connected therewith; according and subject to the Rules, Restrictions, and Regulations herein-after mentioned and provided, and for that Purpose shall be One Body Corporate, and shall be known as such by the Name and Style of "The *Bodmin and Wadebridge* Railway Company;" and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued, plead and be impleaded, at Law or in Equity; and the said Company shall have full Power and Authority, from Time to Time and at all Times, to purchase and hold Lands and Hereditaments to them, 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 in manner by this Act directed, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

II. And be it further enacted, That the said Company shall be and are hereby empowered, by themselves, their Deputies, Agents, Officers, Engineers, Servants, and Workmen, to make, complete, and maintain a Railway, with proper Bridges, Works, and Conveniences adjoining thereto or connected therewith, for the Passage of Waggon, Carts, and other Carriages, commencing at the Place delineated on the Plan and described in the Book of Reference deposited with the Clerk of the Peace for the said County of *Cornwall*, situate at *Wadebridge* in the Parish of *Saint Breoke* in the said County, and extending to or passing through or into the several Parishes of *Egloshayle*, *Bodmin*, *Helland*, *Blisland*, and *Simonward* otherwise *Saint Breward*, all in the said County of *Cornwall*, and terminating in the said Parish of *Simonward* at or near to a Bridge over the River *Camel* or *Allen* called *Wineford* otherwise *Wenford Bridge*; together with a Collateral Branch Railway, commencing at a Place in the said Parish of *Bodmin* on the Eastern Bank of the River *Camel* aforesaid lying or situate between *Penderwey* and *Dunmeer* in the said Parish, and from thence continuing through the said Parish of *Bodmin*, and into the Borough of *Bodmin*, and terminating at or near to *Berrycombe* in the said Borough; also to make, complete, and maintain two Branch Lines of Communication with the said Main Line of Railway, either by means of a Railway or Railways, or common Carriage Roads, with proper Works and Conveniences attached to or connected with the same respectively, the one commencing in the said Parish of *Egloshayle* at or near to the Junction of the River *Camel* aforesaid with the River *Ruthern*, passing by a Bridge across the said River *Camel*, and extending to the Road now leading from *Polbrock* to *Ruthern Bridge*, all in the said Parish of *Saint Breoke*, and the other commencing at or near to *Buscarne*, passing across the said River *Camel* by a Bridge, and terminating at or near to *Nanstallan*, all in the said Parish of *Bodmin*.

Company
empowered
to make
Railway.

III. And be it further enacted, That for the Purposes of this Act the said Company, their Deputies, Servants, Agents, Surveyors, Engineers, and Workmen, shall be and they are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Body Politic, Corporate, or Collegiate, Person or Persons whatsoever, according to the Provisions of this Act, and to survey and take Levels of the same or any Part thereof, and to ascertain, set out, and appropriate, for the Purposes of this Act, such Parts thereof as they are by this Act empowered to take or make use of for making and using the said Railway and all such other Works, Matters, and Conveniences as are hereby authorized to be made, and there to bore, dig, cut, trench, embank, and sough, and also to remove, take, carry away, and use, any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Materials or Things which may be dug, raised, or gotten in making the said Railway and other Works, out of the said Lands and Grounds of any Person or Persons, or Body Politic, Corporate, or Collegiate, adjoining or contiguous to such Railway, in such Manner as may be proper, requisite, or necessary for making, carrying on, continuing, maintaining, altering, or repairing the said Railway and other

Power to
enter upon
Lands, take
Materials,
and do all
Things ne-
cessary for
the Purposes
of this Act.

other Works, according to the true Intent and Meaning of this Act; and also to make, erect, build, bank, excavate, cut, and set up, under or upon the said Railway or other Works, and upon the Lands adjoining the same, such and so many Embankments, Bridges, Piers, Arches, Cuttings, and Tunnels, for passing under or over any Streets, Houses, or other Buildings or Erections, or for passing any Hills, Valleys, Roads, Rivers, Brooks, and Streams, or other Waters, and to alter the Course of or draw off such Water for such Time as may be necessary for completing Bridges or Passages over the same; and also to erect, build, and lay out and form such and so many Houses, Warehouses, Toll Houses, Wharfs, Landing Places, Weighing Beams, Cranes, Fire Engines, Steam Engines, and other Engines or other Machines, and all such other Works, and Ways, Roads, and Conveniences, as the said Company 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 or any of them; and to substitute others in their Stead; and also to place, lay, work, and manufacture the Materials necessary for the making, erecting, or maintaining and repairing the said Railway 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, repair, maintain, and alter any Fences or Passages over, under, or through the said Railway; and also to make, set out, and appoint such Roads and Ways, convenient for hauling or drawing of Waggons or other Carriages passing upon the said Railway, and proper Places for such Waggons and other Carriages to turn, remain, stand, lie, or pass each other; and also such Ways and Roads to communicate with the said Railway, and such other Conveniences as the said Company shall think proper or necessary, for the making, preserving, improving, using, maintaining, and repairing of the said Railway; and to make Drains or Conduits into, through, or under any Lands or Grounds near or adjoining the said Railway, for the Purpose of conveying Water from or to the said Railway or any Part thereof; and also to light the said Railway, and to lay and erect all Pipes, Lamps, Buildings, and other Works necessary for the same; and to construct, make, or do all other Acts, Matters, or Things fit or necessary for the making, altering, preserving, repairing, improving, completing, and using the said Railway and other Works to be made or constructed in pursuance of and according to the true Intent and Meaning of this Act; they the said Company, their Deputies, Agents, Engineers, 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 to the Owners or Proprietors of and to all Persons interested in any Lands or other Hereditaments which shall be taken, used, 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, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby given, subject nevertheless to such Provisions and Restrictions as are herein-after mentioned and contained.

IV. And

IV. And whereas a Map or Plan, describing the Lines of the said Railway, and the Lands and Grounds in, through, under, over, and upon which the said Railway is intended to be carried or made, together with a Book of Reference thereto, containing Lists of the Names of the Owners and Occupiers or reputed Owners and Occupiers of such Lands and Grounds, have been deposited with the Clerk of the Peace for the said County of *Cornwall*, be it therefore further enacted, That the said Map or Plan and Book of Reference so deposited shall remain with and be kept by the said Clerk of the Peace, to the end that all Persons interested in such Lands or Grounds may have Liberty to inspect and peruse and make Extracts from and Copies of the same at all reasonable Times, paying to the said Clerk for every Inspection the Sum of One Shilling, and for Copies or Extracts from the said Book of Reference after the Rate of Sixpence for every One hundred Words; and the said Map or Plan and Book of Reference, or true Copies thereof, or of so much thereof as shall relate to any Matter which may be in question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Plan and Book of Reference to remain with the Clerk of the Peace, and be open to Inspection.

V. And be it further enacted, That the said Company in making the said intended Railway shall not deviate more than One hundred Yards from the Course or Direction thereof as delineated in the said Map or Plan.

Restricting Deviations from Plan.

VI. Provided always, and be it further enacted, That if it shall be made to appear to any Two or more of His Majesty's Justices of the Peace acting in and for the said County of *Cornwall*, and be by him or them certified accordingly, by Writing under his or their Hands, that the Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments mentioned in the said Book of Reference, or in the Schedule to this Act annexed, or any Part of the same respectively, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, or that any other Person or Party interested therein or in any Part thereof is or shall have been, by Mistake or otherwise, misnamed or incorrectly or insufficiently described, or that the Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments which by this Act it is intended should be taken and used for the Purposes thereof, or any Part thereof, or the Owners or Proprietors thereof, or other Persons interested in any Manner therein, or any of them, are or shall have been omitted or left out of the said Book of Reference and Schedule, or misnamed or not otherwise noticed or described, such Mistake, Misnomer, incorrect Description, Omission, or Defect shall not prevent, hinder, or retard the Execution of this Act, or otherwise prevent or impede the Purchase of any and every Part of the said Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments, under the Provisions of this Act, but the same shall and may be valued, sold, purchased, conveyed, or disposed of and applied in the same Manner and under the same and the like Powers as are given by this Act in other Cases, as fully and effectually to all Intents and Purposes as if the same were inserted and properly and accurately named in the said Book of Reference and in the Schedule to this Act annexed.

Omissions or Misnomers in Book of Reference not to obstruct the making of the Railway.

Houses and Gardens not to be used unless specified in the Schedule.

VII. Provided also, and be it further enacted, That nothing herein contained shall extend to authorize the said Company, or any other Person acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Railway or other Works, or for any other of the Purposes aforesaid, any House or other Building which was erected or built before the Thirtieth Day of *November* One thousand eight hundred and thirty-one, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk, Avenue to a House, or planted and set apart as a Nursery for Trees, without the Consent in Writing of the Owner or Proprietor thereof or other Person interested therein respectively, other than and except such as are specified in the Schedule to this Act annexed.

If Land not contracted for within the Space of Three Years, Power of purchasing to cease.

VIII. Provided also, and be it further enacted, That if the said Company shall not within the Space of Three Years, to be computed from the passing of this Act, agree for or cause to be valued and paid for, as in this Act is mentioned, the Houses, Buildings, Hereditaments, or other Premises which they are by this Act empowered to purchase, or so much thereof as shall be deemed necessary or proper for the Purpose of making the said Railway or other Works hereby authorized, (save and except the Ten Acres of Land which the said Company are by this Act authorized to purchase, in addition to the Land hereby authorized to be purchased for making and completing the said Railway or other Works,) then and from thenceforth those Powers which are hereby granted to them for such Purpose only, shall cease, determine, and be utterly null and void.

If Railway be not completed in Five Years, Powers to cease, except as to Part completed.

IX. Provided always, and be it further enacted, That in case the said intended Railway shall not have been completed and made within the Space of Five Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Five Years all the Powers, Authorities and Privileges given by this Act shall cease and determine, save only and except as to so much (if any) of the said intended Railway and Works as shall have been declared and certified to have been completed within the said Term by any Two or more Justices of the Peace for the said County of *Cornwall*, at any Time before the Expiration of the said Term of Five Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of Two or more Witnesses upon Oath, to be produced before them for that Purpose.

Breadth of Land to be taken for the Railway.

X. And be it further enacted, That the Lands and Grounds to be taken or used for the Purposes of this Act shall not exceed Ten Yards in Breadth, except in such Places where any Branch of or Communication with the said Railway shall fall into or communicate with the Main Course of the same, or where it shall be judged necessary for Waggons and other Carriages to turn, remain, stand in, lie, or pass each other, or where any fixed Steam or other Engines, Warehouses, or other Buildings, Cranes, or Weighbeams may be erected, or where any Place or Places may be set out or appropriated for the forming of a Wharf or Wharfs, Staith or Staiths, or for the Delivery or Reception of Coal, Merchandize, and Burdens which shall be conveyed on the said

said Railway, and not above Fourteen Yards in Breadth at any Place, except in Places where it shall be necessary to raise any Embankments for crossing Valleys or low Grounds, or in Cuttings, and except at the Commencement of the said Line or Lines of Railroad at *Wadebridge* within the Parish of *Saint Breoke*, where a Place not exceeding Fifty Yards in Length, to be measured from the Edge of the Quay situate below the Bridge at *Wadebridge* aforesaid, by Fifty Yards in Breadth, to be measured from the Centre of the said Quay, may be set out and appropriated for a Wharf and other Conveniences, and at the Termination of the said Line or Lines of Railway within the Borough of *Bodmin* and Parish of *Simonward* or *Saint Breward* respectively, and at or near the several Communications between the Main Line and the Branches respectively, and at or near the following Places adjoining the said Line or Lines of Railway; that is to say, at or near *Parweley's Bridge* in the said Parish of *Simonward*, at or near *Tresarrett Bridge* in the said Parish of *Blisland*, at or near *Stockbridge* in the said Parish of *Blisland*, at or near *Helland Bridge* in the said Parish of *Helland*, and at or near *Borough Bounds* in the said Parish of *Bodmin*, where Places not exceeding Seventy Yards in Length by Fifty Yards in Breadth may be set out and appropriated for Wharfs, Warehouses, Buildings, Yards, and other Conveniences, and also except Commons or Waste Lands, without the Consent in Writing of the Owners of the Lands or Hereditaments adjoining the said Railway.

XI. And be it further enacted, That the Furnace of every Steam Engine to be used on the said intended Railway under or by virtue of the Powers of this Act shall be constructed on the Principle of consuming its own Smoke. Steam Engines to consume their own Smoke.

XII. And be it further enacted, That where the said Railway shall cross any public Highway, the Ledge or Flanch of such Railway for the Purpose of guiding the Wheels of the Carriages shall not rise above or sink below the Level of such Road more than One Inch and a Half. Height of Ledge of Railway crossing Roads.

XIII. And be it further enacted, That the Distance between the inside Edges of the Rails of the said Railway shall not be less than Four Feet Eight Inches, and the Distance between the outside Edges of the said Railway shall not be more than Five Feet One Inch. Width of Railway.

XIV. Provided always, and be it further enacted, That where any Bridge shall be erected or made by the said Company, for the Purpose of carrying the said Railway over or across any Turnpike Road or public Highway, the Span of the Arch of such Bridge shall be formed and shall at all Times be and be continued of such Width as to leave a clear and open Space under every such Arch of not less than Fifteen Feet, and of a Height from the Surface of such Turnpike Road or public Highway to the Centre of such Arch of not less than Sixteen Feet; and the Descent under any Bridge shall not exceed One Foot in Thirteen Feet. Regulations as to Bridges for carrying Railway over public Roads.

XV. Provided always, and be it further enacted, That in all Cases where it may be necessary to erect, build, or make any Bridge or Regulating Ascent of Bridges for
Bridges

carrying
public
Roads over
Railway.

Bridges for carrying any public Carriage Road over the said Railway, the Ascent of every such Bridge for the Purpose of such Road shall not be more than One Foot in Thirteen Feet, and a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge, and the Width of such Bridge between such Fences shall not be less than Sixteen Feet.

When Rail-
way crosses
public High-
ways on a
Level, Com-
pany to erect
Gates on
each Side.

XVI. Provided also, and be it further enacted, That in all Cases where the said Railway shall cross any public Highway on a Level the said Company shall erect and at all Times maintain a good and sufficient Gate on each Side of the said public Highway where the said Railway shall communicate with such public Highway, which said Gate shall be constantly kept shut, except at such Times as Waggons, Carts, and other Carriages passing along the said Railway shall have to cross such public Highway, and then shall be opened for the Purpose only of letting such Waggons, Carts, or other Carriages pass through.

For prevent-
ing Injury or
Inconve-
nience where
Roads are
cut or taken
for the Pur-
poses of the
Railway.

XVII. Provided also, and be it further enacted, That in all Cases where, in exercise of the Powers hereby granted, it shall be found necessary to cut through, raise, sink, take, or injure any Part of any Carriage or Horse Road, either public or private, so as to render the same impassable or inconvenient for Persons entitled to the Use thereof, the said Company shall, at their own Expence, before any such Road shall be cut through, raised, sunk, taken, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road (as the Case may require) to be set out and made instead thereof, as convenient as the Road so to be cut through, raised, sunk, taken, or injured as aforesaid, or as near thereto as may be, and shall cause the same to be put in good and substantial Order and Condition, where the former Road cannot be more easily restored, and where the Road cut through, raised, sunk, or passed over shall be a Turnpike Road, a temporary Road shall be so made, and the principal Road restored, within Six Calendar Months after the Commencement of the Operation; and the Railway, where it shall cross such Turnpike Road, shall be made and kept in repair so as to prevent Inconvenience or Obstruction to the Passage along such Turnpike Road.

Persons
under Dis-
abilities em-
powered to
convey and
settle Lands.

XVIII. And be it further enacted, That after any Lands, Tenements, or Hereditaments shall have been set out and ascertained for making the said Railway or Railways or any Part or Parts thereof respectively, and for providing and constructing the Works and Conveniences hereby authorized to be made, or any of them, it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life or for any other partial or qualified Estates or Interests, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Committees, Executors and Administrators, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on the behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Cestuique Trusts, whether Infants,
Issue

Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest in the same, and for all and every other Person and Persons whomsoever who is, are, or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said Company; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company, and shall be made according to the following Form, or as near thereto as the Number of Parties and the Circumstances of the Case will permit; namely,

I *A. B.* of _____, in consideration
of the Sum of _____
to me paid by the Company of Proprietors established and incorporated by an Act passed in the Second Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], do hereby grant and release to the said Company of Proprietors all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereto belonging, and all my Estate, Right, Title, and Interest in and to the same and every Part thereof, to hold to the said Company of Proprietors and their Successors for ever, according to the true Intent and Meaning of this Act. In witness whereof I have hereunto set my Hand and Seal, the _____ Day of _____ in the Year of our Lord _____

Form of
Conveyance
to the Com-
pany.

And all such Conveyances and Assurances as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall operate and be as a Merger of all outstanding Terms of Years, and be a complete and effectual Bar to all Estates Tail and other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, Interests, Charges, or Incumbrances whatsoever.

XIX. Provided always, and be it further enacted, That if any Contract or Agreement shall be made or entered into for or in respect of any Lands, Tenements, or Hereditaments to be taken and used by virtue of the Powers of this Act for the Purposes thereof, which said Lands, Tenements, or Hereditaments shall be of Copyhold or Customary Tenure, or in the Nature thereof, every such Contract and Agreement shall be executed and completed by Surrender of the Lands, Tenements, and Hereditaments comprised therein in the Court of the Manor of which the same may be holden or Parcel, according to the Custom of such Manor; and such Lands, Tenements, and Hereditaments shall continue subject to the same Fines, Rents, and Services as may be then due and payable and of Right accustomed, in the same Manner as if this Act had not been passed, unless the Lord or Lords, Lady or Ladies for the Time being of the Manor whereof the said Lands, Tenements, or Hereditaments may be holden shall be willing or desirous to enfranchise the same, in which case such Lord or Lords, Lady or Ladies, whether sole or married, is and are hereby empowered so to do, notwithstanding he,

Conveyance
of Copy-
holds.

[*Local.*]

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she,

she, or they shall be seised of or entitled to the same Manor for a less Interest than an Estate of Inheritance in Fee Simple; but inasmuch as the vesting and continuing of such Copyhold or Customary Premises in the said Company as a Body Corporate would, if the same should not be enfranchised, prevent such Lord or Lords, Lady or Ladies from receiving the same Benefit of Fines, Heriots, and other Services, due upon Death, Descent, or Alienation, as he, she, or they would have received in case such Copyhold or Customary Premises had continued to be the Property of Persons in their natural Capacities, he, she, or they shall be entitled to and be paid by the said Company a reasonable Recompence and Satisfaction for the Loss which may arise to him, her, or them in respect of such Fines, Heriots, and other Services, the Receipt or Enjoyment of which shall be diminished or lost by the vesting or continuing of such Copyhold or Customary Premises in a Body Corporate; which Recompence and Satisfaction, and also the Appointment or Appointments of the certain Copyhold or Customary Rents issuing out of such Copyhold or Customary Tenements of which a Part only shall be taken for any of the Purposes of this Act, shall, if not settled by Agreement between the Parties, be ascertained and settled by the Verdict of a Jury, if required, as herein-after mentioned.

Lords of Manors under Incapacity enabled to enfranchise Copyholds and Appor-tionments.

XX. And be it further enacted, That in all Cases where the Lord or Lords, Lady or Ladies of any Manor whereof any Copyhold or Customary Lands or Tenements required to be taken or used for the Purposes of this Act are holden or Parcel shall be willing or desirous to enfranchise the same Copyhold or Customary Lands or Tenements, and such Lord or Lords, Lady or Ladies shall be seised of or entitled to such Manor or Manors respectively for a less Interest than an Estate in Tail General or Special, or where he, she, or they cannot, either by levying a Fine or Fines, or suffering a Common Recovery or Common Recoveries, enfranchise the same Lands or Tenements; then the Money agreed or assessed to be paid for the Enfranchisement thereof shall be paid, applied, and disposed of under the Direction and with the Approbation of the Court of Exchequer, or without such Direction or Approbation, according to the Amount thereof, in the same Manner in all respects as in this Act is directed and provided with respect to Money agreed or assessed to be paid for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purpose thereof, which shall belong to any Person under any Disability or Incapacity whatsoever; and in all Cases in which the Appointment or Apportionment of the certain Copyhold or Customary Rents issuing out of such Copyhold or Customary Lands and Tenements of which a Part only shall be or shall have been taken for any of the Purposes of this Act shall be settled by Agreement between the Parties, such Agreement shall be made with and shall not be valid without the Consent and Approbation of the Lord or Lords, Lady or Ladies of the Manor or respective Manors whereof the same Copyhold or Customary Lands and Tenements are holden or Parcel, and if not so settled shall then be settled or assessed by the Verdict of a Jury, if required, in manner herein-after mentioned; and the Apportionment of such Copyhold or Customary Rents as aforesaid shall not in any Manner invalidate, prejudice, or destroy

destroy the Custom or Customs in other respects by or under which the said Copyhold or Customary Lands or Tenements shall or may be holden, or the Remedy or Remedies for the Recovery of such Rents after the Apportionment thereof; and if the Lord or Lords, Lady or Ladies of any Manor whereof any Copyhold or Customary Lands or Tenements purchased by the said Company for the Purposes of this Act shall be Parcel shall have refused or declined to enfranchise the same Lands or Tenements, and shall in consequence thereof have received from the said Company a Recompence and Satisfaction in respect of the Fines, Heriots, or other Services being diminished or lost by the vesting and continuing of such Copyhold or Customary Lands or Tenements in a Body Corporate, then and in every such Case, if the same Lands or Tenements, or any Part or Parts thereof, shall not be ultimately required for the Purposes aforesaid or any of them, and shall be sold and disposed of by the said Company under the Authority given to them for that Purpose, the Copyhold or Customary Lands and Tenements which shall be sold and disposed of by the said Company shall remain in the Hands of the Purchaser or Purchasers thereof, and for ever thereafter continue free and discharged from the Fines, Heriots, and other Services in respect whereof such Recompence and Satisfaction shall have been made as aforesaid.

XXI. And be it further enacted, That in all Cases where, in making the said Railway or other Works hereby authorized, there shall be Occasion to cut through, take, or use any Part of any Common or Waste Grounds, or other Lands, Tenements, or Hereditaments which shall be charged with or subject or liable to the Exercise of any Right or Privilege of Common thereupon, whether of Pasture, Turbary, Estover, Piscary, or Easement, and whether such Common or Commonable Rights be appendant, appurtenant, or in gross, and whether the same be created or be then subsisting by Grant, Prescription, Custom, or otherwise howsoever, the Conveyance of such Common, Waste Grounds, or other Lands, Tenements, or Hereditaments as aforesaid, by any Body Politic, Corporate, or Collegiate, or other Person having such Estate or Interest in the Manor wherein such Common or Waste Grounds shall be situate, (or if the same shall not be the Waste of any Manor, then having such Estate or Interest in the Soil of the said Lands, Tenements, or Hereditaments,) as the Body or Bodies Politic, Corporate, or Collegiate, or Person or Persons, who are herein-before enabled to sell other Lands, Tenements, and Hereditaments have in such Lands, Tenements, or Hereditaments, shall be a good and sufficient Conveyance to the said Company for the Purpose of vesting in them the Fee Simple and Inheritance of such Common or Waste Grounds, or other Lands, Tenements, or Hereditaments, as fully and effectually as if every Person having such Right or Rights of Common upon such Common or Waste Grounds, or other Lands, Tenements, or Hereditaments, were seised thereof in Fee Simple in Possession, and had joined in and executed such Conveyance; and the Compensation to be paid for the Extinguishment of any Right of Common upon any such Common or Waste Grounds as aforesaid shall be paid by the said Company to the Churchwardens for the Time being of the Parish wherein

Common
Lands to be
conveyed by
Lords of
Manors.

Wherein such Common or Waste Grounds shall be situated, and shall be by such Churchwardens received and applied for such general or public Purposes within the said Parish as a Vestry thereof, to be convened by such Churchwardens for that Purpose, shall direct; and in all Cases where any such Commonable or other Rights shall extend over and be exercised and enjoyed out of or upon any other Lands, Tenements, or Hereditaments than such Common or Waste Grounds, the Compensation for the Relinquishment thereof shall be paid to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, having such Estate or Interest as aforesaid in the said Commonable or other Rights, or in any Lands, Tenements, or Hereditaments whereunto the same shall be appendant or appurtenant, or deposited in the Bank of *England* in the Manner by this Act directed (as the Case may be); provided that in all Cases where any such Manor is vested in Freeholders or Inhabitants at large in any greater Number of Persons than Four, or where it is not known to what Lord or Lady such Manor belongs, or in what Manor such Common or Waste Ground is situated, the Conveyance by Four at least of the Freeholders whose Estates have Common Right in or over such Common or Waste Grounds, and whose said Estates in the Rate for the Relief of the Poor in the Parish where such Commons and Waste Lands are situate, amount in yearly Value to Three Fifth Parts at least of the whole of the Estates which have such Common Right, shall also in like Manner be a good and sufficient Conveyance to the said Company for the Purpose of vesting in them the Fee Simple and Inheritance of such Common or Waste Grounds.

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

XXII. And be it further enacted, That if in the Execution of any of the Powers of this Act any Parcels of Land shall be cut through and divided so that what shall be left thereof on both Sides or on either Side of the said Railway shall be less than One Fourth of a Statute Acre in Quantity, and if the Owner of any such Land shall not have any other Land adjoining to that which shall be so left on either Side of the said Railway, then and in every such Case, if such Owner shall so require, but not otherwise, the said Company shall also purchase the Land so left on both or either of the Sides of the said Railway, being less than One Fourth of a Statute Acre in Quantity as aforesaid, the Value thereof to be ascertained in the same Manner as is directed concerning any Land to be taken and used for the Purposes of this Act; or in case such Owner as aforesaid shall have any other Land adjoining to that which shall be so left, he may require the said Company, at the Expence of such Company, to throw the same into the adjoining Land of such Owner, by removing the Fences and levelling the Sites thereof, and soiling the same in a sufficient and workmanlike Manner: Provided always, that if any Land which shall be so severed and left shall be less than One Fourth of a Statute Acre in Quantity, and the said Company shall be called upon or find it expedient to erect or make a Bridge or Culvert in order to make a Communication between the same and the Main Land from which it shall be so severed, the said Company shall have Power, if they shall think fit so to do, to purchase the Land which shall be so severed and left, and which shall be less than One Fourth of a Statute Acre in Quantity as last aforesaid, the Value thereof to

be ascertained in the same Manner as is directed concerning any Land to be taken and used for the Purposes of this Act.

XXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give the said Company any Mines or Quarries, Stone, Slate, Minerals, or Manganese, under any Land taken or purchased by the said Company under the Provisions of this Act, except only so much of such Mines, Quarries, Stones, Slate, Minerals, or Manganese as may be necessary to be dug or carried away or used for the Purposes of this Act; but all such Mines, Quarries, Stones, Slate, Minerals, and Manganese, except as aforesaid, shall be deemed to be excepted out of such Purchase, and may be worked by the Owners or Lessees thereof under the said Lands, or any Railway or other Works of the said Company, as if this Act had not been passed, but so nevertheless as not in any Manner to prejudice or injure the said Railway, Wharfs, or other Works and Conveniences hereby authorized or directed to be made.

Company
not to claim
Mines, &c.
under Land
purchased.

XXIV. Provided always, and be it further enacted, That whenever in the working or getting of any such Mines, Quarries, Stone, Slate, Minerals, or Manganese, the Owners or Lessees, or other Persons working the same, shall approach within Forty Yards of any Masonry or Building belonging to the said Company, the Owner, Lessee, or other Person directing the working of such Mines, Quarries, Stone, Slate, Minerals, or Manganese, shall give Notice thereof in Writing to the said Company, and within Twenty-one Days after the Service of such Notice the said Company shall deliver to such Owner, Lessee, or other Person a Declaration in Writing, under their Common Seal, stating whether they require the Stone, Slate, Minerals, or Manganese under such Masonry or Building so lying within Forty Yards thereof, or so much thereof as the said Company shall in such Declaration specify to be reserved for the Protection of such Masonry or Building; and in case the said Company shall require the same or any Part or Parts thereof, they shall purchase and pay the Owner, Lessee, or other Person entitled to the same for the Mines, Quarries, Stone, Slate, Minerals, or Manganese so reserved; and in case the said Company, and such Owner, Lessee, or other Person, shall not agree as to the Price to be paid for the said Mines, Quarries, Stone, Slate, Minerals, or Manganese so reserved, the same shall be settled by a Jury in manner herein-after mentioned; and in case the said Company shall not desire the said Mines, Quarries, Stone, Slate, Minerals, or Manganese to be reserved, or shall not deliver such Declaration in Writing as aforesaid, then and in either of such Cases the said Owners, Lessees, or other Persons may work and get the Mines, Quarries, Stone, Slate, Minerals, or Manganese under the said Masonry or Buildings, provided the same be got and at all Times thereafter worked in the usual and ordinary Manner, and without doing any Damage to the said Railway and other Works hereby authorized to be made.

To prevent
Railway
being injured
by working
Mines.

XXV. And be it further enacted, That all Bodies Politic, Corporate, or Collegiate, Trustees, or other Persons herein-before cap-

[*Local.*]

11 G

citated

Satisfaction
to be made
for Lands

taken for the
Railway.

citated, or enabled to sell or convey Lands, Tenements, and Hereditaments, and the Owner and Owners, and Occupier and Occupiers of any Lands, Tenements, or Hereditaments through, under, in, or upon which the said Railway or other Works hereby authorized are intended to be made, or any of them, may accept and receive Satisfaction for the Value of such Lands, Tenements, and Hereditaments; and also Compensation for the Damages to be sustained in making or completing the said Works herein-before directed to be made, and also of or by reason of the severing or dividing the same Lands, Tenements; and Hereditaments, and for and on account of the Detriment, Injury, Damage, Loss, Inconvenience, or Prejudice which may be sustained by such Bodies, Trustees, or other Persons, in such gross Sums as shall be agreed upon between the said Owners and Occupiers respectively, or any of them, and the said Company; and in case the said Company, and the several Parties interested in any such Lands, Tenements, and Hereditaments, cannot or do not agree as to the Amount or Value of such Satisfaction and Compensation, the same shall be ascertained and settled by the Verdict of a Jury (if required) as herein-after is directed.

If the Parties refuse, or are incapable to treat, the Value to be settled by a Jury.

XXVI. And for settling all Differences which may arise between the said Company and the several Owners of or the Persons interested in any Lands and Grounds, Messuages, Buildings, Tenements, Hereditaments, Streams, Brooks, Wells, and Springs, Waters or Water-courses, which shall or may be taken, used, damaged, stopped up, affected, or prejudiced by the Execution of any of the Powers hereby granted, be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee, or any other Person or Persons so interested, entitled, or capacitated to sell as aforesaid, for and on behalf of himself, herself, or themselves, or for or on behalf of his, her, or their Cestuique Trusts, or of the Person or Persons entitled in Remainder or Reversion after him, her, or them, as aforesaid, or of any other incapacitated Person as aforesaid, shall differ or shall not agree with the said Company as to the Amount of such Purchase Money, Recompence, or other Compensation, and such Amount cannot be adjusted, settled, and agreed for by and between such Parties and the said Company; or if such Parties shall refuse to accept such Purchase Money, Recompence, or other Compensation as shall be offered by the said Company, and shall give Notice thereof in Writing to the said Company within Fourteen Days next after such Offer shall have been made, and the Party or Parties giving such Notice shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury, or if any Body Politic, Corporate, or Collegiate, Trustee, or other Person or Persons interested, entitled, or capacitated to sell as aforesaid, shall (for the Space of Fourteen Days next after Notice in Writing shall have been given to the principal Officer of any such Body Politic, Corporate, or Collegiate, or to such Trustee or Person 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, Tenements, or Hereditaments required for the Purposes of this Act,) neglect or refuse to treat or shall not agree with the said Company for the Sale and Conveyance of their respective Estates and

and Interests therein, or shall by reason of Absence be prevented from treating, or shall by reason of Nonage or any other Impediment or Disability not provided for by this Act be incapable of treating or making such Agreement as shall be expedient for enabling the said Company to proceed in making the said Railway and other the Works aforesaid, or shall not produce and fully disclose the State of the Title of the Premises they may be in possession of, or to the Interest they shall claim therein respectively, then and in every such Case the said Company shall and may and they are hereby empowered and required from Time to Time to issue a Warrant under their Common Seal to the Sheriff of the County of *Cornwall*, or in case such Sheriff or his Under Sheriff shall be one of the said Company, or shall enjoy any Office of Trust or Profit under them, or shall be in any ways interested in the Matters in question, then to any of the Coroners of the said County not interested as aforesaid, or if all the Coroners shall be so interested, then to the Person then in being who last filled the Office of Sheriff or Coroner of the said County not interested as aforesaid, commanding such Sheriff or Coroner or other Person to empanel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly authorized, empowered, and required to empanel, summon, and return a Jury of at least Forty-eight 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*; and the Persons so to be empanelled, summoned, and returned are hereby required to appear before the said Sheriff, Under Sheriff, Coroner, or other Person, at such Time and Place as in such Warrant shall be directed or appointed, and to attend from Day to Day until discharged; and out of such Persons to be empanelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, or Coroner, or some Person to be by him appointed, in such Manner as Juries for Trials of Issues joined in His Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff, Under Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or of others that can be speedily procured to attend that Service (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to summon before him all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question or dispute, and may order and authorize the said Jury, or any Five or more of them, to view the Place or Places or Matter or Matters in controversy; and such Jury shall, upon their Oaths, or, being of the Society of Persons called *Quakers*, upon their solemn Affirmation, (which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmations of such Person or Persons as shall be called upon to give Evidence, the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to administer,) enquire of, assess, and ascertain and give a Verdict for the Sum or Sums of Money

Jury to be summoned by the Sheriff or Coroner, or Person who shall last have filled either Office, and not interested.

Money to be paid for the Purchase of such Lands, Tenements, and Hereditaments, and also the separate and distinct Sum and Sums of Money to be paid by way of Recompence or Compensation, either for the Damages which shall or may before that Time have been done or sustained as aforesaid, or for the future temporary or perpetual or any recurring Damages which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been in part only removed by the said Company, and which cannot or will not be further obviated, remedied, or repaired by them; and the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money, Recompence, or Compensation as shall 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, upon all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever: Provided always, that not less than Seven Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Company to the Party or Parties with whom any such Controversy shall arise, by leaving such Notice at the Dwelling House of such Person or Persons, or of the Clerk or Agent or Head Officer of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises intended to be valued, or respecting which any such Question shall arise.

Value of Land and Damages to be ascertained separately.

XXVII. Provided also, and be it further enacted, That in ascertaining the Sum or Sums of Money to be paid for the Purchase of any Lands, Tenements, or Hereditaments so to be taken or made use of for the Purposes of this Act the Jury shall also ascertain and assess the Compensation and Satisfaction to be made by the said Company for any Damages which shall or may at any Time or Times hereafter be sustained by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons respectively, being Owner or Owners, Occupier or Occupiers of or interested in such Lands, Tenements, or Hereditaments, for or by reason of the severing or dividing the same from other Lands, Tenements, or Hereditaments belonging to such Body or Bodies Politic, Corporate, or Collegiate, or to any such Person or Persons as aforesaid, and for or on account of the Detriment, Injury, Loss, and Damage or Prejudice, which shall or may accrue to or be sustained by any such Body or Bodies Politic, Corporate, or Collegiate, Owner or Owners, Occupier or Occupiers, or other Person or Persons interested in such Lands, Tenements, or Hereditaments, or any of them, by reason of the making, using, repairing, or maintaining the said Railway and other Works and Conveniences belonging thereto, or by reason or means of the Execution of any of the Powers given to the said Company, such Damages and Compensation to be settled and ascertained separately and distinctly from the Value of the Lands, Tenements, and Hereditaments so to be taken and used as aforesaid.

Compensation Money to be apportioned.

XXVIII. 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

Damages which shall be assessed 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.

XXIX. And be it further enacted, That all the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person presiding at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the said County of *Cornwall* 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 One Shilling, and no more, and also to take and make Copies thereof, paying for every such Copy after the Rate of Sixpence for every One hundred Words.

Verdicts to be recorded.

XXX. And be it further enacted, That if such Sheriff or his Deputy, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make default in the Premises, he shall for every such Offence forfeit the Sum of Fifty Pounds; and if any Person so to be summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or, being of the Society of Persons called *Quakers*, to make his solemn Affirmation, or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so to be summoned to give Evidence as aforesaid shall not appear, on being paid or tendered a reasonable Sum for his, her, and their Costs and Expences, or appearing shall refuse to be sworn or give Evidence, then and in every such Case every such Person so offending, having no reasonable Excuse, (to be allowed by the said Sheriff, Under Sheriff, Coroner, or other Person,) shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding Ten Pounds.

Penalties upon Sheriff, Jurors, or Witnesses making default.

XXXI. And be it further enacted, That every such Jury and Juryman as aforesaid shall be liable and subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any 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, or, being of the Society of Persons called *Quakers*, upon their solemn Affirmation, shall wilfully and corruptly give false Evidence before any such Jury, Sheriff, Under Sheriff, Coroner, or other Person, or 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.

Jurors to be under the same Regulations as those of the Superior Courts, and Witnesses to be liable to Punishment for Perjury.

[*Local.*]

11 H

XXXII. And

By whom
Expences of
Juries shall
be paid.

XXXII. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury as aforesaid for the same or more Money than shall have been previously offered or tendered by the said Company for the Purchase of any Lands, Tenements, or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, as a Compensation or Recompence for any Damage, Loss, or Injury that may have been sustained by any Person or Persons as aforesaid, all the Costs incurred in summoning such Jury and the Expences of Witnesses shall be borne by the said Company; and in case such Costs and Expences shall not be paid to the Party or Parties entitled to receive the same within Ten Days after Demand made thereof from the said Company, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels vested in the said Company, or of any Goods or Chattels of the Treasurer or Treasurers of the said Company, unless such Treasurer or Treasurers shall pay such Costs out of the Monies received by him by virtue of this Act, 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 of *Cornwall*, 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 or Person entitled to receive such Costs and Expences; but if the Verdict of a Jury shall be given for a less Sum than shall have been previously offered or tendered by or on behalf of the said Company, then and in every such Case all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party or Parties refusing or neglecting to treat or agree as before mentioned, and by the said Company, but in all Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said Company, the Costs so incurred shall be borne by the said Company in manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of the said Costs, the same shall be settled and ascertained by the Sheriff of the said County of *Cornwall*, who is hereby authorized and required to examine into and tax and settle the same, and to appoint a Time and Place for the Payment thereof; and where the Costs shall be payable by the Party or Parties having had any such Disagreement or Dispute with the said Company as aforesaid, the Amount thereof, having been first paid by the said Company, may be deducted by them out of the Monies awarded to be paid by such Party or Parties, as so much Money advanced for his, her, or their Use, and the Payment or Tender of the Balance or Remainder of such Money shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties; or otherwise, if such Costs and Charges be not paid upon Demand, after being so ascertained as aforesaid, the same may be recovered by the said Company from the Party or Parties liable to the Payment thereof, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

Persons re-
questing Ju-
ries to enter

XXXIII. And be it further enacted, That all and every Person and Persons with whom the said Company shall have any such Con-
troversy

troversy or Dispute shall, before the said Company shall be obliged to issue out their Warrant or Warrants for the summoning such Jury, enter into a Bond, with Two sufficient Sureties, to the Treasurer of the said Company, in a Penalty of One hundred Pounds, to prosecute his, her, or their Complaint, and to bear and pay his, her, or their Proportion of the Costs and Expences of summoning and returning such Jury and taking such Verdict, and of the summoning, and of the Attendance of Witnesses, in case any Part of such Costs and Expences shall fall upon him, her, or them, to be paid according to the true Intent and Meaning of this Act.

into Bond to prosecute their complaint and pay Expences.

XXXIV. And be it further enacted, That the said Company shall not be obliged nor shall any Jury to be summoned by virtue of this Act receive or take notice of any Complaint to be made by any Person for any Injury or Damage by him or her sustained or supposed to be sustained, or having been discovered to be sustained, by virtue or in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing, stating the Particulars of such Injury or Damage, and the Amount of the Compensation claimed in respect thereof, shall have been given, by or on behalf of such Person, within the Space of Three Calendar Months after the Time of such supposed Injury or Damage having been sustained, or the doing or committing thereof shall have ceased.

Notice of Injury to be given to the Company before Complaint made.

XXXV. 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 Parties, or assessed by any Jury in manner aforesaid, for the Purchase of any such Lands, Tenements, or Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as herein-before mentioned, to the Proprietor or Proprietors of such Lands, Tenements, or Hereditaments, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, within Thirty Days after the same shall be so agreed for, determined, or assessed; or if the Person or Persons so entitled or interested as aforesaid, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then, upon Payment of the said Sum or Sums of Money into the Bank of *England*, as herein-after directed and required, for the Use of the Person or Persons entitled thereto, within Thirty Days after the same shall be so agreed for, determined, or assessed as aforesaid, it shall be lawful for the said Company, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Tenements, and Hereditaments respectively; and then and thereupon such Lands, Tenements, and Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of the said Company, to and for the Purposes of this Act; and such Payment or Tender and Investiture shall not only bar all the Right, Title, Interest, Claim, and Demand of such Person or

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

Persons

Persons as aforesaid, and operate as a Merger of all outstanding Terms of Years, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates, in Reversion and Remainder or otherwise, of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *England* as aforesaid, it shall not be lawful for the said Company, or any Person acting under their Authority, to enter into such Lands, Tenements, or Hereditaments, for the Purpose of making the said Railway or other Works hereby authorized to be made, without the Consent of the Owners and Occupiers thereof, in Writing, made under their respective Hands.

Tenants
from Year
to Year to
deliver Pos-
session on
Six Months
Notice.

XXXVI. And be it further enacted, That every Tenant at Will, or Lessee for a Year or from Year to Year, or any other Person or Persons in possession of any Lands, Tenements, and Hereditaments, or any Part thereof, which shall be taken or used for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenant at Will, or Lessee for a Year or from Year to Year, shall deliver up the Possession of such Premises to the said Company of Proprietors hereby established, or to such Person or Persons as they shall appoint to take possession of the same, at the Expiration of Six Calendar Months next after Notice to that Effect shall have been given by the said Company, or by the Person or Persons so authorized by them, to such Tenant or Lessee or Person in possession, or left upon the said Premises, whether such Notice be given with reference to the Time or Times of the Commencement of such Tenant's holding or not, and whether such Notice be given before or after the said Premises shall be purchased by the said Company, or at such other Time after the Expiration of Six Calendar Months as he, she, or they shall be required to give up such Possession; and in case any such Tenant or Lessee or Person so in possession as aforesaid shall refuse to give up such Possession as aforesaid, it shall be lawful for the said Company to issue their Precept or Precepts to the Sheriff of the said County of *Cornwall* to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

Interests of
such Te-
nants may
be settled
by a Jury.

XXXVII. Provided also, and be it further enacted, That where any such Tenant or Lessee shall be required to deliver up the Possession of any Lands, Tenements, or Hereditaments to the said Company, or to any Person or Persons authorized by them to take possession thereof as aforesaid, before the Expiration of the Term or Interest of such Tenant or Lessee in such Lands, Tenements or Hereditaments, the said Company shall and they are hereby directed to make a Tender to such Tenant or Lessee, before they shall issue their Precept or Precepts to the Sheriff to give Possession of the Lands, Tenements, and Hereditaments in the Occupation of such Tenant or Lessee as herein
before

before mentioned, as Satisfaction or Compensation for the Value of his or her unexpired Term or Interest in the said Lands, Tenements, and Hereditaments; which Satisfaction or Compensation, in case of Difference, shall be settled and ascertained in the same Manner as any other Satisfaction or Compensation is in and by this Act provided and directed to be made and assessed for any Lands, Tenements, or Hereditaments taken or made use of by the said Company.

XXXVIII. Provided always, and be it further enacted, That in all Cases where any Person shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest in any Lands, Tenements, or Hereditaments through, in, or upon which the said Railway and other Works hereby authorized to be made are intended to pass or be made, under and by virtue of any Demise, Lease, or other Grant thereof, the said Company shall and they are hereby authorized to require such Person to produce or shew the Lease, Demise, or Grant in respect of which such Claim to Satisfaction or Compensation shall be made; and if such Lease, Demise, or Grant shall not be produced or shewn, the Person or Persons claiming under the same shall be considered as holding only from Year to Year.

Persons holding under Leases, to produce the same.

XXXIX. And be it further enacted, That all and every Person and Persons having any Mortgage 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) shall, on 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, immediately convey, assign, and transfer such Mortgage to the said Company, or to such Person or Persons as they shall appoint; or in case such Mortgagee shall have Notice in Writing from the said Company that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage at the End or Expiration of Three Calendar Months (to be computed from the Day of giving such Notice), then, at the End of such Three Calendar Months, on Payment of the Principal Money and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the said Company; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid, on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due for Principal and Interest upon any such Mortgage shall amount to more than the real Value of the Premises to be taken and made use of for the Purposes of this Act, and which shall be ascertained in manner herein-before directed, then the said Company shall not be liable to pay the said Mortgagee or Mortgagees more than the real Value of such Premises so ascertained as aforesaid, or the Residue thereof after such Allowance and Payment thereout to any Tenant or Lessee as herein-before directed: 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 such Mortgage as aforesaid into the Bank of *England*, at the End of Three Calendar Months from the Day of giving such

Mortgagees to convey to Company after Tender.

Notice as aforesaid, for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the said Bank shall give a Receipt or Receipts for the said Money, in like Manner as is by this Act directed in Cases of other Payments into the said 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, and they 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 comprise any other Lands, Tenements, or Hereditaments than those which shall be so taken by the said Company, such Mortgagee or Mortgagees shall, upon Payment of the Sum so ascertained to be the Value of the said Lands, Tenements, or Hereditaments as aforesaid, forthwith convey, assign, and transfer his, her, or their Interest in such Lands, Tenements, or Hereditaments, to the said Company; and in default of such Conveyance, Assignment, or Transfer, and on Payment of such Money into the Bank of *England*, for the Use of such 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, 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, 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 said Company, and they 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.

Directing in what Manner Disputes between the Company and certain Mortgagees of Lands shall be settled.

XL. And be it further enacted, That in all Cases where a Part only of any Lands, Tenements, or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, and the Mortgagee or Mortgagees thereof shall not consider the remaining Part of such Lands, Tenements, or Hereditaments to be a sufficient Security for the Money secured thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due or to become due thereon, then and in every such Case the Price or Value of such Part of the said Lands, Tenements, or Hereditaments as shall be so required for the Purposes aforesaid, and the Compensation (if any) for any Damage done, shall be settled and agreed upon by and between such Mortgagee or Mortgagees and the Person or Persons entitled to the Equity of Redemption of such Lands, Tenements, or Hereditaments, on the one Part, and the said Company on the other Part; and in case of any Difference or Disagreement between them, then such Price or Value and Compensation shall be ascertained or assessed by the Verdict of a Jury, in the same Manner as in other Cases of Difference or Disagreement; and the Amount of such Price or Value and Compensation, being so settled and agreed upon, or ascertained and assessed as aforesaid, shall be paid to such Mortgagee or Mortgagees in satisfaction of his, her, or their Claim, so far

as the same will extend; or in case of his, her, or their neglecting or refusing to release, convey, or assign, as herein-before directed, then into the Bank of *England*, as by this Act is provided; and such Payment to the Mortgagee or Mortgagees, or into the Bank, as last aforesaid, shall be and be accepted and taken in satisfaction of the Claim of such Mortgagee or Mortgagees, so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Lands as shall be so taken and used from all Principal and Interest and other Money due or secured thereon: Provided nevertheless, that notwithstanding any thing herein-before contained such Mortgagee or Mortgagees shall have, retain, and be entitled to such and the same Powers, Remedies, and Means for recovering and compelling Payment of his, her, or their Mortgage Money, or the Residue thereof, as the Case may be, or the Interest thereof respectively, upon and out of the Residue of the mortgaged Lands, Tenements, or Hereditaments not required for the Purposes aforesaid, as he, she, or they would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands, Tenements, or Hereditaments originally comprised in such Mortgage or Mortgages.

XLI. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity, 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 Exchequer, to be placed to his Account there "*ex parte* the Company of Proprietors of the *Bodmin and Wadebridge Railway*," pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George the Fourth*, 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*, and without Fee or Reward; and shall when so paid in there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court 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, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts,

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

1 G. 4. c. 35.

Trusts, Intents, or Purposes as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary, or until the same shall, upon the like Application, be laid out, in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, 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 the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking Effect; and in the meantime and until such Order can be made the said Money may, 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, or in Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest or annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by the 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 such Lands, Tenements, or Hereditaments so to be purchased, conveyed, or settled.

Application
of Compensation Money when less than 200*l.* and exceeding 20*l.*

XLII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, and belonging to any Corporation, or to any Person under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or 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, Lunacy, or other Incapacity, with the Approbation of the said Company, signified in Writing under their Common Seal, be paid into the said 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 may be paid, at the like Option and with the like Approbation to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased and settled, such Nomination to be approved of by the said Company, and such Nomination and Approbation to be signified in Writing, under the Hands or Common Seal of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without

without obtaining, or being required to obtain any Order of the said Court touching the Application thereof.

XLIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to 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 the Purposes of this Act, for his, her, or their own Use and Benefit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

When less than 20l.

XLIV. And be it further enacted, That in case the Person or Persons to whom any Sum of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of this Act shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Company, or in case the Person or Persons to whom such Sum or Sums of Money shall be 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 be lawful for the said Company 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; which said Court, on the Application of any Person making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and he is hereby empowered, in a summary Way of Proceeding, 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 to such Person or Persons as shall pay the same respectively, mentioning and specifying therein for what and for whose Use the same is or are received.

In case of not making out Titles, or Persons entitled not being found; the Money to be paid into the Bank.

XLV. Provided also, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance

Person in possession presumptively entitled.

of this Act for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities or Government or Real Securities, 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, or under the Possession of 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 shall be shewn to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities, or Government or Real Securities to be purchased with such Money, and also the Capital of the said Bank Annuities or Government or Real Securities, shall be paid, applied, or disposed of accordingly, unless it shall be made to 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.

XLVI. 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, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, or 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 be lawful for the said Court 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 the necessary Costs and Charges of obtaining such Order, to be paid out of the Monies to be received by virtue of this Act, and the said Company shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Enabling the Company of Proprietors to sell Lands not wanted.

XLVII. And whereas by means of the Purchases which the said Company are empowered and required to make by virtue of this Act they may happen to be seised of more Land or Ground than will be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Company to sell and dispose of any Piece of such Land or Ground, either together or in Parcels, by Public Auction or Private Contract, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same; and all Conveyances from the said Company of such Premises so sold 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, before they sell and dispose of any such Piece of Land or Ground, (save and except such Land or Ground as the said Company may, under and by virtue of the Powers herein-before contained, purchase from Persons willing or desirous to sell the same,) shall first offer the same to the Person or Persons whose Lands or Premises shall immediately join the Lands or Grounds

First Offers to be made to Owners of adjoining Lands.

so proposed to be sold, as aforesaid, at such Price as may be fixed by the said Company; and such Person or Persons, in case he, she, or they shall be desirous of purchasing the same accordingly, shall signify such his, her, or their Desire and Intention in that Behalf to the said Company, within Fourteen Days after such Offer of Sale shall have been made; and in case such Person or Persons shall refuse or decline to avail himself, herself, or themselves of such Offer, or shall neglect or omit to signify his, her, or their Desire or Intention to purchase such Lands, Tenements, and Hereditaments, for the Space of Fourteen Days, then and in every such Case an Affidavit made and 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 *Cornwall*, by some Person or Persons not interested in the same Lands, Tenements, or Hereditaments, stating that such Offer was made by or on behalf of the said Company, and that such Offer was refused or declined or was not accepted or agreed to by the Person or Persons to whom the same was made, within the Space of Fourteen Days from the Day or Time of making the same, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and refused or declined or was not accepted or agreed to within the Time aforesaid by the Person or Persons to whom such Offer was made, as the Case may be; and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they and the said Company shall differ or not agree with respect to the Price thereof, then and in such Case the Price or Prices thereof shall be ascertained by a Jury in the Manner by this Act directed with respect to the disputed Value of the Premises to be purchased by the said Company in pursuance thereof; and the Expence of hearing and determining such Differences shall be borne and paid in like Manner as in and by this Act is directed with respect to Purchases made by the said Company, *mutatis mutandis*; and the Money produced by the Sale or Sales which may be made by the said Company of such Lands, Tenements, and Hereditaments as aforesaid shall be applied to the Purposes of this Act.

XLVIII. Provided always, and be it further enacted, That upon Payment of the Money which shall arise from or by the Sale or Sales of such Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Company to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person for the Purchase Money for such Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, as shall be sold, or for so much thereof as in such Receipts respectively shall be expressed to be received; and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money or any Part thereof.

Treasurer,
upon Pay-
ment of Mo-
ney, to give
Receipts.

XLIX. And whereas it may tend to the public Advantage and Accommodation if the said Company were empowered to purchase any Quantity of Land, in addition to the Lands, Tenements, and Hereditaments which they are herein-before enabled to take and enter

Power to
purchase
Lands for
Wharfs, &c.

enter upon as aforesaid, not exceeding Ten Statute Acres, and also to purchase any other Messuages or Buildings, for the Purpose of making, erecting, forming, and providing any Yards, Staiths, Wharfs, Messuages, Warehouses, and other Buildings and Conveniences, for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered to contract with any Person or Persons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, who shall be willing to sell the same, for the Purchase of any Parcel or Parcels of Land, Messuages, Buildings, Tenements, or Hereditaments, not exceeding in the whole Ten Statute Acres, in such Place or Places as shall be deemed eligible or convenient, for the Purpose of making, erecting, forming, and providing any Yards, Staiths, Wharfs, Messuages, Warehouses, and other Buildings and Conveniences for the Purpose of receiving, loading, depositing, or keeping any Sand, Coals, Merchandize, or other Articles or Things carried or conveyed, or intended to be carried or conveyed upon the said Railway, or for making any convenient Roads, Avenues, or Ways leading thereto, or for any other Purposes whatsoever connected with the said Railway and Works, which the said Company shall judge requisite or necessary; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, and all other Persons whomsoever, to sell and grant and convey to the said Company and their Successors any Parcel or Parcels of Land, Messuages, Buildings, Tenements, and Hereditaments whatsoever for the Purposes last aforesaid or any of them, in the same Manner as is herein-before directed concerning Lands, Tenements, and Hereditaments to be taken or used for the Purposes of forming, making, and maintaining the said Railway and Branches.

Company
may sell any
Part of such
Lands, and
purchase
other Lands
not exceed-
ing the pre-
scribed
Quantity.

L. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered, from Time to Time and at any Time or Times hereafter, to sell and dispose of such additional Messuages, Lands, Tenements, and Hereditaments as they are hereby authorized and empowered to purchase and shall have actually purchased for the Purposes of this Act, or so much and such Part or Parts of the same Messuages, Lands, Tenements, and Hereditaments as the said Company shall think proper, and either together or in Parcels, by Public Auction or Private Contract, as shall be thought advisable or expedient, to any Person who shall be willing to become the Purchaser thereof, and again from Time to Time to contract for the Purchase of any other Messuages, Lands, Tenements, and Hereditaments more eligible or convenient for the Purposes aforesaid or any of them, and afterwards to sell and dispose of the same as aforesaid, so that the total Number or Quantity of Acres to be purchased by the said Company for any of the Purposes herein-before mentioned shall not exceed at any one Time the Quantity or Number of Acres by this Act specified or allowed for the same respective Purposes.

Restraining
the Company
from pur-
chasing more

LI. And whereas the said Company are enabled to purchase Ten Statute Acres of Land by virtue of this Act for the Purposes thereof, in addition to the Land hereby authorized to be purchased, used, or taken,

taken, for the making and completing the said Railway, and all Bodies and other Persons whomsoever are empowered to sell such Quantity or Number of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling any such Lands so purchased from any Body Corporate or Person, being under legal Disability or Incapacity, and again purchasing other Lands from the same or any other Body or Person, being under legal Disability or Incapacity, in lieu or stead of the Lands so sold; be it therefore further enacted, That it shall not be lawful for the said Company to purchase from any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person, being under legal Disability or Incapacity, more than such Ten Statute Acres; and in case the said Company shall afterwards sell the whole or any Part of such Ten Statute Acres so purchased, it shall not be lawful for the said Company to purchase of or from the same, or of or from any other Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person, being under legal Disability or Incapacity, nor for the same or any other Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person, being under legal Disability or Incapacity, to sell to the said Company any other Lands in lieu or stead of those Ten Statute Acres or any Part thereof so sold or disposed of by the said Company.

than Ten
Acres of
Land from
incapaci-
tated Per-
sons.

LII. And be it further enacted, That in all Conveyances to be made by the said Company under or by virtue or in pursuance of the several Powers and Authorities to them hereby given the Word "grant" shall operate as and be construed and adjudged, in all Courts of Judicature, to be express Covenants to or with the Grantee or Grantees therein, and the Successors, Heirs, Executors, Administrators, or Assigns of such Grantee or Grantees, according to the Quality or Nature of the Interest of such Grantee or Grantees, and the Estate or Interest therein expressed to be thereby conveyed by or from the said Company, for themselves and their Successors, that they the said Company, notwithstanding any Act or Default done by them, were at the Time of the Execution of such Conveyance seised or possessed of the Lands, Tenements, and Hereditaments thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such

The Word
"grant" in
Conveyances
to operate as
certain Co-
venants.

Estate or Interest as therein expressed to be thereby granted; free from all Incumbrances done or occasioned by them; and the Purchaser or Purchasers thereof, his, her, or their Heirs and Assigns, Successors and Assigns, or Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the said Company, and their Successors and Assigns, and all claiming under them, and be indemnified and saved harmless by the said Company and their Successors from all Incumbrances committed by the said Company, and also for further Assurance of such Hereditaments and Premises by the said Company, their Successors and Assigns, and all claiming under them, except and so far as the same shall be restrained and limited by express particular Words contained in such Conveyances; and such Grantee or Grantees, and his, her, or their several Successors, Heirs, Executors, Administrators, or Assigns respectively, according to his, her, or their Quality or Nature, and the Estate or Interest expressed to be conveyed, shall or may, in any Action or Actions to be brought, assign Breach or Breaches thereupon, as he, she, or they might do in case such Covenants were expressly inserted in such Conveyance.

Deficiencies
in Land Tax
to be made
good by
Company.

LIII. And whereas by reason of taking down Houses and Buildings, and making Alterations in pursuance of this Act there may be Deficiencies in the Assessments for Land Tax in the several and respective Parishes herein described; be it therefore enacted, That the said Company shall, from and after the said Company shall become seised and possessed of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, (unless the said Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax,) be subject and liable, from Time to Time, to pay and make good, to or in aid of the said Parish, out of the Monies to arise by virtue of this Act, all such Sum and Sums of Money as shall be deficient on the said several Assessments for Land Tax within any such Parish, by reason or by means of taking down or using for the Purposes of this Act any Houses, Buildings, and Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer, Collector, or Receiver to be appointed under this Act shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Assessments.

Company to
erect Gates,
Bridges,
Drains, &c.
for Protec-
tion of ad-
joining
Lands.

LIV. And be it further enacted, That the said Company shall, at their own Expence, Costs, and Charges, after any Part of the said Railway shall be laid out and formed, 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, and all such Fences and Ditches by the Side of or leading to the same, in such Manner as any Two or more Justices of the Peace for the said County of Cornwall 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 the Lands and Grounds through which such Railway 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 escaping or straying thereout by reason of such Railway, or for any other Matter or Thing to be done in pursuance of this Act; and also make, or cause to be made, maintained, and supported, such Bridges, Arches, Tunnels, Culverts, Drains, or other Passages over, under, or by the Side of the said Railway, and the Fences on the Sides thereof respectively, of such Dimensions as shall be sufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the said Railway, without obstructing or impeding the same, to the Prejudice of any of the said Lands or Grounds; and also to make proper Watering Places for Cattle in all Cases where by means of the said Railway the Cattle of any Person occupying Lands adjacent thereto shall be deprived of their ancient Watering Place, and to supply the same at all Times with Water from such Rivers, Brooks, or Streams of Water as would have supplied the Cattle of such Person if the said Railway had not been made, or from any other Source or Feeder which can readily be obtained for that Purpose; and it shall be lawful for the said Company, and they are hereby authorized and empowered, to enter into and upon all Lands and Grounds adjoining the said Railway, and for the Purpose of raising Materials for making and repairing all such Gates, Bridges, Arches, Tunnels, Culverts, Fences, Ditches, Drains, and Passages, and to load and carry the same in Carts or other Carriages across or along such Lands or Grounds, doing as little Damage as may be to the same; and also from Time to Time to make such and so many Watercourses and Drains by the Side of, along, or under the said Railway, or in, through, over, and across any Lands or Grounds thereunto adjoining, of such Dimensions, and in such Manner, and with such proper and convenient Bridges over the same respectively, as any Two or more Justices of the Peace for the said County of *Cornwall* shall from Time to Time judge necessary and appoint (in case there shall be any Dispute about the same), for the Purpose of conveying Water from such Rivers, Brooks, or Streams, or other Sources or Feeders, to the said Watering Places respectively; and in case the said Company shall refuse or neglect to make, erect, or set up such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as herein-before directed, or to maintain or 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 such Justices, then and in every such Case it shall be lawful for 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 such Gates, Bridges, Arches, Hollows, Culverts, Fences, 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, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as aforesaid the said Railway, or any Buildings or other Things hereby authorized to be made and erected by the said Company, shall not be obstructed or injured for any longer Space of Time or in any other Manner than shall be necessary for the doing

doing thereof; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Justices, shall be repaid by the respective Owners or Occupiers of the said Lands and Hereditaments who shall have so erected and made, repaired or maintained such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, by the said Company, within the Space of Five 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: Provided always, that no Bridge or Arch shall be required to be erected or made, or be erected or made, over the said Railway or any Part thereof, in any Place where the same would, if made, prevent, hinder, or obstruct the working or using of the said Railway.

Owners of Land empowered to erect Gates, &c. on Insufficiency of those erected by the Company.

LV. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or Hereditaments through which the said Railway shall be made shall at any Time apprehend that any of the Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, and Passages respectively which the said Justices shall have so directed or appointed to be made by the said Company are insufficient, either in Number or Situation, for the commodious Use and Occupation of the respective Lands and Hereditaments through which the said Railway shall pass, then, and so often, and in any such Case, it shall be lawful for such Owner or Occupier, with the Consent and Approbation of the said Company, upon Request made to them, or in case of their Refusal for the Space of Ten Days next after such Request, then with the Consent and Approbation of the said Justices, to make, fix, and erect, at their own Costs and Charges, any other Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, or Passages, of the same or like Construction or Form with those made and erected by the said Company in, upon, along, or near to the said Railway, in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands or Hereditaments, and to repair and support the same, at their own Costs and Charges, as Occasion shall require, so that the Passage through or along the said Railway 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, Bridges, Arches, Culverts, Ditches, Fences, Drains, and Passages had been made or erected by the said Company.

Owners and Occupiers to pass along Railway as far as their Lands extend, without Payment of Toll.

LVI. And be it further enacted, That it shall be lawful for the respective Owners and Occupiers of the Lands or Grounds through which the said Railway shall be made, and their Servants and Workmen, at all Times to pass and repass directly over and across such Part of the said Railway as shall be made in or upon such Lands or Grounds respectively, and also along and upon the same, so far as their own Lands extend and adjoin thereto, not damaging or obstructing the said Railway or the Passage thereof, without Payment of any Toll or Tonnage for the same, provided they shall not cross along or upon any other Part of the said Railway; and also that it shall be lawful for the respective Occupier or Occupiers of Lands or Grounds through which the said Railway shall be made, and his, her,

and their Servants, to ride, lead, or drive any Horse, Mule, or Ass, Cow, or any other Neat Cattle, Sheep, Swine, or any other Beast, along and upon the said Railway, so far only as the Lands in their Occupation shall extend, for the Purpose only of occupying the same Lands, such Persons not damaging or obstructing the said Railway or the Passage thereof: Provided nevertheless, that in all Cases where the said Company shall at their own Expence make proper and convenient Communications from the Land on the one Side of the said Railway to the Land on the other Side thereof, either by means of Bridges or Culverts, or shall make proper and convenient parallel Roads along the Side of the said Railway from the one of such Communications to another, the Right of the Owners and Occupiers of such Lands or Grounds in which such Communications and parallel Roads shall be made, and of their Servants and Workmen, to pass and repass directly over and across, and also along and upon, and also to ride, lead, or drive any Horse, Mule, or Ass, Cow, or any other Neat Cattle, Sheep, Swine, or any other Beasts, along and upon the said Railway or any Part thereof, shall thenceforth absolutely cease and determine; and if any Difference or Dispute shall arise between any of the Owners or Occupiers of any such Lands or Grounds aforesaid, as to the Number, Dimensions, and Sufficiency of the Bridges or Culverts and parallel Roads which shall have been made by the said Company for the convenient Occupation of the same Lands or Grounds, the same shall be referred to the Decision of any Two Justices of the Peace for the County of *Cornwall*, who are hereby authorized and empowered to take cognizance of the same, and whose Determination shall be binding; and the said Company shall and they are hereby required to make such further and additional Bridges, Culverts, and parallel Roads, and of such Size and Dimensions, as the said Justices shall direct and appoint; and in case the said Company shall neglect or refuse to make, erect, or put up such Bridges, Culverts, and parallel Roads in such Lands or Grounds as the said Justices shall appoint, or shall neglect or refuse to maintain and keep in repair any Bridges, Culverts, or parallel Roads which they shall have made or erected in any such Lands and Grounds, it shall be lawful for the said Owners and Occupiers of such Lands or Grounds respectively to pass and repass over and across and along and upon, and to ride, lead, and drive any Horse, Mule, or Ass, Cow or other Neat Cattle, Sheep, Swine, or other Beast, along and upon the said Railway, as far as the Lands in his, her, or their Occupation shall extend, as if this Act had not been passed; anything herein contained to the contrary thereof notwithstanding.

Unless Com-
pany shall
make other
sufficient
Communi-
cations.

LVII. Provided always, and be it enacted, That the said Company shall and they are hereby empowered and required, at their own proper Charges, after any Land shall have been taken for the Use of the said Railway and other Works, to divide and separate, and keep constantly divided and separated, the same from the Lands or Grounds adjoining to such Railway and other Works, with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, in case the Owner or Owners of such Lands or Grounds adjoining to such Railway and other Works, or any of them respec-

For fencing
off Railway
through pri-
vate Lands.

[Local.]

11 M

tively,

tively, shall at any Time desire the same to be fenced off, or in case the said Company shall think proper to fence off the same instead of Gates being erected as aforesaid; and the said Company 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 in every such Case the Powers, Provisions, Directions, and Regulations herein-before contained with respect to the Gates and other Works as aforesaid shall extend and apply to the making and maintaining of such Fences, as fully and effectually, to all Intents and Purposes, as if the said Powers, Provisions, Directions, and Regulations were here repeated and enacted with respect to such Fences.

Allowing the Owners of Lands to make Branches to communicate with Railway.

LVIII. And be it further enacted, That it shall be lawful for the Owners and Occupiers of the respective Lands or Grounds lying adjoining to or near to the said Railway to lay down, either upon their own Lands or upon the Lands of other Persons, with the Consent of such other Persons, any collateral Branch or Branches from their respective Lands or Grounds to communicate with the said Railway, and also over and across the said Railway; and the said Company shall be bound to make, at the Expence of such Owners and Occupiers, such Openings in the Ledges or Flanches of the said Railway as may be necessary and convenient for effecting such Communication; and the said Company shall not receive any Tonnage for the passing of any Goods or other Things along such Branch or Branches so to be made by any such Owner or Occupier, or Person or Persons as aforesaid.

Lords of Manors and others may erect Wharfs on their own Lands.

LIX. And be it further enacted, That it shall be lawful for the Lord or Lords, Lady or Ladies of any Manor or Manors, and the Owner or Owners of any Lands or Grounds, near to, through, or by which the said Railway and Branches or any Part thereof shall be made, to lay out, construct, erect, and use any Wharfs, Staiths, Dépôts, Landing-places, Cranes, Weighbeams, or Warehouses, or other Erections and Buildings, in or upon his, her, or their respective Lands or Grounds adjoining the said Railway and Branches or any of them, and to land any Goods or other Things upon such Wharfs or Landing-places, or upon the Banks lying between the same and the said Railway and Branches or any Part thereof, and also to make and use proper and convenient Places for Waggon, Carts, and other Carriages to remain and turn in and pass each other, so that the making or using thereof do not obstruct or prejudice the Passage of the said Railway and Branches, and also to take Rates or Tolls for the Use of such Wharfs, Staiths, Landing-places, Cranes, Weighbeams and Warehouses respectively, which Rates or Tolls shall not be higher than the Rates or Tolls which may be levied by virtue of this Act, nor of less Amount than the Rates or Tolls which shall be taken by the said Company for the Wharfage of all Goods, Commodities, Articles, Matters, and Things loaded, landed, or placed in or upon the Wharfs of the said Company; and the same Rates or Tolls shall be and the same are hereby vested in the Lord or Lords, Lady or Ladies of such Manor, or other Owner or Owners of such Lands or Grounds, who shall make and erect the same as aforesaid, and

and his, her, or their Representatives, and they shall have the same Powers for enforcing and recovering Payment thereof as are by this Act given to the said Company with respect to the Rates or Tolls made payable to them.

LX. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent the Owner or Owners or Lessee or Lessees of any Land or Ground lying adjoining or near to the said Railway from making any Railroad or Railroads, common Road, or Watercourse, to, from, or across the said Railway hereby authorized to be made, and to use such Railway, common Road, or Watercourse for the Benefit of themselves and of all and every other Person and Persons to whom they may from Time to Time give Leave, and in such Way and for such Purposes as they may require, so that such Railway, common Road, or Watercourse do no Injury to and do not prevent the free Passage over, upon, and along the said Railway hereby authorized to be made by the said Company; and the said Company shall not receive any Tonnage for the passing of any Goods or other Things along such Railway or common Road so to be made across the Railway hereby directed to be made.

Roads may be made across the Railway by the Owners of adjoining Lands.

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

The whole Expence to be subscribed or provided before the Powers of the Act are put in force.

LXII. And be it further enacted, That it shall be lawful for the said Company to raise and contribute amongst themselves, for the Purposes of this Act, a Sum of Money not exceeding in the whole the Sum of Twenty-two thousand five hundred Pounds, to be divided into Nine hundred Shares of Twenty-five Pounds each, and such Nine hundred Shares shall be numbered, beginning with Number One, in Arithmetical Progression, whereof the common Excess or Difference shall be One, 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 the same, and their several and respective Successors, Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, as Personal Estate, proportionably to the Sums they shall severally raise and contribute; and all Bodies Politic, Corporate, and Collegiate, Person and Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares (or such Sum or Sums as shall be demanded in lieu thereof) towards carrying on

Proprietors to raise amongst themselves the Sum of 22,500^{l.}, to be divided into Shares of 25^{l.} each.

on and completing the said Undertaking, and other the Purposes of the said Subscription, shall be entitled unto and receive the net Profits and Advantages which shall and may arise and accrue from the said Undertaking, in proportionate Parts, according to the respective Sums so by them respectively subscribed, as and when such Profits and Advantages shall be divided by the Authority of this Act; and every Body Politic, Corporate, or Collegiate, or other 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 the manner herein directed and appointed.

Directing how Subscribers shall vote.

LXIII. And be it further enacted, That every Body and Bodies Politic, Corporate, or Collegiate, or Person or Persons, who shall by virtue of this Act have subscribed for or shall become entitled to and be in the actual Possession of any Share or Shares in the said Undertaking, and their, his, or her respective Successors, Executors, Administrators, and Assigns, shall have a Vote for each and every such Share; and such Vote or Votes may be given by such respective Parties, or by their respective Proxies constituted by Writing under the Hand and Seal of the Body Politic Corporate, or Collegiate, Person or Persons, appointing such Proxies, and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if such Principal had voted in Person; and the Appointment of every such Proxy may be made according to the Form following, or as near thereto as the Quality, Nature, and Number of the Appointer or Appointers of the Proxy thereby substituted, and other Circumstances, will admit of; (that is to say,)

Form of Proxy.

I *A. B.*, One of the Proprietors of the *Bodmin and Wadebridge* Railway Company, do hereby appoint *C. D.* of
to be my Proxy, in my Name or otherwise, and in my Absence, to vote or give his Assent or Dissent from any Business, Matter, or Thing relating to the said Undertaking, which shall be mentioned or proposed at any General or Special General Assembly of the said Company, in such Manner as he the said *C. D.* shall think proper, according to his Opinion and Judgment, for the Benefit of such Undertaking or any thing appertaining thereto, until I revoke this Appointment by Notice in Writing under my Hand to the Clerk of the said Company. In witness whereof I have hereunto set my Hand and Seal, the Day of

Provided always, that no Vote shall be given in respect of such Proxy till the Appointment shall be produced to the Clerk of the said Company, and be entered in a Book to be kept by him for that Purpose; which Book shall be a sufficient Authority for any Proxy to vote, without a second Production of the said Appointment, until the same be revoked.

The Person whose Name stands first as a joint Proprietor with others to be deemed the Owner, &c.

LXIV. And be it further enacted, That where Two or more Persons shall be jointly possessed of or entitled to any Share in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company as the Proprietor of such Share shall, for the Purposes of this Act, be deemed and taken to be the Owner or Proprietor of such Share, and such Owners or Proprietors shall be entitled to give their Votes in respect thereof by the Person whose

Name shall stand first in the Books of the said Company as Proprietor of such Share or Shares, and whose Vote shall, either in Person or by Proxy, on all Occasions be deemed and allowed to be the Vote for or in respect of the whole Property in such Share or Shares, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share or Shares; and all Notices by this Act directed to be given to the Owners or Proprietors of any Share in the said Undertaking, shall or may be given or sent to the Person whose Name shall so stand first in the Books of the said Company, or be left at the last or usual Place of Residence of such Person, or be inserted in the *London Gazette*, as herein mentioned (as the Case may require); and such Notice to such Person shall be deemed and taken to be a sufficient Notice to all the Owners or Proprietors of such Share or Shares, for all the Purposes for which such Notice is intended to be given.

LXV. And be it further enacted, That in case any Proprietor entitled to vote at such Meetings as aforesaid shall be an Idiot, Lunatic, or a Minor, such Idiot or Lunatic shall or may vote at such Meeting or Meetings by his or her Committee or any One of such Committee, and such Minor shall or may vote by his or her Guardians or by any One of such Guardians, provided that such Committee or Guardians may also vote in right of their own Shares, as well as in the Character of Committee for any Idiot or Lunatic, or of Guardian of any Minor, on the same Occasion.

Idiots, Lunatics, and Minors to vote by Committees or Guardians.

LXVI. Provided also, and be it further enacted, That no Proprietor in arrear for any Call to be made as herein-after mentioned shall at any Meeting be allowed to vote or give his Voice on any Question respecting the Concerns of the said Company, either personally or by Proxy, until such Time as he shall have paid all such Arrears as may be due from him in respect of such Calls, although the Time limited for Payment thereof may not have expired.

Proprietors in arrear not to vote.

LXVII. And for the better securing to the several Proprietors of the said Undertaking their respective Shares therein, be it further enacted, That the said Company shall and they are hereby required, at their First or some subsequent General Meeting, to cause the Names and proper Additions of the several Persons who shall be then entitled to Shares in the said Undertaking, with the Number of Shares which they are then respectively entitled to hold, and the Amount of the Subscriptions paid thereon, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk of the said Company, and after such Entry made to cause their Common Seal to be affixed thereto, and shall also cause a Certificate or Ticket, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber, on Demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking; and such Certificate or Ticket shall be admitted in all Courts whatsoever as *prima facie* 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 Certificate or Ticket shall

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

not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof; which said Certificate or Ticket may be in the Words or to the Effect following; (*videlicet,*)

Bodmin and Wadebridge Railway Company.

Form of Certificate. Number
 THESE are to certify, That *A. B.* of
 is a Proprietor of the Share Number
 of the *Bodmin and Wadebridge Railway*, subject to the Rules,
 Regulations, and Orders of the said Company, and that the said
A. B., his [*or her*] Executors, Administrators, [*or Successors,*] and
 Assigns, is 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

For granting new Certificates when old ones are destroyed or worn out, or new ones required.

LXVIII. And be it further enacted, That if any such Certificates or Tickets as aforesaid shall be worn out or damaged, or in case any Person or Persons who may become entitled to any Share shall require a new Certificate or Ticket in his, her, or their own Name or Names, then, upon the worn out, damaged, or former Certificates or Tickets being brought and shewn to the Clerk of the said Company, the same may be cancelled or destroyed, and other similar Certificates given; under the Common Seal of the said Company, to the Person or Persons in whom the Property of such Certificates or Tickets, and the Shares therein mentioned, shall be at that Time vested; or in case such Certificates or Tickets shall be lost or burnt or destroyed, then, upon due Proof thereof, like or similar Certificates shall be given to the Person or Persons who was or were the Owner or Owners of or entitled to such Certificates so lost, burnt, or destroyed; and a due Entry of the Transfer of such Certificates or Tickets (if any such have been made) shall be entered by the Clerk of the said Company in manner herein directed.

Power to raise an additional Sum of 8,000*l.*

LXIX. And be it further enacted, That in case the said Sum of Twenty-two thousand five hundred Pounds hereby authorized to be raised shall be found insufficient for the Purposes of this Act, it shall be lawful for the said Company to raise an additional Sum not exceeding Eight thousand Pounds in manner herein-after mentioned.

Power to raise Part of the original Capital, and also the Whole or Part of additional Capital, by Mortgage.

LXX. Provided always, and be it further enacted, That in case the said Company shall be desirous to borrow and take up at Interest any Part, not exceeding Six thousand Pounds, of the said original Capital of Twenty-two thousand five hundred Pounds, or all or any Part of the said additional Sum of Eight thousand Pounds, it shall be lawful for the said Company, or for the Directors of the said Undertaking, after an Order shall have been made for that Purpose by any General Meeting, to borrow any such Sum or Sums respectively, and to assign the Property of the said Undertaking, and the Rates arising or to arise by virtue of this Act, or any Part thereof, to the Person or Persons advancing such Sum or Sums of Money respectively, or to the Trustee or Trustees of such Person or Persons respectively, as a Security for the Sum or Sums of

Money so by such Person or Persons respectively advanced, with lawful Interest for the same; and such Mortgages or Assignments shall be made, at the Expence of the said Company, in the Words or to the Effect following; (that is to say,)

Number
 ' BY virtue of an Act passed in the Second Year of the Reign of His Majesty King *William* the Fourth [*here set forth the Title of this Act*], we, the Company of Proprietors of the *Bodmin and Wade-bridge* Railway, 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 the said 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 _____

Form of Mortgage.

And an Entry or Memorial of every such Mortgage or Assignment, containing the Number and Date thereof, and the Name or Names of the Person or Persons, with their proper Additions, to whom the same shall have been made, and of the Sum borrowed, together with the Rate of Interest to be paid thereon, shall within Fourteen Days next after the Date thereof be entered in a Book or Books to be kept by the Clerk of the said Company, which shall at all seasonable Times be open to the Inspection of any of the Proprietors or Creditors of the said Undertaking, without Fee or Reward.

Memorial of Mortgages to be made.

LXXI. And be it further enacted, That in case the said Company shall raise the Whole or any Part of the aforesaid Sums of Six thousand Pounds and Eight thousand Pounds respectively, by Mortgage, and shall afterwards be required or be desirous of paying off all or any Part of the Principal Sum secured by such Mortgages or any of them, then and in every such Case it shall be lawful for the said Company (and they are hereby authorized and empowered, immediately, or at any Time or Times thereafter,) again to raise, in lieu of the Principal Money so paid off or to be paid off by them, so much and such Sum and Sums of Money as they shall from Time to Time have paid off or be required or be desirous to pay off, to the Holders of the Mortgages or any of them, or any Part or Parts thereof respectively, and so from Time to Time as often as the same shall happen, but so nevertheless that the said Company shall not in any Event borrow upon Mortgage more than the Sum of Fourteen thousand Pounds in the whole at any One Time.

In case Mortgages are paid off, Company may raise the Amount again.

LXXII. And be it further enacted, That all and every Person and Persons to whom such Mortgage or Mortgages, Assignment or Assignments, or other Security, shall have been made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time

Mortgages may be transferred.

Time to Time transfer his, her, or their Right or Interest therein to any Person or Persons whomsoever; which Transfer shall and may be in the Words or to the Effect following; (that is to say,)

Form of Transfer of Mortgage. ' I [or We] of in consideration of the Sum of paid by of do hereby transfer a certain Mortgage [Number] made by the Company of Proprietors of the *Bodmin and Wadebridge* Railway, bearing Date the Day of for securing the Sum of and Interest, and all my [or our] Right and Property therein to the said his [or her] Executors, Administrators, and Assigns. Dated this Day of in the Year of our Lord

Transfer to be registered.

And every such Transfer shall within Fourteen Days after the Date thereof be produced to the Clerk of the said Company, who shall cause an Entry or Memorial to be made thereof in the same Manner as the original Mortgage or Assignment; and after such Entry made every Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Person who shall have made such Transfer to make void, release, or discharge the same, or any Sum of Money thereon due or thereby secured, or any Part thereof.

Interest of Money borrowed to be paid in preference to Dividends.

LXXIII. And be it further enacted, That the Interest of Money which shall be raised by Mortgage as aforesaid shall be paid half-yearly to the several Persons entitled thereto, in preference to any Interest or Dividends due, and payable by virtue of this Act to the said Company or any Member thereof, and shall from Time to Time be fully paid and discharged and provided for before the yearly or other Interest and Dividends due to the said Company or any Member thereof shall be paid, made, or provided; and in case the same or any Part thereof shall be behind and unpaid by the Space of Twenty-one Days next after the same shall have become due and payable as aforesaid, and the same shall not be paid within Seven Days next after Demand in Writing shall have been made to the said Company, or left at the Office of the said Company, it shall be lawful for any Two or more Justices of the Peace acting for the said County of *Cornwall*, and they are hereby required, on Request to them made by or on behalf of any Mortgagee whose Interest shall be so in arrear, by an Order under their Hands to appoint One or more Person or Persons to receive the Whole or such Part or Parts of the said Rates as are liable to pay such Interest so due and unpaid as aforesaid; and the Money so to be received by such Person or Persons is hereby declared to be so much Money received by or to the Use of such Person or Persons to whom such Interest shall be then due, until the same, together with the Costs of recovering and receiving the Rates, shall be fully satisfied and paid; and after such Interest and Costs shall have been paid and satisfied the Power and Authority of such Receiver and Receivers for the Purposes aforesaid shall cease and determine, or otherwise the Interest so due and unpaid

unpaid as aforesaid shall be sued for and recovered, with full Costs of Suit, in any Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

LXXIV. Provided always, and be it further enacted, That no Person to whom any such Mortgage or Security as aforesaid shall be made shall be deemed to be a Proprietor in the said Undertaking, or shall be capable of acting or voting at any Meeting of the said Company, for or on account of his, her, or their having lent or advanced any Sum or Sums of Money on such Mortgage or Security, but such Persons 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 be advanced, without any Preference by reason of the Priority of Date of such Mortgage or Assignment, or on any other Account whatsoever.

No Mortgagee to be deemed a Proprietor, and no Preference in such Securities.

LXXV. Provided always, and be it further enacted, That no Sum of Money advanced to the said Company on Mortgage shall be paid off against the Consent of the Person or Persons advancing the same, unless Six Calendar Months previous Notice of the Intent to pay off the same, under the Common Seal of the said Company, shall have been given to such Person or Persons, or left at his or their last usual Place of Abode.

No Mortgagee to be paid off against his Consent without Six Months Notice.

LXXVI. And be it further enacted, That the Money to be raised by virtue of this Act shall be laid out and applied, in the first place, for and towards the Payment, Satisfaction, and Discharge of all Costs and Expences incurred in applying for, obtaining, and passing this Act, and of all other Expences preparatory or relating thereto, and all the Residue and Remainder of such Money shall be applied in and towards purchasing the Lands, Grounds, and other Hereditaments and Premises necessary for the Purposes of this Act, and in making and maintaining the said Railway and other Works hereby authorized to be made, and other the Purposes of this Act.

Application of Money to be raised.

LXXVII. And be it further enacted, That it shall be lawful for the several Proprietors of Shares in the said Undertaking, and their respective Executors, Administrators, Successors, and Assigns, to sell and dispose of any Share to which they shall be entitled therein, subject to the Rules and Conditions herein mentioned; and the Conveyance of such Share or Shares shall be prepared by the Clerk of the said Company in the following Words or to the like Effect, varying in the Names and Descriptions of the contracting Parties as the Case may require:

Shares may be sold.

‘ I *A. B.* of _____ in consideration of _____ paid to me by
 ‘ *C. D.* of _____, do hereby assign and transfer to the said *C. D.*
 ‘ _____ Share [or Shares, as the Case may be] numbered _____ of
 ‘ and in the Undertaking called “The *Bodmin* and *Wadebridge* Rail-
 ‘ way Company,” to hold unto the said *C. D.*, his [or her or their, as
 ‘ the Case may be,] Executors, Administrators, and Assigns, subject
 ‘ to the said Rules, Orders, Restrictions, and Conditions, as I held
 ‘ the same immediately before the Execution hereof; and I the
 [Local.] 11 O said

Form of Conveyance of Shares.

said C. D. do hereby agree to accept and take the said Share [or Shares] subject to the said Rules, Orders, Restrictions, and Conditions. As witness our Hands and Seals, the Day of

Memorial of Conveyances to be made.

And in every such Sale the Deed or Conveyance, being executed by the Seller and Purchaser of such Share or Shares shall be delivered free of Expence to the Clerk of the said Company, who shall file the same, and enter into a proper Book or Books to be kept for that Purpose a Memorial of such Transfer and Sale, and indorse the Entry of such Memorial on the Deed of Sale or Transfer; and, on Request, a Ticket or Certificate of each Share so transferred as aforesaid shall be delivered by the said Clerk to the Purchaser, for his Security; and until such Memorial shall have been made and entered as above directed, such Purchaser shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share paid to him, nor any Vote in respect thereof as a Proprietor of the said Undertaking.

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

LXXVIII. And be it further enacted, That no Person shall sell or transfer any Share or Shares which he or she shall possess in the said Undertaking after any Call shall have been made as herein-after mentioned for any Sum of Money in respect of such Share, though the Time for the Payment of the same may not have arrived, unless he or she at the Time of such Sale or Transfer shall have paid or discharged to the Treasurer of the said Company, or to such Person or Persons as shall be appointed to receive the same, the whole and entire Sum of Money which shall have been called for in respect of such Share so sold or transferred.

For ascertaining the Proprietorship of Shares in case of the Marriage or Death of Proprietors.

LXXIX. And whereas by the Marriage or Death of Proprietors of Shares in the said Undertaking it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid or belong; be it therefore enacted, That before any Person who shall claim any Part of the Profits of the said Undertaking in Right of Marriage shall be entitled to receive the same, or be entitled to vote in respect of any Share, 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 Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company, 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 or Sales of Shares in the said Railway; and before any Person who shall claim any Part of the Profits of the said Undertaking 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 Share, 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 the said Will as shall relate to the Share or Shares of the said Testator or Intestate shall be made and sworn

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 Master Extraordinary in Chancery, or any 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 in all Cases other than herein-before mentioned when the Right and Property of any Share of the said Railway shall pass from the original Proprietor or Proprietors thereof, or any other Person, by any other legal Means than by a Transfer or Conveyance thereof, as herein directed, an Affidavit or solemn Affirmation, in Writing, shall be made and sworn to or solemnly affirmed by some credible Person or Persons, before a Master or Master Extraordinary in Chancery, or before 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; and such Affidavit or solemn Affirmation shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name or Names of every such new Proprietor in the Register Book or List of Proprietors of the said Company.

LXXX. And be it further enacted, That the Receipt or Receipts of the Person or any of the Persons in whose Name or Names any Share of the said Undertaking shall stand in the said Books of the said Company shall from Time to Time be a sufficient Discharge to the Treasurer or Treasurers for the Time being of the said Company, for any Dividend or Sum of Money which shall become due and payable and paid for or in respect of such Share, notwithstanding any Uses, Trusts, Intents, or Purposes upon or to which such Share shall be then settled, conveyed, or assigned.

Receipt of the Person in whose Name Shares stand for Dividends to be good.

LXXXI. And be it further enacted, That in all Cases where the Money shall be payable, under the Provisions of this Act, to any Proprietor in the said Undertaking who shall be an Idiot, Lunatic, or Minor, the Receipt of the Committee, Parent, or Guardian for the Time being of such Idiot, Lunatic, or Minor respectively shall be a sufficient Discharge to the said Company and their Treasurer for the same.

Receipt of Committees or Guardians shall be sufficient.

LXXXII. And be it further enacted, That the several Persons who have subscribed, or shall hereafter subscribe to advance any Money for the Purposes of this Act, shall, and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed in manner herein-after mentioned.

Subscriptions to be paid.

LXXXIII. And be it further enacted, That the Directors of the said Company to be appointed in manner herein-after mentioned shall have Power from Time to Time to make such Call or Calls of Money from the Subscribers to and Proprietors of the said Undertaking, to defray the Expences of or to carry on the same, as they from Time to Time shall find necessary for those Purposes, so that no such Call shall exceed the Sum of Two Pounds and Ten Shillings upon each Share which any Person shall or may be possessed of or entitled unto in the said Undertaking; and such Calls shall not be made but

Power of Directors to make Calls.

at

Proprietors
in arrear to
pay Interest.

If Call not
paid, Di-
rectors may
sue for the
same;

or declare
Shares for-
feited.

No Advan-
tage to be
taken of
Forfeiture,
without
Notice.

If the Pur-
chase Money
for such
Share shall
be more than
sufficient to
pay the
Arrears of
Calls, &c.
Surplus to

at the Distance of Two Calendar Months at the least from each other, and Twenty-one Days Notice at the least shall be given for all such Calls as aforesaid, by Advertisement in some One or more Newspapers usually printed or circulated in the said County of Cornwall; which Monies so called for shall be paid to such Person or Persons and in such Manner as the said Directors shall from Time to Time direct and appoint, for the Use of the said Undertaking; and every Owner of any Share in the said Undertaking shall pay his or her rateable Proportions of the Monies to be called for as aforesaid to such Person or Persons and at such Time and Place as the said Directors shall from Time to Time direct and appoint; and if any Owner of any such Share shall not so pay such his or her rateable Proportion, then and in such Case and so often as the same shall happen such Owner shall pay Interest for the same, after the Rate of Five Pounds *per Centum per Annum* from the Day appointed for Payment thereof up to the Time when the same shall be actually paid; and if any Owner of any such Share shall neglect or refuse to pay such, his, or her rateable or proportionate Part, together with the Interest (if any accrue for the same), for the Space of One Calendar Month after the Day appointed for Payment thereof, then it shall be lawful for the said Company or for the said Directors to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Wager, or Protection of Law, or more than One Impar lance, shall be allowed; or the said Company or the said Directors may and they are hereby authorized to declare the Shares belonging to any Person so refusing or neglecting to pay any such Calls in manner aforesaid to be forfeited in manner herein-after directed: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share in the said Undertaking until such Notice in Writing under the Hand of the Clerk or Treasurer of the said Company, of such Share having been declared by the Directors forfeited, shall have been given or sent by the Post to or left at the last known or usual Place or Places of Abode of the Owner or Owners of such Share, nor until the Declaration of Forfeiture by the said Directors shall have been confirmed, either at an Annual General Meeting of the said Company, or at a Special General Meeting of the said Company to be called for that Purpose, and to be respectively holden after the Expiration of Two Calendar Months at the least from the Day on which Notice of Forfeiture shall have been given; and after such Forfeiture shall be confirmed by such Annual or Special General Meeting the said Company shall have Power to order the said Directors to dispose of the Shares so forfeited.

LXXXIV. Provided always, and be it further enacted, That in case the Money produced by the Sale of any such Share as shall be forfeited by reason of the Nonpayment of any Call, as herein authorized, shall be more than sufficient to pay all such Arrears or Calls as aforesaid, and legal Interest thereon, and the Expence attending the Sale or Sales, the Surplus of such Money shall be paid to the Person or Persons to whom such Share or Shares shall have belonged, on Demand: Provided also, that the said Company or their

Directors shall not by virtue of this Act sell or transfer, or direct to be sold or transferred, any more of the Shares of such Defaulter or Defaulters, in Payment of Calls, than shall be sufficient, as near as may be at the Time of such Call, to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after Payment of all and every such Call or Calls, and the Interest and Expences aforesaid, any Share or Shares vested in the said Company as aforesaid which remain in their Hands unsold shall revert to and again become the Property of the Person or Persons to whom such Share or Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

be paid to Owners, on Demand.

LXXXV. And be it further enacted, That in any Action to be brought by the said Company or by the said Directors against any Owner of any Share in the said Undertaking, to recover any Money due to the said Company or to the said Directors for or by reason of any Call made by virtue of this Act, it shall be sufficient for the said Company or the said Directors to declare and allege that the Defendant or Defendants, being a Proprietor or Proprietors of so many Shares in the said Undertaking, is or are indebted to the said Company or the said Directors in such Sum or Sums of Money as the Call or Calls in arrear shall amount to, for such and so many Call or Calls of such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be), whereby an Action hath accrued to the said Company or the said Directors, by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Directors who made such Call or Calls, or any other Matter whatsoever; and the said Company or the said Directors, Plaintiffs therein, shall thereupon be entitled to recover what shall appear due, including Interest, to be computed as aforesaid, on such Calls, unless it shall appear that any such Call shall exceed Two Pounds and Ten Shillings for every Share of Twenty-five Pounds, or was made within the Distance of Two Calendar Months from the last preceding Call, or without Notice given in any Newspaper as aforesaid; and in order to prove that such Defendant was a Proprietor of some Share in the said Undertaking, as alleged, the Production of the Book in which the Clerk of the said Company is by this Act directed to enter and keep the Names and Additions of the several Owners and Proprietors of Shares in the said Undertaking, with the Number of Shares they are respectively entitled to hold, and of the Locality or Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons or Bodies who shall from Time to Time become Owners and Proprietors thereof, or be entitled to any Share therein, shall be *prima facie*

Proceedings in Actions for Calls.

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Evidence

Evidence that such Defendant is a Proprietor, and of the Number or Amount of his Shares in the said Undertaking.

For ascertaining the Proprietorship of Shares in certain Cases.

LXXXVI. And whereas in Cases where the original Holder or Proprietor or Holders or Proprietors of any Share in the said Undertaking shall become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his, her, or their Right and Interest to some other Person or Persons, and no Register shall have been made of the Transfer thereof with the Clerk of the said Company, it may not be in the Power of any Officer acting for the said Company to ascertain who is, or are the Owner or Proprietor or Owners or Proprietors of such Share, in order to give him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, Notice or Notices of Calls to be made on such Share, or to maintain any Action or Suit or other Proceeding against him, her, or them, or his, her, or their Executors, Administrators, or Assigns, for the Recovery of the same; be it therefore enacted, That in all the Cases aforesaid, where the Right and Property of any Share in the said Undertaking shall pass from the original Subscriber or Subscribers, or any Proprietor thereof, to any other Person, by any other legal Means than by a Transfer and Conveyance thereof in the Form and Manner herein specified or herein otherwise provided, an Affidavit shall be made and sworn before any One His Majesty's Justices of the Peace for the County of *Cornwall*, stating the Manner in which such Share hath been passed to such other Person, his or her Executors, Administrators, Successors, or Assigns; and such Affidavit shall be delivered to and left with the Clerk of the said Company, to the Intent that he may preserve the same, and enter and register the Name or Names of every such other Proprietor or Proprietors in the Register Book or List of Subscribers and Proprietors of the said Undertaking, to be kept in the Office of the said Company; and in all or any of the said Cases, after Twenty-one Days Notice in Writing shall have been given by the said Directors, under the Hand of the Clerk or Treasurer of the said Company, to the Person or Persons stated or claiming in such Affidavit to be the Owner or Owners of such Share or Shares, or left at his, her, or their last or usual Place of Abode, to pay his, her, or their Proportion of Money to be called for, if such Person or Persons, his, her, or their Executors, Administrators, Successors, or Assigns, shall not have paid such his, her, or their Proportion as aforesaid, it shall be lawful for the said Company, at any General Meeting or Special General Meeting, after the Expiration of such Notice, to declare the same Share or Shares to be forfeited, and in such Case the same shall become forfeited, and shall and may be sold and disposed of in such Manner as the said Company shall at any Meeting direct, or otherwise the same Share or Shares shall become consolidated in the general Fund of the said Company; and in case there shall be no such Affidavit made and filed as aforesaid, then and in that Case such Notice as is herein-before directed to be given shall be served upon or left at the last Place of Abode of the Executors or Administrators of such Subscriber so dying, or of the Assignees or Trustees of such Subscriber so becoming bankrupt or insolvent; or in the Event of the Share or Shares not being disposed of as aforesaid,

said, or being disposed of by any other Means, such Notice or Notices shall be given to or left at the last usual Place of Abode of the last Person appearing in the Books of the said Company to have been possessed of the same; and in case the last or usual Place of Abode of such Person or Persons cannot be ascertained upon due Enquiry, such Notice shall be inserted Three Times in the *London Gazette*; and in case any Subscriber shall go out of the Kingdom, such Notice shall be inserted in the *London Gazette* as aforesaid; and in all such Cases, and after such Notices, on Default being made, the said Share shall be forfeited in manner aforesaid, except only that in the Case of the Subscriber or Subscribers being Abroad the Share or Shares shall not be forfeited until the Expiration of Three Calendar Months after the Day on which such Notice shall have been left at his or her last or usual Place of Abode in *England*, or inserted in the *London Gazette* as aforesaid.

LXXXVII. And be it further enacted, That the said Company shall meet together at some convenient Place within the Borough of *Bodmin* or Town of *Wadebridge* aforesaid, within Three Calendar Months next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then and there proceed in the Execution of this Act, and shall and may adjourn such Meeting from Time to Time, and from Place to Place, as they shall think fit; and from and after the First General Meeting of the said Company there shall be a General Meeting of the said Company on the First *Tuesday* in *May* in each and every Year, or within the Space of Fourteen Days next thereafter, and also such and so many General and Special General Meetings of the said Company as shall be herein-after provided for; and all such Meetings may be adjourned from Time to Time and from Place to Place as may be found convenient.

First and other General Meetings.

LXXXVIII. And be it further enacted, That Ten or more Proprietors in the said Company, holding in the Aggregate One hundred Shares or upwards in the said Undertaking, by Writing under their Hands, left at the Office of the said Company, or given to any Director of the said Company, or delivered to some Inmate at his last or usual Place of Abode, may require the Directors to call a Special General Meeting, so as such Requisition shall fully express the Objects for which such Special General Meeting is required to be called; and in case of Neglect or Refusal of the said Directors to call such Meeting for the Space of Seven Days after such Notice given as aforesaid, the same may be called by such Proprietors by giving Ten Days Notice thereof in any One *Cornish* Newspaper; and the said Company are hereby authorized to meet in pursuance of such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company with respect to the Matters so specified in such Notice; and all Acts of the said Company or of the major Part of them met together at any such Special General Meeting shall be as valid with respect to the Matters specified in such Notice as if the same had been done at a General Meeting at the Time herein-before appointed for holding the same.

Special General Meetings may be convened.

LXXXIX. Pro-

Constitution
of General
Meetings.

LXXXIX. Provided always, and be it further enacted, That if at any General Meeting or Special General Meeting there shall not be Ten Persons present who shall be possessed of or entitled to at least Two hundred Shares in the said Undertaking, either as Principles or Proxies, within One Hour from the Time appointed for such Meeting, no Business shall be transacted at that Time, but in such Case there shall be another Meeting of the said Company at the same Place at the Expiration of Seven Days, and if a sufficient Number of Proprietors as Principals and Proxies shall not then attend, the said Meeting shall stand adjourned to the Seventh Day next following, and so from Time to Time as often as the same shall happen, until at any such Meeting there shall be a sufficient Number of Proprietors as Principals and Proxies present, when the Meeting shall proceed to Business, and not before; and in case any such General Meeting for the Election of Directors shall be postponed for the Causes aforesaid, the Directors for the Time being shall continue to act and have the same Powers as they had and were possessed of until new Directors shall be appointed as aforesaid.

Business of
Special and
Adjourned
General
Meetings.

XC. And be it further enacted, That no Business shall be transacted at any Special General Meeting other than the Business for which it shall have been called; and no Business shall be transacted at any Adjourned Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

Mode of
voting at
General
Meetings.

Chairman to
be appointed.

XCI. And be it further enacted, That all Questions which shall be proposed or considered at any General or Special General Meetings shall be determined by the Majority of Votes and Proxies present at such Meeting; and at every such Meeting some Proprietor present shall be appointed to be Chairman; and such Chairman shall, in addition to his Vote or Votes as a Proprietor or Proxy, have, in case of an Equality of Votes, the casting Vote.

Election of
Directors
and other
Officers.

XCII. And be it further enacted, That the said Company, at their First General Meeting to be held as herein-before mentioned, or at some Meeting or Meetings to be held by Adjournment from such General Meeting, shall choose and elect Twelve Persons, qualified as herein-after is mentioned, to be Directors to manage the Affairs of the said Company, and also a Treasurer and Clerk or Clerks for transacting the Business of the said Company; and it shall be lawful for the said Company, at any subsequent General or Special General Meeting to be holden as herein-before directed, from Time to Time to remove and displace such Treasurer and Clerk or Clerks, or any or either of them, or any Person or Persons who shall be hereafter elected and appointed to their respective Offices, and also from Time to Time to elect and choose in manner aforesaid any other Person or Persons to act as Clerk or Clerks or Treasurer of the said Company in the Room of such of the said Officers as shall die or resign, or be removed from their respective Offices; and it shall be lawful for the said Company to allow such Salaries or other Emoluments to the said Officers, or either of them, as they shall from Time to Time fix and determine upon.

XCIII. And

XCIH. And be it further enacted, That the said Company shall have Power and Authority, from Time to Time, at any such General or Special General Meetings as aforesaid, to fix and order what Remuneration (if any) shall be allowed to the Directors of the said Company, and to make such Rules, Orders, and Bye Laws as to them shall seem right and proper for the good Government of the Officers and Servants of the said Company, and for regulating the Proceedings of the Directors, and for the Superintendance and Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Bye Laws, Orders, and Regulations, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the major Part of the Proprietors composing such Meeting shall seem meet, not exceeding the Sum of Five Pounds for any Offence, such Fines and Forfeitures to be levied and recovered by such Ways and Means as are herein-after mentioned; which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company, and printed and published, and painted on Boards, shall be hung up and affixed and continued on the Front of the several Toll Houses to be erected on the said Railway and Wharfs, 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 that such Rules, Bye Laws, and Orders shall not be repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or to any Directions in this Act contained; and all such Rules, Bye Laws, and Orders shall be subject to Appeal in manner herein-after mentioned.

General Meetings may make Bye Laws.

XCIV. And be it further enacted, That it shall be competent for any General Annual Meeting, if a Majority of the Proprietors then present shall require it, to call for and examine the Accounts of the said Company and of the Directors, and of the Treasurer, Receivers, or other Collectors of the Rates of the said Company.

General Meetings may call for Accounts.

XCV. And be it further enacted, That the Orders and Proceedings of every General and Special General Meeting of the said Company shall be entered in a Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of each respective Meeting; and such Orders and Proceedings, when so entered and signed, shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others.

Proceedings to be entered in a Book.

XCVI. And be it further enacted, That the Directors to be appointed in manner herein-before mentioned shall consist of Proprietors who shall be respectively possessed in their own Right of Six Shares at least in the said Undertaking: Provided always, that no Person holding any Office, Place, or Employment, or being concerned or interested in any Contract or Contracts under the

Who eligible to serve as Directors.

[Local.]

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said

said Company, shall be capable of being chosen a Director of the said Company.

Disqualifica-
tion of Di-
rectors or
Officers.

XCVII. Provided always, and be it further enacted, That if any Person who shall be elected a Director of the said Company shall at any Time subsequently to his Election accept or hold any other Office or Place of Trust or Profit under the said Company, or if such Director shall, either directly or indirectly, be concerned in any Contract for any Article to be used or consumed by the said Company, or shall offer to make or succeed in making, or shall participate in any Manner in any Work to be done for the said Company, or in case any such Director shall at any Time cease to be a Proprietor of Six Shares in the said Undertaking, every such Director as aforesaid shall thereby be disqualified from voting or acting at any such Meeting of such Directors, and his Office shall thereupon become vacant; nor shall any such Directors be capable of taking or entering into any Contract under this Act during such Time as he shall continue a Director.

Service of
Directors.

XCVIII. And be it further enacted, That at the General Meeting to be held in the Month of *May* which will be in the Year of our Lord One thousand eight hundred and thirty-three Four of the Directors elected by the said Company as aforesaid, to be chosen by Lot amongst themselves, shall go out of Office, and Four other Persons shall be elected by the said Company to be Directors in their Place and Stead; and at the General Meeting to be held in the Month of *May* which will be in the Year of our Lord One thousand eight hundred and thirty-four Four others of the Directors who have been longest in Office, to be determined by Lot amongst themselves, shall go out of Office, and their Places shall be supplied in like Manner; and at the General Meeting to be held in the Month of *May* which will be in the Year of our Lord One thousand eight hundred and thirty-five the remaining Four Directors who have been longest in Office shall go out of Office, and their Places shall be supplied in like Manner; and at the General Meeting to be held in the Month of *May* in every subsequent Year the Four Directors who shall have been longest in Office shall cease to be Directors of the said Company, and their Places be supplied in like Manner.

Directors
going out of
Office re-
eligible.

XCIX. Provided always, and be it further enacted, That every Director who shall, by Rotation or otherwise, go out of Office on any annual Day of Election shall be eligible to be immediately re-appointed or re-elected by the said Company.

For supply-
ing Vacan-
cies in Di-
rectors.

C. And be it further enacted, That when and so often as any Director to be elected by virtue of this Act shall die, or shall resign, or shall become disqualified or incompetent to act as Director, or cease to be a Director from any other Cause than that of going out of Office by Rotation, it shall be lawful for the remaining Directors to elect some other Proprietor, duly qualified, in his Stead; and every such Proprietor so elected to fill up any such Vacancy shall continue in Office so long only as the Person in whose Place or Stead he may be elected would have been entitled to have continued had he lived or remained in Office.

CI. And

CI. And be it further enacted, That the Directors to be elected by virtue of this Act shall after their Election have full Power to meet, and adjourn from Time to Time, and from Place to Place, as they shall find necessary or convenient, and at all such Meetings any Five or more of them shall be competent to act; and all Questions shall be determined by the Majority of Votes then present; but no Director shall have more than One Vote, except the Chairman, who, in case of an Equality of Votes, shall have a casting Vote.

Meetings of
Directors.

CII. And be it further enacted, That the Majority of the Directors present at the First Meeting which shall be holden next after the First General Meeting of the said Company to be held in pursuance of this Act, and at the First Meeting which shall be holden next after the Annual General Meeting of the said Company in every Year, shall elect, out of their whole Body, by Ballot, a Chairman and Deputy Chairman, who shall continue in Office until the next succeeding Annual Meeting: Provided always, that when and so often as the Chairman or Deputy Chairman to be chosen by virtue of this Act shall die or resign, or become disqualified to act, it shall be lawful for the said Directors in like Manner at the next Meeting to be held after such Vacancy to choose some other of the said Directors to be Chairman or Deputy Chairman, as the Case may require; and every such Chairman or Deputy Chairman so to be chosen as last aforesaid shall continue in Office so long only as the Person in whose Place or Stead he may be so elected would have been entitled to have continued if such Death, Resignation, or Disqualification had not happened.

Chairman
and Deputy
Chairman.

CIII. And be it further enacted, That the Directors for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Power and Authority at any Time to call Special General Meetings of the said Company for any Purpose they may think proper, and to appoint the Times and Places of holding the General and Special General Meetings of the said Company; and such Directors shall have full Power and Authority in every respect to direct and manage the Affairs of the said Company; also to enter into, make, and execute all necessary Contracts for Purchase of Lands, Messuages, Tenements, or other Hereditaments, and Engines and Materials, for the Use of the said Undertaking; also to enter into, make, and execute any Contract or Contracts for the executing or performing any Part or Parts or the whole of the Works authorized to be made by virtue of this Act; also to order and direct the various Engineers, Superintendants, and Workmen employed in or about the said Works, and to appoint, elect, place, and displace all and every or any of the Officers, Engineers, Agents, Servants, and Workmen of the said Company (except the Treasurer and Clerk), with such Salaries, Gratuities, and Recompences as to the said Directors shall seem proper; and upon the Death or Removal or displacing of any of the said Officers and Servants from Time to Time to appoint another or others in his or their Place or Places; and in making Contracts and Bargains touching the said Undertaking the said Directors may require such

General
Powers and
Duties of
Directors.

Security

Security to be given to the said Company, from any Contractor, Officer, or other Person, for the faithful Execution of their respective Engagements or Duties, as such Directors shall think proper or reasonable; and the said Directors shall from Time to Time make Reports of their Proceedings to the said Stated General Meetings, and, if required, to the Special General Meetings of the said Company, and shall obey their Orders and Directions; and the said Directors shall keep or cause to be kept full and true Accounts of all Monies disbursed and Payments made by them, and by all and every Person and Persons employed by or under them, and of all and every Sum and Sums of Money which they shall receive on behalf of or in respect of such Undertaking, from any Collector of the said Rates or other Officer, or from any other Person whomsoever employed in or having any Concern, Dealing, or Transaction with the said Undertaking, or in or with any Part thereof, and shall regularly write and enter, or cause to be written and entered, in a Book or Books to be from Time to Time provided at the Expence of the said Company for that Purpose, Notes, Minutes, or Copies (as the Case shall require) of their Orders and Proceedings under this Act, and every Contract, Bargain, Receipt, and Disbursement made by them or by their Order, which Book or Books shall be deposited with and kept locked up under the Care of the said Directors.

Directors
may make
Bye-Laws.

CIV. And be it further enacted, That the Directors for the Time being shall have Power and Authority from Time to Time to make such Rules, Orders, and Bye Laws as to them shall seem right and proper, for the good Government of the Officers and Servants of the said Company, and for regulating the Proceedings and Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Bye Laws, Orders, and Regulations, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to them shall seem meet, not exceeding the Sum of Five Pounds for any Offence, such Fines and Forfeitures to be levied and recovered by such Ways and Means as are herein-after mentioned; which said Rules, Bye Laws, and Orders shall be reduced into Writing under the Common Seal of the said Company, and printed and published, in the same Manner as Bye Laws made by the said Company at any General or Special General Meeting under the Powers of this Act, and shall be laid before the next General Annual Meeting of the said Company for Confirmation, and from the making thereof 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 that such Rules, Bye Laws, and Orders shall not be repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, nor to any Directions in this Act contained, or to any Rules, Orders, and Bye Laws made at any General or Special General Meeting of the said Company; and all such Rules, Bye Laws, and Orders shall be subject to Appeal in manner herein-after mentioned.

CV. And

CV. And be it further enacted, That in case any Treasurer or Clerk of the said Company shall die, or be removed from or quit the Service of the said Company, it shall be lawful for the Directors of the said Company to appoint any other fit or proper Person to execute such Office or Offices in the Place of the Person or Persons who shall die, or be removed from or quit the Service of the said Company; and such new Appointment shall continue until the next General Annual Meeting of the said Company, when the 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 Company at such Annual General Meeting shall think proper.

Directors may appoint temporary Treasurer and Clerk.

CVI. And in order to ascertain the Amount of the clear Profits of the said Undertaking, be it further enacted, That the said Company or the Directors of the said Company shall and they are hereby required to cause a true, exact, and particular Account to be kept, and annually made up and balanced on the Twenty-fifth Day of *March* in each Year, of the Money collected and received by the said Company, or by the Directors or Treasurer of the said Company, or otherwise for the Use of the said Company, by virtue of this Act, and of the Charges and Expences attending the erecting, making, supporting, maintaining, and carrying on the said Works, and of all other the Receipts and Expenditure of the said Company or the said Directors; and at the Yearly Meeting of the Proprietors of the said Undertaking to be from Time to Time holden as aforesaid, or at some Adjournment thereof, a Dividend shall be made out of the clear Profits of the said Undertaking, unless such Yearly Meeting shall declare otherwise, and such Dividend shall be at and after the Rate of so much *per* Share upon the several Shares held by the Members thereof in the Joint Stock of the said Company, as such Meeting or Meetings shall think fit to appoint and determine: Provided always, that no Dividend shall be declared or paid until the Yearly General Meeting which shall be holden next after the Expiration of Two Years from the passing of this Act; provided also, that no Dividend shall be made whereby the Capital of the said Company shall be in any Degree reduced or impaired, nor shall any Dividend be paid in respect of any Share after a Day appointed for Payment for any Call for Money in respect thereof until such Call shall have been paid.

Accounts to be made up annually.

CVII. And be it further enacted, That every Officer and Person who shall be appointed or employed by virtue of this Act shall from Time to Time, when thereunto required by the said Directors of the said Company, make out and deliver to the said Directors or Company, or to such Person or Persons as they shall respectively appoint for that Purpose, a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him or her had, collected, and received, and how, and to whom, and for what Purpose the same and every Part thereof hath or have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer and Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall

Officers to account.

[Local.]

11 R

appear

appear to be owing from him or her to such Person or Persons as the said Directors or the said Company shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Directors or to the said Company, or to such Person or Persons as they shall respectively appoint, within Seven Days after being thereunto required by the said Directors or by the said Company, or by such other Person or Persons, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Directors or by the said Company, or by any Person on their Behalf, to any Justice of the Peace for the County of *Cornwall*, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her not appearing or not being to be found to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Directors or the said Company might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which shall have been collected and received shall be in the Hands of or be owing from such Officer or Person, such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand or Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby authorized and required, by Warrant under his Hand, to commit such Officer or Person to the Common Gaol or House of Correction of the said County of *Cornwall*, there to remain without Bail or Mainprize until he or she shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charge of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Directors or with the said Company for such Money and Charges, and paid the Compensation Money to the said Directors or the said Company (and which Compensation the said Directors and the said Company are hereby respectively empowered to take), and shall have delivered up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Directors or to the said Company: Provided always,

that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Six Calendar Months.

CVIII. Provided always, and be it further enacted, That the said Company shall and they are hereby required to take sufficient Security from every Person who shall hereafter be appointed Treasurer of the said Company, and from every Receiver, Collector, or other Officer having the Custody or Controul of any Money received by virtue of this Act, for the faithful Execution of his Office, before he shall enter thereupon.

Treasurer to give Security.

CIX. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner or Partners of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of the Partner of such Treasurer, to be Clerk to the said Company; and if any Person shall act in both Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk or Clerks or any other Person in the Service or Employ of such Clerk or of the Partner of such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of the Partner of such Treasurer, shall act as Clerk, or in any Manner officiate as Clerk in the Execution of this Act, or if any Treasurer shall hold any Place or Office of Profit or Trust under the said Company other than that of Treasurer, or if the said Clerk or Treasurer shall, either directly or indirectly, be concerned in any Contract for any Article to be used or consumed by the said Company, or shall in any Manner participate in any Work to be done for the said Company, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Treasurer and Clerk not to be the same Person.

CX. And be it further enacted, That the said Directors shall and they are hereby required, from Time to Time and at all Times, to order and direct a Book or Books to be provided and kept by their Treasurer or Book-keeper for the Time being, in which such Treasurer or Book-keeper shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for and on account of this Act, and of the several Articles, Matters, and Things for which any Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all reasonable Times be open to the Inspection of the said Proprietors in the said Undertaking, or any Creditor or Creditors on the Rates or Assessments granted

Accounts to be kept of Receipts and Disbursements by Treasurer.

granted by this Act, without Fee or Reward; and the said Proprietors in the said Undertaking, and Creditors, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Treasurer or Book-keeper shall refuse to permit or shall not permit the said Proprietors or such Creditors, or any of them, to inspect the same, at all reasonable Times, or take such Copies or Extracts as aforesaid, such Treasurer or Book-keeper shall forfeit and pay any Sum not exceeding Five Pounds.

Clerk of the Company to enter and keep an Account of the Places of Abode of Proprietors.

CXI. And be it further enacted, That the Clerk of the said Company shall in a proper Book or Books, to be provided by the said Company for that Purpose, enter and keep a true Account of the Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors thereof, or be entitled to any Share therein; and every Proprietor of the said Undertaking shall and may at all convenient Times have Access to and peruse the same *gratis*, and may demand and have Copies thereof or of any Part thereof; and it shall be lawful for the said Clerk to demand and receive from the Proprietors of the said Undertaking, for every Copy so to be made as aforesaid after the Rate of Sixpence for every One hundred Words, and for every Certificate of Shares in the said Undertaking the Sum of One Shilling for every Share specified in such Certificate, and for every Transfer on a Sale of any Share or Shares in the said Undertaking, over and above the Stamp Duties payable thereon, the Sum of Ten Shillings and no more, and for every Memorial of the Transfer of any Share or Shares by any Means whatsoever, or of the Transfer of any Mortgage, the Sum of Two Shillings and Sixpence, and for every Registration of any Proxy the Sum of One Shilling and no more; and if any such Clerk shall refuse to permit any Proprietor to inspect or peruse any such Book as aforesaid at all convenient Seasons, or refuse to make any Copy within a reasonable Period at the Rate aforesaid, or shall refuse or neglect to make any such Transfer, Memorial, or Registration as aforesaid, or demand or receive any larger Fees than hereby authorized, he shall for every such Offence forfeit and pay the Sum of Ten Pounds, for the Benefit of the said Undertaking, and be immediately discharged from the Service of the said Company.

Rates of Tonnage to be taken.

CXII. And, in consideration of the great Charge and Expence which the said Company must incur and sustain in making and maintaining the said Railway and Branches, and other the Works hereby authorized to be made and maintained, and in purchasing, making, using, hiring, working, and maintaining Steam Engines, Horses, and Waggons, be it further enacted, That it shall be lawful for the said Company, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, or cause to be asked, demanded, taken, recovered, and received, to and for the Use and Benefit of the said Company, for the Tonnage of all Goods, Wares, and Merchandize, and other Articles, Matters, and Things, which shall be carried or conveyed upon or along the said Railway and Branches or any Part thereof, the Rates, Tolls, and Duties herein-after mentioned; (that is to say,)

For

For all Sand, Lime, and Manure of every Sort, which shall be loaded at any Place between *Wadebridge* and the Wharf near *Ruthern* River aforesaid, and shall be conveyed along the said Railway, and be discharged, by and at the Expence of the said Company, at the under-mentioned Wharfs or Places, the following Tolls; (that is to say,)

At the Wharf near *Ruthern* River aforesaid, any Sum not exceeding One Shilling and Sixpence *per* Ton :

At any Place between the last-mentioned Wharf and the Wharf near *Nanstallan* aforesaid, any Sum not exceeding One Shilling and Nine-pence *per* Ton :

At any Place between the last-mentioned Wharf and the Wharf near *Borough Bounds*, any Sum not exceeding Two Shillings *per* Ton :

At any Place between the last-mentioned Wharf and the Wharf near *Berrycombe* aforesaid, any Sum not exceeding Two Shillings and Sixpence *per* Ton :

At any Place between the Wharf near *Nanstallan* aforesaid and the Wharf near *Helland Bridge* aforesaid, any Sum not exceeding Two Shillings and Sixpence *per* Ton :

At any Place between the last-mentioned Wharf and the Wharf near *Tresarrett Bridge* aforesaid, any Sum not exceeding Two Shillings and Nine-pence *per* Ton :

At any Place between the last-mentioned Wharf and the Wharf near *Wenford Bridge* aforesaid, any Sum not exceeding Three Shillings *per* Ton :

For all Coals, Culm, Charcoal, Cinders, Stones, Clay, Flags, Bricks, Tiles, and Slate which shall be conveyed on the said Railway at the Expence of the said Company, from *Wadebridge* aforesaid to any Place lying between the Commencement of the said collateral Branch to the Borough of *Bodmin* aforesaid and the said Wharf near *Berrycombe*, any Sum not exceeding Three Shillings *per* Ton :

For all Coals, Culm, Charcoal, Cinders, Granite, or other Stone, Clay, Flags, Bricks, Tiles, Slate, Copper Ore, Tin Ore, or other Minerals, or Manganese, which shall be conveyed on the said Railway at the Expence of the said Company, except as herein-before mentioned, any Sum not exceeding Four-pence *per* Ton *per* Mile :

For all Iron, Ironmongery, Lead, and other Metals, Timber, Deals, Staves, Malt, Corn, Salt, Sugar, Groceries, Shop Goods, and other Wares and Merchandize, which shall be conveyed on the said Railway at the Expence of the said Company, any Sum not exceeding Eight-pence *per* Ton *per* Mile :

For all such Articles as are herein-before specified which shall be conveyed on the said Railway at the Expence of any Person or Persons or Body Corporate other than the said Company, any Sum not exceeding Two Thirds of the Amount which the said Company are herein-before authorized to demand and take in respect of such Articles conveyed at their own Expence.

CXIII. Provided always, and be it further enacted, That in all Cases where any Article, Matter, or Thing shall be carried or conveyed
 [Local.] 11 S The Company not to be compelled

to receive less than One Shilling per Ton for short Distances.

veyed along the said Railway or Branches for so short a Distance that the Rate or Sum of Money authorized by this Act to be demanded or received for the Carriage of the same shall not amount to the Sum of One Shilling *per* Ton, the said Company shall be at liberty and they are hereby authorized and empowered to demand and receive any Sum of Money not exceeding One Shilling *per* Ton thereon, provided the Weight shall be One Ton or more, and if less than a Ton it shall still in such Case be deemed to be a Ton, and charged with any Sum not exceeding One Shilling, as if the same were a Ton in Weight; any thing in this Act contained to the contrary thereof notwithstanding.

Weight of Tonnage ascertained.

CXIV. And for better ascertaining the Tonnage of Goods and other Things to be charged with the Payment of the Rates hereby authorized to be levied as aforesaid, be it further enacted, That One hundred and twelve Pounds Weight shall for the Purposes of this Act be deemed, rated, and estimated as for One Hundred Weight, and that Twenty such Hundred Weight shall be deemed, rated, or estimated as for One Ton; and, for ascertaining the Tonnage of Stone and Timber, that Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Beech, and Ash, and Fifty Cubic Feet of all other Timber, shall for the Purposes of this Act be deemed, rated, and estimated as for One Ton Weight; any Usage to the contrary notwithstanding.

Weights allowed to be carried.

CXV. And be it further enacted, That no Waggon or other Carriage, except such as may be used for conveying a Steam Engine or Engines by the Authority of the said Directors, shall carry at any Time along or over any Part of the said Railway, including the Weight of such Waggon or Carriage, more than Five Tons Weight; and if any One Piece of Timber, Block, or Stone, Boiler, Cylinder, Bob, or single Piece of Machinery, or other single Article, be a greater Weight than Five Tons, the same shall be carried in Two Waggons properly constructed, but nevertheless shall not exceed the Weight of Eight Tons, including the Weight of the Waggons or Carriages, and for the Tonnage or Carriage of which the said Company are hereby authorized to receive and take such Rate or Rates as they may from Time to Time direct or appoint, not exceeding One Shilling *per* Ton *per* Mile; and no Piece of Timber, Stone, Machinery, or other Article exceeding the Weight of Eight Tons, including the Weight of the said Waggons or other Carriages, shall be carried upon or along the said Railway or any Part thereof respectively without the special Licence of the said Company or their Agents, and for the Tonnage or Carriage of which the said Company or their Agents are hereby authorized to receive and take such Rate or Tonnage as they or he may deem reasonable and proper.

Power to take Tolls for Coaches and other Carriages passing along the Railway.

CXVI. And be it further enacted, That it shall be lawful for the said Company, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, or cause to be asked, demanded, taken, recovered, and received, to and for the Use and Benefit of the said Company, for and in respect of all Passengers and Cattle conveyed in Coaches, Waggons, and other Carriages

which shall be used on the said Railway or any Part thereof, the several Tolls hereinafter mentioned; (that is to say,)

For every Person conveyed in or upon any such Carriage any Distance not exceeding Eight Miles, any Sum not exceeding Two Shillings; and for any Distance exceeding Eight Miles and not exceeding Twelve Miles, any Sum not exceeding Two Shillings and Sixpence; and for any Distance exceeding Twelve Miles, any Sum not exceeding Sixpence *per* Mile:

For every Horse, Mule, Ass, or other Beast of Draught or Burthen, and for every Ox, Cow, Bull, or other Neat Cattle, conveyed by any such Carriage, any Sum not exceeding Two Shillings and Sixpence:

For every Calf, Sheep, Lamb, Pig, or Goat conveyed by any such Carriage, any Sum not exceeding One Shilling.

CXVII. And be it further enacted, That in Cases where there shall be a Fraction of a Ton a Proportion of the Rates shall be deemed and taken for such Fraction according to the Number of Quarters of a Ton contained in such Fraction, and when there shall be a Fraction of a Quarter of a Ton such Fraction shall be deemed and considered as a 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 the Rate of Tonnage which shall be deemed and taken for the Conveyance of Goods shall be after the Rate of the Number of Quarters of Miles which the said Waggon, Cart, or other Carriage shall have passed, and when there shall be a Fraction of a Quarter of a Mile such Fraction shall be deemed and considered as One 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, the said Company shall cause the said Railway to be measured, and Stones or other conspicuous Marks to be set up and for ever maintained at the Distance of a Quarter of a Mile from each other, with proper Inscriptions: Provided always, that it shall not be lawful for the said Company to demand or take or cause to be demanded or taken any of the Rates, Tolls, or Duties under this Act authorized to be demanded or taken, until the said Railway shall have been so measured, and the Stones or other conspicuous Marks set up as herein-before directed.

Regulations
as to frac-
tional Parts
of a Ton or
Mile.

CXVIII. Provided always, and be it further enacted, That it shall be lawful for the said Company, from Time to Time, at any General Meeting of the said Company to be held as is herein-before directed, to make such Orders for ascertaining and fixing a Price or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel (not exceeding Five hundred Pounds Weight) upon the said Railway or upon any Part thereof respectively, and from Time to Time to repeal, alter, and vary the said Rates as to them shall seem meet, fit, and reasonable.

Company
may fix
Prices for
small Par-
cels.

CXIX. And be it further enacted, That it shall be lawful for the said Company, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, for the Wharfage of all Goods, Commodities, Wares, Merchandize, Articles, Matters, and Things, loaded,

Rates to be
paid to the
Company for
Goods placed
on their
Wharfs.

loaded, landed, or placed in or upon the public Wharfs or any of them belonging to the said Company, the Rates or Sums following; that is to say,

Rates.

For every Ton of Coals and other Minerals, Timber, Stone, Sand, Lime, Sea Weed, Manure, Clay, Bricks, Tiles, Slate, Goods, Merchandize, or other Things which shall be loaded, landed, or placed in or upon the said Wharfs or any of them, and shall continue thereupon for any Space of Time not exceeding One Week, any Sum not exceeding the Sum of One Penny *per* Ton for Wharfage, and Three-pence *per* Ton for warehousing thereof, and so in proportion for any less Quantity than a Ton; and in case the said Articles or any of them shall be left and remain in and upon any of the Wharfs or Warehouses belonging to the said Company over and above or beyond the said Space of One Week, then the Owner or Owners of such Articles shall pay to the said Company the further Sum of Two-pence *per* Ton for the Wharfage, and Sixpence *per* Ton for the warehousing thereof, for the next or succeeding Week, and the Sum of Sixpence respectively *per* Ton for every further or subsequent Week such Articles shall remain upon the said Wharfs or Warehouses after the Expiration of the said second-mentioned Week, and so after that Proportion for any less Period than a Week; and it shall be lawful for the said Company to ask, demand, receive, and take, for the Use of the Cranes to be erected or made in pursuance of or under the Authority of this Act, before the same shall be used, such Sum or Sums of Money as the said Company may from Time to Time order or direct, not exceeding, for any Weight to be raised at One single Lift of the Crane, being less than Two Tons, the Sum of Four-pence *per* Ton; for any Weight to be raised at One single Lift, of Two Tons and less than Three Tons, the Sum of Sixpence *per* Ton; for any Weight to be raised at One single Lift, of Three Tons and less than Four Tons, the Sum of Eight-pence *per* Ton; and so progressively advancing on each additional Weight of One Ton to be raised at One single Lift of the Crane.

No Toll to be taken for Wharfage of Sand, &c. on the Northern Side of the Bridge over the River Camel.

CXX. Provided always, and be it further enacted, That no Rate or Toll shall be taken by the said Company for the Wharfage of any Sand, Lime, Sea Weed, or Manure landed in or upon any Wharf of the said Company on the Northern Side of the Bridge over the River Camel called *Wadebridge*, during such Time and so long as a convenient Wharf for that Purpose shall be maintained by the Lord or Lords, Lady or Ladies of any Manor, or the Owner or Owners of any Land or Ground, between the Southern Side of the said Bridge and the Brook called *Treguddick Brook*; but in case at any Time after the End of Three Years next after the passing of this Act no such Wharf as aforesaid shall be made or maintained, then and from thenceforth this present Restriction shall cease and become void.

Owners of Goods not removing them after Notice to

CXXI. Provided always, and be it further enacted, That if the Owner or Owners of any Goods, Commodities, Wares, Merchandize, Articles, Matters, or Things shall permit the same to remain in or upon the Wharfs or Warehouses belonging to the said Company beyond

yond the Space of Fourteen Days, and shall neglect or refuse to remove the same and every Part thereof after Twenty-four Hours Notice to do so, such Owner or Owners shall forfeit and pay to the said Company, for each and every Day any such Goods, Commodities, Wares, Merchandize, Articles, Matters, or Things shall be permitted to remain after the Expiration of such Notice, a Sum not exceeding Two Shillings and Sixpence *per Ton*. forfeit 2s. 6d. per Ton.

CXXII. And be it further enacted, That it shall be lawful for the said Company, at any General Meeting to be specially convened for that Purpose, from Time to Time to lessen and reduce all or any of the Rates, Tolls, and Duties herein-before by this Act authorized to be taken for or in respect of all or any of the Articles or Things herein-before specified or mentioned which shall be conveyed upon the said Railway or any Part thereof respectively, and afterwards from Time to Time again to raise, advance, and vary the same or any of them, so as not at any Time to exceed the Amount herein-before set forth and authorized to be collected, subject to the Regulations in this Act contained relating to the same. Power to reduce the Tolls.

CXXIII. Provided always, and be it further enacted, That in raising or lowering the said Rates, Tolls, and Duties payable under this Act, or the Sum or Sums of Money to be paid to the said Company for the Carriage and Conveyance of Goods, Wares, Merchandize, Articles, Matters, and Things carried and conveyed along the said Railway, all and every the Rates, Tolls and Duties, Sum and Sums of Money, so to be paid as aforesaid, shall be so fixed as that the Rate, Toll, and Duty *per Mile* between the several Stations as aforesaid, or *per Mile* as the Case may be, shall be the same on each Article so carried and conveyed, and shall be taken from all Persons alike under the same or similar Circumstances. Tolls not to be altered partially.

CXXIV. And be it further enacted, That it shall be lawful for the said Company at any of their General Meetings, by Writing under their Common Seal, at any Time to let to farm the Rates, Tolls, or Duties hereby made payable, or any Part thereof, upon the Whole or any Part of the said Railway, unto any Person or Persons, for any Term which the said Company shall think proper, not exceeding Three Years from the Commencement of any such Lease, and to commence in Possession upon or within Three Calendar Months next after granting the same; and every such Lease shall be valid and effectual, and the respective Lessees thereof shall, during the Continuance of any such Lease, be deemed Collectors of the Rates, Tolls, or Duties so let, for his and their proper Use, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company; provided that public Notice of the Intention to let the said Rates, Tolls, or Duties, or the Part thereof intended to be let, shall be given in Writing by the said Directors, or by the Clerk of the said Company by Advertisement in some Newspaper circulated within the said County of *Cornwall*, at least Fourteen Days prior to any General Meeting at which it may be intended or proposed that the said Rates, Power to lease the Tolls.

[*Local.*] 11 T Tolls,

Tolls, or Duties, or any Part thereof, shall be let or be proposed to be let as aforesaid.

Power of
Re-entry.

CXXV. And be it further enacted, That in case all or any of the Tolls or Duties arising by virtue of this Act shall be demised or let to farm to any Person in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof, shall be in arrear or unpaid for the Space of Seven Days next after any of the Days on which the same ought to be paid pursuant to the Lease, Agreement, or Contract for demising or letting the same Tolls or Duties, or in case any temporary or other Collector of the said Tolls and Duties shall be discharged from his Office by virtue of this Act; or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family or other Representative of any Collector who shall die, abscond, absent himself, or be discharged, or any other Person, shall refuse to deliver up the Possession of any Steam Engine, Waggon, Toll House, Weighing Machine, or other Building, with the Gardens and other Appurtenances thereunto respectively belonging, to be erected, built, constructed, or set up by virtue of this Act, for the Space of Seven Days after Demand thereof made in Writing given or left at such Toll House, Weighing Machine, or Building, or at any of such Toll Houses, Weighing Machines, or Buildings which shall be or have been in the Possession or Occupation of such Collector or other Person or Persons, such Demand in Writing to be signed by any Two or more of the Directors (although not assembled at a Meeting) or by the Clerk or Treasurer for the Time being of the said Company; or in case any such Lease, Agreement, or Contract shall in any other Manner become void, then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the said County of *Cornwall*, upon Application made by the said Directors or by the Treasurer or Clerk for the Time being of the said Company, by Warrant under their respective Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any such Steam Engine, Waggon, Toll House, Weighing Machine, or other Building, with the Gardens and all other the Appurtenances thereto belonging, and to remove and put such Lessee or Lessees, Farmer or Farmers, or other the Person or Persons who shall be found therein, together with his, her, or their Goods, from and out of the same and the Possession thereof, and from the Collection of such Tolls and Duties, and to put the said Company or any of them, or their new Lessee, Farmer, or Collector, Lessees, Farmers, or Collectors, into the Possession thereof; and thereupon it shall be lawful for the said Directors, if they shall see fit, to vacate and determine the Lease, Contract, or Agreement, if any which was previously subsisting, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants and Agreements for Payment of the Rent or Rents thereby reserved,

or other unperformed or broken Obligations, Covenants, or Agreements on the Lessees Part,) as if such Lease, Contract, or Agreement had never been made; and it shall be lawful for the said Company or Directors in every such Case again to demise or let to farm the said Tolls and Duties to any other Person, or cause them to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

CXXVI. Provided always, and be it further enacted, That the said Company shall from Time to Time cause to be painted on Boards, and affixed and stuck up and continued, and renewed as often as the same shall be obliterated or defaced, upon every public Wharf, and upon every Stoppage or Toll House on the said Railway, in some conspicuous Place, in large and legible Characters, an Account or List of the several Rates, Tolls, and Duties which the said Company shall from Time to Time direct and appoint to be taken, and of the Price or Prices, Sum or Sums of Money so allowed to be taken for the Carriage of all and every such Parcel and Parcels not exceeding Five hundred Pounds Weight as aforesaid, upon the said Railway or any Part thereof respectively; and it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any such Rates, Tolls, or Duties, but for and during such Time as the Boards so painted as aforesaid shall remain so affixed as aforesaid.

Toll Boards
to be affixed.

CXXVII. And be it further enacted, That the Rates of Tonnage and other Sums hereby authorized and made payable for the Use of the said Railway, or for the Carriage of Goods, Wares, Merchandize, Matters or Things, Passengers or Cattle, to be carried or conveyed upon such Railway, shall be paid to such Person or Persons at such Place or Places at, upon, or near the said Railway, in such Manner and under such Regulations as the said Company at some General or Special Meeting or Meetings, or as the said Directors shall, by a Notice annexed to the Account or List of Tolls, Rates, and Duties, direct or appoint; and in case of Refusal or Neglect of Payment of such Rates, Tolls, or Duties, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company may, in case such Rates, Tolls, or Duties shall amount to the Sum of Ten Pounds or upwards, sue for 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 Rates, Tolls, or Duties ought to have been paid may and he and they is and are hereby empowered to seize the Goods or other Things for or in respect whereof any such Rates, Tolls, or Sums ought to be or to have been paid, or any Part thereof, and the Waggon or other Carriage laden therewith, and 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 Twenty-one Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent; and the Person or Persons making such Seizure, Detention, and Sale, or the said Company, shall not be liable for any Accident, Loss, Injury, or Damage which may accrue to the same Goods, Horses, Cattle, Waggon, or other Carriages or Things, in consequence of such Seizure,

Rates to be
paid at such
Place as the
Company
shall direct.

Recovery
of Rates.

Seizure, Detention, and Sale: Provided always, that in case such Rates, Tolls, or Duties so due as aforesaid shall not amount to the Sum of Ten Pounds it shall not be lawful for the said Company to sue for the same by Action of Debt or on the Case, but the same shall and may be recovered by Distress and Sale only, as is hereinbefore mentioned.

Disputes about the Amount of Rates to be settled by Justices.

CXXVIII. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of the Rates, Tolls, or Duties 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 until the Amount of the Rates, Tolls, or Duties due, and the Charges of seizing, distraining, keeping, or selling such Distress, as the Case shall happen, shall be ascertained by some Justice of the Peace for the said County of *Cornwall*, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath of the Parties or other Witness or Witnesses, and determine the Amount of the Rates, Tolls, or Duties due; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the Parties to the other of them as he shall think just and reasonable; and in case of Non-payment thereof, on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party directed to pay the same, by Warrant under the Hand and Seal of such Justice.

Waggons to be registered, and Owners to put their Names on the Outside, with the Weight of Waggon, and to give an Account of the Lading.

CXXIX. And for the better ascertaining and more easy collecting of the said Rates, Tolls, and Duties, be it further enacted, That the Owner or Owners, or Person or Persons having the Care of every Waggon or other Carriage passing upon the said Railway or any Part thereof respectively, shall cause his, her, or their Name or Names, and Place or Places of Abode, and the Number of his, her, or their Waggon or other Carriage, to be registered by the Clerk of the said Company, and shall also cause such Name or Names, and Place or Places of Abode, and Number, together with the Weight or Gauge of every such Waggon or other Carriage (the same having been previously ascertained by the said Company), to be painted in large White Capital Letters and Figures on a Black Ground, or in large Black Capital Letters on a White Ground, Two Inches high at least, and of a proportionate Breadth, on some conspicuous Part of the Outside of such Waggon or Carriage, and shall also give an exact and true Account, in Writing signed by him or them, to the Collectors of the Tolls or Duties at the Place or Places appointed for the Collection of the same, specifying the Quantity of Goods and other Things which shall be in such his, her, or their Waggon or other Carriage, and with respect to such Waggon or other Carriage, from whence brought, and where the same are intended to be unloaded or left; and 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 each or any of the said Rates.

In case of Difference

CXXX. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, Tolls, and Duties,
or

or any Tollkeeper, or any Officer or Servant of the said Company, and the Owner or Person having the Charge of any Waggon or other Carriage, or the Owner of any Goods or other Things therein or thereon, it shall be lawful for any such Collector or other Officer as aforesaid to stop and detain any such Waggon or other Carriage, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, such Waggon or other Carriage, and all such Goods and other Things as shall be therein respectively contained; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than what is set forth or contained in the Account given thereof as aforesaid, then the Owner or Person giving any such Account shall pay Double the Amount of Toll which would otherwise have been due and payable on such Waggon or other Carriage, besides the Costs and Charges of such weighing, measuring, and gauging; all which extra Tolls, Costs, and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered and levied by such Ways and Means and in such Manner as the said Rates, Tolls, and Duties are hereby appointed to be recovered and levied; but if such Goods or other Things shall appear to be of the same or a less Quantity than the same shall by such Account appear to be of, then the said Company shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Owner or Person, or the Owner or Owners of such Goods and other Things, such Damage as shall appear to any Justice of the Peace for the said County of *Cornwall*, on the Oath of any credible Witness, to have arisen from such Detention; but in case it shall at any Time be made to appear to such Justice, upon the Complaint of the said Company, and upon the like Oath, that such Detention, and weighing, measuring, or gauging, was without reasonable Ground or Belief, or that it was vexatious on the Part of the Collector or other Officer as aforesaid, then the Collector or other Person as aforesaid shall himself pay the Costs and Expences of such weighing, measuring, and gauging, and shall also pay to such Owner or Person, or to the Owner or Owners of such Goods or Things, such Damage as shall appear to such Justice to have arisen from such Detention; and in default of immediate Payment thereof by the said Company, or by such Collector or other Officer as aforesaid (as the Case may be), the same shall be recovered by Distress and Sale of the Goods of the said Company or of the said Collector or other Officer as aforesaid (as the Case may be,) by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any,) upon Demand, after deducting the Costs of such Distress and Sale, to the said Company, or to the said Collector or other Officer as aforesaid (as the Case may be).

concerning
Weight, Col-
lector may
weigh or
measure
Waggon.

CXXXI. And be it further enacted, That all Persons shall have free Liberty to use all Roads, Ways, and Passages for the Purpose of conveying Goods, Wares, Merchandize, or any other Things, or Passengers or Cattle, to or from the said Railway and every Part thereof, and also to pass along and upon and use the said Railway, upon Payment only of such Tolls, Rates, and Duties as shall be demanded by the said Company, not exceeding the respective Rates, Tolls, and Duties hereinbefore mentioned, and subject to the Rules and Regulations

Railway to
be free on
Payment of
Tonnage.

lations which shall from Time to Time be made by the said Company, by virtue of the Powers herein granted.

Company to regulate the Passage on the Railway.

CXXXII. And be it further enacted, That it shall be lawful for the said Company, at any General or Special General Meeting, to make, and from Time to Time to alter and amend, all such Rules and Orders as they may think necessary and convenient respecting the Passage on and the general Use of the said Railway and Works, and also for or relating to the Construction and loading of all Carriages to be used thereon, and the Power or Means to be employed in propelling or drawing the same, also to fix and regulate the Speed at which such Carriages shall travel, and the Reception and Delivery of all Matters and Things which may be conveyed on the said Railway; and all such Rules, Orders, and Regulations shall be submitted to Two Justices of the Peace for the said County of *Cornwall*, and when ratified by the said Two Justices shall be binding upon and be conformed to by the said Company, and by the Owners and Persons having the Care or Conduct of such Waggon or other Carriages, and by all Persons using or working such Railway, upon pain of forfeiting a Sum not exceeding Twenty Pounds for every Default.

Penalty on Persons demanding more than the proper Rate of Toll.

CXXXIII. And be it further enacted, That in case any Owner or Master or other Person belonging to any Waggon or other Carriage belonging to the said Railway or any Part thereof respectively, or any Collector of the Rates, Tolls, or Duties aforesaid, shall, after such Account or List shall be affixed and made public in manner hereinbefore directed, demand or take more than the Price or Sum specified in such Tables of Tolls as aforesaid, such Owner, Master, Collector, or other Person as aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For preventing Toll Collectors misbehaving.

CXXXIV. And be it further enacted, That every Toll Collector shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Stop Gate, Toll House, or Toll Gate, immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon Duty; and if any Collector of the same Tolls, Rates, or Duties shall not place such Board as aforesaid, and keep the same there during the Time he shall be such Collector as aforesaid, or shall demand or take a greater or less Toll, Rate, or Duty from any Person than he shall be authorized to do by virtue of this Act, or of the Orders and Resolutions of the said Company made in pursuance thereof, or shall demand or take a Toll, Rate, or Duty from any Person who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer any Person to read or shall in anywise hinder any Person from reading the Inscriptions on the Board to be affixed and placed as aforesaid, or shall refuse to tell his Christian or Surname to any Person who shall demand the same on having paid the said Tolls, Rates, or Duties, or any of them, or shall in answer

to such Demand give a false Name or Names, or, upon the legal Toll, Rate, or Duty being paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Treasurer, Clerk, Engineer, or other Officer, or to any Passenger, then and in every such Case every such Toll Collector shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

CXXXV. And be it further enacted, That in case any Owner or Owners of any Waggon or other Carriage passing along the said Railway shall omit to register his, her, or their Name or Names and Place or Places of Abode, and the Number of his, her, or their Waggon or other Carriage, and the Weight and Gauge thereof, with the Clerk of the said Company, and to cause the same to be painted on the Outside of every such Waggon or other Carriage, as hereinbefore directed, or if such Owner or Owners, or the Servants in charge of such Waggon or other Carriage, shall refuse to permit and suffer every such Waggon or other Carriage to be gauged, weighed, and measured at the Expence of the said Company, whenever it shall be required by them or by any Person by them appointed for that Purpose, or shall alter or erase or deface such Gauge and Weight, and Names and Figures, or any of them, or any Part thereof, or shall fix thereon any false Gauge, Weight, Name, or Figure, every such Owner or Owners shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on Owners omitting to put their Names on the Outside of their Waggons.

CXXXVI. 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 which may be done by his, her, or their Waggon or other Carriage, or by any of the Waggons or Drivers or other Person or Persons belonging to or employed by him, her, or them respectively, to the said Railway, or to any Engines, Works, or Conveyances made or to be made or used by virtue of this Act, either by the loading or unloading of any Waggon or other Carriage, or by any Means whatsoever; and the said Owner or Owners of such Waggon or other Carriage shall for every such Damage, upon Conviction of any such Person before some Justice of the Peace for the said County of *Cornwall*, either by the Confession of the Party or Parties offending, or upon the Oath of some credible Witness, pay to the Person injured the Damages to be ascertained by such Justice, provided such Damages do not exceed the Sum of Twenty Pounds, and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Five Pounds, and all the Costs, Charges, and Expences attending such Conviction; but if the Damages shall exceed the Sum of Twenty Pounds, then and in every such Case the Owner or Owners of such Waggon or other Carriage may be sued and prosecuted for the same in any of His Majesty's Courts of Record, and if a Verdict or Judgment shall be given against him, either on Proof made, or by Default upon Demurrer, the Plaintiff in any such Case shall recover his Damage thereby sustained, with full Costs of Suit.

Owners of Waggons to be accountable for Damage done by their Servants.

CXXXVII. Pro-

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

CXXXVII. 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 shall be compelled to pay any Penalty or to make Satisfaction for any Damage, by reason of any wilful Act, Neglect, or Default of his, her, or their Servant or Servants or Waggoners or Drivers, then and in every such Case every such Servant or Waggoner or Driver shall be liable to pay such Penalty or Satisfaction for Damages, with the Costs attending the same, 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, Waggoner or Driver, as aforesaid.

Penalty on destroying Works.

CXXXVIII. And be it further enacted, That if any Person shall wilfully or maliciously, and to the Injury of the said Undertaking or of the Company, injure, damage, break, throw down, destroy, steal, carry, or take away any Part of the said Railway or other Works to be erected and made by virtue of this Act, or any Part of the Materials of any such Works, any Person, being lawfully convicted, of any such Offence, shall be subject and liable to the like Pains and Penalties as in case of Simple Larceny.

Penalty on Persons obstructing the Passage of Waggons on the Railway.

CXXXIX. And be it further enacted, That if any Person shall suffer the loading of any Waggon or other Carriage using the said Railway to project more than Two Feet over and beyond the Flanch or Lip of each or any Wheel of such Waggon, or shall leave or place any such Waggon or other Carriage, or shall permit the same to be left or remain, on any Part of the said Railway or other Works as aforesaid, so as to obstruct the Passage of any other Waggon or other Carriage, and shall not immediately remove the same so as to make a free Passage for other Waggons passing thereon respectively, every such Person, or, at the Option of the said Company, the Owner or Owners of such Waggon or other Carriage so loaded, left, or placed, shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Penalty on Persons obstructing the free Course of the Railway.

CXL. And be it further enacted, That if any Person shall, without the Authority of the said Company, throw, place, or wilfully scatter or drop any Gravel, Stone, Rubbish, or other Matter or Thing upon any Part of the said Railway, 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 any Part thereof, he or they shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Penalty on obstructing Railway by leaving Waggons.

CXLI. And be it further enacted, That if any Waggon or other Carriage, or any Goods, Merchandize, Article, Matter, or Thing, shall be placed or suffered to remain on any Part of the said Railway or other Works, so as to obstruct the Passage or working thereof, and the Person or Persons having the Care of such Waggon or other Carriage, Goods, Merchandize, Article, Matter, or Thing, shall not immediately upon Request made remove the same, he or they shall forfeit for every such Offence any Sum not exceeding Five Pounds for

for every Hour every such Obstruction shall continue after the making of such Request; and it shall be lawful for any Agent or Officer of or belonging to the said Company to cause any such Waggon or other Carriage, Goods, Merchandize, Article, Matter, or Thing, to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction, and to detain such Waggon or other Carriage, Goods, Merchandize, Article, Matter, or Thing, or any Part thereof, until the Charges occasioned by the Removal shall be paid; and the said Company shall not, nor shall any Officer, Agent, or other Servant of or belonging to the said Company, be liable or accountable for any accidental Damage, Loss, or Injury occasioned by any such unloading or by any such Removal, or for any Delay occasioned thereby, nor in any other Way, save and except for wilful Damage done to any Waggon or other Carriage or to any Article so unloaded or removed, nor shall they be liable for the safe Custody of any Waggon or other Carriage, or any Article, Matter, or Thing, which shall be so removed, unless the same shall be detained by the said Company, and then only for so long a Time as the same shall be so detained.

CXLII. And be it further enacted, That if any Person (save and except the said Directors, or the Agents and Servants employed for the Purposes of the said Railway,) shall ride, lead, or drive, or cause to be ridden, led, or driven, or aid or assist in leading or driving, upon such Railway or on any Part thereof respectively, without the Licence and Consent of the said Company, any Horse, Mule, or Ass, or shall lead or drive, or shall cause to be led or driven, or aid or assist in leading or driving thereon, any Cow or other Neat Cattle, Sheep, Swine, or any other Beast or Animal, except only in directly crossing the same at Places to be appointed for that Purpose, and except also in passing along the same, as hereinafter mentioned, for the necessary Operation of the respective Lands through which the said Railway may be laid, then and in every such Case every Person so offending shall forfeit and pay to the said Company any Sum not exceeding Five Pounds for every such Offence.

Railway not to be used as a Passage for Horses, &c.

CXLIII. And whereas it might be very injurious to the said Railway and the Works thereof, and inconvenient and dangerous to the Public, if the Railway by this Act authorized to be made were permitted to be used by Persons on Foot; be it therefore further enacted, That if any Person shall travel or pass on Foot upon the said Railway without the Licence and Consent of the said Company, except the said Directors or the Agents and Servants employed by them, or the Person or Persons attending any Waggon, Cart, or Carriage, and also except the Owners or Occupiers of any of the Lands or Premises adjoining to the said Railway, their Families, Agents, or Servants, in passing across or along the same as herein authorized, to and from the respective Lands or Grounds through which the said Railway may be made, every Person so offending shall forfeit and pay to the said Company any Sum not exceeding Five Pounds for every such Offence.

Penalty on Persons travelling on Foot on the Railway.

Gates shall be shut and fastened after Waggon have passed through.

CXLIV. And be it further enacted, That all Persons opening any Gate set up across the said Railway, and neglecting to shut and fasten the same immediately after the Waggon or other Carriage under the Care of such Person or Persons shall have passed through such Gate, shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Recovery and Application of Penalties.

CXLV. And be it further enacted, That all Penalties and Forfeitures inflicted, imposed, or made payable by this Act, or by any Rule, Order, or Bye Law made in pursuance thereof (the Manner of levying and recovering whereof is not herein otherwise particularly directed), may in case of Nonpayment thereof be recovered in a summary Way by the Order and Adjudication of any Two Justices of the Peace for the said County of *Cornwall*, on Complaint to them for that Purpose made upon the Oath or Affirmation of any Person or Persons, or on the Confession of the Party offending (which Oath or Affirmation such Justices are hereby authorized to administer); and in default of Payment of such Penalties or Forfeitures the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justices, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted); and where no other Application of such Penalties and Forfeitures is hereby directed, one Moiety of the same, when respectively recovered, shall be paid to the Informer; and the other Moiety shall be paid to some One of the Overseers of the Poor of the Parish, Township, or Place in which the Offence shall have been committed, to be by such Overseer applied in aid of the Poor Rate of such Parish, Township, or Place; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justices, and they are hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody until the Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justices, for his, her, or their Appearance before such Justices, or before some other Justices of the Peace for the said County of *Cornwall*, on such Day or Days as shall be appointed for the Return of such Warrant of Distress (such Day not to be more than Eight Days from the taking of any such Security); and which Security the said first-mentioned Justices are 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 whereupon to levy the same Penalty or Penalties, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, upon the Confession of the Offender, or otherwise, that he has not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justices, and they are hereby authorized and required, by Warrant under their Hands and Seals, to commit such Offender or Offenders

to the Common Gaol or House of Correction for the County within their Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be sooner paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justices; or until such Offenders shall otherwise be discharged by due Course of Law.

CXLVI. And be it further enacted, That when and so often as any Sum of Money to be paid in pursuance 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 soever, done or committed by the said Company or any Person acting by or under their Authority, 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 said Company, then and in such Case the Amount of such Compensation, Satisfaction, or Costs shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by any Two or more Justices of the Peace for the said County of *Cornwall*, which Warrant any such Justices are hereby authorized and required to grant under their Hands and Seals, on Application to them for that Purpose by the Party or Parties, and on Proof by such Party or Parties that they are respectively entitled to receive such Sum 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 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 the Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain, out of any Money which he shall have received, or shall receive in pursuance of this Act, all such Damages, Costs, and Expences as he shall have sustained or shall have been put unto by virtue of any such Warrant as aforesaid.

In case of Non-payment of Compensation for Damages, &c. or Costs, the same to be levied by Distress of the Goods of the Company or their Treasurer.

CXLVII. And be it further enacted, That where 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 in this Act mentioned, the Amount of such Damages or Charges, in Cases of Dispute respecting the same, shall be settled and determined by the Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, which Justices of the Peace are hereby authorized and required, on Nonpayment thereof, to levy such Damages by Distress and Sale of the Offender's Goods and Chattels, in manner by this Act directed for the levying of any Penalties or Forfeitures.

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

CXLVIII. And

Justices to proceed by Summons in the Recovery of Penalties.

CXLVIII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall be made of any Offence committed against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing shall have been exhibited or taken before such Justice; and all such Proceedings by Summons without Information in Writing shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing had been exhibited.

Distress not unlawful for Want of Form, but Persons aggrieved by Irregularity in Distress may recover Damages.

CXLIX. 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 made a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings 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 Damage in an Action upon the Case.

For securing transient Offenders.

CL. And be it further enacted, That it shall be lawful for any Proprietor, Collector, Surveyor, or other Officer of the said Company, and such Person or Persons as he shall call to his Assistance, to seize and detain any Person, being unknown to such Proprietor, Collector, Surveyor, or other Officer, who shall commit any Offence against this Act; and to convey him or her before some Justice of the Peace for the said County of *Cornwall*, without any other Warrant or Authority than this Act for so doing; and such Justice is hereby empowered and required to proceed immediately on the Conviction or Acquittal of such Offender or Offenders.

Authenticated Bye Laws to be Evidence.

CLI. Provided always, and be it further enacted, That in all Cases of Prosecution for Offences against the Rules, Orders, and Bye Laws of the said Company, the Production of a written or printed Paper purporting to be the Rules, Orders, and Bye Laws of the said Company, and authenticated by having the Common Seal of the said Company affixed thereto, shall be Evidence of the Existence of such Rules, Orders, and Bye Laws; and it shall be sufficient to prove that a Board painted according to the Directions of this Act, purporting to be a Copy of such Bye Laws, Rules, Orders, and Regulations, hath been affixed and published in manner by this Act directed, and, in case of its afterwards being displaced or damaged, hath been replaced by another such Board as soon as conveniently might be, in some conspicuous Place upon or near adjoining the Place where the

the Offence was committed, unless Proof shall be adduced by the Defendant that such Board is not a Copy of such Bye Laws, Rules, Orders, and Regulations, or hath not been duly kept up and generally continued at or near the said Railway and Wharfs in manner by this Act directed.

CLII. And be it further enacted, That if any Person shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter of Fact contained or involved in or affecting any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or on the Part of the Party or Parties summoned or accused, and shall neglect or refuse to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his, her, or their Costs and Charges, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath or (in case of a Quaker or Quakers) on solemn Affirmation, or to give Evidence, before such Justice of the Peace, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

For compelling Witnesses to attend and give Evidence.

CLIII. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act or otherwise, for any Claim or Compensation against or for or on behalf of the said Company, and also in all Prosecutions commenced and instituted by and on behalf of the said Company, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any One of the Directors of the said Company for the Time being, in his own Name, for and on behalf of the said Company, to make, sign, seal, execute, and deliver all and every such General or other Release or Releases as may be or may be deemed necessary for the Purpose of exonerating, releasing, and discharging all and every and any Person or Persons who shall or may be produced as a Witness or Witnesses in any such Actions, Suits, Prosecutions, Arbitrations, References, or other Proceedings as aforesaid, from all or any Claims or Demands which may be necessary to be released by the said Company, to qualify such Person or Persons to give Evidence as a Witness or Witnesses in any such Actions, Suits, Prosecutions, Arbitrations, References, or other Proceedings as aforesaid, and also to do any other Act, Matter, or Thing, in any such Actions, Suits, Prosecutions, Arbitrations, References, or other Proceedings, which any Plaintiff or Defendant may do in any Action, Suit, or Prosecution, Arbitration, Reference, or other Proceedings; and every such Release, Act, Matter, and Thing respectively shall be as valid and effectual in all respects and to all Intents and Purposes whatsoever as if the same were made under the Common Seal of the said Company.

A Director may grant Releases to Witnesses.

CLIV. 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 shall be convicted of

Conviction to be drawn in the following Form.

[Local.]

11 Y

any

any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form, or any other Form to the following Effect, as the Case shall happen; *videlicet*,

Form of
Conviction.

‘ to wit. } BE it remembered, that on the _____ Day of
‘ _____ in the Year of our Lord
‘ *A. B.* is convicted before me, *C. D.*, One of His Majesty’s Justices
‘ of the Peace for the County of _____ [*specifying*
‘ *the Offence, and the Time and Place when and where the same was*
‘ *committed, as the Case may be*], contrary to an Act passed in the
‘ Second Year of the Reign of King *William* the Fourth, intituled
‘ [*here set forth the Title of this Act.*] Given under my Hand and
‘ Seal, the Day and Year first above written.’

Persons ag-
grieved may
appeal to
the Quarter
Sessions.

CLV. And be it further enacted, That any Body or Person whomsoever 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 Directors or the said Company of Proprietors, or any other Body or Person who may think themselves, himself, or herself aggrieved by any Order, Judgment, or Determination of any Justice of the Peace relating to any Matter or Thing in this Act mentioned or contained, and for which no Power of Appeal is by this Act specifically given, may, within Three Calendar Months next after such Order, Judgment, 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 County where the Cause of Appeal may happen to arise, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Body or Bodies; Person or Persons, against whom such Complaint is intended to be made, or to the said Company, as the Case may be, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think proper, adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County; and the said Justices may, if they see Cause, 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 as they in their Judgment shall think reasonable and just.

Proceedings
not to be
quashed for
Want of
Form.

CLVI. And be it further enacted, That no Proceeding 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 by any other Writ or Proceeding whatsoever into any of His Majesty’s Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

CLVII. And

CLVII. And be it further enacted, That no Action or Suit, or any Information or other Proceeding, of what Nature soever, shall be brought, commenced, or prosecuted against any Person, for any thing done or to be done in pursuance of this Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under this Act, unless Ten Days Notice in Writing shall be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Information, to the intended Defendant or Defendants, nor unless such Action, Suit, or Information shall be brought or commenced within Three Calendar Months next after the Act committed, or in case there shall be a Continuation 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 and brought in the County where the Matter in dispute or the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in any such Action, Suit, or Information shall and may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action, Suit, or Information shall have been brought or commenced otherwise than is herein-before directed, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon which Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, 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 pass against the Plaintiff or Plaintiffs, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have his, her, or their Costs, and shall have such Remedy for recovering the same as any Defendant hath for recovering Costs of Suit in any other Case by Law.

Limitation
of Actions

CLVIII. And be it further enacted, That in all Cases where it may be necessary or requisite for any Person or Party to serve any Summons, or any Notice, or any Writ or any other Proceedings at Law or in Equity, upon the said Company, Service thereof respectively upon any One of the Directors of the said Company, or upon the Clerk or Treasurer of the said Company, or delivered to some Inmate at the Office or last or usual Place of Abode of such Clerk or Treasurer, or at the Office of the said Company, shall be deemed good and sufficient Service of the same respectively on the said Company.

Directing
what shall
be good Ser-
vice of No-
tice to the
Company.

CLIX. And be it further enacted, That in all Cases wherein it may be necessary or requisite for the said Company to give any Notice to any Body Politic, Corporate, or Collegiate, or to any Person whomsoever, under the Provisions or Directions contained in this Act, such Notice shall and may be in Writing or Print, signed by any One of the Directors of the said Company, or by the Clerk for the Time being or by the Treasurer of the said Company, without being required to be under the Common Seal of the said Company.

Notice to be
given by the
said Com-
pany to be
signed by
their Clerk.

CLX. And

Rules for
Construction of certain Terms of the Act.

CLX. And be it further enacted, That wherever in this Act any Word or Words is or are used in the Masculine Gender only, such Word or Words shall extend to and shall be construed to include Females as well as Males, and a Body or Bodies Politic, Corporate, or Collegiate, Corporation or Corporations Aggregate or Sole, as well as Individuals, unless it be otherwise specially directed or provided for.

Powers relating to Railway to extend to Branches.

CLXI. And be it further enacted, That all and every the Provisions, Matters, and Things herein contained, relating to the said Railway, shall extend and be construed to extend to the Branches hereby authorized to be made, in as full and ample a Manner as if the said Branches had been particularly mentioned and specified.

Public Act.

CLXII. 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.

2° GULIELMI IV. Cap. xlvii. 1009

The SCHEDULE referred to by the foregoing Act.

Owners.	Occupiers.	Description of Property.
<i>In the Parish of Saint Breoke.</i>		
Sir William Molesworth Baronet	John Collins senior	House and Courtlage.
	John Collins junior	House.
	Ditto	Carpenter's Shop.
	Edward Geach	Storehouse.
	Sir William Molesworth Bart.	Wharfs.
<i>In the Parish of Egloshayle.</i>		
Sir William Molesworth Baronet	Thomas Teague	Orchard.
Ditto	John Sweet	Garden.
Ditto	Ezekiel Mynheer	Ditto.
John Hearle Tremayne Esquire	James Arthur	Orchard.
<i>In the Parish of Bodmin.</i>		
John Hicks	John Hicks	Nursery.
Robert Flamank Esquire	Henry Thomas	Field Orchard.
	John Pascoe	Kitchen Garden.
	Ditto	Orchard.
Edward Kirkwood	Ditto	Ditto.
	Edward Kirkwood	Ditto.
Sir William Molesworth Baronet	John Mullis	Garden.
John Wallis Esquire	Mary Climo	Ditto.
Robert Hawke	Robert Hawke	Orchard.
Bennett Mitchell Esquire	William Lander	Ditto.
The Revd. John Pomeroy Gilbert	Thomas Dungey	Outhouse.
John Wallis Esquire	Richard Hicks	Garden.
		Orchard.
<i>In the Parish of Helland.</i>		
John Hooper Esquire	John Chipman	Garden.
Honorable Anna Maria Agar	Robert Lanxon	Ditto.
	William Derry	Ditto.
Stephen Bate	Stephen Bate	Orchard and Rickyard. Plantation.
Honorable Anna Maria Agar	Honorable Anna Maria	Wood and Plantation.
	Agar	Ditto.

[Local.]

Owners.	Occupiers.	Description of Property.
<i>In the Parish of Blisland.</i>		
Captain William Morshead	{ Captain William Morshead John Sibley - - - John Tom - - -	Wood and Plantation. Garden, Orchard, Piggery. Orchards.
John Wallis Esquire	{ Captain William Morshead Jonathan Kingdon -	Plantation. Orchard.
<i>In the Parish of Simonward otherwise Saint Breward.</i>		
Andrew Lovering Sarel Esquire	} William Trewin - - -	} Nursery.

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