



ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

Cap. lxxviii.

An Act for making and maintaining a Railway from *Hayle* in the Parish of *Saint Erth* in the County of *Cornwall* to *Tresavean Mine* in the Parish of *Gwennap* in the said County, with several Branches therefrom. [27th June 1834.]

WHEREAS the making and maintaining of a Railway, with proper Works and Conveniences connected therewith, for the Passage of Waggon, Engines, and other Carriages properly constructed, to commence at *Hayle Foundry* in the Parish of *Saint Erth* in the County of *Cornwall*, and to pass by or near to the Villages of *Hayle*, *Copper House*, *Angarrack*, and *Berripper*, and through or by the Mines of *Stray Park*, *Dolcoath*, *Cook's Kitchen*, *Tin Croft*, *Wheal Fanny*, *Tregajorran*, *Wheal Druid*, *Wheal Buller*, *Wheal Beauchamp*, and *Penstruthal*, and to terminate at *Tresavean Mine* in the Parish of *Gwennap* in the County of *Cornwall*, with certain Branches therefrom herein-after particularly mentioned, will be the Means of opening a more easy and commodious Communication between the Interior of the principal Mining District of the County of *Cornwall* and the various Shipping Places at *Hayle*, *Portreath*, and *Restrongett Creek* in the same County, and will facilitate the Conveyance of Coals to the several Mines in the said District, and the Conveyance of Copper, Tin, Lead, and other Ores and other Minerals to the Sea Side, and also the Carriage of Sand and other Manure, and Goods, Wares, and Merchandize in general, and would otherwise be of great public Utility : And whereas the several Persons

[Local.]

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herein-after

Proprietors
incorporated.

herein-after named are willing and desirous at their own Expence, to make, establish, and maintain such Railway or Tramroad and Branches as aforesaid, and provide all necessary Works and Conveniences connected therewith; 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 *William Dobree, Edward M'Namara, Thomas Teague, Robert Barker, John Sykes, George Dobree, Henry Laing, Samuel Chambers, George Barker, George Woods, James Hall, Joseph Lyle, John Baguley, Elizabeth Wilson, James Wall*, and all and every other Persons and Person, Bodies and Body Politic or Corporate, who shall hereafter become Subscribers or a Subscriber to the said Undertaking for establishing the said Railway or Tramroad and Branches, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united and incorporated into a Company for making and maintaining the said Railway or Tramroad and Branches, and the 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 be known as such by the Name and Style of "The *Hayle* 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 and their Successors and Assigns, for the Use of the said Undertaking and Works, and also to sell and dispose of the said Lands and Hereditaments again in manner by this Act directed, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

Company
empowered
to make
Railway and
Branches.

II. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered, by themselves, their Deputies, Agents, Officers, Engineers, Artificers, Servants, and Workmen, to make, complete, and maintain a Railway or Tramroad, and Branches therefrom, with proper Works and Conveniences attached thereto or connected therewith, to be called "The *Hayle* Railway," for the Passage of Waggons, Engines, and other Carriages properly constructed, to be drawn, propelled, or moved thereon by stationary and locomotive Steam Engines, Horses, or other adequate Power, in the Discretion of the said Company, in the Line or Course and upon, across, under, or over the Lands delineated on the Plan and described in the Book of Reference herein-after mentioned, such Railway or Tramroad to commence at *Hayle Foundry* in the Parish of *Saint Erth* in the County of *Cornwall*, and to be made and carried and to pass by or near to the Villages of *Hayle, Copper House, Angarrack, and Berripper*, and through or by the Mines of *Stray Park, Dolcoath, Cook's Kitchen, Tin Croft, Wheal Fanny, Tregajorran, Wheal Druid, Wheal Buller, Wheal Beauchamp, and Penstruthal*, and to terminate at *Tresavean Mine* in the Parish of *Gwennap* in the County of *Cornwall*, and also a Branch from the said Railway or Tramroad to diverge from
the

the main Line thereof near *Carwyn Mill*, and to extend to the Towans or Sands of *Phillack* and *Gwithian*; another Branch to diverge from the said main Line at *Stray Park Mine*, and to extend to the Mines of *Roskear*; another Branch to diverge from the said main Line at or near *Cook's Kitchen Mine*, and to extend to the Mine of *Wheal Crofty*; another Branch to diverge from the said main Line at or near *Highway*, and to extend to the Mine of *Wheal Fortune*; another Branch to diverge from the said main Line at *Illogan Highway*, and to extend to the Village of *Portreath*; another Branch to diverge from the said main Line near the Town of *Redruth*, and to extend to *Wheal Tolgus Mine*; and another Branch to the Town of *Redruth* in the County of *Cornwall*; the said Railway or Tramroad, and the said several Branches therefrom, to pass from, in, through, or into the several Parishes of *Saint Erth*, *Phillack*, *Gwinear*, *Gwithian*, *Camborne*, *Illogan*, *Redruth*, and *Gwennap* in the County of *Cornwall*, together with another Branch Railway or Tramroad to diverge from the said first-mentioned Line of Railway or Tramroad at or near the Village of *Angarrack* aforesaid, and to be made and carried and to pass through or by the Mines of *Herland*, *Binner*, *Downs*, *Wheal Strawberry*, *Godolphin*, and *Wheal Vor*, and to communicate with and terminate at the High Road leading from *Hayle* aforesaid to the Borough of *Helleston* at or near the Point at which the said High Road passes from the Parish of *Breage* into the Parish of *Sithney* in the County of *Cornwall*, the said last-mentioned Branch Railway or Tramroad to pass from, in, through, or into the several Parishes of *Phillack*, *Gwinear*, *Crowan*, and *Breage* in the County of *Cornwall*, and also to make and maintain Inclined Planes, Tunnels, or Archways, Embankments, Bridges, Staiths, Yards, Warehouses, and other Conveniences, on such Parts of the said Railway or Tramroad and Branches as may be necessary, and to erect and build stationary or other Steam Engines and Machines for carrying on the said Undertaking.

III. And be it further enacted, That for the Purposes of this Act the said Company, their Deputies, Officers, Engineers, Surveyors, Servants, and Workmen, shall be and they are hereby authorized and empowered to enter into and upon any Lands and Grounds necessary for the Purposes of this Act which shall belong to any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same or any Part thereof, and to set out and appropriate such Parts thereof as they are by this Act empowered to take or use, and in or upon such Lands, or any Lands adjoining thereto, to bore, dig, cut, trench, embank, and sough, and also to remove, take, carry away, lay, 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 or Tramroad and Branches and other Works, out of or from the said Lands or Grounds, or any Lands or Grounds adjoining to such Railway or Tramroad and Branches, which may be proper or requisite for making, continuing, maintaining, altering, or repairing the said Railway or Tramroad and Branches or other Works, or which may hinder, prevent, or obstruct the making, using, or completing, extending, or maintaining the same respectively; and to make, build, erect, bank, excavate, cut, and set up, in, under, or upon the said Railway or Tramroad and Branches or other Works,

Power to enter Lands, and inspect, survey, and take Levels, &c. of the same.

Works, and upon the Lands adjoining the same, such and so many Embankments, Bridges, Piers, Arches, Inclined Planes, deep Cuttings, and Tunnels for passing any Hills, Valleys, Roads, Rivers, Canals, 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 such and so many Houses, Warehouses, Toll Houses, Landing Places, Weighing Machines, Cranes, Fire Engines, Steam Engines, and other Engines or other Machines and other Works, and Ways, Roads, and Conveniences, as the said Company shall think necessary and convenient for the Purposes of the said Undertaking, and from Time to Time to alter, repair, and amend, or discontinue the same; and also to place, lay, and manufacture the Materials necessary for the making, erecting, or maintaining and repairing the said Railway or Tramroad and Branches 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 to make, repair, maintain, and alter any Fences or Passages over, under, or through the said Railway or Tramroad and Branches; 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 or Tramroad and Branches, with or by means of locomotive or stationary Engines or other adequate Power, or with Men or Horses or otherwise, and proper Places for such Engines and for Waggons and other Carriages to turn, remain, stand, lie, or pass each other, and also Ways and Roads to communicate with the said Railway or Tramroad and Branches, and other Conveniences, as the said Company shall think proper; and to construct, erect, and keep in repair any Embankments, Bridges, Piers, Arches, deep Cuttings, Tunnels, and other Works in, upon, under, and across any Hills, Valleys, Roads, Rivers, Canals, Brooks, and Streams or other Waters, for making, preserving, improving, using, maintaining, and repairing the said Railway or Tramroad and Branches and other Works; and to make Drains or Conduits into, through, or under any Lands or Grounds adjoining the said Railway or Tramroad and Branches, for the Purpose of conveying Water from or to the said Railway or Tramroad and Branches, or any Part or Parts thereof; and to consult, make, and do all other Acts, Matters, and Things fit or necessary for the making, altering, preserving, improving, completing, and using the said Railway or Tramroad and Branches 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 the said Company making full Satisfaction to the Owners or Proprietors of and to all Persons interested in any Lands, Canals, or other Hereditaments which shall be taken, used, removed, diverted, or injured, for all Damages to be by them sustained in or by the Execution of all or any of the Powers hereby granted; and in case any Difference shall arise in the Computation of the Amount of such Satisfaction the same shall be settled and determined by the Verdict of a Jury in manner herein-after mentioned; and this Act shall be sufficient to indemnify the said Company, and their Deputies, Agents, Engineers, Servants, and Workmen, and all other Persons whomsoever, for what they

they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to the Provisions and Restrictions in this Act mentioned and contained.

IV. And be it further enacted, That where the said Railway or Tramroad and Branches shall cross any Turnpike Road or public Highway, the Ledge or Flanch of such Railway or Tramroad and Branches for the Purpose of guiding the Wheels of the Carriages passing along the same shall not be above nor shall the same deviate more than Three Quarters of an Inch from the Level of such Road: Provided always, that in case any locomotive or other Engine to be worked by the Power of Steam, or any other Power than that of Horses or other Cattle, shall be used on the said Railway or Tramroad and Branches, then and in such Case the same shall be carried either over or under any such Turnpike Road by means of a Bridge or Tunnel at the Expence of the said Company, and such Bridge, if any, shall be of such Construction as is herein-after mentioned.

Regulations as to Railway crossing Turnpike Roads or public Highways.

V. And be it further enacted, That where any Bridge shall be erected by the said Company for the Purpose of carrying the said Railway or Tramroad or Branches over or across any Turnpike Road or public Carriage Road, 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 to the Centre of such Arch of not less than Sixteen Feet, and the Ascent under any such Bridge shall not exceed One Foot in Thirteen Feet.

Regulations as to Width and Height of Bridges for carrying Railway over public Roads.

VI. And be it further enacted, That where any Bridge shall be erected for carrying any Turnpike Road or public Carriage Road over the said Railway or Tramroad or Branches, the Road over such Bridge shall be formed and shall at all Times be continued of such Width as to leave a clear and open Space between the Fences of such Road of not less than Fifteen Feet; and the Ascent of every such Bridge for the Purpose of such Turnpike Road or public Carriage Road shall not be more than One Foot in Thirty Feet, and with respect to any private Carriage Road not 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.

Regulating Ascent of Bridges for carrying public Roads over Railway.

VII. And whereas a Map or Plan describing the Line of the said Railway or Tramroad and Branches, and the Lands through or over which the same were intended to be carried, together with a Book of Reference thereto containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the County of *Cornwall*: And whereas since the depositing of the said Map or Plan and Book of Reference an Alteration of the Line of One of the said proposed Branches has been agreed and determined upon, with the Concurrence of the Owners and Occupiers of Lands through which such Deviation is to be made; be it therefore enacted, That a Map or Plan describing

An authenticated Copy of the Map or Plan as altered to be deposited with the Clerk of the Peace for the County of Cornwall.

the said Railway as the same has been agreed to be altered, authenticated by the Signature of the Right Honourable the Speaker of the House of Commons, shall, together with a Copy of an amended Book of Reference of such Deviation, within Three Calendar Months next after the passing of this Act, be deposited with the Clerk of the Peace for the County of *Cornwall*, to the end that all Persons may at all seasonable Times have Liberty to peruse and inspect the same respectively, and to take Copies thereof or Extracts therefrom at their Will and Pleasure, paying to the said Clerk of the Peace or his Deputy the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Map or Plan and Book of Reference so to be deposited, or any Copy thereof, or so much or such Part or Parts thereof respectively as shall relate to any Matter or Thing in question, certified by the said Clerk of the Peace or his Deputy, or either of them, to be a true Copy, shall be and is hereby declared to be good Evidence in all Courts of Law and Equity whatsoever.

Not to deviate more than 100 Yards from such Plan.

VIII. And be it further enacted, That the said Company, in making the said Railway or Tramroad and Branches, shall not deviate more than One hundred Yards from the Course or Direction delineated in the said Map or Plan so to be deposited with the said Clerk of the Peace.

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

IX. And be it further enacted, That the said Company of Proprietors may make the said Railway or Tramroad, and the Branches or other Works, into, through, across, or over the Lands or Grounds of any Person or Persons whomsoever, Body or Bodies Politic, Corporate, or Collegiate, whose Name or Names shall appear to the Satisfaction of any Two or more Justices of the Peace for the said County of *Cornwall*, and to be by them certified under their Hands, to be by Mistake omitted, or that instead thereof the Name or Names of some other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom such Lands or Grounds do not belong, had or hath been by Mistake inserted in the said amended Book of Reference, any thing herein contained to the contrary thereof in anywise notwithstanding.

Houses and Gardens not to be used except those mentioned in the Schedule.

X. And be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize the said Company to take or intermeddle with (for the Purposes of this Act) any House or Building which was erected on or before the First Day of *January* now last past, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, Plantation, Coppice, planted Walk or Avenue to a House, or any Close or Inclosure planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, without the Consent in Writing of the Owners or Proprietors thereof and Persons interested therein respectively (other than and except such as are specified in the Schedule to this Act annexed): Provided always, that if the said Company shall not within the Space of Five Years, to be computed from the passing of this Act, purchase and pay for, as herein-after mentioned, the several Houses, Buildings, Lands, Tenements, and Hereditaments

Hereditaments which they are hereby empowered to purchase as aforesaid, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers and Authorities hereby granted to them for such Purposes only shall cease, determine, and be utterly void, save and except with the Consent in Writing of the Owners and Occupiers thereof respectively.

XI. And be it further enacted, That the Lands and Grounds to be taken and used for the Purposes of this Act shall not exceed Fifteen Yards in Breadth, except in those Places where any Branch of or Communication with the same shall fall into or communicate with the main Course of the same, or where it shall be deemed necessary for Waggons or other Carriages to turn, remain, stand in, lie, or pass each other, or for raising Embankments for crossing any Valleys or low Grounds, or in deep Cuttings, or where any fixed or permanent 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 Depôt or Depôts, Staith or Staiths, or for the Delivery or Reception of Ores, Metals, Minerals, Coal, Lime, Stone, Slate, Articles, and Things which shall be conveyed on the said Railway or Tramroad and Branches, and not above One hundred and fifty Yards in Breadth in any Place, without the Consent of the Owners of the Lands or Hereditaments adjoining to the said Railway or Tramroad and Branches.

Breadth of Land to be taken for the Railway.

XII. And be it further enacted, That in all Cases where, in exercise of the Powers hereby granted, any Part of any Carriage or Horse Road, either public or private, shall be found necessary to be cut through, diverted, raised, sunk, appropriated, taken, or so much injured as to be impassable for Travellers, Passengers, Horses, or Carriages, or for the Persons entitled to the Use thereof, the said Company shall, at their own Expence, and before any such Road shall be cut through, diverted, raised, sunk, appropriated, 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 for Travellers, Passengers, and Carriages as the Road to be cut through, diverted, raised, sunk, appropriated, taken, or injured as aforesaid, or as near thereto as may be, and shall cause the same to be put into good and substantial Order and Condition where the former Road cannot be more easily restored; and where the Road to be cut through, diverted, raised, sunk, or passed over shall be a Turnpike Road, the temporary Road shall be so made, and the principal Road restored within Six Calendar Months after the Commencement of the Operations; and the Railway or Tramroad and Branches, where the same 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.

For preventing Inconvenience by taking or injuring Roads.

XIII. And be it further enacted, That after any Lands, Grounds, Tenements, or Hereditaments shall be set out and ascertained for making the said Railway or Tramroad and Branches, 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,

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

them, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Lords or Ladies of Manors, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Tenants by Copy of Court Roll for Life or Lives, or at the Will of the Lord, Husbands, Guardians, Trustees, or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Committees for Lunatics and Idiots, and all other Trustees whomsoever, and for all Persons seised, possessed, or interested in right of others, being Persons labouring under any Disability or Incapacity, and all other Persons whomsoever, not only for and on behalf of themselves, and their own respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of their several and respective Cestuique Trusts or Wards, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and for all Femes Covert who are or shall be seised, possessed of, or interested in any Lands, Buildings, Grounds, Tenements, or Hereditaments which shall be so set out and ascertained and required for the Purposes aforesaid, to contract for, sell, and dispose of the same and every Part thereof unto the said Company and their Successors for a Price or Consideration in Money; and such Conveyances shall be made and executed at the Expence of the said Company, and shall be made in the Form or to the Effect following, or as near thereto as the Number of the Parties and the Circumstances of each Case will admit; (that is to say,)

Form of Con-
veyance.

I of _____ in consideration of the Sum
to me paid by the *Hayle* Railway Com-
pany, do hereby grant and convey to the said Company [*describing*
the Premises to be conveyed], together with all Ways, Rights, and
Appurtenances thereunto belonging, and all my Estate, Right,
Title, and Interest in and to the same and to every Part thereof, to
hold to the said Company and their Successors for ever according
to the Intent and Meaning of an Act passed in the Fourth Year of
the Reign of King *William* the Fourth, intituled [*here insert the*
Title of this Act]. In witness whereof I have hereunto set my
Hand and Seal the _____ Day of _____ in the Year of our
Lord _____

And all such Conveyances as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall operate and be a Surrender and effect a Merger of all outstanding Terms of Years, and be a complete and effectual Bar of all Estates Tail, Titles to Dower, and all collateral and other Estates, Rights, Titles, Remainders, Trusts, and Interests whatsoever.

Waste Lands
to be con-
veyed by
Lords of
Manors.

XIV. And be it further enacted, That in all Cases when, in the Execution of the Powers of this Act, there shall be Occasion to cut through, take, or use any Part of any Commons or Waste Grounds, the Conveyance of such Part of such Commons or Waste Grounds by the reputed Lord or Lords, Lady or Ladies for the Time being of the Manor or Manors or reputed Manor or Manors in which the same are situate to the said Company of Proprietors shall be a good and sufficient Conveyance thereof; and the reputed Lord or
Lords,

Lords, Lady or Ladies of such Manor or Manors or reputed Manor or Manors respectively is or are hereby authorized and required to make and execute such Conveyance accordingly, Compensation for such Part of the said Commons or Wastes as shall be required to be taken for making the said Railway or Tramroad and Branches or other Works being first made or tendered to such Lord or Lords, Lady or Ladies, in respect thereof.

XV. And be it further enacted, That where any of the Lands, Tenements, and Hereditaments which shall be purchased by the said Company by virtue of or for the Purposes of this Act shall be subject or charged solely, or jointly with other Lands, Tenements, or Hereditaments which shall not be purchased or required for the Purposes or by virtue of this Act, to or with any Rent-service, Rent-charge, Chief Rent, or other Rent, or any other Payment or Incumbrance, then and in every such Case the said Company shall have Power and they are hereby authorized to treat, contract, and agree for the Release, Exoneration, and Discharge of such Lands, Tenements, and Hereditaments so to be purchased as aforesaid of or from such Rent or Incumbrance affecting the same as aforesaid, and for an Apportionment of such Rent where the same shall be necessary, for such Sum of Money in gross as shall be agreed upon between the said Company and the Body or Bodies Politic or Corporate, Person or Persons, or Party or Parties who, under the Provisions of this Act, shall be enabled to sell the same Rent or Incumbrance, or as shall be assessed by a Jury as herein-after mentioned, as the Case may be; and in case any Difference shall arise respecting the Apportionment of such Rent or Incumbrance, or the Money or Equivalent offered for the same by the said Company, then the Value of the same Rent, or the Incumbrance or the Apportionment of the same, when necessary, shall be determined and decided by a Jury in manner herein-after mentioned, which Jury shall apportion such Rent or Incumbrance, when necessary, according to the respective Values of the Lands, Tenements, and Hereditaments so to be purchased by the said Company as aforesaid, and of the Lands, Tenements, and Hereditaments not to be purchased, out of or upon which such Rent or Incumbrance shall be jointly issuing or charged; and all Contracts, Conveyances, and Assurances which shall be made by and between the said Company and any such Body or Bodies Politic or Corporate, Person or Persons, Party or Parties as aforesaid, for releasing, exonerating, and discharging the said Lands, Tenements, and Hereditaments so to be purchased as aforesaid of and from such Rent and Incumbrance affecting the same as aforesaid, shall be valid and effectual in the Law, and shall effect an Extinguishment of the whole or a proportionate Part only of such Rent or Incumbrance, as the Case may be, and shall be within and have the full Benefit of the Powers, Provisions, and Regulations of this Act: Provided always, that when the said Lands, Tenements, and Hereditaments so to be purchased by the said Company shall be so released, exonerated, and discharged of and from any such Rent or Incumbrance as aforesaid affecting the same jointly with other Lands, Tenements, and Hereditaments, then and in such Case such last-mentioned Lands, Tenements, and Hereditaments, and the Owner and Owners thereof for the Time being, shall be subject to and

Power to purchase the Release of Lands wanted from Rents charged thereon.

charged with a proportionate Part only of such Rent or Incumbrance, and not with the whole thereof; and such Apportionment shall not in any Manner invalidate, prejudice, or destroy the Remedies for such last-mentioned proportionate Part of such Rent or Incumbrance, but the same proportionate Part of such Rent or Incumbrance, and the Powers and Remedies for Recovery thereof, and all Covenants and Provisions for the Security thereof, shall at all Times thereafter remain, continue, and be good, valid, and effectual in the Law to all Intents and Purposes, as if the same Lands, Tenements, and Hereditaments not so purchased as aforesaid had been originally subject to and charged with the same only, and not with any greater Rent or Payment: Provided also, that when a Part only of any Rent, Payment, or Incumbrance shall be released and extinguished under the Provision last herein-before contained, it shall be lawful for the said Company, on Tender for that Purpose of any Deed or Instrument creating or transferring such Rent, Payment, or Incumbrance, to affix their Common Seal to a Memorandum to be indorsed on such Deed or Instrument, declaring what Part of the Lands, Tenements, and Hereditaments originally subject to such Rent, Payment, or Incumbrance shall have been purchased and taken by virtue of this Act, and also what Proportion of the said Rent, Payment, or Incumbrance shall have been released and extinguished in pursuance of this Act, and declaring the Amount of the Rent or Incumbrance to subsist and continue payable after such Purchase, Exoneration, Release, and Extinguishment; which Memorandum shall be Evidence in any Court of Law or elsewhere of the Facts thereby stated, but nevertheless so as not to exclude any other Evidence of the same Facts.

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

XVI. 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 of Minerals or of Coals, or any Stone or Slate, under any Land taken or purchased by the said Company under the Provisions of this Act; but all such Mines, Minerals, Coals, Stone, or Slate 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 Railways or other Works or Conveniences of the said Company as if this Act had not passed, but so as nevertheless not to prejudice or injure such Railways or other Works or Conveniences hereby authorized or directed to be made.

No Shaft to be sunk.

XVII. And be it further enacted, That from and after the passing of this Act no Shaft, Pit, or Quarry shall be dug, sunk, or made, and no Adit, Drift, or Cut shall be made under the said Railway or Branches, or under any Banks, Bridges, or Works upon which any Part thereof respectively shall be laid down, nor any Whim Ropes, Chains, Connection Rods, or any other Ropes, Chains, Rods, or other Matters, be fixed over, under, across, near, or by any Part of the said Railway or Branches, so as to injure the Road, or to interrupt in any Manner the free Passage of Carriages with their Lading.

Where small Parcels of Land are intersected,

XVIII. Provided also, and be it further enacted, That if in making the said Railway or Tramroad and Branches any Part of an entire Piece or Parcel of Ground shall be taken, so that the Ground which shall

shall be left on each or either Side of the Railway or Tramroad and Branches shall be less than Half an Acre in Quantity, or less than Ten Yards in average Breadth throughout the whole Length thereof, and if the Owner or Owners of any such Piece or Parcel of Ground shall not have any other Land or Ground adjoining to that which shall be so left on each or either Side of the said Railway or Tramroad and Branches, then and in every such Case, if the Owner or Owners or Person or Persons entitled to the Possession or to the Rents and Profits of the same shall so require, but not otherwise, the said Company shall also take and purchase the Piece or Parcel of Ground so left on each or either Side of the said Railway or Tramroad and Branches, being less than Half an Acre in Quantity, or less than Ten Yards in average Breadth throughout the whole Length thereof as aforesaid, the Price thereof to be ascertained and paid in the same Manner as is directed concerning any Lands or Grounds to be taken and used for the Purposes of this Act.

Company
compellable
to purchase
the whole.

XIX. And be it further enacted, That all Bodies Politic, Corporate, or Collegiate, Trustees and other Persons or Parties hereby or otherwise enabled to sell and convey Lands, Tenements, and Hereditaments, and the Owner and Owners, Occupier or Occupiers of any Lands, Tenements, or Hereditaments through, in, or upon which the said Railway or Tramroad and Branches and 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 Damage to be sustained in making or completing the said Works hereby authorized or intended to be made, in such gross Sums as shall be agreed upon between the said several Parties last aforesaid or any of them and the said Company; and in case the said Company and the several Parties interested in such Lands, Tenements, and Hereditaments respectively cannot or do not agree as to the Amount of such Satisfaction and Compensation, the same shall be ascertained and settled by a Jury in manner herein-after directed.

Satisfaction
to be made
for Lands
taken.

XX. And for settling all Differences which may arise between the said Company and the several Owners of or Persons interested in any Lands, Hereditaments, Grounds, Messuages, Buildings, Tenements, Brooks, Canals, Waters, Reservoirs, or Watercourses 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 Trustees, or any other Person or Persons so interested, entitled, or empowered 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 them as aforesaid, shall refuse to accept such Purchase Money, Recompence, or other Compensation as shall be offered them by the said Company, and shall give Notice thereof in Writing to the said Company within Twenty-one 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 or Bodies Politic,

For purposes of
the Act
the said
Company
shall be
bound to
purchase
the same

Differences
respecting
Lands, &c. to
be settled by
a Jury.

And if any
Body or Bodies
Politick
shall refuse
to accept
such
Purchase
Money

Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons interested, entitled, or empowered to sell as aforesaid, shall, for the Space of Twenty-one Days next after the Notice in Writing shall have been given to the principal Officer of any such Body or Bodies Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands or 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 Interests therein, or shall, by reason of Absence, 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 or Tramroad and Branches and other Works aforesaid, or shall not produce or evince a clear Title to the Hereditaments they may be in Possession of, or to the Interest they shall claim therein, to the Satisfaction of the said Company, then and in every such Case the said Company shall and they are hereby empowered and required from Time to Time to issue a Warrant under their Common Seal to the Sheriff of the said County of *Cornwall*, or in case such Sheriff or his Under Sheriff shall be one of the said Company, or enjoy any Office of Trust or Profit under them, or shall be in anywise interested in the Matter in question, then to any one of the Coroners of the said County not interested as aforesaid, or if all the Coroners shall be so interested, then to the last Person then in being who filled the Office of Sheriff of the said County not interested as aforesaid, commanding such Sheriff or Coroner or other Person to impanel, summon, and return a Jury, and the said Sheriff, Coroner, or other Person is hereby accordingly authorized, empowered, and required to impanel, summon, and return a Jury of at least Twenty-four 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 impanelled, summoned, and returned are hereby required to come and appear before the said Sheriff, Under Sheriff, Coroner, or other Person at such Time and Place as in such Warrant shall be so directed or appointed, and to attend from Day to Day until discharged; and out of such Persons so to be impanelled, summoned, and returned a Jury of Twelve Men shall be drawn by the Sheriff, Under Sheriff, 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 shall and 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 and call before him all and every Persons and Person who shall be thought necessary to be examined as

Witnesses

Witnesses or a Witness touching the Matter in question or dispute, and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matter or Matters in controversy; and such Jury shall, upon their Oaths, or, being of the Society called *Quakers*, upon their solemn Affirmations, (which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmations to 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,) inquire of, assess, and ascertain and give a Verdict for the Sum or Sums of Money to be paid for the Purchase of such Lands, Grounds, Messuages, Buildings, Tenements, and Hereditaments, and also the separate and distinct Sum or 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 occasioned and sustained as aforesaid, or for the further temporary or perpetual Continuance of any recurring Damage 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 can or will be no 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 whatsoever: Provided always, that in such Inquiry the Party or Parties claiming such Compensation or Satisfaction shall be deemed and taken to be the Plaintiffs, and the said Company shall be deemed and taken to be the Defendants: Provided also, 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.

Seven Days Notice to be given to the Party with whom Controversy shall arise.

XXI. 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 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 be sustained by any Body or Bodies Politic, Corporate, or Collegiate, or by any other Person or Persons respectively, being Owner or Owners of or interested in such Lands, Tenements, or other 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, or for or on account of the Detriment, Injury, Loss, 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, or other Person or Persons interested in such Lands, Tenements, or other Hereditaments, or any of them, by reason of the making, using, repairing, or maintaining the said Railway

Value of Land and Damage to be ascertained separately.

or Tramroad and Branches, 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 by this Act, 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.

Juries to determine what Proportion of Compensation shall be paid to the Tenant of the Lands.

XXII. And be it further enacted, That the said Juries shall and they are hereby respectively empowered (if thereunto required) to settle what Shares and Proportions of the Purchase Money or Compensation for 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.

Verdicts of the Juries to be recorded.

XXIII. 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 present 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 among the Records of the Quarter Sessions for the same County, and shall be deemed Records to all Intents and Purposes; and the same or true Copies thereof shall be allowed as Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for each 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.

Juries to be subject to the same Regulations as Juries in Courts of Record.

XXIV. And be it further enacted, That every such Jury and Juryman as aforesaid shall also, and in addition to the Penalty or Penalties hereby inflicted, 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 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, or 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 Perjury shall by the Laws then in being be subject and liable.

By whom Expences of Juries shall be paid.

XXV. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury as aforesaid for more Money than shall have been previously offered by the said Company as a Recompence or Satisfaction for any such Lands, Tenements, or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, or for any Damage, Loss, or Injury that may have been sustained by any Person or Persons as aforesaid, all the Costs incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, 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 or Chattels of the Treasurer or Treasurers of the said Company, unless such Treasurer shall pay such Costs out of the Money 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 acting within his Jurisdiction, 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; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on behalf of the said Company as such Recompence or Satisfaction as aforesaid, 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 as to the Amount, the same shall be settled and ascertained by any Justice of the Peace acting within his Jurisdiction, not interested in the Matters in question, 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 any Proportion of 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 to 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.

et sic
et sic
et sic
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et sic

XXVI. And be it further enacted, That all and every Persons or Person who shall refuse to accept such Purchase or Compensation Money as shall have been offered them by the said Company, and shall request that the Matter in dispute shall be referred to the Determination of a Jury, shall, before the said Company shall be obliged to issue out their Warrant or Warrants for the summoning of such Jury, first enter into a Bond with Two sufficient Sureties to the Treasurer of the said Company in a Penalty of One hundred Pounds to prosecute such their, his, or her Complaint, and to bear and pay their, his, or her Proportion of the Costs and Expences of summoning and returning such Jury, and taking and recording such Verdict, and of the

Persons re-
questing
Juries to
enter into
Bonds to
prosecute.

the summoning and Attendance of Witnesses, in case such Costs and Expences shall fall upon them, him, or her, to be paid according to the true Intent and Meaning of this Act.

Where Lands are damaged Compensation to be made.

XXVII. And be it further enacted, That if at any Time or Times any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, Hereditaments, or Property by reason of the Execution of any of the Powers given by this Act, and for which a Compensation is not herein-before provided, then and in every such Case such Damages shall from Time to Time be settled or ascertained or assessed by a Jury, and the Sum or Sums of Money to be paid for the same shall be recovered, levied, and applied in such and the same Manner as is herein directed with respect to such Damages as are herein-before provided for, and the Money to be paid as a Recompence for the same.

Notice of Injury to be given to the Company.

XXVIII. 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 be allowed, to receive and take notice of any Complaint or Complaints to be made by any Party or Parties whomsoever for any Injury or Damage by him, her, or them sustained or supposed 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 Party or Parties to the said Company within the Space of Three Calendar Months next after the Time of such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

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

XXIX. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury or Juries in manner aforesaid, for the Purchase of any such Lands, Tenements, or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages as herein-before mentioned, to the Proprietor or Proprietors of such Lands, Tenements, or other Hereditaments, or to such Person or Persons as shall be interested therein or entitled to receive such Money or Compensation respectively, within One Calendar Month next 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 Hereditaments which shall be required for the Purposes of this Act, or in any other Case not provided for by 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, it shall be lawful for the said Company, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Tenements, and other 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

Persons therein shall thenceforth be vested in and become the sole Property of the said Company and their Successors for the Purposes of this Act for ever; and such Payment, Tender, or Investment shall not only bar all Right, Title, Interest, Claim, and Demand of the Body or Bodies or Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail or other Estates in Reversion and in Remainder of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, or Investment in the Bank of *England* as aforesaid it shall not be lawful for the said Company or any Person acting under their Authority to dig or cut into any such Lands or Grounds, Tenements or Hereditaments, for the Purpose of making the said Railway or Tramroad and Branches or other Works hereby authorized to be made, without the Leave of the respective Owners or Occupiers thereof in Writing under their respective Hands first had and obtained.

XXX. And be it further enacted, That every Tenant at Will, Lessee for a Year, Tenant from Year to Year, and other Person or Persons in Possession of any Lands, Tenements, or Hereditaments which shall be taken or used for the Purposes of this Act, and who shall have no greater Interest in the same 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, or to such Person or Persons as they shall direct or appoint to take possession of the same, at the Expiration of Two Calendar Months next after Notice to that Effect shall have been given by the said Company, or left upon the said Premises by the said Company, or by the Person or Persons authorized by them, whether such Notice be given with reference to the Time or Times of such Tenant's holding or not; and in case any such Tenant or Lessee or Person so in Possession as aforesaid shall refuse or neglect so to do, 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 by or on account of 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.

Tenants at Will, &c. to quit Lands after Notice.

XXXI. Provided always, 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 so occupied by him or her to the said Company, or to the 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 as aforesaid in the said Premises, the said Company shall and they are hereby directed to make or tender unto such Tenant or Lessee Satisfaction or Compensation for the Value of his unexpired Term or Interest in

Interests of such Tenants may be settled by a Jury.

the said Premises, which Satisfaction or Compensation, in case of Difference, shall be settled and ascertained in the same Manner as any other Satisfaction or Compensation for Lands intended to be taken or made use of is by this Act directed to be assessed and ascertained.

Mortgages
to be con-
veyed to the
Company
after Tender.

XXXII. And be it further enacted, That all and every Persons and Person having any Mortgages or 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 Mortgages or Mortgage) shall, on Tender of the Principal Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal by the said Company, immediately convey, assign, and transfer such Mortgages or Mortgage to the said Company; or in case such Mortgagees or 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 Mortgages or Mortgage at the End or Expiration of Six Calendar Months (to be computed from the Day of giving such Notice), then and at the End of such Six Calendar Months, on Payment of the Principal and Interest so due, such Mortgagees or Mortgagee shall convey, assign, and transfer their, his, or her Interest in the Premises to the said Company; and in case such Mortgagees or Mortgagee 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 Mortgages or Mortgage shall amount to more than the real Value of the Hereditaments 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 to the said Mortgagees or Mortgagee more than the real Value of such Hereditaments so ascertained as aforesaid, or the Residue thereof after such Allowance and Payment thereof to any Lessee or Tenant as herein-before directed: Provided also, that in case any such Mortgagees or Mortgagee shall neglect or refuse to convey or assign as aforesaid, then upon Payment of the Principal Money and Interest due on any such Mortgages or Mortgage as aforesaid into the Bank of *England* at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of such Mortgagees or Mortgagee, the Cashier 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 Mortgagees or Mortgagee, and of all and every Persons and Person in Trust for them, him, or her, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the Hereditaments comprised in such Mortgages or Mortgage to all Intents and Purposes whatsoever: Provided also, that if such Mortgages or Mortgage shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so taken by the said Company, such Mortgagees or Mortgagee shall, upon Payment or Tender of the Sum so ascertained as the Value of the said Lands, Tenements, or Hereditaments so to be taken as aforesaid, forthwith convey, assign, and

and transfer their, his, or her Interest in such Lands 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 Mortgagees or Mortgagee, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as hereinbefore mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagees or Mortgagee, and of all and every Persons and Person in Trust for them, him, or her 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 Hereditaments 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 Mortgagees or Mortgagee by virtue of such Mortgages or Mortgage.

XXXIII. 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 or Tramroad and Branches and other Works hereby authorized to be made are intended to pass, under or 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 show the Lease, Demise, or Grant in respect of which such Claim to Satisfaction or Compensation shall be made within such Period as the said Company shall, by Notice in Writing delivered to or left at the Place of Abode of the Party claiming such Compensation, direct or appoint; and if such Lease, Demise, or Grant shall not be produced or shown accordingly, 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.

XXXIV. And be it further enacted, That if any Money shall be 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, Corporation 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 or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any 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 Court of Exchequer, to be placed to his Account there *ex parte* the *Hayle* Railway Company, 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*

Application of Compensation Money when exceeding 200*l.*

1 G. 4. c. 35.

and

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 Body or Bodies or 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 Debts or other Incumbrances 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, 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 where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Purchase 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; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to any Body or Bodies or Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments to be purchased, settled, and conveyed in case such Purchase and Settlement were made.

When less than 200*l.* and amounting to 20*l.*

XXXV. 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 such Person or Persons as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Body or Bodies or 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 the Guardian or Guardians, Committee or Committees of such Person or Persons, in case of Infancy, Idiocy, Lunacy, or other Incapacity, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, 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 Body or Bodies or 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 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 them applied in like Manner as is herein 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 obtaining or being required to obtain any Order of the said Court touching the Application thereof.

XXXVI. And be it further enacted, That where such Money so agreed or awarded to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Body or Bodies, 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, or Lunacy, or other Incapacity, then such Money shall be paid to the Guardian or Guardians, Committee or Committees, Trustee or Trustees of such Person or Persons, to or for the Use and Benefit of such Person or Persons respectively entitled thereto.

When less than 20*l.*

XXXVII. And be it further enacted, That in case the Body or Bodies, Person or Persons, to whom any Sum or Sums of Money shall be agreed to be paid or 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, upon Tender of the same being made as aforesaid, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Company, or in case the Party or Parties to whom such Sum or Sums of Money shall be awarded cannot be found, or if the Party or Parties 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 Body or Person making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of proceeding or otherwise as to the same Court shall seem meet, to order the same Sum or Sums of Money 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 Party or Parties 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

In case of not making out Titles.

for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Party or Parties as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

When any Question shall arise touching Titles.

XXXVIII. And be it further enacted, That where any Question shall arise touching the Title of any Body or 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 any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Body or Bodies or Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Bodies and Persons claiming under such Body or Bodies or Person or Persons, or under the Possession of such Body or Bodies or 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 shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Body or Bodies or Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments.

Court of Exchequer may order Expences of Purchases to be paid.

XXXIX. 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 to 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 of Exchequer to order the reasonable Expences of all Purchases from Time to Time to be made in pursuance of this Act, and of the Reinvestment of the Purchase Money in Land or other Disposition of the same, together with the necessary Costs and Charges of obtaining the proper Orders for such Purposes, to be paid by the said Company 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.

Resale of Land not wanted.

XL. And whereas by means of the Purchases which the said Company are empowered to make by virtue of this Act they may happen to be seised or possessed 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 dis-

pose of any Piece or Pieces 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 purchase the same, and to convey the same accordingly; and such Conveyances from the said Company shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom to the contrary notwithstanding: Provided always, that the said Company, before they shall sell and dispose of such Piece or Pieces of Land or Ground, shall (in those Cases only where any Party or Parties is or are known and can be found capable of treating in this Behalf) first offer to sell the same to the Owner or Owners of the adjoining Lands; and such Owner or Owners, in case he, she, or they shall be desirous of purchasing the same, shall signify such his, her, or their Desire and Intention in that Behalf to the said Company within Twenty-one Days next after such Offer of Sale shall have been made by Notice in Writing given to or left for him, her, or them at his, her, or their last or usual Place of Abode; and in case such Person or Persons to whom such Offer shall be made shall refuse to avail himself, herself, or themselves of such Offer, or shall neglect or omit to signify his, her, or their Desire and Intention to purchase such Lands, Grounds, and Hereditaments for the Space of Twenty-one Days, then and in every such Case, on an Affidavit being made and sworn to 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 Pieces or Parcels of Land or Ground, stating that such Offer was made by or on behalf of the said Company, and that such Offer was refused or was not accepted or agreed to by the Person or Persons to whom the same was made within the Space of Twenty-one Days from the Day or Time of making the same, shall in all Courts whatever be conclusive Evidence and Proof that such Offer was made and was refused or was not accepted and 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 not agree with respect to the Price thereof, then the Price thereof shall be ascertained by a Jury in the Manner in this Act directed with respect to a disputed Value of Hereditaments to be purchased by the said Company in pursuance thereof; and the Expence of hearing and determining such Difference 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 Piece or Pieces of Land or Ground as aforesaid shall be applied to the Purposes of this Act.

First Offer to be made to the Owners of the adjoining Lands.

By the
Justices
of the
Peace
for the
County
of
Cornwall

XLI. Provided always, and be it further enacted, That in all Cases where by reason of Absence or otherwise the Person or Persons who would have been then entitled to such Offer as aforesaid cannot be found, it shall be lawful for the said Company, by public Advertisement inserted Three successive Weeks in some Newspaper published within the said County of *Cornwall*, or in case there shall be no such Paper, then in some Paper of the adjoining or nearest neighbouring County

Mode of proceeding where Persons having preferable Right to purchase are absent.

County in which a Paper shall be published, to offer to sell such Lands or Buildings to the said Person or Persons; and if no Application shall be made to the said Company, signed by or on behalf of the said Person or Persons accepting such Offer, within Two Calendar Months from the Date of the said Advertisement, such Omission or Neglect shall be considered, deemed, and taken as a Refusal on the Part of such Person or Persons to purchase the same.

Receipt of
Treasurer for
Money re-
ceived for
the Sale of
Land suffi-
cient.

XLII. And be it further enacted, That upon Payment of the Money which shall arise by the Sale or Sales of such Lands or Hereditaments as last aforesaid, 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 or Persons for the Purchase Money for such Lands 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.

Power to
purchase
Land for
Yards, &c.

XLIII. 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 and Hereditaments which they are enabled to take and enter upon as aforesaid, not exceeding Twenty Statute Acres, and also to purchase any Messuages or other Buildings for the Purpose of making, erecting, forming, and providing any Yards, Staiths, Depôts, Messuages, Warehouses, and other Buildings, Weighing Machines, Cranes, 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, or Hereditaments (not exceeding in the whole Twenty 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, Depôts, Messuages, Warehouses, and other Buildings, Weighing Machines, Cranes, and Conveniences, for the Purpose of receiving, lodging, depositing, or keeping and weighing any Ores, Metals, Minerals, Timber, Coals, Lime, Stone, Slate, Goods, Articles, or Things carried or conveyed upon the said Railway or Tramroad and Branches, or for making any convenient Roads, Avenues, or Ways leading thereto, or for any other Purposes whatsoever connected with the said Railway or Tramroad and Branches, which the said Company shall judge requisite and 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 or convey to the said Company and their Successors any Parcel or Parcels of Land, Messuages, Buildings, and Hereditaments whatsoever for the Purposes last aforesaid, or any of them, in the same Manner as is herein-before directed concerning Lands, Messuages, Buildings, and Hereditaments

to

to be taken or used for the Purpose of forming, making, and maintaining the said Railway or Tramroad and Branches.

XLIV. 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 Body or Bodies or Person or Persons who shall be willing to become the Purchaser or Purchasers 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 hereinbefore 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.

Power to sell Land and purchase again.

XLV. And whereas the said Company are enabled to purchase Twenty 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 for making and completing the said Railway or Tramroad and Branches, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons whosoever, 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 or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, and again purchasing other Lands from the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons 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 or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or

Restraint the Company from purchasing more than Twenty Acres of Land from incapacitated Persons, &c.

other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, more than such Twenty Statute Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Twenty Statute Acres so purchased it shall not be lawful for the said Company to purchase of or from the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, nor for the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, to sell to the said Company any other Lands in lieu or in stead of those Twenty Statute Acres; or any Part thereof, so sold or disposed of by the said Company.

The Word
"grant" in
Conveyances
made by the
Company to
amount to
certain Cove-
nants:

XLVI. And be it further enacted, That in all Conveyances made by the said Company under or by virtue and in pursuance of this Act the Word "grant" shall amount to and be construed and adjudged in all Courts of Judicature to have the Force and Operation of express Covenants to the Grantee or Grantees, or other Purchaser or Purchasers, his, her, or their Heirs, Executors, Administrators, and Assigns, from the said Company, for themselves and their Successors, that they the said Company, notwithstanding any Act done by them, were at the Time of the Execution of such Conveyance seised of the Hereditaments and Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances committed by the said Company, for quiet Enjoyment thereof against the said Company and their Successors and all claiming under them, and also for further Assurance of such Hereditaments and Premises by the said Company, their Successors and Assigns, and all claiming under them, unless the same shall be restrained and limited by express and particular Words contained in such Conveyances or any of them; and such Purchasers and Grantees, and his, her, and their several Heirs, Executors, Administrators, and Assigns respectively, shall and may in any Action or Actions to be brought assign a Breach or Breaches thereupon as they might do in case such Covenants were expressly inserted in such Conveyances.

Provision
for Defi-
ciencies in
the Land
Tax.

XLVII. And whereas by reason of the Exercise of the Powers by this Act granted there may be Deficiencies in the Assessments of Land Tax in the several Parishes through or in which the several Works hereby authorized may pass or be situate; be it therefore enacted, That the said Company shall, from and after they shall

become seised and possessed by virtue of this Act of any Lands 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 Land Tax), be subject and liable from Time to Time to pay or make good, to or in aid of the said several Parishes, Townships, or Places, out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said several Parishes, Townships, or Places, by reason or means of taking or using, for the Purposes of this Act, any Lands 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 said Company are hereby required to pay all such Deficiencies, on Demand thereof, to the Collector of the said Assessments for such Parishes, Townships, or Places respectively.

XLVIII. And whereas the probable Expence of making the said Railway or Tramroad and Branches and other Works hereby authorized to be made will amount to the Sum of Sixty-four thousand Pounds, more than Four Fifth Parts whereof have been already subscribed for by several Persons under a Contract binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them subscribed respectively; be it therefore enacted, That the whole of the said Sum of Sixty-four thousand Pounds shall be subscribed for in like Manner before any of the Powers given by this Act in relation to the compulsory taking of Land for the Purposes of the said Railway or Tramroad and Branches shall be put in force.

The whole of the estimated Expence to be subscribed before the Act is put in in force.

XLIX. Provided always, and be it further enacted, That a Certificate under the Hand and Seal of any Justice of the Peace for the County of Cornwall, that the whole of the said Sum of Sixty-four thousand Pounds hath been subscribed for as aforesaid, and which Certificate such Justice is hereby authorized and required to grant upon Application made to him by the said Company, and on Production of the Subscription Deed of or relating to the said Company, shall for all Purposes whatsoever be conclusive Evidence that the whole of the said Sum of Sixty-four thousand Pounds has been subscribed for.

Proof of Subscription.

L. And be it further enacted, That it shall be lawful for the said Company to raise and contribute among themselves any Sum or Sums of Money for making and completing the said Railway or Tramroad and the several Branches therefrom, and the Inclined Planes, Tunnels, Archways, Embankments, Bridges, Staiths, Yards, Warehouses, and other Works and Conveniences, and for the general Purposes of this Act, not exceeding in the whole the Sum of Sixty-four thousand Pounds; and the same shall be divided into Six hundred and forty Shares of One hundred Pounds each, and such Shares shall be numbered, beginning with Number One, in regular or arithmetical Progression ascending, whereof the common Excess or Difference shall always be One; and every such Share shall always be distinguished by

Power to raise the Capital of 64,000l., to be divided into Shares of 100l.

Boards

by the Number to be applied to the same; and the said Shares shall be and are hereby vested in the several Parties so raising and contributing to the same and their several and respective Successors, Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sum they shall severally raise and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Undertaking and other the Purposes of the said Subscription, shall be entitled to receive, at such Time and Times as the Directors for the Time being of the said Company shall direct and appoint, the entire and net Distribution of an equal proportionable Part, according to the Money so by them respectively paid, of the net Profits and Advantages that shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, or received by the said Company by the Authority of this Act; and every Body Politic, Corporate, or Collegiate, and Person, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same in manner herein directed and appointed.

Shares to be deemed Personal Estate.

LI. And be it further enacted, That all the Shares and Proportions of the Bodies Politic, Corporate, or Collegiate, and all other Persons, of and in the said Undertaking, or the Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and be transmissible as such, and not of the Nature of Real Property.

To compel Payment of Subscriptions.

LII. And be it further enacted, That the several Persons who have subscribed or who shall hereafter subscribe or advance any Money for or towards the said Undertaking shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Portions thereof as shall from Time to Time be called for by the said Company under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Company or their Directors in manner hereinafter mentioned; and in case any Person or Persons shall refuse or neglect to pay the same at the Time and in the Manner required for that Purpose, it shall and may be lawful for the said Company of Proprietors to sue for and recover the same in any Court of Law or Equity, together with Interest on such Sum or Sums of Money at the Rate of Five Pounds *per Centum per Annum* from the Time when the same was directed to be paid by the said Company or their Directors as aforesaid.

Subscribers to be deemed Proprietors.

LIII. And be it further enacted, That all and every Bodies and Body Politic, Corporate, and Collegiate, and Persons and Person who shall by virtue of this Act have subscribed for or shall become entitled to and be in the actual Possession of One or more Share or Shares of the said Undertaking, their, his, or her respective Successors, Executors, Administrators, and Assigns, shall be deemed Proprietors or a Proprietor of every such Share, and shall have a Vote for and in respect of every such Share in the General and Special General Meetings

‘ Benefit of the said Undertaking, or any thing appertaining thereto.
 ‘ In witness whereof I have hereunto set my Hand (or Common Seal)
 ‘ the Day of in the Year of our Lord ’

And all Questions, Matters, and Things whatsoever which shall be proposed, discussed, or considered at any General or Special General Meeting of the said Company to be held by virtue of this Act shall be finally determined by the Majority of Votes and Proxies then present; and the Chairman of every such Meeting shall not only be entitled to vote as a Proprietor or Proxy, but in case of an Equality of Votes shall also have the decisive or casting Vote: Provided nevertheless, that no Body or Person shall hold more than Fifty Votes by Proxy.

Lunatics or
 Minors may
 vote by their
 Committees
 or Guardians.

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

Names of
 Proprietors
 to be entered
 in a Book.

LVIII. 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 or Corporations who shall then be entitled to Shares in the said Undertaking, with the Number of the Shares which they are then respectively entitled to hold, and the Amount of the Subscription 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 also to cause a Certificate or Ticket with the Common Seal of the said Company affixed thereto to be delivered to every such Subscriber, specifying the Share to which he, she, or they is or are entitled in the said Undertaking, every such Proprietor paying to the Clerk of the said Company Two Shillings and Sixpence and no more for the Certificate or Ticket of every such Share; and which said Certificate or Ticket may be in the Words or to the Effect following; (that is to say,)

Form of
 Certificate.

‘ The *Hayle* Railway Company, No. .

‘ THESE are to certify, That of is
 ‘ a Proprietor of the Share or No. in the *Hayle* Railway,
 ‘ subject to the Rules, Regulations, and Orders of the said Company;
 ‘ and that the said his [her or their] Executors, Administrators
 ‘ [or Successors], and Assigns, is and are entitled to the Profits and
 ‘ Advantages of such Share. Given under the Common Seal of the said
 ‘ Company the Day of in the Year of our Lord ’

LIX. Pro-

LIX. Provided always, and be it further enacted, That in case the said Sum of Sixty-four thousand Pounds hereby authorized to be raised shall be found insufficient for the Purposes of this Act, then and in such Case it shall be lawful for the Directors, at any Meeting or Meetings of such Directors specially called for that Purpose, at One or more Time or Times to come to a Resolution to increase the Capital of the said Company to any Extent not exceeding in the whole (exclusive of the said Sum of Sixty-four thousand Pounds) the Sum of Sixteen thousand Pounds, such increased Capital to be raised by Subscription in Shares of One hundred Pounds each in like Manner as the said original Capital; and such Shares shall be offered in the first instance to the Members for the Time being of the said Company in proportion to their then Shares in the original Capital, and under such Regulations in other respects as the Directors shall think expedient; and in the Event of the whole of the said new Shares not being taken by such Members, then the Shares not so taken shall be offered to the Public at large under such Regulations as the Directors shall think expedient.

Power to increase the Capital.

to certify the
value thereof
and to give
certificates
thereof to

LX. And be it further enacted, That it shall be lawful for the said Company from Time to Time to raise any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding the Sum of Sixteen thousand Pounds, by Mortgage of the said Undertaking; and it shall be lawful for the said Company, by an Order of any General Assembly of the said Company, to borrow and take up at Interest all or any Part of the said Sum of Sixteen thousand Pounds on the Credit of the said Undertaking, as to them shall seem meet and convenient; and the said Company or the Directors of the said Company, after an Order of any General Assembly, are hereby fully authorized and empowered to assign the Property of the said Undertaking, and the Rates arising or to arise by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be paid out of such Rates), as a Security for any Sum or Sums of Money to be borrowed as aforesaid, with Interest, to the Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees; all which Mortgages or Assignments shall be made under the Common Seal of the said Company in the Words or to the Effect following, or with such Variation therein as the Circumstances of the Case may render necessary; (that is to say,)

Power to raise Money by Mortgage.

to certify the
value thereof
and to give
certificates
thereof to

‘ BY virtue of an Act passed in the Fourth Year of the Reign of
‘ King *William* the Fourth, intituled [*here set forth the Title of this*
‘ *Act*], we, the *Hayle* Railway Company, incorporated by and under
‘ the said Act, in consideration of the Sum of
‘ to us in hand paid by _____ of _____ do
‘ assign unto the said _____ his [*or her*] Executors,
‘ Administrators, and Assigns, the said Railway, and all and singular
‘ the Rates arising by virtue of the said Act, and all the Estate, Right,
‘ Title, and Interest of us the said Company of Proprietors 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

Form of Mortgage.

‘ fully paid and satisfied. Given under our Common Seal this
 ‘ Day of in the Year of our Lord .’

And the respective Parties to whom such Mortgages or Assignments shall be made shall be equally entitled one with the other to their, his, or her Proportions or Proportion of the said Rates and Premises, according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of Priority of the Date of any such Assignments, or on any other Account whatsoever; and an Entry or Memorial of every such Assignment, containing the Date, Name or Names of the Person or Persons to whom made, the Sum of Money borrowed, and Rate of Interest, shall be entered in a Book or Books to be kept by the Clerk to the said Company of Proprietors, which said Book or Books shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Railway, or other Persons interested therein, without Fee or Reward.

Power to
transfer
Mortgages.

LXI. And be it further enacted, That all and every Persons or Person to whom any such Mortgages or Mortgage, Assignments or Assignment, shall be made as aforesaid, or who shall be entitled to the Money due thereon, may from Time to Time transfer their, his, or her Right or Interest therein to any Person or Persons whomsoever; which Transfer may be made in the Words or to the Effect following; (that is to say,)

Form of
Transfer.

‘ 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 *Hayle*
 ‘ Railway to 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 or their] Executors, Administrators, and Assigns.
 ‘ Dated this Day of in the Year of our
 ‘ Lord .’

And every such Transfer shall within Thirty Days next after the Date thereof be produced to the Clerk to the said Company, who shall cause an Entry or Memorial to be made thereof in like Manner as of the original Mortgages or Assignments, for which the said Clerk shall be paid such Sum as the said Company shall appoint, not exceeding the Sum of Two Shillings and Sixpence; and after such Entry made every such Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit thereof; and it shall not be in the Power of any Person or Persons who shall have made such Transfer to make void, release, or discharge the same, or any Sum or Sums of Money thereon due or thereby secured, or any Part thereof.

Money may
be repaid on
Six Months
Notice.

LXII. Provided always, and be it further enacted, That it shall be lawful for the said Company and they are hereby empowered from Time to Time to pay off and discharge all or any Part of the Money to be borrowed by Mortgage by virtue of this Act, upon giving Six
 Calendar

Calendar Months Notice of their Intention so to do to the Person or Persons to whom any Assignment shall have been made or given, or his, her, or their Executors, Administrators, or Assigns.

LXIII. And be it further enacted, That in case the said Company shall be required or shall be desirous to pay off, and shall accordingly pay off, all or any of the said Mortgages or Securities which they are by this Act authorized to make or grant, 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, such Sum or Sums of Money as they shall from Time to Time have paid off, or any Part thereof, 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 or raise by Mortgage or Assignment as aforesaid in such Manner or to such Extent as that more than the Sum of Sixteen thousand Pounds in the whole shall be owing at any one Time on Mortgage, or as a Charge upon the said Undertaking.

In case Money borrowed is paid off, Company may raise the Amount again.

LXIV. And be it further enacted, That the Interest of the Money which shall become due and payable on any Money to be raised by Mortgage as aforesaid shall be paid to the several Persons entitled thereto in preference to any Interest or Dividends to become due and payable to the said Proprietors or any of them under the Provisions of this Act; and in case such Interest or any Part thereof shall be behind and unpaid for the Space of Thirty Days next after the same shall have become due and payable, and the same shall not be paid within Thirty Days next after Demand thereof in Writing shall have been made of the said Company, then, in addition to such Remedies as the Mortgagee or Mortgagees, or Assignee or Assignees of such Mortgage or Mortgages, may be entitled to at Law or in Equity, 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 such Mortgagee or Mortgagees, or Assignee or Assignees, whose Interest shall be so in arrear, by an Order under the Hands of such Justices to appoint some Person or Persons to receive the Whole or any Part of the Rates, Tolls, and Duties arising or to arise by virtue of this Act, until such Interest in arrear, together with all the Costs and Charges of recovering and receiving such Rates, Tolls, or Duties, shall be fully satisfied and paid; and the Money to be received by such Person or Persons is hereby declared to be so much Money received by or to the Use of the Person or Persons to whom such Interest shall be then due, and after such Interest and Costs shall have been paid and satisfied the Power and Authority of such Receiver or Receivers for the Purposes aforesaid shall cease and determine.

For Payment of Interest on Mortgages.

LXV. And be it further enacted, That if any Person or Persons shall have advanced any Sum or Sums of Money for the Purposes of this Act before the Sum and Sums of Money hereby authorized to be raised shall have been so raised, every such Person shall be repaid, with Interest after the Rate of Five Pounds *per Centum per Annum* from the Time or Times of such Advancement, out of the first Monies

Sums already advanced to be repaid with Interest at 5l. per Cent.

[*Local.*]

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that

that shall be raised or received by the said Company by virtue of this Act.

Mortgagees,
&c. not to be
deemed Pro-
prietors.

LXVI. Provided always, and be it further enacted, That no Person to whom any such Mortgage or Assignment shall be made or transferred as aforesaid shall be deemed a Proprietor of any Share, or shall be capable of acting or voting as such, either as Principal or by Proxy, at any Meeting of the said Company, for or on account of his or her having lent or advanced any Sum or Sums of Money on the Credit of such Mortgage or Assignment.

Application
of Money
raised.

LXVII. And be it further enacted, That all the Money to be raised by the said Company by virtue of this Act shall be laid out and applied in the first place for and towards the Payment, Discharge, and Satisfaction of all Costs, Charges, and Expences incurred relative to the applying for and obtaining and passing of this Act, and all other Expences preparatory and relating thereto, and all the Residue and Remainder of such Money shall be applied for and towards purchasing Lands and Grounds, and making, completing, and maintaining the said Railway or Tramroad and Branches, Ways, Staiths, Yards, Warehouses, Tunnels, Bridges, Reservoirs, and other Works, and for other the Purposes of this Act.

General
Meetings.

LXVIII. And be it further enacted, That the said Company of Proprietors shall meet together at the Office of the Company or at some other convenient Place in the City of *London* or County of *Middlesex* within Two Calendar Months next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Three 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 said First General Meeting of the said Company there shall be a Half-yearly General Meeting of the said Company on the first *Wednesday* in the Month of *February* and the first *Wednesday* in the Month of *August* in each Year, or within the Space of Thirty Days next after each of such Periods, and also such and so many Special General Meetings of the said Proprietors as shall be called as herein-after provided, of which said General Meetings and Special General Meetings Fourteen Days public Notice at least shall be given by Advertisement in some or One or more Newspaper or Newspapers usually circulated in the said County of *Cornwall*, and in some One or more *London* Newspaper or Newspapers, and in the *London Gazette*, and which said Notice shall specify the Purpose for which any such General or Special General Meeting is called, and such General Meetings or Special General Meetings may be adjourned from Time to Time and from Place to Place as shall be found expedient.

Special Gene-
ral Meetings
may be called.

LXIX. And be it further enacted, That Five or more Proprietors of the said Undertaking holding in the aggregate Fifty Shares or upwards in the said Undertaking, or any less Number of Proprietors holding in the aggregate One hundred Shares or upwards, may at any Time, by Writing under their Hands left at the Office of the Clerk

of the said Company, require the Directors to call a Special General Meeting, so as such Requisition 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 Ten Days next after such Notice given as aforesaid, the same may be called by such Proprietors by giving Fourteen Days Notice thereof in some One or more Newspapers printed or circulated in the said County of *Cornwall*, and in some One or more *London* Newspaper or Newspapers, and in the *London Gazette*; 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 only; and all such Acts of the Proprietors or the major Part of them met together at every 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, but no Business shall be done at any Special General Meeting other than the Business for which it shall have been called.

LXX. Provided always, and be it further enacted, That if at any General or Special General Meeting there shall not, within One Hour from the Time appointed for such Meeting, be Five Persons present who shall hold in the aggregate at least One hundred and fifty Shares in the said Undertaking, either as Principals or Proxies, no Choice of Directors shall be made, nor shall any Business be done at that Time, but in such Case the Meeting shall be adjourned till some future Day by any Proprietor then present, or in case there shall be no Proprietor present, then by the Clerk to the said Company, of which Adjournment Notice shall be given to the several Proprietors of the said Company in the Manner by this Act directed for Notices of any General Meeting or Special General Meeting; and such Directors as shall have been previously appointed shall continue to act, and have the same Powers as they had and were possessed of, until new Directors shall be appointed as hereafter provided.

Proprietors of at least 150 Shares to be present at General Meetings when certain Acts are to be done.

LXXI. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time, at any such General or Special General Meeting as aforesaid, to make such Rules, Orders, and Bye Laws as to them shall seem right and proper for the good Government of the said Undertaking, and for regulating the Proceedings of and making Allowances or Remuneration to their Directors, and for the Regulation of all Officers, Workmen, and Servants to be employed in or about the Affairs of the said Company, and for regulating the Use of the said Railway, and for the Superintendence, Regulation, and Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Bye Laws, Rules, 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 Company present at such Meetings shall seem fit, not exceeding the Sum of Five Pounds for any single Offence, such Fines and Forfeitures to be levied and recovered by such Ways and Means

Power for General or Special Meetings to make Bye Laws.

Means as 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 fixed on the Front of the several Toll Houses to be erected on the said Railway, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated, defaced, or destroyed; and such Rules, Bye Laws, and Orders shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided they be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any of the Provisions in this Act contained.

Power to
appoint
Directors.

LXXII. And be it further enacted, That at the First General Meeting of the said Company which shall be held next after the passing of this Act, or at an Adjournment thereof, Seven Persons shall be elected and appointed out of the Proprietors of the said Undertaking, who shall each of them be possessed of Ten Shares or more therein, to be Directors for managing the Affairs of the said Company, and such Directors shall continue in Office until the Half-yearly General Meeting of the said Company which shall be held in the Month of *February* One thousand eight hundred and thirty-six, or until others shall be duly elected into their or any of their Places.

Two Di-
rectors to go
out of Office
annually.

LXXIII. And be it further enacted, That at the Half-yearly General Meeting to be held in the Month of *February* One thousand eight hundred and thirty-six, and also at every succeeding General Meeting of the said Company to be held in the Month of *February* in each Year, or at some Adjournment thereof respectively, Two of the Directors who shall have been so elected as aforesaid (to be determined by Ballot among themselves, or by such other Mode as they shall from Time to Time think proper,) shall go out of Office and cease to be Directors of the said Company, and an equal Number of Proprietors who shall each of them be possessed of Ten Shares or more therein shall be elected and appointed in their Stead, and such Directors shall continue in Office until the Meeting which shall be held in the ensuing Month of *February*, or until others shall be duly elected into their Places respectively; provided that nothing herein contained shall render any Director whose Office shall have expired ineligible to be a Director for the ensuing Year; provided also, that no Person shall be qualified to be elected or to serve or act as a Director who shall be concerned or interested in any Contract or Contracts under the said Company.

For supply-
ing Vacan-
cies in the
Direction.

LXXIV. And be it further enacted, That when and so often as any Director to be elected by virtue of this Act shall die, or resign, or become bankrupt, or shall apply to take the Benefit of any Act for the Relief of Insolvent Debtors, or shall cease to be a Proprietor of Ten Shares in the said Undertaking, or shall be otherwise disqualified to act as a Director, it shall be lawful for the remaining Directors to elect some other Proprietor holding Ten Shares at least in the said Undertaking to be a Director, and every such Proprietor so elected to fill any such Vacancy shall continue in his Office as a Director
until

until the next General or Special General Meeting, when the Vacancy shall be filled up by the Proprietors.

LXXV. And be it further enacted, That the Directors present at the First Meeting of Directors which shall be held next after the First General Meeting of the said Company, and so at the First Meeting of the Directors which shall be held next after the Meeting in the Month of *February* in each and every Year, or the Majority of the Directors present at such Meeting of Directors, shall choose out of the said Directors of the said Company a Chairman: Provided always, that when and so often as the Chairman to be chosen by virtue of this Act shall die, or resign, or become disqualified to act, or otherwise cease to be a Director, it shall be lawful for the Directors in like Manner at the Meeting to be held next after such Vacancy to choose some other of the said Directors to be Chairman, and every such Chairman so to be chosen as last aforesaid to fill such Vacancy shall continue in his Office so long only as the Person in whose Place or Stead he may be so elected would have been entitled under the Provisions of this Act to continue if such Death, Resignation, Disqualification, or Cesser had not happened.

Chairman of Directors to be appointed.

LXXVI. And be it further enacted, That at all General and Special General Meetings of the said Company the Chairman of the said Directors, or in his Absence any one of the Directors of the said Company to be chosen at any such Meeting, or in the Absence of all the Directors any Proprietor to be chosen at such Meetings, shall preside as Chairman.

Chairman of Directors to preside at General Meetings.

LXXVII. And be it further enacted, That the said Company shall, at their First General Meeting or at some Adjournment thereof, elect and choose a Treasurer or Treasurers, and also Two Persons to be Auditors of the Accounts 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 or Treasurers and Auditors, or any of them, or any other Person or Persons who shall be hereafter elected and appointed to their respective Office, and shall also from Time to Time elect, choose, and appoint in manner aforesaid any other Person or Persons to act as Treasurer or Treasurers and Auditor or Auditors of the Accounts of the said Company in the Room of such of the said Officers as shall happen to die, or shall resign, or be removed from their respective Offices; and it shall be lawful for the said Company to allow such Salaries and other Emoluments to the said Officers or any of them as at any such General or Special Meeting shall from Time to Time be fixed upon and determined: Provided always, that the said Company shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer of the said Company for the faithful Execution of his Office before he shall enter thereupon.

General Meeting to appoint a Treasurer and Auditors.

Treasurer to give Security before he enters upon his Office.

LXXVIII. And be it further enacted, That in case any such Treasurer or Treasurers or Auditor or Auditors shall die, be removed from or quit the Service of the said Company, it shall be lawful for

For Appointment of a Treasurer and Auditors in

[Local.]

the

case of
Death, &c.

the said Company at their said General or Special General Meetings, or for the Directors of the said Company, to appoint any other fit and proper Person to execute such Office or Offices in the Place of the Person or Persons who shall so die, be removed from or quit the Service of the said Company; and in case any such new Appointment shall be made by the said Directors the same shall only continue until the next General or Special General 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 and proper Person or Persons appointed to succeed to such Office or Offices as the Majority of the said Proprietors at such General or Special General Meeting shall think proper.

Proceedings
of Meetings
to be entered
in a Book.

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

Power of
Directors.

LXXX. And be it further enacted, That the Directors for the Time being shall have the Custody of the Common Seal of the said Company, with full Power and Authority to use the same, and shall have full Power and Authority to meet and adjourn from Time to Time and from Place to Place; and all Questions, Matters, and Things which shall be proposed, discussed, or considered at such Meetings or Adjournments shall be finally determined by the Majority of Votes then present (the whole Number of Directors present not being in any Case less than Three); and such Directors 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 General or Special General Meetings, and also to direct and manage all and every the Affairs of the said Company in contracting for and in purchasing Messuages, Tenements, and other Hereditaments, and Materials for the Use of the said Undertaking, and in making Contracts for the Construction of the said Railway, Branches, and other Works or any Part thereof, and in employing, ordering, and directing the Works and Workmen, and in nominating, appointing, electing, placing, or displacing any Clerk, Secretary, Engineer, or other Officer, Agent, Servant, and Workman of the said Company, (except the Treasurer or Treasurers, Auditor or Auditors, herein-before directed to be appointed by a General Meeting of the said Company,) with such Salary, Gratuity, or Recompence as to the said Directors shall seem proper, and in making all Contracts and Bargains touching the said Undertaking; and the said Directors may require and take such Security, to be given to the said Company, from any Officer or Officers or other Person or Persons (not being a Treasurer of the said Company), for the faithful Execution of their respective Contracts and Duties, as they may think proper or reasonable; and no Director (although he may be a Proprietor of many Shares in the said Undertaking) shall have more than One Vote in

any Meeting of the said Directors, except the Chairman, who in case of an equal Division shall always have a Second or casting Vote although he may have given One Vote before.

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

Treasurer
and Clerk not
to be the
same Person.

Regulation
of the
Company
of the
City of
London

to be
of the
City of
London

LXXXII. 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 Directors in Writing under the Common Seal of the said Company, make out and deliver to the said Directors, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof hath or have been disposed of, together with the Vouchers and Receipts for such Payments, and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him to such Person or Persons as the said Directors shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver 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 afore-said, or shall refuse or neglect to deliver up to the said Directors, or to such Person or Persons as they shall appoint, within Twenty-one Days

Officers to
account.

Days after being thereunto required by the said Directors, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by any of the said Directors, or by any Person on their Behalf, to any Justice of the Peace for the County, Borough, or Place in which such Officer or Person shall live or reside, 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 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; 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 or received shall be in the Hands of or owing from such Officer or Person, such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand and 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 shall 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 Accounts 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 and Seal to commit such Officer or Person to the Common Gaol or House of Correction of or for the County, Borough, or Place in which such Officer or Person shall live or reside, there to remain without Bail or Mainprize until he 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, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he shall have compounded with the said Directors for such Money and Charges, and paid the Composition Money to the said Directors (and which Composition the said Directors are hereby empowered to make), and shall have delivered up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Directors: 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.

Account to
be kept of
Receipts and
Disburse-
ments.

LXXXIII. And be it further enacted, That the said Company or 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 Clerk or Treasurer for the Time being, in which Book or Books such Clerk or Treasurer 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
the

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 seasonable 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 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 Clerk or Treasurer shall refuse to permit or shall not permit the said Proprietors or such Creditors, or any of them, to inspect the same at all seasonable Times, or take such Copies or Extracts as aforesaid, such Clerk or Treasurer shall forfeit and pay any Sum not exceeding Five Pounds.

LXXXIV. And in order to ascertain the Amount of the clear Profits of the said Undertaking, be it further enacted, That the said Directors shall and they are hereby required in the Month of *January* in every Year to cause a true, exact, and particular Account to be made up and balanced to the Thirty-first Day of *December* in each preceding Year of the Money collected or received by the said Company or their Directors, 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 their Directors, and the same shall from Time to Time be examined and signed by the Auditors to be appointed as herein-before is mentioned; and an Abstract of the said Account, showing the State of the Receipts and Disbursements, and the Debts and Credits, Funds and Property of the said Company, shall be from Time to Time signed by the said Auditors, and be produced at the Half-yearly General Meeting of the said Company to be held in the Month of *February* in every Year; and at the said General Meeting of the Proprietors of the said Undertaking to be from Time to Time holden as aforesaid in the Month of *February*, or at some Adjournment thereof, a Dividend shall be made of the clear Profits of the said Undertaking, unless such Meeting shall declare otherwise, and such Dividend or Dividends shall be at and after the Rate of so much *per Centum* upon the several Sums invested by the Members thereof in the Joint Stock of the said Company, as such Meeting or Meetings shall think fit to appoint or determine: Provided always, that no Dividend shall be declared or paid until the General Meeting which shall be holden in the Month of *February* next after the Expiration of Twelve Calendar Months 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 or Shares after a Day appointed for Payment of any Call for Money in respect thereof until such Call shall have been paid.

Accounts to be made up annually.

LXXXV. And be it further enacted, That the said Directors shall have Power from Time to Time to make such Calls of Money from the Subscribers to and Proprietors of the said Undertaking, to the Extent of their several Subscriptions, as they from Time to Time shall

Power to make Calls.

[*Local.*]

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shall

If Calls are not paid the Company may sue for the same, or declare the Shares to be forfeited.

No Advantage to be taken of Forfeiture without Notice.

How Actions may be brought against the Proprietors of Shares.

shall find necessary for the Purposes of this Act, so that no such Call shall exceed the Sum of Ten Pounds upon each Share which any Person or Persons shall or may be possessed of or entitled unto in the said Undertaking, and such Calls shall not be made but at the Distance of One Calendar Month at the least from each other, and Twenty-one Days Notice at the least shall be given of all such Calls as aforesaid by Advertisement in some One or more Newspaper or Newspapers printed or circulated in the said County of *Cornwall*, and in some One or more *London* Newspaper or Newspapers, and in the *London Gazette*, which Monies so called for shall be paid to such Person or Persons and in such Manner as the Directors shall from Time to Time order and appoint; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable Proportion, Part, or Share of the said Money so called for as aforesaid to the Person or Persons and at the Time and Place to be appointed as aforesaid, it shall be lawful for the said Company 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 Imparlance, shall be allowed; or the said Company may and they are hereby authorized, at a General or Special General Meeting, to declare the Shares belonging to any Person refusing or neglecting to pay any such Calls as aforesaid to be forfeited to and for the Benefit of all the rest of the Proprietors in proportion to their respective Interests in the said Undertaking, and the same shall thereupon be forfeited accordingly; and all Shares so forfeited may, at the Option of the said Company, be retained, or may be sold at a public Sale by the said Company; and such Shares as may be so sold shall be assigned by Writing under the Common Seal of the said Company unto the Purchaser or Purchasers thereof, and the Produce of such Sales shall be applied and disposed of in manner by this Act directed: Provided nevertheless, that no Forfeiture of any Share in the said Undertaking shall be declared unless Notice in Writing under the Hand of the Clerk or Treasurer of the said Company shall have been given or sent by the Post to or left at the usual Place of Abode of the Owner of such Share One Calendar Month at least previously to the General or Special General Meeting at which it shall be intended to declare such Forfeiture.

LXXXVI. And be it further enacted, That in any Action to be brought by the said Company against any Owner or Owners of any Share or Shares in the said Undertaking to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company 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 by virtue of this Act, without setting forth the special Matter; and

and on the Trial of such Action it shall only be necessary to prove, by Production of the Book or Books of the said Company in which his Name shall appear registered as a Shareholder or otherwise, 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 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 shall thereupon be entitled to recover what shall appear due in respect of such Call or Calls, unless it shall appear that any such Call exceeded Ten Pounds for every Sum of One hundred Pounds, or was made within the Distance of One Calendar Month from the last preceding Call, or without Notice given in any Newspaper as aforesaid.

LXXXVII. And whereas in Cases where the original Holder or Proprietor or Holders or Proprietors of One or more Share or Shares in the said Undertaking shall die, 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 of the said Company to ascertain who is or are the Owner or Proprietor or Owners or Proprietors of such Share or Shares, 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 Shares, or to maintain any Action or Actions, Suit or Suits, or other Proceedings, against him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, for the Recovery of the same; be it therefore enacted, That in all the Cases aforesaid where the Right and Property in any Share or Shares in the said Undertaking shall pass from the original Subscriber or Subscribers, or any Proprietor or Proprietors thereof, to any other Person or Persons by any other legal Means than by a Transfer and Conveyance thereof in form and manner herein specified, on an Affidavit being made and sworn to by One or more credible Person or Persons before a Master or Master Extraordinary in the High Court of Chancery, or One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, his, her, or their Executors, Administrators, Successors, or Assigns, such Affidavit shall be delivered to and left with the Clerk to 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 by the Clerk to the said Company; and in all or any of the said Cases, after Ten 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 so to be called for, and such Person or Persons, his, her, or their Executors,

For ascertaining the Proprietorship of Shares in Cases of Deaths, &c.

For ascertaining the Proprietorship of Shares in Cases of Deaths, &c.

tors,

tors, Administrators, Successors, and Assigns, shall not have paid such his, her, or their Proportion as aforesaid, it shall be lawful for the said Subscribers and Proprietors, 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 manner by this Act directed, or otherwise shall become consolidated in the general Funds of the said Company.

If no Affidavit be made and filed, then Notice to be inserted in the London Gazette before Shares are forfeited.

LXXXVIII. And be it further enacted, That 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 then last Place of Abode of the Executors or Administrators of such Subscribers 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 being disposed of as aforesaid, of the Person or Persons appearing in the Books of the said Company to have been then last possessed of the same; and in case any Subscriber or Subscribers, or his, her, or their Executors or Administrators, or Assignees or Trustees, shall go out of the Kingdom of *England*, such Notice shall be inserted in the *London Gazette*; and in all such Cases, and after such Notices, on Default being made, the said Shares shall be forfeited in manner aforesaid, except only that in case of the Subscriber or Subscribers, his, her, or their Executors or Administrators, or Trustees or Assignees, being Abroad as aforesaid, the Share or Shares shall not be forfeited until after the Expiration of Six Calendar Months next after the Day on which such Notice as aforesaid shall have been inserted in the *London Gazette*.

No Proprietors of Shares to vote till Calls are paid.

LXXXIX. Provided always, and be it further enacted, That no Proprietor in arrear for any Call shall at any Meeting be allowed to vote or give his Voice in the Agitation of 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 then due from him in respect of such Calls as aforesaid, with Interest thereon.

Directors to keep a Minute of their Proceedings.

XC. And be it further enacted, That the said Directors shall keep or cause to be kept regular Minutes or Entries of their Proceedings, and from Time to Time make Reports to the said General and Special General Meetings of the said Proprietors as aforesaid, and shall pay due Obedience to all such Orders and Directions in and about the Premises as shall from Time to Time be made by the said Proprietors at any such General or Special Meeting, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Shares may be sold.

XCI. And be it further enacted, That it shall be lawful for the several Proprietors of any Share or Shares in the said Undertaking, and his, her, or their respective Executors or Administrators, from and after Payment of the Sum of Five Pounds *per Centum* by him, her, or them on his, her, or their Share or Shares in the said Undertaking, but not before, to sell and dispose of any Share or Shares to which he, she, or they shall be entitled therein, subject to the Rules and

and Conditions herein mentioned and provided; and the Form of Conveyance of Shares may be in the following Words, or to the like Effect, varying the Names and Descriptions of the contracting Parties as the Case may require; that is to say,

I of in consideration of the
 Sum of paid to me by
 of do hereby assign and transfer to the
 said Share [or Shares, as the Case may be,]
 numbered of and in the Undertaking called "The
 Hayle Railway," to hold unto the said his
 [or her] Executors, Administrators, and Assigns, subject to the
 same Rules, Orders, and Regulations, and on the same Conditions,
 as I held the same immediately before the Execution hereof; and
 I the said do hereby agree to accept and
 take the said Share [or Shares], subject to the same Rules, Orders,
 Restrictions, and Conditions. As witness our Hands and Seals
 the Day of One thousand
 eight hundred and

Form of
 Conveyance.

And on every such Sale the said Deed or Conveyance, being executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares, shall be deposited at the Office and registered in the Books of the said Company; and a Memorial of such Registry, signed by the chief Clerk or other Officer of the said Company duly authorized thereto, shall be sufficient Evidence of such Sale, and be received as such in all Trials before any Court in the United Kingdom, for which Memorial the Sum of Five Shillings *per* Share and no more shall be paid to the said Clerk or other Officer by the Purchaser or Purchasers, and the said Clerk is hereby required to make or cause to be made such Memorial accordingly, and to deliver the same to the Purchaser or Purchasers of such Share or Shares; and until such Memorial shall have been made as herein directed the Seller or Sellers or Person or Persons in whose Name such Share or Shares shall be standing shall be considered as the Proprietor or Proprietors thereof, and continue subject to all Claims and Liabilities in respect thereof, and such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share or Shares paid to him, her, or them, nor any Vote or Votes in respect thereof, as a Proprietor or Proprietors of or in the said Undertaking.

XCII. Provided always, and be it further enacted, That no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking after any Call shall have been made by the said Directors for any Sum or Sums of Money in respect of such Share or Shares, unless he, she, or they at the Time of such Sale or Transfer shall have paid or discharged to the Treasurer of the said Company, or to such Person or Persons as the said Directors shall appoint to receive the same, the whole and entire Sum of Money which shall have been called for in respect of each Share so sold or transferred, with any Interest due thereon.

No Shares to
 be sold till
 Calls are paid.

Directors
empowered
to make
Dividends.

XCIII. Provided nevertheless, and be it further enacted, That notwithstanding any thing herein-before contained it shall be lawful for the said Directors, and they are hereby authorized and empowered, to declare One or more Dividend or Dividends at such intermediate Time or Times between the said Meeting in the Month of *February* in each Year as such Directors shall think fit.

How Shares
are to be
transferred
in case of
Marriage, &c.
of the Pro-
prieters.

XCIV. 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 may belong; be it therefore enacted, That before any Person or Persons 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 Shares, an Affidavit (or solemn Affirmation by any Person of the Society of Quakers) in Writing, containing a Copy of the Register of such Marriage, shall be made and sworn or solemnly affirmed to by some credible Person before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk to 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 Undertaking; and before any Person or Persons 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 Shares, the said Will, or the Probate Copy thereof, or the Letters of Administration, shall be produced and shown to the said Clerk, or an Affidavit containing a Copy of so much of such Will as shall relate to the Share or Shares of the said Testator, or the Letters of Administration of the Intestate, shall be made and sworn or solemnly affirmed to by the Executor or Executors of the said Will, or Administrator or Administrators of the Intestate, before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace as aforesaid, and shall also be transmitted to the said Clerk, who shall file and enter the same as herein-before mentioned; and in all Cases other than those herein-before mentioned, when the Right and Property of any Share or Shares in the said Undertaking shall pass from the original Proprietor or Proprietors thereof to any other Person or Persons by any other legal Means than by a Transfer and Conveyance thereof as herein directed, an Affidavit or solemn Affirmation in Writing shall be made and sworn or solemnly affirmed by One or more credible Person or Persons before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons; and such Affidavit or solemn Affirmation shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors of the said Undertaking; and the Clerk to the said Company shall be entitled to receive for each and every such Entry, as is herein-before directed, the Sum of Five Shillings *per* Share, and no more.

...XCV. And

XCV. And be it further enacted, That the Receipt or Receipts of the Person or Persons or any One of the Persons in whose Name or Names any Share or Shares in the said Undertaking shall stand in the 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 Dividends, Sum or Sums of Money, which shall become due and payable and be paid for or in respect of such Shares, notwithstanding any Uses, Trusts, Intents, or Purposes upon or to which such Share or Shares shall be settled, conveyed, or assigned.

Receipt of One Proprietor of Shares sufficient.

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

Receipt of Parent or Guardian of a Minor, or Committee of a Lunatic, sufficient.

XCVII. And be it further enacted, That One Tenth Part of the net Profits of the said Undertaking, and all and every the Shares and Share in the Capital which under the Provisions herein contained may be declared to be forfeited, and the Profits thenceforth to arise therefrom, shall be set apart and reserved and form a Fund to be kept by way of Security separate and apart from the other Funds and Property of the Company, and shall be called "The Proprietors Guarantee Fund," and be a Fund to answer all sudden or extraordinary Contingencies; and to that End the same shall be invested in the Names of Three or more of the Directors of the said Company in some of the Parliamentary Stocks or Public Funds of *Great Britain*, which Parliamentary Stocks or Funds may be varied from Time to Time, and the resulting Income thereof shall be invested in the like Manner, and may be varied so that the same may accumulate by way of Compound Interest; and upon any extraordinary or sudden Contingency or Contingencies happening, the Guarantee Fund or a competent Part thereof shall be resorted to and disposed of to answer and meet the same; and the Shares and Share, or the Stocks, Funds, and Securities composing the said Fund or any Part thereof, may, so far as the same be requisite, be sold by the Order of the Directors: Provided always, that in every such Case the Amount shall be replaced with all convenient Speed by and out of the Profits of the said Company, and no Dividend of Profits shall thereafter be made until such Amount shall be so replaced, and the Fund to be so from Time to Time substituted shall be for the like Purpose and be applied in the like Manner as the original Fund: Provided also, that when and so often as the Stocks composing the Guarantee Fund shall amount in Value to the Sum of Five thousand Pounds the Accumulation herein-before directed to be made shall cease, and the Funds which otherwise would be invested for the Purpose of Accumulation shall form Part of the general Profits or Funds of the Company, and be divisible and applied as such, subject however to a renewed Accumulation after the diminishing of the Fund, and until the same shall have been fully replaced to the aforesaid Amount by means of such Accumulation or out of the said Profits: Provided always nevertheless,

A Fund to be set apart to answer Contingencies.

theless, that if the Directors shall think it expedient, in pursuance of the Powers by this Act vested in them, to sell the said forfeited Shares or any of them, then and in such Case the Monies to arise from the Sale thereof shall be invested in the like Manner as is herein-before directed with respect to the said One Tenth Part of the said net Profits.

Rates of
Tonnage.

XCVIII. 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, to and for the Use and Benefit of the said Company, for the Tonnage of all Copper, Tin, Lead, and other Ores, Copper, Tin, Lead, Iron, and other Metals, Coals, Coke, Culm, Cinders, Chalk, Marl, Earth, Clay, Stone, Bricks, Lime, Sand, Timber, Corn, Grain, Flour, and all other Goods, Commodities, Wares, Merchandize, Articles, Matters, and Things which shall be carried or conveyed upon or along the said Railway or Tramroad, or upon any collateral Branches thereof, or upon or along any Part thereof respectively, the Rates, Tolls, and Duties herein-after mentioned ; (that is to say,)

For all Sand, Limestone, and Lime to be used as Manure, and all Dung, Compost, and all Sorts of Manure, and all Materials for the Repair of public Roads or Highways, such Sum as the said Company shall from Time to Time direct or appoint, not exceeding the Sum of Two-pence *per Ton per Mile* :

For all Copper, Tin, Lead, and other Ores, and all Matters containing Ore, Copper, Tin, Lead, Iron, and other Metals, Timber, Coals, Coke, Culm, Cinders, Stone, Bricks, Earth, Clay, Chalk, Marl, Lime, and Sand not used as Manure, such Sum as the said Company shall from Time to Time direct or appoint, not exceeding the Sum of Three-pence *per Ton per Mile* :

And for all Corn, Grain, Flour, and all other Goods, Commodities, Wares, Merchandize, Articles, Matters, and Things, such Sum as the said Company shall from Time to Time direct or appoint, not exceeding the Sum of Four-pence *per Ton per Mile*.

Tolls may be
taken for
Carriages
passing along
the Railway.

XCIX. And be it further enacted, That it shall be lawful for the said Company of Proprietors from Time to Time and at all Times hereafter to ask, demand, take, recover, and receive, 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 Passengers or Cattle conveyed in Coaches, Chariots, Chaises, Cars, Landaus, Gigs, Waggons, Carts, or other Carriages which shall be used on the said Railway or Tramroad and Branches, or any Part thereof, the several Tolls herein-after mentioned ; (that is to say,)

Tolls for
Coaches, &c.

For every Person conveyed in or upon any such Carriage, the Sum of One Penny *per Mile* :

For every Horse, Mule, Ass, or other Beast of Draught or Burthen, and for every Ox, Cow, Bull, or Cattle, conveyed in or upon such Carriage, the Sum of Two-pence *per Mile* :

And for every Calf, Sheep, Lamb, or Pig conveyed in or upon such Carriage, the Sum of One Penny *per Mile*.

C. And

C. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to provide locomotive Engines or other Power for the drawing or propelling of any Articles, Matters, or Things, Persons, Cattle, or Animals, upon the said Railway and Branches, and to receive, demand, and recover such Sums of Money for the Use of such Engines or other Power as the said Company shall think proper, in addition to the several other Rates, Tolls, or Sums by this Act authorized to be taken.

Company empowered to provide and charge for locomotive or other propelling Power.

CI. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized to convey upon the said Railway and Branches all such Passengers, Cattle, and other Animals, Goods, Wares, and Merchandize, Articles, Matters, and Things, as shall be offered to them for that Purpose, and to make such reasonable Charges for such Conveyance as they may from Time to Time determine upon, in addition to the several Rates or Tolls by this Act authorized to be taken.

Company authorized to carry Passengers, &c.

CII. And be it further enacted, That in all Cases in which there shall be a Fraction of a Ton on the gross Weight of the Loading in or upon any Waggon, Cart, or other Carriage, or Train of Waggons, Carts, or other Carriages, a Proportion of the same Rates shall be demanded and taken for such Fraction according to the Number of Quarters of a Ton contained in such Fraction, and when there shall be a Fraction of a Quarter of a Ton such Fraction shall be deemed and considered as a whole Quarter; and in all Cases in which there shall be a Fraction of One Halfpenny in the Amount of the said Rates, Tolls, and Duties, or any of them, such Fraction shall be deemed and considered as a whole Halfpenny; and in all Cases in which there shall be a Fraction of a Mile in the Distance which any Waggon, Cart, or other Carriage shall pass upon the said Railway or Tramroad and Branches, the Tonnage which shall be demanded and taken shall be after the Rate of the Number of Quarters of a Mile 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 a whole Quarter of a Mile.

Regulations as to the fractional Part of a Ton or Mile.

CIII. And in order to ascertain and calculate with greater Precision and Facility the Distance for which Tonnage shall be demanded and taken upon the said Railway or Tramroad and Branches, be it further enacted, That the said Company shall cause the said Railway or Tramroad and Branches to be measured, and Stones or Posts or other conspicuous Marks to be set up and for ever maintained at the Distance of One Quarter of a Mile from each other, with proper Inscriptions thereon; and it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any Rates for or in respect of any Goods, Wares, or Merchandize, or other Things, except during such Time as such Stones, Posts, or other Marks shall be so set up and maintained as aforesaid.

Stones or Marks to be put up describing Distances.

CIV. And be it further enacted, That after any Toll Gate shall be erected by virtue of this Act the said Company of Proprietors or

Table of Rates to be put up.

[Local.]

the

the said Directors shall and they are hereby required to put up or cause to be put up and afterwards to be continued, at every such Toll Gate, a Table painted in distinct and legible Black Letters on a Board with a White Ground, containing at the Top thereof the Name of the Gate at which the same shall be put up, and also a List of all the Rates of Tonnage payable at every such Gate, distinguishing the several Rates to be paid by virtue of this Act, and to renew such Boards when any of the Letters or Figures thereof shall be worn out, defaced, or obliterated: Provided always, that it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any Rates for or in respect of any Goods, Wares, or Merchandize, or other Things, except during such Time as the Board so painted as aforesaid shall remain affixed at such Toll Gate.

For preventing Toll Collectors from taking undue Rate or Toll, or misbehaving themselves.

CV. And be it further enacted, That every Collector of the Rates to be received by the said Company by virtue of this Act shall and he is hereby required to place his Christian and Surname painted on a Board in legible Characters in the Front or some other conspicuous Part of the Stop Gate, Toll Gate, or Toll House 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, 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 on Duty; and if any Collector of the said Rates 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 Rate from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the said Company made in pursuance thereof, or shall refuse to permit or shall not permit any Person or Persons to read, or shall in anywise hinder any Person or Persons from reading, the Inscription on the Boards to be affixed and placed as aforesaid, or either of them, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same on having paid the said Rates or any of them, or shall in answer to such Demand give a false Name or Names, or upon the legal Rate being paid or tendered shall unnecessarily detain or wilfully obstruct or hinder any Waggon or other Carriage, or prevent any Person or Persons from passing along the said Railway or Tramroad and Branches, such Person or Persons being entitled so to do, or shall make use of any scurrilous or abusive Language to any Treasurer, Clerk, Surveyor, or other Officer of the said Company, or to any Passenger upon the said Railway, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Ten Pounds.

For better ascertaining Rates due.

CVI. And for better ascertaining and more easily collecting 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 or along the said Railway or Tramroad and Branches, or upon any Part thereof, shall give an exact and true Account in Writing, signed by him, her, or them, to the Collectors of the said Rates and Tolls, at the Place or Places where they shall attend
for

for that Purpose, of the Quantity of Goods and other Things as aforesaid 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 and 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; and in case he or they shall neglect or refuse to give and deliver such an Account, or to produce his, her, or their Bill of Lading to any Collector demanding the same, or shall give a false Account, or shall deliver any Part of his Lading or Goods at any other Place than is or are mentioned in such Account, with an Intent to evade the Payment of the said Rates, Tolls, and Duties, or any Part of them, and shall be thereof convicted before any Justice of the Peace acting within his Jurisdiction, every such Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors any Sum not exceeding Ten Shillings for every Ton of Goods and other Things, and so in proportion for any less Quantity than a Ton, which shall be in such Waggon or other Carriage of which such Account shall be fraudulently delivered out as aforesaid (as the Case shall happen to be), over and above the Rate, Toll, or Duty to which such Articles or Things may be liable.

CVII. And be it further enacted, That if any Dispute shall arise concerning the Amount of the Rates, Tolls, or Duties due to the said Company, or concerning 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 acting within his Jurisdiction, 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 said Parties to the other of them as he shall think just and reasonable; and in case of Nonpayment thereof, on Demand, by the Party or Parties to whom the said Justice shall award the same, or his Agents, 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.

CVIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors at any General Meeting of the said Company, from Time to Time and so often as they shall think fit, to lessen or reduce all or any of the Rates, Tolls, and Duties herein-before authorized to be taken for or in respect of all or any of the Articles, Matters, or Things herein-before specified or mentioned which shall be conveyed upon the said Railway or Tramroad and Branches or any Part thereof, and afterwards from Time to Time again to raise, advance, and vary the same; so as not at any Time to exceed

For settling Disputes concerning Rates or Tolls.

Power to reduce Rates or Tolls.

exceed the Amount herein-before set forth and authorized to be collected.

Rates, &c.
not to be
raised or
lowered par-
tially.

CIX. Provided always, and be it further enacted, That the said Company of Proprietors or their Lessee or Lessees shall not partially raise or lower the 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 or Tramroad and Branches, but all and every the Rates, Tolls, and Duties, Sums and Sum of Money so to be paid as aforesaid, shall be so fixed as that the same Rates, Tolls, and Duties, Sums and Sum of Money, shall be taken from all Persons alike under the same or similar Circumstances.

Power to
farm the
Rates or
Tolls.

CX. And be it further enacted, That it shall be lawful for the Directors for the Time being of the said Company, by Writing under the Common Seal of the said Company, at any Time or Times to let to farm the Rates, Tolls, and Duties hereby made payable, as well for Coal, Lime, Stone, Slate, Timber, Goods, and other Articles and Things carried upon the said Railway or Tramroad and Branches, as also for all Coaches and other Carriages conveying Passengers or Cattle thereon, and for the warehousing, loading or unloading, weighing, measuring, and gauging of such Ores, Metals, Minerals, Coal, Lime, Stone, Slate, Timber, Goods, and other Articles and Things, or any Part or Parts thereof, upon the whole or any Part or Parts of the said Railway or Tramroad and Branches, unto any Person or Persons for any Term or Time which they shall think proper, not exceeding Three Years from the Commencement of any Lease; and every such Lease shall be valid and effectual, and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates, Tolls, and Duties so let, shall during the Continuance of any such Lease be deemed Collectors of the Rates so let, but for the proper Use of such Lessee or Lessees, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company; provided public Notice of the Intention to let the said Rates, Tolls, and Duties, or any Part thereof, be given in Writing by the said Directors, or any Three or more of them, or by the Clerk of the said Company of Proprietors, by Advertisement to be inserted in some Newspaper printed or circulated within the said County of *Cornwall*, or by Notice to such Proprietors as aforesaid, at least Twenty-one Days prior to any Meeting at which the said Rates, Tolls, and Duties, or any Part thereof, are proposed to be let as aforesaid.

If Lessees
neglect to
pay Rent for
Toll Houses,
Directors
may remove
them.

CXI. 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 or Persons 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

by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof, shall be in arrear and 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, or absent himself, or be discharged, or any other Person or Persons, shall refuse to deliver up the Possession of any Toll House or Toll Houses, Weighing Machine or Weighing Machines, or other Building or Buildings, with the Gardens and other Appurtenances thereto respectively belonging, to be erected, built, constructed, or set up by virtue of this Act, for the Space of Three Days next after Demand thereof made in Writing given or left at such Toll Houses, Weighing Machines, or Buildings, or at any one 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 said 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 Manner become void, then and in any of the said Cases it shall be lawful for any One or more Justice or Justices of the Peace acting within his or their Jurisdiction, upon Application made by the said Directors, or any Two or more of them, or by the Clerk or Treasurer 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 Toll House, Weighing Machine, or other Building, with the Garden 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, or any Two or more of them, if they shall see fit, by a Minute to that Effect to be entered in the Book of Proceedings of the said Company, to vacate and determine the Lease, Contract, or Agreement (if any) which was previously subsisting, and the same shall be accordingly 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 Lessee's Part, as if such Lease, Contract, or Agreement had never been made; and it shall be lawful for the said Directors, or any Two or more of them, in every such Case again to demise or let to farm the said Tolls and Duties to any other Person or Persons, 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.

Company empowered to regulate and fix the Price of small Parcels not exceeding 500 lbs. Weight.

CXII. Provided always, and be it further enacted, That it shall be lawful for the said Company of Proprietors from Time to Time, at any General Meeting of the said Company to be held as herein-before is directed, to make such Bye Law or Bye Laws for ascertaining and fixing the 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 Tramroad and Branches, or any Part thereof respectively, whether such Parcel be conveyed by the said Company of Proprietors or by any other Person or Persons, and from Time to Time to repeal, alter, or vary the said Rates as to them shall seem meet, fitting, and reasonable; and the said Company of Proprietors shall from Time to Time cause to be affixed and stuck up upon every public Wharf, and upon every Stop Gate or Toll House on the Line of the said Railway or Tramroad and Branches, in some conspicuous Part there, in large and legible Characters, an Account or List of the several Rates of Tonnage which the said Company of Proprietors shall from Time to Time so direct and appoint, and of the Price or Prices, Sum or Sums of Money so allowed to be taken for the Carriage of all and every such Parcels and Parcel, not exceeding Five hundred Pounds Weight as aforesaid, upon the said Railway or Tramroad and Branches or any Part thereof; and in case any Owner or Master or other Person belonging to any Waggon or other Carriage passing upon the said Railway or Tramroad and Branches, or any Collector of the Rates, Tolls, or Duties aforesaid, shall, after such Account or List shall be affixed and stuck up as aforesaid, demand or take more than the Price or Sum or Sums of Money therein specified and ascertained, such Owner, Master, Collector, or Person as aforesaid shall forfeit and pay any Sum not exceeding Five Pounds, and such Bye Laws shall be valid and effectual in all Cases upon all Persons whomsoever: Provided always, that it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any Rates for or in respect of any Goods, Wares, or Merchandize or other Matters or Things, except during such Time as the Board so painted as aforesaid shall remain affixed as herein-before mentioned.

Penalty on Persons defacing Boards.

CXIII. And be it further enacted, That if any Person or Persons shall wilfully, negligently, or maliciously pull down, deface, or destroy any Board whereon any Rules, Orders, Bye Laws, Tolls, or Rates shall be painted, he, she, or they shall on Conviction forfeit and pay to the said Company a Sum not exceeding Five Pounds, to be levied and applied as other Penalties are by this Act directed to be levied and applied.

Rates and Tolls to be paid at such Places as the Company shall direct.

CXIV. And be it further enacted, That the Rate of Tonnage herein-before authorized to be demanded and taken, and also the several other Rates, Tolls, and Duties by this Act granted to the said Company, shall be paid to such Person or Persons, at such Place or Places at, upon, or near the said Railway or Tramroad and Branches, 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 Notice to be annexed to the Account or List of Tonnage or 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 sue for and recover the same by Action of Debt or upon the Case in any of His Majesty's Courts of Record at *Westminster* or elsewhere, or the Person or Persons to whom such Rates, Tolls, or Duties ought to have been paid may seize; and he and they is and are hereby empowered to seize, the Goods and Things for and in respect whereof any such Rates, Tolls, or Duties ought to have been paid, or any Part thereof, and the Horse, Cattle, Waggon, or other Carriage laden therewith, and detain the same until such Payment shall be made, together with the reasonable Charges of such Seizure and Detention; and if such Goods shall not be redeemed within Five 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 accountable for any accidental Loss, Injury, or Damage which may accrue to the same Goods, Horses, Cattle, Waggons, or other Carriages and other Things in consequence of such Seizure, Detention, and Sale.

CXV. And for better ascertaining the Tonnage of Coal, Lime, Stone, Slate, Goods, and other Things to be charged with the Payment of the Rates hereby made payable, be it further enacted, That One hundred and twelve Pounds Weight shall for the Purposes of this Act be deemed, rated, or estimated as for One Hundred Weight, except in the Case of Black Tin, One hundred and fifteen Pounds Weight whereof shall be deemed, rated, or estimated as for One Hundred Weight; and that Twenty Hundred Weight shall be deemed, rated, or estimated as for One Ton, except in the Case of Copper Ore, Twenty-one Hundred Weight of which shall be deemed, rated, or estimated as for One Ton; and for ascertaining the Tonnage of Stone and Timber it is hereby declared, 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, or estimated as for One Ton Weight, any Usage to the contrary notwithstanding; and for ascertaining the Day of each Spring Tide herein-after mentioned it is hereby declared, that the same shall be ascertained by reference to the Tide Tables commonly called the *Swansea* Tide Tables, and to no other.

Weight of
Tonnage
ascertained.

Ascertaining
the Day of
each Spring
Tide.

CXVI. And be it further enacted, That it shall be lawful for any Collector of the said Tolls, Rates, or Duties, or any Tollkeeper or any Officer or Servant of the said Company, to stop and detain any Waggon or other Carriage passing on the said Railway or Branches, and to weigh, measure, and gauge, or cause to be weighed, measured, and gauged, such Waggon or other Carriage, and all such Ores, Metals, Minerals, Coals, Lime, Stone, Slate, 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 by the Owner or Person having the Charge of such Waggon or other Carriage, then the Owner or Person giving in such Account shall

Collector
may weigh
or measure
Waggons.

shall pay the Costs and Charges of such weighing, measuring, and gauging; all which Costs and Charges, upon Neglect or 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 Coals, Lime, Stone, Slate, Goods, or other Things shall appear to be of the same or less Weight or Quantity than the same shall by such Account appear to be of, then the said Company shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Owner or Person, or to the Owner or Owners of such Ores, Metals, Minerals, Coal, Lime, Stone, Slate, Goods, or other Things, such Damage as shall appear to any Justice of the Peace acting within his Jurisdiction, 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 vexatious on the Part of such 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 other 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 may be recovered by Distress and Sale of the Goods of the said Company, or of the 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.

Names of
Owners of
Waggons to
be entered
with the
Clerk.

CXVII. And for the better Regulation of the Owners of Waggons and other Carriages, and others employed by or under them respectively, and for the more easy Detection of any thing by them done contrary to the Directions of this Act, be it further enacted, That the Owner or Owners of every Waggon or other Carriage passing along the said Railway or Tramroad or Branches shall cause his, her, or their Name or Names, and Place or Places of Abode, and the Number and Weight of his, her, or their Waggon or other Carriage, to be entered with the Clerk or Agent of the said Company, and shall also cause such Name or Names and Number and Weight to be painted in large White Capital Letters and Figures on a Black Ground, Two Inches high at the least and of a proportionate Breadth, on each Outside of every such Waggon or other Carriage, so as to be always open to the View, and shall permit and suffer every such Waggon or other Carriage to be gauged, weighed, and measured at the Expence of the said Company whenever it shall be required by them, or any Person or Persons by them appointed for that Purpose; and every Owner or other Person having the Care of any Waggon or other Carriage, or who shall conduct the same upon the said Railway or Tramroad or Branches, without having such Waggon or other Carriage previously gauged, weighed, and measured, or without having such

Names

Names and Figures thereon respectively as herein-before directed, or who shall alter, erase, or deface such Names and Figures, or any of them or any Part thereof, or shall fix thereon any false Name or Figure, or who shall refuse to permit and suffer such Waggon or other Carriage to be gauged, weighed, and measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

CXVIII. And be it further enacted, That the Owner or Owners of every Waggon or other Carriage passing upon the said Railway or Tramroad and Branches shall be and he, she, and they is and are hereby respectively made answerable for any Damage, Trespass, Spoil, or Mischief that shall be done by his, her, or their Waggon or other Carriage, or Horses, Mules, or Cattle drawing the same, or by any of the Waggoners or other Person or Persons belonging to or employed in or about the same respectively, to the said Railway or Tramroad and Branches, or any Part thereof respectively, or to any Bridges, Engines, Reservoirs, and other Works or Conveniences made 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 such Person or Persons before some Justice of the Peace acting within his Jurisdiction, either by the Confession of the Party or Parties offending, or upon the Oath or Oaths of some credible Witness or Witnesses, pay to the Person or Persons injured the Damages to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Twenty Pounds, and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Forty Shillings, and all Costs, Charges, and Expenses attending such Conviction, which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners of any such Waggon or Carriage, by Warrant or Warrants under the Hand and Seal of such Justice; and the Overplus (if any), after such Penalty, Damages, and the Costs and Charges of such Distress and Sale have been deducted, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; or if the Damages shall exceed the Sum of Twenty Pounds, then and in 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 at *Westminster* or elsewhere; and if a Verdict or Judgment shall be given against him or her, either on Proof, or by Default, or upon Demurrer, the Plaintiff in any such Case shall recover his Damages thereby sustained, with full Costs of Suit.

Owners of Waggons to be answerable for Damage done by their Waggons.

CXIX. Provided always, and be it further enacted, That in case the Owner or Owners of any Waggon or other Carriage passing upon the said Railway or Tramroad and Branches shall be compelled to pay any Penalty or to make any Satisfaction for any Damages by reason of any wilful Act or Neglect or Default of his, her, or their Servant or Servants or Waggoners, then and in such Case every such Servant or Waggoner shall be liable to repay such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners; and in case of Nonpayment thereof on Demand,

Owners may recover the same again from their Servants.

on Oath made by such Owner or Owners of the Payment by him, her, or them of such Penalty or Satisfaction, and that the same hath not been repaid to him, her, or them by such Servant or Servants, although demanded, such Oath to be made before some Justice of the Peace acting within his Jurisdiction, the same Penalty and Satisfaction shall be levied by Warrant under the Hand and Seal of such Justice by Distress and Sale of the Goods and Chattels of such Servant or Servants, together with all Costs and Charges attending such Distress and Sale; and the said Penalty and Satisfaction, when recovered, shall be paid to such Owner or Owners in discharge of such Penalty and Satisfaction so by him, her, or them paid for the wilful Neglect or Default of such Servant or Servants as aforesaid; and in case no sufficient Distress can be had such Justice shall and is hereby required to commit such Servant or Servants to the Common Gaol or House of Correction for the County, Borough, or Place wherein such Offence shall arise, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months.

Railway not to be used as a Footpath.

CXX. And whereas it might be very injurious to the said Railway and the Works thereof, and inconvenient and dangerous to the Public, if the said Railway or Tramroad and Branches were permitted to be used by Persons on Horseback or on Foot; be it therefore further enacted, That if any Person or Persons shall travel on Horseback or on Foot upon the said Railway or Tramroad and Branches, or either of them, without the Licence and Consent of the said Company, (except for the Purpose of attending any Waggon, Cart, or Carriage under his or their Care, and also except the Owners or Occupiers of any of the Lands or Grounds adjoining the said Railway or Tramroad and Branches, their Families, Agents, or Servants, in passing across or along the same for the necessary Occupation of the respective Lands or Grounds through which the said Railway may be made,) every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Forty Shillings, to be levied and recovered in like Manner as other Penalties are by this Act directed to be levied and recovered.

Penalty for obstructing the Passage on the Railway.

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

Penalty on destroying Works.

CXXII. And be it further enacted, That if any Person shall wilfully or maliciously, and to the Prejudice of the said Undertaking or of the said Company, injure, break, throw down, destroy, steal, carry, or take away any Part of the said Railway or Tramroad and Branches or other Works to be erected and made by virtue of this Act, or any Part of the Materials of any such Works, so that the Use of or Passage on the said Railway or Tramroad and Branches shall be liable to

to be obstructed, impeded, or otherwise interrupted, every Person so offending, and being thereof lawfully convicted, shall be subject and liable to the like Pains and Penalties as in Cases of Felony.

CXXIII. And be it further enacted, That if any Waggon or other Carriage shall be placed or suffered to remain in any Part of the said Railway or Tramroad and Branches or other Works hereby directed to be made, so as to obstruct the Passage thereof, and the Person having the Care of such Waggon or other Carriage shall not immediately upon Request made remove such Waggon or other Carriage, he shall forfeit for every such Offence any Sum not exceeding Twenty Shillings for every Hour such Obstruction shall continue after the making of such Request; and it shall be lawful for any Agent or Officer of the said Company to cause any such Waggon or other Carriage to be unloaded, if necessary, and to be removed, in such Manner as shall be proper for preventing such Obstruction, and to detain such Waggon or other Carriage, and the Loading thereof or any Part of such Loading, until the Charges occasioned by such Removal shall be paid; and the said Company, or such Agent or Officer, shall not be accountable for any accidental Loss, Injury, or Damage which may accrue to any such Waggon or Carriage, or the Loading thereof or any Part of such Loading, in consequence of such Unloading, Removal, and Deention as aforesaid.

Penalty for
Waggons
remaining on
the Railway.

CXXIV. And be it further enacted, That the said Company of Proprietors shall, at their own Expence, Costs, and Charges, after any Part of the said Railway or Tramroad and Branches shall be laid out and formed, make, erect, and set up, or cause to be made, erected, and set up, and from Time to Time to maintain and support, such and so many convenient Gates in and upon the said Railway or Tramroad and Branches, and also all Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages over and under or by the Side of the said Railway or Tramroad and Branches, of such Dimensions and in such Manner as 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 or Tramroad and Branches shall be made, not only for protecting the said Lands and Grounds from Trespass, or the Cattle or other Property of the Owners or Occupiers thereof from straying or escaping thereout, by reason of such Railway or Tramroad and Branches, or any other Matter or Thing to be done in pursuance of this Act, but also for conveying the Water clear from the Lands adjoining or lying near to the said Railway or Tramroad and Branches, without obstructing or impounding the same to the Prejudice of any of the said Lands, and for enabling any Person or Persons occupying Lands adjacent thereto, and capable of being irrigated by means of any neighbouring Rivers, Brooks, Springs, or Streams of Water, to irrigate such adjacent Lands, and also shall make proper Watering Places for Cattle in all Cases where, by means of the said Railway or Tramroad and Branches, the Cattle of any Person or Persons occupying Lands adjacent thereto shall be deprived of their ancient Watering Place; and all such Gates, Bridges, Arches, Cul-

Company to
erect Gates,
&c. where
necessary.

verts, Fences, Ditches, Drains, and Passages so to be made as aforesaid shall from Time to Time and at all Times thereafter be supported, maintained, and kept in sufficient Repair and Condition by the said Company; and in case the said Company shall refuse or neglect to make, erect, or set up such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages as herein-before directed, or to maintain and support the same or any of them when erected, set up, and made in manner aforesaid, for the Space of Twenty Days next after the Time to be appointed for those Purposes respectively by such Justices, then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said Lands or Hereditaments who shall find himself, herself, or themselves aggrieved by such Neglect or Refusal to make, erect, and set up all such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages as the said Justices shall have before directed or appointed to be 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, Culverts, Fences, Ditches, Drains, and Passages as aforesaid the said Railway or Tramroad and Branches, or any Buildings, Conveniences, or other Things hereby authorized to be made or 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 thereof; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Justices, shall be repaid to the respective Owners or Occupiers of the said Lands and Hereditaments who shall have so erected and made, repaired and maintained, such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, by the said Company, within the Space of Ten 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 or their Clerk for the Time being; and in default of Payment of the Costs and Charges within the Time aforesaid the said Justices shall and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company, for the Use of such Person or Persons to whom such Costs and Charges shall have been allowed, rendering unto the said Company the Overplus (if any), upon Demand, after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices; and every or any of the said Owners or Occupiers, upon Refusal or Neglect of the said Company to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against them for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is by this Act directed.

Owners of
Lands em-
powered to
erect Gates,
on Insuffi-
ciency of
those erected
by the Com-
pany.

CXXV. Provided always, and be it further enacted, That if the Owner or Occupier of any Lands or other Hereditaments through which the said Railway or Tramroad and Branches shall be made do or shall at any Time or Times hereafter 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 their

their Number or Situation, for the commodious Use and Occupation of the respective Lands or Hereditaments through which the said Railway or Tramroad and Branches shall pass, then and so often and in any such Case it shall be lawful for any such Owners or Occupiers, with the Consent and Approbation of the said Company upon Request made to them, or in case of their Refusal for the Space of Twenty 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 or Tramroad and Branches, 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 or Tramroad and Branches 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, Fences, and Passages had been made or erected by the said Company.

CXXVI. And be it further enacted, That it shall be lawful for the Owners and Occupiers of the respective Lands or Grounds through which the said Railway or Tramroad and Branches shall be made, and his, her, and their Servants, Workmen, and Cattle, at all Times to pass and repass over and across such Part of the said Railway or Tramroad and Branches as shall be made in and upon the said Lands or Grounds respectively, and also along the said Railway or Tramroad and Branches, as far only as the Lands in his, her, or their Ownership or Occupation shall extend, for the Purpose of occupying, visiting, or inspecting the same Lands, such Person or Persons not damaging or obstructing the said Railway or Tramroad and Branches, or the Passage thereof, without Payment of any Toll or Tonnage for the same.

Owners and Occupiers of Lands may pass across the Railway.

CXXVII. And be it further enacted, That all Persons shall have free Liberty to use, with Horses, Cattle, and Carriages, the Roads, Ways, and Passages leading to or from the said Railway or Tramroad and Branches, and every Part thereof, and also to pass upon and use the said Railway or Tramroad and Branches with Carts, Waggon, or other Carriages properly constructed as herein-after mentioned, upon Payment only of such Rates and Tolls as shall be demanded by the said Company of Proprietors, not exceeding the respective Sums in this Act mentioned, and subject to the Rules and Regulations which shall be from Time to Time made by the Directors of the said Company of Proprietors by virtue of the Powers by this Act granted.

All Persons may use the Railway on Payment of Toll.

CXXVIII. And be it further enacted, That no Person or Persons whosoever shall pass upon any Part of the said Railway or Tramroad and Branches with any Waggon or other Carriage whatsoever, unless the same shall be constructed according to the Orders and Regulations of the said Company, (which Orders and Regulations shall be affixed

No Waggon to pass unless constructed as directed by the Company.

[*Local.*]

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upon

upon a conspicuous Part of every Stop Gate, Toll Gate, or Toll House erected on the said Railway or Tramroad and Branches for collecting the Rates and Tolls by this Act imposed,) except in crossing, recrossing, or passing along the same for the convenient Occupation of the adjacent Grounds, or passing on any public or private Carriage Road which may happen to cross the said Railway or Tramroad or Branches; and if any Person or Persons whosoever shall pass upon any Part of the said Railway or Tramroad or Branches with any Waggon or other Carriage not constructed in the Manner herein-before directed or referred to (except as aforesaid), he or they so offending shall for every such Offence forfeit to the said Company any Sum not exceeding Ten Pounds.

Limiting the Weights to be carried on the Railway.

CXXIX. And be it further enacted, That no Waggon or other Carriage having not more than Four Wheels shall carry at any One Time along or over any Part of the said Railway or Tramroad or Branches (including the Weight of such Waggon or Carriage) more than Three and a Half Tons Weight, and no Waggon or other Carriage having Six or more Wheels shall carry at any One Time along or over any Part of the said Railway or Tramroad and Branches (including the Weight of such Waggon or Carriage) more than Five Tons Weight, and so that there shall not be at any One Time a greater Weight on the Iron Drawbridge after mentioned than Ten Tons.

For fencing the Railway through private Lands.

CXXX. And be it further enacted, That the said Company shall and they are hereby empowered and required, at their own proper Charges, after any Land shall be taken for the Use of the said Railway or Tramroad and Branches and other Works, to divide and separate, and keep constantly divided and separated, the same from the Lands or Grounds adjoining to such Railway or Tramroad and Branches or 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 or Tramroad and Branches and other Works, or any of them, 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 or Grounds, and not towards the said Railway or Tramroad and Branches; 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 re-enacted with respect to such Fences.

Gates to be shut after passing through them.

CXXXI. And be it further enacted, That all and every Persons or Person opening any Gate set up across the said Railway or Tramroad and Branches shall, and they, he, and she are and is hereby directed and required, as soon as they, he, or she, and the Waggon or other Carriage, if any, under their, his, or her Care, shall have passed through

the same, to shut and fasten the same Gate; and every Person neglecting so to do shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, to be levied and recovered as hereinafter mentioned; and the Money arising by such Forfeiture or Forfeitures shall be applied in the Manner following, (that is to say,) one Moiety thereof to the Poor of the Township or Parish where such Offence shall be committed, and the other Moiety to and for the Purposes of this Act.

CXXXII. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent the Owner or Owners of any Land or Ground lying adjoining or near to the said Railway or Tramroad and Branches from making any Tramroads, Railways, common Roads, or Watercourses to, from, across, or under the said Railway or Tramroad and Branches hereby authorized to be made, and to use such Tramroads, Railways, common Roads, or Watercourses for the Benefit of themselves and all and every other Persons and Person 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 Tramroads, Railways, common Roads, or Watercourses do no Injury to and do not prevent the free Passage over and along the said Railway or Tramroad and Branches hereby authorized to be made by the said Company.

Owners of Lands may make Roads, &c. across the Railway for their own Use.

CXXXIII. And be it further enacted, That nothing in this Act contained shall extend to prevent the respective Owners or Occupiers of Lands adjoining to the said Railway or Tramroad, or any other Persons, from laying down, either upon their own Lands or upon the Lands of other Persons, with the Consent of such Persons, any collateral Branches from their respective Lands to communicate with the said Railway or Tramroad, for the Purpose of passing with Horses and Carriages in, upon, or across such Railway or Tramroad; and the said Company shall be bound to make, at the Expence of such Owners and Occupiers and other Persons as aforesaid, Openings in the Ledges or Flanches of the said Railway or Tramroad for effecting such Communication in such Places as may be most convenient for that Purpose, and as may the least interfere with the Passage of the said Railway or Tramroad; and the said Company shall not receive any Rate or Toll or Sum for the passing of any Goods or other Things along such Branch so to be made by any such Owner or Occupier or Person as aforesaid: Provided also, that the said Company shall not be bound to make any such Openings in the Ledges or Flanches of the said Railway or Tramroad for the Purpose of effecting such Communication in any Places where they shall have erected or set up any Building, Steam Engine, Works, Machinery, or Yard, or in any Places which they shall have appropriated or set apart for any specific Purpose with which such Communication would interfere, nor upon any Inclined Plane nor in any Tunnel; and in case any Disagreement or Difference shall arise between any such Owners and Occupiers or other Persons and the said Company as to the proper Places for making any such Openings in the Ledges or Flanches of the said Railway or Tramroad for the Purpose of such Communication, then the same shall be left to the Decision of any Two Justices of the Peace

Allowing the Owners of adjoining Lands to make Branches to communicate with Railway in convenient Places.

Peace for the County of *Cornwall*, whose Determination shall be binding; and such Justices are hereby authorized and empowered to take cognizance of all such References, and to act therein accordingly.

Railway
Company to
widen Em-
bankment,
&c. on North
Side of Cop-
per House
Channel.

CXXXIV. And whereas the said Railway on the North Side of the Channel from *Hayle* to *Copper House*, called the *Copper House Channel* will for a certain Length pass over and along certain Embankments, Causeways, and Bridges belonging to certain Persons using the Style or Firm of the *Cornish* Copper Company, and in order to prevent the Use of the said Embankments, Causeways, and Bridges by the said *Cornish* Copper Company from interfering with the said Railway it will be necessary to widen the said Embankments, Causeways, and Bridges; be it therefore further enacted, That the said Railway Company shall and they are hereby required, in a firm, durable, and substantial Manner, to widen all and every the said several herein-before mentioned Embankments, Causeways, and Bridges over or along which the said Railway or Tramroad hereby authorized shall pass in manner following; that is to say, the Embankment leading from the Iron Drawbridge over the said Channel to the Causeway near *Riviere Cliff*, and the Bridge connected therewith, shall be widened towards the North-east; the Causeway under *Riviere Cliff*, and from thence to the Eastern Embankment, shall be widened towards the South-east; the Embankment leading from or near the Gateway of a certain House called *Riviere House* to or towards a certain Dock at *Hayle Copper House* in the Occupation of the said *Cornish* Copper Company, and the Bridge connected therewith, shall be widened towards the South-west or North-east, as the said Railway Company shall deem most advisable: Provided always, that all such Additions to the said several Embankments, Causeways, and Bridges herein-before mentioned shall be raised to the same Height as the existing Embankments, Causeways, and Bridges respectively, and shall be made on the whole Line thereof to the Extent or Space in Width required by the said Railway Company for the said Railway or Tramroad, so as to leave a good Road or Passage of the present Width over the same for the Use of the said *Cornish* Copper Company, their Heirs, Executors, Administrators, or Assigns; and the said Road for the Use of the said *Cornish* Copper Company shall be kept constantly divided from the said Railway or Tramroad by a Stone Wall of Three Feet high at least, or by Posts and Rails, or by other good and sufficient Fences, to the Satisfaction of the said *Cornish* Copper Company, and which said Stone Wall or other Fence shall commence at the Distance of Twenty Yards from the North Side of the said Iron Drawbridge.

Line of Rail-
way over
the *Cornish*
Copper Com-
pany's Lands.

CXXXV. And be it further enacted, That in making and constructing the said Railway or Tramroad hereby authorized the said Railway Company shall and they are hereby required to lay down the said Railway or Tramroad from the Extent of the Lands and Grounds belonging to or in the Occupation of the said *Cornish* Copper Company on the South Side of the said *Copper House Channel* at *Hayle*, and towards the Road leading to *Carnsew* under *Penpoll Cliff* to the Southern End of the said Drawbridge, and from thence by, along, upon, and over the said Drawbridge to the Northern End thereof,

thereof, and from thence by, along, upon, or over the North-eastern Side of the Embankment or Causeway on the North Side of the said *Copper House Channel*, and by, along, upon, or over the inner or Northern Side of the said Causeway under *Riviere Cliff*, and by, along, upon, or over the North-eastern Side of the said last-mentioned Causeway, so that the said Railway Company shall not on any Pretence whatever take or use any Portion of the Lands or Premises belonging to or occupied by the said *Cornish Copper Company* on the Southern Side of the said *Copper House Channel* at *Hayle* other than such as may be necessary for the Line of the said Railway or Tramroad, and not exceeding the Breadth of Twelve Feet in any one Part thereof, nor any Lands and Premises on the North Side of the said Channel other than may be necessary for the Line of the said Railway and Turnouts for the convenient Use thereof.

CXXXVI. And whereas the said Railway Company are hereby authorized and empowered to take and use for the Purposes of this Act a certain Iron Drawbridge over the said *Copper House Channel*, the Property of the said *Cornish Copper Company*, which said Iron Drawbridge rests and is worked upon certain Walls, Piers, Buttresses, Pavements, and Buildings which are connected with certain Flood Gates belonging to the said *Cornish Copper Company* at the Entrance of the said Channel, and it is expedient that the said Flood Gates and Works connected therewith should be protected from Injury or Damage in the Execution of the Powers hereby granted; be it therefore further enacted, That in taking and using the said Iron Drawbridge the said Railway Company shall not in any Manner whatever take, interfere with, alter, or otherwise use any of the said Walls, Piers, Buttresses, Pavements, or Buildings, other than may be necessary for the Support and Working of the said Drawbridge, but that the said Flood Gates, and the said Walls, Piers, Buttresses, Pavements, and Buildings shall remain and continue the Property and under the sole Controul, Superintendence, and Management of the said *Cornish Copper Company*, any thing herein contained to the contrary thereof in anywise notwithstanding; and that if at any Time hereafter it shall be found necessary for the Reparation thereof or of any Part thereof to draw back or remove the said Drawbridge for any Length of Time necessary for that Purpose, it shall be lawful for the said *Cornish Copper Company*, their Heirs, Executors, Administrators, or Assigns, or their or his Agents or Workmen, to draw back or remove the same Bridge so as that the said *Cornish Copper Company*, their Heirs, Executors, Administrators, or Assigns, do and shall, before any such Removal of the said Bridge for the Purposes aforesaid, erect or cause to be erected another Bridge in lieu thereof of sufficient Strength, and fitted for the temporary Passage of Waggons or Trams, loaded or unloaded, along and over the same and the Railroad connected therewith.

Railway Company not to interfere with Flood-gates, &c. of the *Copper House Channel*.

CXXXVII. And be it further enacted, That in case at any Time after the said Railway Company shall have taken the said Drawbridge for the Purposes of this Act any Injury or Damage shall be done or arise to any of the said Walls, Piers, Buttresses, Pavements, or Buildings connected with the Flood Gates of the *Copper House Channel*, or

Railway Company to make good all Damage they may occasion to the Piers, &c. of

[Local.]

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appertaining

the Channel
Flood Gates.

appertaining or belonging thereto, by or from the said Drawbridge; or by the Use or Working thereof for the Purposes of this Act, such Injury or Damage shall be forthwith repaired and made good by and at the Expence and Cost of the said Railway Company; and in case the said Railway Company shall refuse or neglect to repair and make good such Injury or Damage for the Space of One Calendar Month after Notice in Writing given to or left for their Secretary, Clerk, or Treasurer at any Office of the said Company by or on behalf of the said *Cornish Copper Company*, their Executors, Administrators, or Assigns, and after an Award made, as herein-after provided, whereby the said Railway Company shall have been ordered or directed or been found liable to make any such Reparations or Amendments as aforesaid, then and in such Case the said *Cornish Copper Company* may cause such Reparations and Amendments to be forthwith made, and recover the Amount thereof by Action at Law, with full Costs of Suit, of and from the said Railway Company.

Disputes re-
specting Re-
pairs to Piers,
&c. to be re-
ferred to Ar-
bitration.

CXXXVIII. And be it further enacted, That in case any Dispute shall arise as to the Liability or Duty of the said Railway Company to repair any Injury or Damage which may have been done to any of the Walls, Piers, Buttresses, Pavements, or Buildings connected with the Flood Gates of the said *Copper House Channel*, or appertaining or belonging thereto, or as to the Amount of any such Injury or Damage, it shall and may be lawful to and for the said Railway Company, or for the said *Cornish Copper Company*, their Heirs, Executors, Administrators, or Assigns, by Notice in Writing within Ten Days from the Time of giving such Notice, to require the other of the Companies, or other Person or Party who for the Time being may be interested therein, to name an Arbitrator to act with any other Person to be named in such Notice as the Arbitrator on behalf of the said Railway Company or the *Cornish Copper Company*, their Heirs, Executors, Administrators, or Assigns, as the Case may be, in naming a Third Person as Umpire to determine, as well the Liability or Duty of the said Railway Company, as the Amount of such Injury or Damage; and in case the said Railway Company, or the said *Cornish Copper Company*, or such other Person or Party, shall not within Ten Days after such Notice nominate an Arbitrator by Notice in Writing, the Matters in dispute shall be determined by the Arbitrator named in such Notice; and in case such other Arbitrator and Umpire shall be named as herein-before mentioned the Award of any Two of the said Arbitrators and Umpire shall be final and conclusive to all Intents and Purposes, and binding upon all Parties concerned or interested; and the said Arbitrators and Umpire, or any Two of them, may, if they think fit, order and direct in what Manner and to what Extent any Reparation or Amendment shall be done by the said Railway Company to the said Walls, Piers, Buttresses, Pavements, or Buildings so injured or damaged as aforesaid.

Submission
to Reference
may be made
a Rule of
Court.

CXXXIX. And be it further enacted, That it shall be lawful for any of His Majesty's Courts of Common Law at *Westminster*, or any Judge thereof, to order that any Submission to Reference, in pursuance of the Provisions of this Act, may be made a Rule of Court in such Manner and Form as to such Court or Judge shall seem most

advisable

advisable for the better enforcing any Award made or to be made in pursuance thereof.

CXL. And whereas it is expedient that, due Regard being had to the Navigation of the said *Copper House Channel*, the free Passage of the said Railway over the said Drawbridge should nevertheless be as far as may be effectually facilitated and secured; be it further enacted, That the said Railway Company shall, at the Times of Tide herein-after specified, station a Servant or Agent within a convenient Distance of the said Bridge, and that such Servant or Agent shall from Time to Time, during the Day of every Spring Tide, and during the Two Days immediately preceding and the Two Days following the Day of such Spring Tide, upon Request of the Owners, Masters, or Persons in charge of any Vessels, draw back or open the said Drawbridge for the Passage of such Vessel or Vessels into or out of the said Channel, and also during the Fourth Day after the Day of such Spring Tide shall, upon like Request, in like Manner draw back the said Drawbridge for the Passage of any Vessel or Vessels out of the said Channel: Provided always, that the said Bridge be not drawn back or opened until One Hour before High Water, nor until there shall be Six Inches more of Water in the Middle or shallowest Part of the said Channel immediately under the said Bridge than shall be necessary for the Draught or Tonnage of the Vessel about to pass through the said Channel, and that the said Bridge be again closed with all convenient Speed after the Passage of such Vessel or Vessels, or at the latest before the Expiration of Half an Hour after High Water, or at all such Times when there shall not be such a Depth of Water as aforesaid, unless upon an Occasion of any Risk or Danger to any such Vessel or Vessels, in which Case the said Bridge may be drawn back or opened so as to ensure or promote the Safety of such Vessel or Vessels: Provided also, that in case the said Railway Company or their Agents or Servants shall, at any Time after Notice given to such Person as shall be employed by them for such Purpose, neglect or refuse to draw back, open, or close the said Bridge at the Periods and as herein-before specified for that Purpose, (saving and except at the Periods when the Repair herein mentioned shall be going on,) the said Railway Company shall for every such Neglect or Refusal forfeit and pay to the Party aggrieved the Sum of Five Pounds, to be levied in manner directed with respect to any other Penalties by this Act imposed; and that in case of any such Neglect or Refusal it shall be lawful for any Parties entitled to pass into or out of the said Channel, or any of their Agents or Servants, to draw back or open the said Bridge at such Periods as are herein-before specified, but not otherwise; and further, that in case the said Railway Company, their Agents or Servants, shall at any Time neglect to close the said Bridge at the Periods herein-before specified for that Purpose (saving and except when such Bridge shall be under repair), it shall be lawful for any Parties entitled to pass over the said Bridge, or any of their Agents or Servants, forthwith to close the same in conformity with the Provisions herein contained in respect of the Times when such Bridge ought not to be open.

Regulations for opening the Draw-bridge.

Regulations for opening the Draw-bridge.

Regulations for opening the Draw-bridge.

CXLI. And

Regulations
as to Draw-
bridge in the
Night-time.

CXLI. And be it further enacted, That the said Drawbridge may be drawn back or opened for the Passage of Vessels into or out of the said *Copper House Channel* in the Night-time at any Time between the Hours of Ten at Night and Four in the Morning; provided that the said Railway Company shall not during such Periods of Passage be bound to observe the Regulations with respect to the drawing back of the Bridge herein-before made; and provided that the Parties passing into or out of the said Channel during the last-mentioned Period shall be at liberty to draw back the said Bridge for that Purpose, closing the same again with all convenient Speed after the Passage of such Vessel or Vessels, under a Penalty of Five Pounds to the Party aggrieved, to be levied upon them in the same Manner as the other Penalties given by this Act; but that the same shall at all other Times, except as aforesaid, be kept closed by the said Railway Company.

For ascer-
taining the
Depth of
Water in the
Copper
House
Channel.

CXLII. And be it further enacted, That for the Purpose of ascertaining the Depth of Water in the said *Copper House Channel* for the Purposes aforesaid the said Railway Company shall and they are hereby required to put down and to maintain and keep as near to the said Drawbridge over the said Channel as conveniently may be, and in a conspicuous Part thereof, a Post painted with Figures not less than Six Inches in Length, in Roman Characters, to denote the Height of Water in the said Channel, by which all Parties concerned shall be governed and directed.

Penalties to
be levied on
Masters
of Ships
negligently
grounding in
the Copper
House Chan-
nel.

CXLIII. And for the further securing the said Railway over the said Drawbridge from all malicious or unnecessary Interruption from the Navigation of the said *Copper House Channel*, be it further enacted, That every Master of a Vessel who shall, from malicious Design or Negligence, suffer any Vessel so to take ground in the said Channel as to prevent the closing of the said Bridge and the due working of the said Railway shall for every such Offence forfeit and pay to the said Railway Company the Sum of Five Pounds, and for every consecutive Hour after the first during which the free Passage of the said Railway over the said Bridge shall by such grounding of such Vessel as aforesaid be impeded the additional Sum of Two Pounds, such Sums to be levied and applied in manner directed with respect to any other Penalties by this Act imposed.

Saving Rights
of Cornish
Copper Com-
pany.

CXLIV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to alter, abridge, injure, or affect any of the Rights, Powers, Privileges, Immunities, or Property of any Person or Persons whomsoever in, to, or upon the said Channel from *Hayle* to *Copper House* called the *Copper House Channel*, their Lands or Premises, or the Right of the said *Cornish* Copper Company, or of any Person or Persons in their Employ, or who shall or may traffic or deal with them, or who shall have their Consent or Permission for that Purpose, to pass and repass over the said Iron Drawbridge across the said Channel as heretofore, and either on Foot, or with Horses, Mules, and Carriages, except as aforesaid.

CXLV. And

CXLV. And be it further enacted, That in all Cases where it may be necessary or requisite for any Person or Corporation to serve any Summons or Summonses, Notice or Notices; or any Writ or Writs, or other Proceeding or Proceedings at Law or in Equity, upon the said Company, Service thereof upon the Clerk of the said Company, or delivered to some Inmate at his last or usual Place of Abode, or leaving the same, or a Copy or Copies thereof, at the principal Office of the said Company in *London or Middlesex*, or with the Agent or Clerk of the said Company in *Cornwall*, or delivering the same to some Inmate at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Declaring what shall be good Service of Notice on the Company.

CXLVI. 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 in Print, or partly in Writing and partly in Print, and signed by any One of the Directors, or the Clerk or Clerks for the Time being of the said Company, without being required to be under the Common Seal of the said Company.

All Notices to be given by the Company to be signed by their Clerk or Clerks.

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

In case of Nonpayment of Compensation for Damages, &c. the same to be levied by Distress of the Goods of the Company.

received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or been put unto by virtue of any such Warrant as aforesaid.

If Railway is not completed in Five Years, Powers to make it to cease.

CXLVIII. Provided always, and be it further enacted, That in case the said intended Railway or Tramroad and Branches shall not have been completed and made within the Space of Five Years to be computed from the passing of this Act, then and from and after the Expiration of the said Term of Five Years all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much (if any) of the said intended Railway or Tramroad and Branches and Works as shall have been declared and certified to have been completed within the said Term by the Justices of the Peace of the said County of *Cornwall*, assembled at any Quarter Sessions of the Peace to be holden for the said County at any Time before the Expiration of the said Term of Five Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of One or more Witness or Witnesses upon Oath to be produced before them for that Purpose: Provided also, that no such Certificate shall be granted unless the Line of the Railway from *Hayle Foundry* to the Causeway under *Riviere Cliff* on the North Side of the *Copper House Channel* be first completed.

If Railway is abandoned by the Company, Land to vest in Owners of adjoining Land.

CXLIX. Provided also, and be it further enacted, That if the said Railway or any Part thereof shall at any Time hereafter be abandoned and given up by the said Company, or after the same shall have been completed shall for the Space of Five Years have ceased to be used and employed as a Railway, then and in such Case the Lands, Tenements, and Hereditaments so taken or used by the said Company for the Purposes of this Act, or otherwise the Part thereof over which the said Railway, or any Part or Portion of such Railway, which shall be so abandoned or given up by the said Company, shall pass or be made, shall vest in the Owner or Owners of the Land adjoining that which shall be so abandoned or given up, and the said Iron Draw-bridge shall on the like Event revert to the *Cornish Copper Company*, their Executors, Administrators, or Assigns.

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

CL. And be it further enacted, That where any Damages or Charges are directed or authorized to be paid or recoverable, in addition to any Penalty or Penalties for any Offence or Offences in this Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences; and such Justice or Justices is and 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.

For compelling Witnesses to attend and give Evidence.

CLI. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice or Justices of the Peace touching any Matter of Fact contained

in any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his or her Costs and Charges, without a reasonable Excuse for his or her Refusal or Neglect, or appearing shall refuse to be examined upon Oath (or in case of a Quaker or Quakers on solemn Affirmation) to give Evidence before such Justice or Justices 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, to be recovered in like Manner as any Penalty imposed by this Act may be recovered.

CLII. And be it further enacted, That in all Cases in which any Justice or Justices of the Peace is or are authorized by this Act to examine any Person or Persons, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice or Justices, and he and they is and are hereby required, to administer an Oath to or to receive the Affirmation of any Person or Persons before he, she, or they shall be examined by or before such Justice or Justices.

Justices may administer Oaths and receive Affirmations.

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

Justices may proceed by Summons for the Recovery of Penalties.

CLIV. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or by any Rule, Order, or Bye Law made in pursuance thereof (the Manner of levying and recovering whereof is not otherwise particularly directed), may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any One Justice of the Peace acting within his Jurisdiction, on Complaint to him for that Purpose exhibited by the Oath or Affirmation of any Person or Persons, or on the Confession of the Parties offending (which Oath, Affirmation, or Confession such Justice is hereby authorized to administer or receive); and in default of immediate 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 Justice, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be distrained, the reasonable Charge of such Distress and Sale being first deducted; and one Moiety of the Penalties and Forfeitures, when recovered, shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer of the said Company

Recovery and Application of Penalties.

pany for the Use and Benefit of the said Company ; and in case such Penalties and Forfeitures shall not be forthwith paid it shall be lawful for such Justice, and he is hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his, her, or their Appearance before such Justice, or before some other Justice of the Peace for such Jurisdiction, on such Day or Days as shall be appointed for the Return of such Warrant of Distress (such Day or Days not being more than Ten Days from the taking of any Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise) ; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said 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 any Justice, upon the Confession of the Offender or Offenders or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal to commit such Offender or Offenders to the Common Gaol or House of Correction for the County, Borough, or Place wherein the Offence shall be committed, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture shall be sooner paid and satisfied, together with all the Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, or shall otherwise be discharged by due Course of Law.

Distress not
unlawful for
Want of
Form.

CLV. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser *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.

Appre-
hension of
Offenders.

CLVI. And be it further enacted, That it shall be lawful for any Collector, Surveyor, or other Officer of the said Company, or any other Person or Persons, to seize and detain any Person or Persons who shall commit any Offence or Offences against this Act, and to convey him, her, or them before any One or more Justice or Justices of the Peace for the County, Borough, or Place wherein such Offence shall be committed, without any other Warrant or Authority than this Act for so doing, and such Justice or Justices of the Peace is and are hereby respectively empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders.

CLVII. And

CLVII. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justices or Justice of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up according to the following Form, or any other Form to the same Effect, as the Case shall happen; (that is to say,) Form of Conviction.

‘ to wit. } **B**E 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 *Cornwall*, [*here specify the Offence, and*
 ‘ *the Time and Place where the same was committed, as the Case may be,*]
 ‘ contrary to an Act passed in the Fourth 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.’

CLVIII. And be it further enacted, That any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who may think himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company or Directors, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, may, within Four 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 said County of *Cornwall*, first giving Fourteen Days Notice in Writing of such Intention to appeal, and of the Nature of the Matter thereof, to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, against whom such Complaint is intended to be made, or to the Clerk of the said Company, as the Case may be, and forthwith after such Notice entering into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and 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 the said 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, and Determination, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggrieving as they in their Judgment shall think just and reasonable. Allowing an Appeal.

CLIX. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty’s Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding. Proceedings not to be removed by Certiorari.

Authenti-
cated Bye
Laws to be
Evidence.

CLX. Provided always, and be it further enacted, That in all Cases of Prosecution for Offences against the said Rules, Orders, and Bye Laws 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 being afterwards 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 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 or Tramroad and Branches in manner by this Act directed.

Limitation of
Actions.

CLXI. And be it further enacted, That no Action, Suit, or Information, except in respect of Calls to be made on the Subscribers by virtue of this Act, shall be brought, commenced, or prosecuted against any Person or Persons 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 Fourteen Days previous Notice in Writing shall be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Information, nor unless such Action, Suit, or Information shall be brought or commenced within Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Three Calendar Months next after doing or committing such Damage shall have ceased, and not afterwards, and shall be laid and brought in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information shall and may plead the General Issue, and give this Act and the special Matter in Evidence 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 before or after the respective Times so limited for bringing or commencing the same, or in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become 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, Defendant or Defendants, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, Defendant or Defendants, then the Plaintiff or Plaintiffs, 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.

CLXII. Pro-

CLXII. Provided always, and be it further enacted, That this Act or any thing herein contained shall not hereafter be used against, or shall extend or be taken to prejudice, any Application to Parliament for any Act or Acts for the making or establishing any Turnpike Road whereof any Part or Parts shall or may be adjoining or near the Line of Railway aforesaid, nor to prevent any such Turnpike Road crossing or passing over the said Railway, or any Part or Parts thereof, but that the same respectively shall or may be done to all Intents and Purposes as if this present Act had not been passed.

This Act not to prejudice any Application for a Turnpike Road.

CLXIII. 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.

Public Act.

The SCHEDULE to which this Act refers.

No. on Plan.	Parish.	Owners or reputed Owners.	Lessees for Lives.	Occupiers.	Description of Property.
3	St. Erth -	Sir John St. Aubin Bart. James Praed, Esquire F. H. Rodd, Esquire J.H. Tremayne, Esquire Samuel Stephens, Esquire	Henry Harvey, Esquire	Henry Harvey, Esquire	Part of the New Quay.
4	Phillack -	Cornish Copper Company.	- - -	Cornish Copper Company	Ditto.
5	Ditto -	Ditto -	- - -	Ditto - -	Wharfs, &c.
6	Ditto -	Ditto -	- - -	Ditto - -	Part of a Dock.
7	Ditto -	Ditto -	- - -	Ditto - -	Iron Drawbridge.
20	Ditto -	Sr John St. Aubin Bart. and Cornish Copper Company.	- - -	Ditto - -	Coal Yard and Shed.
25	Ditto -	Ditto and Ditto	- - -	Ditto - -	Waste and Rope Walk.
26	Ditto -	Ditto and Ditto	Susannah Marett -	Susannah Marett -	Garden.
27	Ditto -	Ditto and Ditto	- - -	John Courtis -	Garden.
29	Ditto -	Cornish Copper Company.	Susannah Marett -	Susannah Marett -	Garden and Shed.
46	Ditto -	G. W. F. Gregor, Esquire and Heir of late Miss Harris.	Matthew Tremayne, John Tremayne, Mary Courts	Henry Tremayne	Garden.
47	Ditto -	Ditto and Ditto	Ditto - -	Ditto - -	Orchard.
52	Ditto -	Thomas Hodge - -	- - -	Thomas Hodge -	Garden.
54	Ditto -	John James - -	- - -	John James - -	Garden.
73	Gwinear -	Mr. Paul Burall - -	- - -	Mr. Paul Burall -	Plantation.
77	Ditto -	Ditto - -	- - -	John Gilbert -	Orchard.
79	Ditto -	Ditto - -	- - -	Mr. Paul Burall -	Plantation.
100	Ditto -	Mrs. Spry - -	- - -	Richard Hocking -	Garden.
154	Ditto -	Mrs. Hartley - -	John Pearce -	Mary Harris -	Ditto.
156	Ditto -	Ditto - -	- - -	Richard Bennett -	Ditto.
227	Camborne	G. W. F. Gregor, Esquire and Heir of late Miss Harris.	Joseph Paull -	Johnson Sandow -	Mowhay.
245	Ditto -	Lord de Dunstanville	Peter Temby -	William Prideaux	Garden and Waste.

No. on Plan.	Parish.	Owners or reputed Owners.	Lessees for Lives.	Occupiers.	Description of Property.
260	Camborne	Lord de Dunstanville	William Gribble and John Sampson.	William Gribble and John Sampson.	Garden.
261	Ditto	Ditto	William Oates	William Williams & Richard Chyvean.	Ditto.
366	Redruth	J. W. Buller, Esquire	Henry Ede	Matthew Ede.	Ditto.

Branch from the Main Line near Angarrack to and beyond Wheal Vor Mine.

433	Phillack	Rev. Wm. Hockin	- - -	Charles Upton	Orchard.
434	Ditto	Ditto	- - -	Ditto	Garden.
463	Ditto	Honble. Mrs. Agar J. W. Buller, Esquire Gregory Nicholls, Esquire	} William Uren	William Uren	Garden.
476	Gwinear	Duke of Leeds		Thomas Michell	Thomas Michell
488	Ditto	J. H. Tremayne, Esquire	Richard Southcott	Richard Southcott	Orchard and Garden.
490	Ditto	Duke of Leeds	Thomas Polkinhorne	John Williams, Joseph Faull.	Courtlage.
498	Ditto	Ditto	James Rowe	James Rowe	Garden.
501	Ditto	Ditto	W. Pelamountain	Thomas Michell	Ditto.
513	Ditto	Ditto	Samuel Thomas	Samuel Thomas	Ditto.
516	Ditto	Ditto	Joseph Arthur	Joseph Arthur	Ditto.
520	Ditto	Ditto	John Penhale	John Penhale	Ditto.
521	Ditto	Ditto	Ditto	Walter Reed	Ditto.
536	Ditto	Sir John St. Aubin Bart. and Miss Tocker.	- - -	Samuel Rogers jun.	Ditto.
548	Crowan	Sir John St. Aubin	Richard Harvey	Richard Harvey	Mowhay.
549	Ditto	Ditto	Ditto	Ditto	Courtlage and Garden.
566	Ditto	Ditto	John James	Richard Penaluna	Garden.
568	Ditto	Ditto	Ditto	John Schollar	Old Garden Plot.
575	Ditto	Ditto	Thomas Ivey	William Jewell	Garden.
576	Ditto	Ditto	Ditto	Thomas Ivey	Mowhay, &c.
578	Ditto	Ditto	Ditto	Ditto	Orchard.
605	Breage	Duke of Leeds	- - -	Henry Trevarton	Garden.
650	Ditto	Ditto	Peter James	John James	Mowhay.
667	Ditto	Ditto	James Williams	James Williams	Garden.
669	Ditto	Ditto	Wilmot Bawden	Betsey Bawden	Garden.
672	Ditto	Ditto	Robert Symons	George Bawden	Ditto.
673	Ditto	Ditto	Richard Tregideon	Richard Tregideon	Ditto.
676	Ditto	Ditto	Ditto	Ditto	Ditto.
678	Ditto	Ditto	Robert Symons	John Phillips	Ditto.
682	Ditto	Ditto	Ditto	Joseph Bawden	Ditto.

[Local.]

No. on Plan.	Parish.	Owners or reputed Owners.	Lessees for Lives.	Occupiers.	Description of Property.
689	Breage	Duke of Leeds - -	Betsey Lukey -	Thomas Smithram and John Richard.	Garden.
693	Ditto	Ditto - -	Phillis Rogers -	Phillis Rogers -	Ditto.
997	Illogan	Hon. Mrs. Agar -	John Merryn -	John Merryn -	Ditto.
1006	Ditto	Ditto - -	Joseph Blight -	Joseph Blight -	Ditto.
1033	Ditto	Lord de Dunstanville	John Garland -	John Garland -	Orchard.
1035	Ditto	Ditto - -	Benjamin Webster	Benjamin Webster	Garden.
1036	Ditto	Ditto - -	Executors of William Burrell.	Thomas Burrell -	Orchard.
1037	Ditto	Ditto - -	Ditto - -	Ditto - -	Ditto.
1051	Ditto	Ditto - -	George Reynolds -	George Reynolds	Garden.
1053	Ditto	Ditto - -	Portreath Company	Portreath Company	Copper Ore Floor.

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