



ANNO SEPTIMO

GULIELMI IV. REGIS.

Cap. xxviii.

An Act to alter the Line of the *Preston and Wyre* Railway, and to amend the Act relating thereto. [5th May 1837.]

WHEREAS an Act was passed in the Fifth and Sixth Year of the Reign of His present Majesty, intituled *An Act for making a Railway from Preston to Wyre, and for improving the Harbour of Wyre, in the County Palatine of Lancaster*: 5 & 6 W. 4. c. 58.
 And whereas it is expedient that a small Portion of the Line of the said Railway should be altered, and that some of the Powers and Provisions of the said recited Act should be amended and enlarged; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the 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 all the Powers, Authorities, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Clauses, Matters, and Things contained in the said recited Act (except such of them or such Parts thereof respectively as are by this Act repealed, altered, or otherwise provided for,) shall extend and be construed to extend to this Act, and to the several
 [Local.] 10 L Works
 Powers of recited Act extended to this Act.

Works and Things hereby authorized or required to be made and done, and shall operate and be in force, in respect to the Objects and Purposes of this Act, as fully and effectually to all Intents and Purposes whatsoever as if the same Powers, Authorities, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Clauses, Matters, and Things were repeated and re-enacted in this Act.

Power to alter the Line of Railway in certain Cases.

II. And be it further enacted, That it shall be lawful for the *Preston* and *Wyre* Railway and Harbour Company and they are hereby empowered to make the Alteration herein-after mentioned of or in the Line of the said Railway as authorized or directed by the said recited Act, and to make and maintain the said Railway and Works in the Line or Course, and upon, across, under, or over the Lands delineated on the Plan and described in the Book of Reference deposited as herein-after mentioned with the Clerk of the Peace for the County Palatine of *Lancaster*; (that is to say,) such Alteration commencing in a Field in the Township of *Weeton* in the Parish of *Kirkham* numbered Eleven on the Plan deposited pursuant to the Directions of the said recited Act with the Clerk of the Peace for the said County Palatine of *Lancaster*, and terminating in a certain Field in the Township of *Hardhorn* in the Parish of *Poulton* numbered Two on the said last-mentioned Plan, and to be made in, and to pass from, through, or into the said several Parishes of *Kirkham* and *Poulton*, and the said several Townships of *Weeton* and *Hardhorn* and *Great Singleton* in the said County; and the said Company are hereby authorized to abandon such Parts of the said original Line of Railway as by reason of the Alteration by this Act authorized to be made will be rendered useless and unnecessary; and all the Powers, Authorities, Privileges, and Directions which by the said recited Act are given for making and maintaining the Portion of the original Line of Railway by this Act authorized to be abandoned shall, from and immediately after the making of the Alteration herein mentioned, cease and determine.

Plan deposited with the Clerk of Peace shall remain there and be open to Inspection.

III. And whereas a Map or Plan describing the Line of the intended Alteration of the said Railway, and the Lands in and through which the same and the Works connected therewith is intended to be carried or made, together with a Book of Reference thereto containing the Names of the Owners or reputed Owners and of the Occupiers of such Lands, has been deposited in the Office of the Clerk of the Peace for the County Palatine of *Lancaster*; be it therefore enacted, That the said Map or Plan and Book of Reference so deposited shall remain with and be kept by the said Clerk of the Peace, and all Persons interested in any Manner in such Lands shall at all seasonable Times have Liberty to inspect and to make Extracts from or Copies of the said Map or Plan and Book of Reference, paying to the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words copied therefrom; and the said Map or Plan and Book of Reference, or true Copies thereof, or of so much thereof respectively as shall relate to any Matter in question, certified by the said

said Clerk of the Peace, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

IV. Provided always, and be it further enacted, That it shall be lawful for the said Company to make the said Alteration in the Line or Course, and upon, across, under, or over the Lands delineated on the said Map or Plan, subject as herein-after mentioned, although such Lands or any of them, or the Situation thereof respectively, or the Names of the Owners or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in the said Book of Reference, if it shall appear to any Two or more Justices of the Peace for the said County (in case of any Dispute about the same), and be certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake; and the Certificate of such Justice shall be deposited with and kept by the said Clerk of the Peace, and shall be sufficient for all the Purposes of this Act.

Errors and Omissions in Book of Reference not to obstruct the making of the Railway.

V. Provided also, and be it further enacted, That nothing herein contained shall authorize the said Company or any other Person acting under their Authority to take, injure, or damage for the Purposes of this Act any House or other Building which was erected on or before the Thirtieth Day of *November* One thousand eight hundred and thirty-six, or any Ground which was then set apart and used as a Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk or Avenue to a House, or any Ground then inclosed and planted as an Ornament or Shelter to a House, or as a Nursery for Trees, without the Consent in Writing of the Owner and Occupier thereof respectively.

Houses, Gardens, &c. not to be used.

VI. And be it further enacted, That the said Company, in making the Alterations and other Works by this Act authorized, shall have full Power to deviate from the Line of the said Railway and other Works as delineated on the Map or Plan thereof deposited with the Clerk of the Peace as herein-before is mentioned, with such Deviation in the Section as may be necessary in consequence thereof: Provided always, that no such Deviation shall extend to a greater Distance in any Town than Ten Yards, or in any other Place than One hundred Yards, from the Line so delineated on the said Plan, nor shall any such Deviation extend into the Lands of any Person whose Name is not mentioned in the said Book of Reference, unless the Name of such Person shall have been omitted by Mistake or Inadvertence, and unless the Fact that such Omission proceeded from Mistake or Inadvertence shall have been certified in manner herein-before provided for in Cases of unintentional Errors in the said Book of Reference.

Power to deviate from Plan.

VII. And be it further enacted, That the said Alteration shall not be made across any public Footpath on the Level; and where the Line of such Alteration shall cross any public Footpath the said Company shall make and maintain convenient Ascents and Descents, as the Case may be, to such Footpaths; and where the same shall cross any public Carriage Road, either such public Carriage Road shall be carried

Respecting the crossing of Footpaths or public Carriage Roads.

carried over the said Railway, or the said Railway shall be carried over the said public Carriage Road, by means of a Bridge, in the Manner provided for by the said recited Act with respect to Cases where the Railway crosses a Turnpike Road.

Provision for
Injury to
Roads.

VIII. And be it further enacted, That in all Cases where, in exercise of the Powers hereby granted for making the said Alteration, any Part of any Carriage or Horse Road or Foot Road, Railway or Tramroad, either public or private, shall be found necessary to be crossed, cut through, raised, sunk, taken, or so much injured as to be impassable for Travellers, Passengers, or Carriages, or the Persons entitled to the Use thereof, the said Company shall at their own Expence, before any such Road shall be so crossed, cut through, raised, sunk, taken, or injured as aforesaid, cause a good and sufficient Road, as the Case may require, to be set out and made instead of such Road so crossed, cut through, raised, sunk, or injured; and such new Road shall be as convenient for Passengers and Carriages as the said Road so to be crossed, cut through, raised, sunk, or injured as aforesaid, or as nearly so as may be; and the said Company shall cause such new Road to be put into good and substantial Order and Condition where the former Road cannot be more easily restored; and where the Road so crossed, cut through, raised, sunk, or passed over shall be a Turnpike Road, the substituted Road, if temporary, shall be set out and made as aforesaid, and the principal Road restored, within Six Calendar Months after the Commencement of such Operation; and the Railway, where it shall cross or run within the Distance of Twenty Yards from the Side of any Turnpike Road, shall be made, fenced off, and kept in repair so as to prevent Inconvenience or Obstruction to the Passage along such Turnpike Road, or Accidents thereon.

Penalty on
Company
making de-
fault in re-
instating
Turnpike
Roads.

IX. Provided always, and be it further enacted, That in case the said Company shall neglect to set out and make a good and sufficient Road as herein-before mentioned, or if, in the Execution of the Alteration to be made in pursuance of this Act, any Turnpike Road shall be cut through, raised, sunk, or injured, and the same shall not be restored within the Period prescribed by this Act, then and in either of such Cases the said Company shall forfeit and pay for every Day during which such good and sufficient Road shall be neglected to be set and made, and during which such Turnpike Road shall not be restored after the said prescribed Period (as the Case may be), the Sum of Thirty Pounds, to be levied, recovered, and applied in the same Manner as other Penalties are by the said recited Act directed to be recovered, levied, and applied.

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

X. And be it further enacted, That in all Cases where, in making the proposed Alterations in the Line of the said Railway, any Bridge shall be erected by the said Company for the Purpose of carrying the said Railway 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 Thirty Feet

Feet in the Case of a Turnpike Road, and Twenty Feet in the Case of a public Carriage Road, and of a Height from the Surface of such Turnpike Road to the Centre of such Arch of not less than Sixteen Feet, and of a Height from the Surface of any public Carriage Road to the Centre of such Arch of not less than Fourteen Feet; and the Descent under any such Bridge in the Case of a Turnpike Road shall not exceed One Foot in Thirty Feet, and in the Case of a public Carriage Road shall not exceed One Foot in Twenty-five Feet, and in case of a private Carriage Road shall not exceed One Foot in Fifteen Feet.

XI. And be it further enacted, That in all Cases where, in making the proposed Alterations in the Line of the said Railway, any Bridge shall be erected for carrying any Turnpike Road, Highway, or Occupation Road over the said Railway, 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 Parapet Walls or Fences of such Road of not less than Thirty Feet; and the Ascent of every such Bridge for the Purpose of such Turnpike Road shall not be more than One Foot in Thirty Feet, and for the Purpose of any such Highway not more than One Foot in Twenty-five Feet, and for the Purpose of any such Occupation Road not more than One Foot in Thirteen Feet; and a good and sufficient Parapet Wall or Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Five Feet above the Surface of such Bridge.

Regulating
Ascent of
Bridges for
carrying
public Roads
over Rail-
way.

XII. And be it further enacted, That in case the said Railway shall at any Time hereafter, from its near Approach to any Turnpike Road, occasion Danger to the Travellers on such Road in consequence of Horses being frightened by the Sight of the Engines and Carriages travelling upon the said Railway, it shall be lawful for any Person or Persons to make Complaint thereof to any Two Justices of the Peace acting for the District where such Turnpike Road shall lie, who shall summon the Clerk or Treasurer for the Time being of the said Company, or One of the Directors thereof, before them to answer such Complaint; and if it shall appear to such Justices that the said Complaint is reasonable, then the said Company shall, within such Time as shall be ordered by the said Justices in that Behalf, and after Notice of such Order served upon them, or their principal Engineer, Clerk, or other Officer, within such Time as shall be appointed by the said Justices commence and within such Time as shall be appointed by the said Justices complete such Works in the Nature of a Screen, near to or adjoining the Sides of the said Turnpike Road or of the said Railway, as shall be directed by the said Justices, so as to prevent such Danger to Travellers upon the said Turnpike Road; and in case the said Company shall neglect, within the Time appointed in that Behalf, to commence, or shall not continue to execute such Works until the due Completion thereof, or shall not complete the same within the Time in that Behalf appointed, the said Company shall forfeit and pay for every Day during which the said Company shall not commence or shall not proceed in the Completion of such Works, or during which the said Works shall not be completed after

Company to
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on Side of
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Turnpike
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the Time appointed for the Completion thereof, the Sum of Twenty-five Pounds, to be recoverable by the Commissioners or Trustees of the said Turnpike Road from the said Company in such and the same Manner as any other Penalties incurred by the said Company for which no special Provision is made by the said recited Act.

Expences
of deducing
Titles to be
paid by the
Company.

XIII. And be it further enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as the Purchaser, of all Conveyances and Assurances of any Land which shall be purchased or taken by the said Company for the Purposes of the Alterations to be made by virtue of this Act, or any Terms or Interest therein, and of deducing, evidencing, and verifying such Title as the said Company may require to the said Lands, or any Term or Interest therein, and of making out and furnishing such Abstract and such attested Copies as the said Company may require, and all Expences whatsoever incident to the Investigation, Deduction, and Verification of such Title, shall be exclusively borne and paid by the said Company; and the said Company, before entering into Possession of the Lands so purchased or taken, shall pay the Amount of such Costs, Charges, and Expences, or in case there shall be any Dispute about the same shall obtain such Order as herein-after mentioned, and shall deposit for the Purpose of paying the same, in such Manner as is herein-after mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party from whom the Lands shall be purchased or taken: Provided always, that the said Company shall not be prevented from entering into Possession of the Lands so purchased, by reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason of the Order herein-before mentioned not having been obtained, or the Deposit herein mentioned not having been made, unless the Party from whom such Lands shall have been purchased shall, within Ten Days after Notice in Writing for that Purpose shall have been given to him by the said Company, deliver a Bill of his said Costs, Charges, and Expences to the said Company.

How such
Costs are
to be ascer-
tained.

XIV. And be it further enacted, That if the said Company and the Party aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences, the same shall be ascertained by the said Court of Exchequer; and it shall be lawful for the said Court, on Petition to be presented by the said Company, to order and direct that such Costs, Charges, and Expences shall be referred to one of the Masters of the said Court to be taxed in the usual Manner; and such Order shall be served on the Party aforesaid, who shall be at liberty to proceed under the same; and after Taxation thereof it shall be lawful for the said Court to order and direct the Amount of such Costs, Charges, and Expences so taxed, together with the Costs, Charges, and Expences attending the Taxation thereof, or so much of the same as shall be payable by the said Company to the Person from whom such Lands shall have been purchased or taken, to be paid to the Person aforesaid, and the Money so deposited as aforesaid shall be applied, under the Direction of the said Court, towards the Payment thereof, so far as the same will extend: Provided always, that the said Company shall not be at liberty to enter into the Possession of the Lands so purchased or
taken

taken until an Order shall have been made for the Taxation of the said Costs, Charges, and Expences, and shall have been served on the Party aforesaid, and the said Company shall have deposited in 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 there *ex parte* "The *Preston and Wyre* Railway and Harbour Company," pursuant to the Method prescribed by the herein-before mentioned Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, the Amount claimed for such Costs, Charges, and Expences; which Sums shall be applied, under the Order of the said Court, in payment of the said Costs, Charges, and Expences: Provided always, that the Expence of determining such Costs, Charges, and Expences as aforesaid, and of obtaining the Order or Orders referring the same to be taxed, shall be paid and borne by the said Company, unless One Sixth Part of the said Costs, Charges, and Expences shall be disallowed, in which Case the said Expence shall be paid and borne by the Person from whom the said Lands were purchased or taken, and the Amount thereof may then be paid to the said Company out of the said Sum so deposited by them as aforesaid.

XV. And be it further enacted, That in order to enable Carriages to pass with Facility and Safety from the *Preston and Wyre* Railway to the intended *Preston and Lancaster* Railway it shall be lawful for the said *Preston and Wyre* Railway Company, and they are hereby fully authorized and empowered, to make and construct and to support a Branch from out of the South Side of the said *Preston and Wyre* Railway to communicate with the Western Side of the said intended *Preston and Lancaster* Railway at some Part South of the Place where the said *Preston and Lancaster* Railway is intended to cross the said *Preston and Wyre* Railway: Provided always, that such Branch of Communication from the said *Preston and Wyre* Railway to the said intended *Preston and Lancaster* Railway hereby authorized shall not in any Part thereof be farther distant from the Line of the said *Preston and Wyre* Railway than One hundred Yards, and that the Opening in the Ledges or Flanches of the intended *Preston and Lancaster* Railway for completing such Communication shall be made under the Direction and Superintendence of the Engineer for the Time being of the said *Preston and Lancaster* Railway Company.

To enable the *Preston and Wyre* Railway Company to make a Branch into the *Preston and Lancaster* Railway.

XVI. And whereas by the said recited Act Power is given to the Owners or Occupiers of Lands adjoining to the said Railway, or any other Persons, to lay 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: And whereas it is expedient that the said Company should be authorized and enabled to execute any Branch Railways upon the Request of any Land Owner, under such Terms and Restrictions as may be mutually agreed upon between them; be it therefore enacted, That the said Company may and they are hereby empowered, upon the Request in Writing of any Land Owner or Owners through whose Lands the said Branch Railway or Railways is or are desired to be made, and with the Consent in Writing previously obtained of the

Power to mak Branch Railways, with the Consent of Land-owners.

the Owners and Occupiers of Land through which the said Branch Railway or Railways respectively is or are intended to be made, to construct, make, and execute such Branch or Branches as aforesaid, and to enter into and carry into effect such Arrangements with respect to the said Branch Railway or Railways, and the Mode of Construction thereof, or relating to the Cost and Expences which may be thereby incurred, as may be mutually agreed upon between the said Land Owner or Owners and the said Company: Provided always, that no such Branch Railway or Railways shall be made by the said Company without the Sanction of a General or Special General Meeting of the Proprietors of the said Company: Provided also, that the said Company, and such Owner or Owners of Land as aforesaid, shall not receive any Rate or Toll or Sum for the passing of any Goods or other Things along such Branch Railway or Railways to be so made as aforesaid.

Where a Part of any Lands purchased is subject to a Rent, the Remainder, if Rent be not apportioned, to remain subject thereto.

XVII. And whereas the said Company have already purchased and may hereafter purchase Lands, Tenements, or Hereditaments holden, together with other Lands, Tenements, or Hereditaments not purchased by the said Company, by Lease or Leases for a Life or Lives, or for a Term or Terms of Years absolute or determinable on some Event or Events, all which Hereditaments may be subject to One entire Rent or several entire Rents, and to One Set of Covenants and Agreements relating to the whole of the Premises so demised, and to One or more Proviso or Provisoes, Condition or Conditions, for Re-entry on Nonpayment of Rent, or Breach or Nonperformance of all or any of such Covenants or Agreements, and on such Purchase or Purchases the entire Rent or Rents may have been or may hereafter be apportioned, and Part of such Rent or Rents may have been or may hereafter be extinguished, and the Term or other Estate and Interest of the Lessee or Lessees may have been or may be hereafter merged and extinguished; and under the Authority of the said recited Act and of this present Act such Proportion of the Rent or Rents payable for or in respect of the Leasehold Premises comprised in any one Lease as may not be or may have been intended to be extinguished, and the Remedies for the same, are preserved; but it is deemed advisable that the Provisions of the said Act should be extended for the Benefit of the Lessors in any such Leases, and their Representatives, and of all other Persons entitled or to become entitled to such Rents, and the Benefit of such Covenants, Provisoes, and Agreements; be it therefore enacted, That in all Cases where any Lands, Tenements, or Hereditaments have already been or shall hereafter be purchased by the said Company which were or shall be holden, together with Lands, Tenements, or Hereditaments not purchased by the said Company, under one or the same Lease, such last-mentioned Lands, Tenements, or Hereditaments shall (in case there shall be no Apportionment of Rent) be and remain subject to the whole of the Rent or Rents reserved by the Lease under which the same were or shall be holden together with the Lands, Tenements, or Hereditaments purchased by the said Company; and that the Remedies for the Recovery of such entire Rent or Rents shall be and at all Times remain as effectual as if the Lands, Tenements, or Hereditaments

Hereditaments not so purchased had alone been originally charged with the whole of such Rent or Rents; and that in all Cases where any such Lands, Tenements, or Hereditaments so holden by Lease as aforesaid together with other Lands, Tenements, or Hereditaments, have already or shall hereafter be purchased by the said Company, all the Covenants, Provisoos, Conditions, and Agreements contained in any such Lease or Leases as aforesaid shall be and remain as effectual, with respect to the Lands, Tenements, or Hereditaments comprised in such Lease or Leases, and not purchased by the said Company, as if the Lands, Tenements, or Hereditaments not so purchased had alone been originally comprised in such Lease or Leases, save and except that where any Rent or Rents hath or have been or shall or may be hereafter apportioned under the Authority of the said recited Act or of this present Act, such Covenants, Provisoos, and Agreements, so far as the same relate to the Payment or Nonpayment of Rent, shall extend only to such Proportion of the Rent as shall not have been merged or extinguished; and it is hereby declared that this present Enactment shall have a retrospective as well as a prospective Operation, and shall extend as well to the Cases of Purchases already made as to those which may hereafter be made by the said Company.

XVIII. And whereas it would tend much to the Convenience of the Public if Railway Companies were empowered to enter into mutual Arrangements, so as to avoid the Necessity of a Change of Carriages and other Delays arising from a Diversity of Interests; be it therefore enacted, That, notwithstanding any thing in this or the said recited Act contained, it shall be lawful for the said *Preston* and *Wyre* Railway and Harbour Company, and they are hereby empowered, from Time to Time to make and enter into any Contract or Agreement with any other Railway Company (and which Contract or Agreement all other Railway Companies are hereby empowered to make and enter into), either for the Division or Apportionment of Tolls or Rates, or for the Passage over or along the Railway by this and the said recited Act authorized to be made of the Engines or Carriages of or belonging to any other Railway Company or other Person, or which shall pass over or along any other Line of Railway, or for the Passage over or along any other Line of Railway of any Engines or Carriages which shall belong to the said *Preston* and *Wyre* Railway and Harbour Company, or which shall pass over or along their Line of Railway, upon the Payment of such Tolls or Rates and under such Conditions and Restrictions as may be mutually agreed upon, and also to make and enter into any Contract with any other Railway Company that may be deemed advisable; and any such Contract may contain such Covenants, Clauses, Provisoos, Conditions, and Agreements as the contracting Parties may respectively think advisable and mutually agree upon: Provided always, that no such Contract shall in any Manner alter, affect, increase, or diminish any of the Rates, Tolls, or Sums which the respective Companies, Parties to such Contracts, shall for the Time being be respectively authorized and entitled to have, demand, recover, or receive of or from any Person or any other Company; but that all other Persons and Companies shall, notwithstanding any such Contract, be entitled to the

Company
empowered
to contract
with other
Railway
Companies.

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Use

Use and Benefit of any of the said Railways upon the same Terms and Conditions, and upon Payment of the same Tolls, Rates, and Sums, as they would have been in case no such Contract had been entered into; nor shall any such Contract give any Preference or Advantage to any Company or Person Party thereto over any other Company or Person, but all such Companies and Persons so contracting shall, notwithstanding such Contract, pay the same Amount of Tolls or Rates as shall from Time to Time be charged to other Companies or Persons not being Parties to such Contracts; and no Person or Party using the said Railway shall pay or be liable to pay any greater Amount of Toll or Rate for or in respect of any Carriage, Passenger, Goods, Articles, Matters, or Things carried or conveyed upon or along or using the said Railway, than any of such Railway Companies.

Power to purchase Interests in Lands the Purchase whereof has been omitted by Mistake.

XIX. And be it further enacted, That if at any Time after the said Company shall have entered upon any Lands which shall be permanently required for the Purposes of the said recited Act or this Act, any Person or Corporation shall appear to be entitled to any Estate, Right, or Interest in, to, or affecting such Lands, which Estate, Right, or Interest the said Company shall have failed or omitted duly to purchase, or to pay Satisfaction or Compensation for, by reason of the said Company not having had express Notice of the Existence thereof, or by reason of any other Accident or Mistake, and such Estate, Right, or Interest shall not have been vested in or barred or extinguished for the Benefit of the said Company by virtue of any of the Provisions in the said recited Act or in this Act contained, then, notwithstanding such Estate, Right, or Interest, and whether the Period limited for the Completion of the said Railway shall then have expired or not, the said Company shall remain in the undisturbed Possession of such Lands for the Purposes of the said recited Act and this Act; but the said Company shall with all convenient Speed purchase or pay Compensation or Satisfaction for such Estate, Right, or Interest; and the Purchase Money, Compensation, or Satisfaction to be paid for the same shall be agreed on or awarded to be paid, and such Estate, Right, and Interest shall be vested in or barred or extinguished for the Benefit of the said Company, in like Manner as according to the Provisions in the said recited Act or in this Act contained the same respectively would have been agreed on or awarded, and paid and vested, barred or extinguished, in case the said Company had purchased or paid Compensation or Satisfaction for such Estate, Right, or Interest before their Entry upon such Lands, or as near thereto as the Circumstances will admit.

Power to borrow any Part of the Sum of 40,000*l.* on Bond.

XX. And be it further enacted, That it shall be lawful for the said Company or for the Directors thereof, after an Order shall have been made for that Purpose by any General or Special General Meeting, and they are hereby authorized and empowered, to take up at Interest the Whole or any Part, as they shall think proper, of the Sum of Forty thousand Pounds authorized by the said recited Act to be borrowed on Mortgage, and to secure the Repayment thereof, with Interest at such legal Rate as may from Time to Time be agreed

in his own Name; and it shall not be in the Power of any Person who shall have made such Transfer to make void or release any Bond so by him transferred, or any Sum of Money thereon due or thereby secured, or any Part thereof.

Power to increase Capital Stock by raising Amount of Shares.

XXI. And be it further enacted, That in case the said Company, at any General or Special General Meeting to be called as in the said recited Act is directed, instead of borrowing such further or additional Sum as aforesaid by way of Mortgage or Bond, or continuing the same on Mortgage or Bond, shall think it advisable to raise such further or additional Sum, or any Part thereof, by way of Augmentation of their Capital Stock, or shall deem it expedient to borrow or continue at Interest only a Part of the said further or additional Sum by way of Mortgage, and to raise the Remainder thereof or Part of the Remainder thereof by way of Augmentation of their Capital Stock, then and in either of the said Cases it shall be lawful for the said Company by the issuing of new Shares to augment the Capital Stock of the said Company by any further Sum of Money, so as the same, together with any Sum of Money that may be borrowed and continuing at Interest by way of Mortgage or Bond as aforesaid, shall not exceed the Sum of Forty thousand Pounds by the said recited Act authorized to be raised as aforesaid; and all such further and additional Capital Stock, not exceeding such last-mentioned Sum, as shall be so raised, shall be considered as Part of the general Capital Stock of the said Company, and be under and subject to the same Provisions, Regulations, Directions, and Management in all respects, and to all Intents and Purposes, as if the same had been Part of the original Capital Stock of the said Company, except as to the Times of making Calls for the said additional Capital Stock and the Amount of such Calls respectively, which shall from Time to Time be appointed by the said Company: Provided always, that all the Regulations, Provisions, and Authorities in the said recited Act contained in relation to the Calls for the Capital Stock of the said Company, and to the Recovery thereof or of any Arrears thereof, and to the Forfeiture of any Sums advanced by reason of any Neglect or Refusal to comply with such Calls, shall be applicable to the Calls for the said Sum of Forty thousand Pounds, or such Part thereof as shall be required to be raised by way of additional Capital Stock as aforesaid, and to the Refusal or Neglect to comply with such last-mentioned Calls.

Power to borrow Money of Exchequer Loan Bill Commissioners, and give Security,
3 G. 4. c. 86.

XXII. And be it further enacted, That it shall be lawful for the said Company at any Time or from Time to Time, by Order of any General or Special General Meeting, to borrow of the Commissioners for carrying into execution an Act of Parliament passed in the Third Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to amend Two Acts of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Act*, any Sum of Money not exceeding in the whole the Sum of

Money by the said recited Act authorized to be raised by Mortgage as aforesaid, and by Deed under the Common Seal and at the Costs of the said Company to assign and assure to the Secretary for the Time being of the said Commissioners and as they shall direct, free from all Incumbrances, the said Undertaking, and all the Works and Property of the said Company, and all Rates, Tolls, Profits, and Receipts accruing and thereafter to accrue to or for the Use of the said Company under or by virtue or authority of the said recited Act or this Act, or otherwise, for securing to the said Commissioners the Repayment of the Amount of Exchequer Bills to be so borrowed as aforesaid.

XXIII. And be it further enacted, That every Security to be given to the said Commissioners as aforesaid shall not be affected by any Informality in any Meeting or Proceeding of the said Company or the said Directors, and shall have Priority over all other Mortgages, Charges, and Securities whatsoever to be created by the said Company under the Authority of the said recited Act or this Act.

Security to the said Commissioners to have Priority.

XXIV. And be it further enacted, That in all Cases in which the said Company shall carry on the said Railway for their own Profit any Passengers, Cattle or other Animals, Goods, Wares, or Merchandize, Articles, Matters, or Things, a separate Account shall be duly kept, showing the Amount of the Rates or Tolls which would have been received by the said Company for the Use of the said Railway in respect of such Passengers, Cattle or other Animals, Goods, Wares, or Merchandize, Articles, Matters, or Things, if carried by any other Party or Parties; and the said Company shall also keep an Account of all Tolls and Rates which shall be actually received by them for the Carriage of the same; and the Overseers of the Poor of the several Parishes and Townships through which the said Railway shall pass shall have free Access to and Liberty to inspect such Accounts at any Time during the first Fourteen Days in the Months of *May* and *November* in each Year; and if the said Company shall neglect or refuse to keep such Accounts, or to permit such Inspection thereof as aforesaid, they shall forfeit and pay for every such Neglect or Refusal the Sum of Three hundred Pounds, and the further Sum of Fifty Pounds for every Day during which such Neglect or Refusal may continue.

When Company carry Passengers or Goods for their own Profit, a separate Account to be kept.

XXV. And be it further enacted, That the Times by the said recited Act limited for the taking or using of Lands for the Purpose of the said Undertaking, and also for the completing and finishing the said Railway and Harbour, shall be and are hereby respectively extended and enlarged for the further Terms of Two Years, to be computed from the Expiration of the respective Times in such Act mentioned.

Time enlarged for taking Lands and completing Works.

XXVI. And be it further enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, and of making the Surveys, Plans, and Estimates, and all other Costs, Charges, and Expences in any way incident thereto, shall be paid and defrayed by

For defraying Expences of this Act.

[*Local.*]

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the said Company out of the Money already raised and received, or out of the first Money to be raised or received by virtue of the said recited Act or this Act, in preference to any other Payment whatsoever.

Public Act.

XXVII. 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.

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