



ANNO SEXTO

# GEORGIIV. REGIS.

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## *Cap. cxx.*

An Act for making and maintaining a Railway or Tramroad from the Sea Shore at or near *Whitstable* in the County of *Kent* to or near to the City of *Canterbury* in the said County.

[10th June 1825.]

**W**HEREAS the making and maintaining of a Railway or Tramroad, for the Passage of Waggons and other Carriages, from the Sea Shore at or near the Bay of *Whitstable* in the County of *Kent*, in and through the several Parishes and Places herein-after mentioned, to or near unto the City of *Canterbury*, and also the making and maintaining proper Piers, Wharfs, Landing Places, Quays, and other Works in or near the Bay of *Whitstable* aforesaid, for the Purpose of loading and unloading Goods and Merchandize to and from Vessels and Craft trading from and to *Whitstable* aforesaid, will be of great public Utility, by facilitating the Conveyance of Goods, Wares, and Merchandize of every Description between the Sea Shore at or near *Whitstable* aforesaid, and the City of *Canterbury* and the neighbouring Country, by affording a cheaper Conveyance for all Articles of Merchandize, by relieving the Turnpike and other Roads in the Neighbourhood, and by materially assisting the Agricultural and Commercial Interest as well as the general Traffic of that Part of the Country, and by tending to the Improvement of the Estates and Property in the Vicinity of the said Railway or Tramroad: And whereas, by Levels and Surveys made and taken of the Line of the said proposed Railway or Tramroad, the Practicability of making

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the same has been ascertained, and the several Persons herein-after named are desirous and willing, at their own Expence, to make and maintain the said Railway or Tramroad, and such other Works as are herein-after mentioned; 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 *John Brent, George Baker, William Henry Baldock, George Curteis, John Cramp, George Cramp, Abraham Dombain, George Friend, Richard Halford, William Hyder, John Headdy, Edward Kingsford the younger, Henry Kingsford, Sampson Kingsford, William Kitchingham, Sir Henry Montresor K.C.B., George Neame, George Plomer, Charles Pearson the elder, General George Ramsay, Thomas Richardson, Osborne Snoulton the younger, John Waterhouse, and James Warren,* and their several and respective Successors, Executors, Administrators, and Assigns, together with such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, as shall at any Time hereafter be possessed of any Share or Shares in the Undertaking hereby authorized to be carried into execution, shall be and they are hereby united into a Company for making and maintaining the said Railway or Tramroad, and other Works by this Act authorized to be executed, according to the Rules, Orders, and Directions herein-after mentioned and specified, and shall for that Purpose be One Body Corporate, by the Name and Style of "The *Canterbury and Whitstable* Railway Company," and by that Name shall have a perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued; and the said Company shall have Power and Authority, from and after the passing of this Act, and at all Times hereafter, 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.

Proprietors.

Style of the Company.

Company empowered to make Railway, &amp;c.

II. And be it further enacted, That the said Company of Proprietors shall be and are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain a Railway and Tramroad, passable for Waggons and other Carriages, to be constructed as herein-after appointed, from, out of, or near to the Sea in or near the Bay of *Whitstable* aforesaid, to or through the several Parishes of *Whitstable, Saints Cosmus, and Damian in the Blean, Saint Stephens* otherwise *Hackington,* and *Saint Dunstan,* to or near to the said City of *Canterbury,* and also to make, complete, and maintain proper Piers, Wharfs, Landing Places, Quays, and other Works in or near the Bay of *Whitstable* aforesaid, for the Purpose of loading and unloading Goods and Merchandizes to and from Vessels and Craft trading from and to *Whitstable* aforesaid; and for the Purposes aforesaid the said Company of Proprietors, their Deputies, Agents, Servants, Surveyors, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate whatsoever, according to the Directions and Provisions of this Act, and to survey and take Levels of the same or any Part thereof, and to set out, ascertain, and appropriate, for the Purposes

poses herein mentioned, such Parts thereof as they shall think necessary and proper for making or altering the said Railway or Tramroad, and all such other Works, Matters, and Conveniences as they shall deem proper and necessary for making, effecting, preserving, improving, completing, maintaining, and using the same, for the Conveyance of Goods and Merchandize into and out of the said Railway or Tramroad; and for those Purposes to bore, dig, cut, trench, sough, get, raise, remove, take, carry away, lay, use, and manufacture any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Materials or Things which can or may be dug, raised, or gotten in making the said Railway or Tramroad or other Works, out of the Lands or Grounds of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, adjoining or contiguous to such Railway or Tramroad, and which may be proper and requisite for making, carrying on, continuing, maintaining, altering, or repairing the said Railway or Tramroad and other Works; and also to make, build, erect, bank, excavate, or set up, in, under, or upon the said Railway or Tramroad and other Works, or upon the Lands adjoining the same, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Basins, Boats, Posts, Ropes, and Chains for passing any Rivers, Brooks, and Streams, and other Waters, and such and so many Wharfs, Houses, Warehouses, Toll Houses, Landing Places, Weighing Beams, Cranes, Fire Engines, Machines, and other Works, and Ways, Roads, and Conveniences, where and in such Manner as the Company of Proprietors shall think necessary and convenient for the Purposes of the said Undertaking; and also from Time to Time to alter, repair, and amend, or discontinue the same; and also to place, lay, work, or manufacture the Materials necessary for the making, erecting, maintaining, and repairing the said Railway or Tramroad 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, executed, repaired, or done; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said Railway or Tramroad; and also to make, set out, and appoint such Roads and Ways convenient for hauling or drawing of Waggons and other Carriages passing upon the said Railway or Tramroad, with Men or Horses, or otherwise, and proper Places for Waggons and other Carriages to turn, lie, or pass each other, as the said Company of Proprietors shall think convenient; and to construct, erect, and keep in repair any Bridges, Piers, Arches, and other Works in, upon, and across any Rivers or Brooks, for the making, effecting, preserving, improving, completing, using, maintaining, and repairing of the said Railway or Tramroad and other Works; and to construct, erect, make, and do all other Matters and Things which they shall think convenient or necessary for the making, effecting, altering, preserving, improving, completing, and using the said Railway or Tramroad and other Works to be made or constructed in pursuance and according to the true Intent and Meaning of this Act; they the said Company of Proprietors, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction, in manner herein-after mentioned, to the Owners and Proprietors of and all Persons interested in any Lands or other Hereditaments which shall be taken, used, removed, diverted, or injured, for all Damage to be by them sustained in or by the Execution

Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisoos and Restrictions as are herein-after mentioned and contained.

Crossings.

III. Provided always, and be it further enacted, That where the said Railroad or Tramroad shall cross any Turnpike Road or public Highway, the Ledge or Flanch of such Railway or Tramroad for the Purpose of guiding the Wheels of the Carriages shall not rise in Height above the Level of such Road, nor shall the same be more than One Inch below the Level of such Road.

Regulations as to Ascent to Bridges, and Height of Fences.

IV. Provided always, and be it further enacted, That in all Places where it may be necessary to erect or build any Bridge or Bridges to communicate with any public Carriage Road, or for the Occupation of any Farms, Lands, or Grounds, the Ascent to every such Bridge shall not be more than One Foot in Thirteen, and that good and sufficient Fences shall be made on each Side of every such Bridge, which Fences shall not be less than Four Feet above the Surface of such Bridge.

Describing the Elevation of Bridges.

V. And be it further enacted, That where any Bridge or Bridges shall be erected or made by the said Company of Proprietors over or across any public or private Carriage Road, the Elevation, measuring from the Surface of the said Road to the under Side of any such Bridge or Bridges, shall not be less than Fifteen Feet in Height.

Houses, &c. not to be taken, except those specified in the Schedule.

VI. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Railway or Tramroad or other Works, or for any other of the Purposes aforesaid, any House or other Building which was erected or built on or before the First Day of *January* One thousand eight hundred and twenty-five, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Paddock, planted Walk or Avenue to a House, without the Consent in Writing of the Owners or Occupiers thereof, and Persons interested therein respectively, other than and except those specified in the Schedule annexed to this Act.

Power to purchase Lands for Wharfs.

VII. Provided always, and be it further enacted, That the said Company shall have full Liberty and Power to purchase any Parcel or Parcels of Land from any Person or Persons willing and desirous to sell and dispose of the same, not exceeding Five Statute Acres in the whole, for the Purpose of making a Wharf or Wharfs.

Power for the Company to erect Steam Engines, and to purchase not exceeding One Statute

VIII. And whereas it will be expedient and necessary for the said Company of Proprietors to erect Steam Engines or other proper Machines in certain Places upon or near to the said Railway or Tramroad by this Act directed or authorized to be made for the Purpose of facilitating the Transport, Conveyance, and Carriage of Goods, Merchandize, and other Articles and Things upon and along the same; be it therefore further enacted,

enacted; That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, from and after the passing of this Act, by themselves or by their Deputies, Agents, Officers, Workmen, or Servants, to make, erect, and set up one or more permanent or fixed Steam Engine or permanent and fixed Steam Engines, or other proper Machine or Machines, in such convenient Situation or Situations at or near each or any of the Inclined Planes which shall be made by virtue or in pursuance of this Act as the said Company of Proprietors shall think proper; and to take and purchase from any Person or Persons, Bodies Politic, Corporate, or Collegiate, or Corporations Aggregate or Sole, who shall be willing to sell the same, any Lands, Tenements, or Hereditaments which may be necessary or convenient for that Purpose, so as the entire Quantity of the Lands, Tenements, or Hereditaments to be taken and appropriated for the Purposes aforesaid do not exceed One Statute Acre in the whole for any One Engine; and to make such and so many Wells, Watercourses, Drains, and other Works for supplying the said Steam Engines and other Machines with Water, as shall be deemed requisite or convenient; and for the Purpose of making such Wells, Watercourses, Drains, and other Works as last aforesaid, or any of them, to purchase, take, and use the Lands and Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate.

Acre of Land  
for each En-  
gine.

IX. And be it further enacted, That the Furnace of every Steam Engine to be erected under or by virtue of the Powers of this Act shall be constructed upon the Principle of consuming its own Smoke.

Steam En-  
gines to con-  
sume their  
own Smoke.

X. And whereas a Survey has been taken of the Lines of the said Railway or Tramroad, and a Map or Plan with a Book of Reference thereto, describing the same, has been made and deposited with the Clerk of the Peace for the said County of *Kent*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Hands of the said Clerk of the Peace, and all Persons shall have Liberty to resort to and to examine and make Extracts from or Copies of the same, as occasion shall require, paying to the said Clerk for every Inspection the Sum of One Shilling, and for Copies of or Extracts from the said Book of Reference after the Rate of Sixpence for every One hundred Words; and the said Map or Plan and Book of Reference, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Plan and  
Book of  
Reference.

XI. And be it further enacted, That the said Company of Proprietors, in making the said intended Railway or Tramroad, shall not deviate or extend more than One hundred Yards from the Course or Direction delineated in the said Map or Plan.

Not to deviate  
more than  
100 Yards.

XII. And be it further enacted, That the said Company of Proprietors may make the said Railway or Tramroad, 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 *Kent*, and be by them certified under their Hands, to be by Mistake omitted in the said Book of Reference, or that instead thereof the Name or Names of some other Person or Persons, Body

Misnomers in  
the Book of  
Reference  
not to ob-  
struct mak-  
ing the Rail-  
road.

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or

or Bodies Politic, Corporate, or Collegiate, to whom such last-mentioned Lands or Grounds do not belong, have or hath been by Mistake inserted therein; any thing herein contained to the contrary thereof in anywise notwithstanding.

Breadth of the Land to be taken for Railway.

XIII. And be it further enacted, That the Lands or Grounds to be taken or used for making and using the said Railway or Tramroad shall not exceed Fifteen Yards in Breadth, except in those Places where it shall be judged necessary for Waggon or other Carriages to turn or pass each other, or for raising Embankments for crossing the Vallies, or in deep Cutting, or where any Warehouses, Cranes, or Weighbeams may be erected, or where any Places may be set out or appropriated for the forming of Wharfs, or for the Reception or Delivery of Goods, Wares, and Merchandize which shall be conveyed on the said Railway or Tramroad, and not above One hundred Yards in Breadth in any Place, or for any Purpose, without the Consent of the Owner of the Land or Hereditaments adjoining to the said Railway or Tramroad.

Not to extend Piers or Landing Places more than 330 Yards into the Sea.

XIV. And be it further enacted, That the said Company of Proprietors, in making any Piers, Wharfs, or Landing Places in or near the Bay of *Whitstable* aforesaid, shall not extend the same outwards more than Three hundred and thirty Yards from the Sea Shore, without the Consent of the *Whitstable* Company of Free Dredgers.

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

XV. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall have been set out and ascertained for making the said Railway or Tramroad and other Works, or any Parts thereof, and for providing and constructing the Wharfs and other Works and Conveniences, and for doing the several other Matters or Things which the said Company of Proprietors are by this Act empowered or authorized to do or make, or any of them, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, Husbards, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, Administrators, and all other Tenants and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts or Wards, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and to and for all and every other Person or Persons whomsoever, who is or are or shall be seised, possessed of, or interested in any such Lands, Grounds, or Hereditaments as last aforesaid, as shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said Company of Proprietors; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid and effectual in Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all other Persons so conveying as aforesaid, are hereby indemnified for what they shall respectively do by virtue hereof; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company of Proprietors; and such of them as

shall be made of any Lands or other Hereditaments to the said Company of Proprietors shall be made according to the following Form; (that is to say,)

‘ I *A. B.* of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_ Form of  
 ‘ \_\_\_\_\_ to me paid by \_\_\_\_\_ do hereby, Conveyance.  
 ‘ by virtue of the Powers contained in an Act of Parliament, intituled  
 ‘ [*here set forth the Title of this Act*], -grant and release to the said Com-  
 ‘ pany of Proprietors all [*describing the Premises to be conveyed*], and all  
 ‘ my Right, Title, and Interest in and to the same, and every Part thereof,  
 ‘ to hold to the said Company of Proprietors and their Successors for  
 ‘ ever, by virtue and according to the true Intent and Meaning of the  
 ‘ said Act. In witness whereof I have hereunto set my Hand and Seal the  
 ‘ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

And if the Premises are Leasehold for Years, they shall be assigned by a Form answerable to the above, only substituting the Words applicable to the Assignment of a Chattel; and all Conveyances and Assignments respectively shall be kept by the Clerk or Clerks to the said Company of Proprietors, who shall from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive the Sum of Sixpence for every One hundred Words, exclusive of Stamps.

XVI. Provided always, and be it further enacted, That all Contracts, Agreements, Bargains, and Sales of or concerning any Lands, Tenements, or Hereditaments which shall be Copyhold, or Customary, or of the Nature of Copyhold, shall be executed and completed by Surrender thereof in the Court of the Manor of which the same are holden or Parcel, according to the Custom of such Manor; and such Lands, Tenements, or Hereditaments shall continue subject to the same Fines, Rents, and Services as are due and payable and of Right accustomed, in the same Manor, as if this Act had not been made, unless the Lord or Lords, Lady or Ladies of the Manor for the Time being shall be desirous of enfranchising the same, in which Case such Lord or Lords, Lady or Ladies, notwithstanding Coverture, and whether sole or married, is and are hereby empowered so to do, notwithstanding he, she, or they shall be seised of or entitled to the same Manor for a less Interest than an Estate of Inheritance in Fee Simple; but inasmuch as the vesting and continuing of such Copyhold or Customary Premises in the said Company as a Body Corporate would prevent such Lord or Lords, Lady or Ladies, from receiving such Benefit of Fine, Heriots, and other Services due upon Death, Descent, or Alienation, in like Manner as he, she, or they would have done in case such Copyhold or Customary Premises had continued to be the Property of Persons in their natural Capacities, in case the Lord or Lords, Lady or Ladies of the said Manor shall decline to enfranchise the respective Parcels of Copyhold or Customary Land held or Parcel of the said Manor which shall be purchased by or vested in the said Company for the Purposes aforesaid, he, she, or they shall be entitled to and shall be paid by the said Company a reasonable Recompence and Satisfaction for the Loss that will arise to him, her, or them in respect of such Fines, Heriots, and other Services, the Enjoyment of which shall be diminished or lost by the vesting and continuing of such Copyhold or Customary Premises in a Body Corporate; which Recompence and Satisfaction, and also the Appointment

Conveyance  
of Copy-  
holds.

Appointment or Apportionment of the certain Copyhold or Customary Rents issuing out of such Copyhold or Customary Tenements, of which a Part only shall be taken for any of the Purposes of this Act, if not settled by Agreement between the Parties, shall be ascertained and settled by the Verdict of a Jury, if required, as is herein-after directed.

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

XVII. And be it further enacted, That if in making the said Railway or Tramroad any Premises or Parcels of Ground shall be cut through and divided, so that what shall be left on each or either Side of the said Railway or Tramroad shall be less than Twenty Yards in Breadth, then and in every such Case the said Company of Proprietors shall also take and purchase the Piece or Parcel, Pieces or Parcels of Ground so left on each or either Side of the said Railway or Tramroad, being less than Twenty Yards in Breadth as aforesaid, and shall pay for the same after the Rate and in the same Manner as they shall pay for the Land or Ground adjoining thereto which shall be taken and used for making the said Railway or Tramroad, provided the Owner or Owners, or Person or Persons entitled to the Possession or to the Rents or Profits of such small Pieces or Parcels of Ground respectively, shall require the said Company of Proprietors to take and purchase the same, but not otherwise.

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

XVIII. And be it further enacted, That in all Cases where, in making the said Railway or Tramroad, or other Works hereby authorized, there shall be occasion to cut through, take, or use any Part of any Commons or Wastes, the Conveyance of such Part of such Commons or Wastes by the Lord or Lords, Lady or Ladies for the Time being of the 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 Lord or Lords, Lady or Ladies of such Manor or Manors respectively, are hereby authorized and required to make and execute such Conveyances accordingly, Compensations for such Part of the said Commons or Wastes as shall be required to be taken for making the said Railway or Tramroad being first made or tendered to the Surveyors of the Highways within the respective Parishes or Townships wherein such Commons or Wastes shall lie; and the Money which shall be paid to such Surveyors respectively for such Compensation shall be by them laid out and applied towards the Repairs of the Highways within their said respective Parishes or Townships, and in no other Manner.

Satisfaction  
to be made  
for Land  
taken for the  
Railways or  
Tramroads.

XIX. And be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees, and other Person or Persons herein-before enabled to sell or convey Lands or Hereditaments, and any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Hereditaments through, in, or upon which the said Railway or Tramroad and other Works hereby authorized shall be made, may accept and receive Satisfaction for the Value of such Lands and Hereditaments, and also a Compensation for the Damages to be sustained by making or completing the said Works herein-before directed to be made, and also for or by reason of the severing or dividing the same Lands and Hereditaments belonging to such Body or Bodies Politic, Corporate, or Collegiate, Trustees, and other Person or Persons interested therein, and for or on account of the Detriment, Injury, Loss, Damage, Inconvenience, or Prejudice which shall or may be sustained by such Body or Bodies Politic,



Politic, Corporate, or Collegiate, Trustees, and other Person or Persons interested therein; such Satisfaction and Compensation to be ascertained and settled by the Verdict of a Jury, if required, as herein-after directed.

XX. And for settling all Differences which may arise between the said Company of Proprietors and the several Owners of or Persons interested in any Lands and Grounds, Messuages, Buildings, Tenements, Hereditaments, Streams, Brooks, Canals, Waters, 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, or of any other incapacitated Person or Persons 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 Sixty 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, 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 Sixty Days next after 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 other 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 be prevented from treating, or shall by reason of Nonage or any other Impediment or Disability not provided for by this Act be incapable of treating or making such Agreement as shall be expedient for enabling the said Company to proceed in making the said Railway or Tramroad and other the Works aforesaid, or shall not produce or evince a clear Title to the Premises 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 of Proprietors shall and they are hereby empowered from Time to Time to issue a Warrant under their Common Seal to the Sheriff of the County in which the Lands and Hereditaments in question shall be situate or the Matter in question or dispute shall arise, or in case such Sheriff or his Under Sheriff shall be one of the said Company of Proprietors, or enjoy any Office of Trust or Profit under them, or shall be in any ways interested in the Matters in question, then to any one of the Coroners of such 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, and the said Sheriff, Coroner, or other Person is hereby

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

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

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accordingly

accordingly authorized, empowered, and required to impanel, summon, and return, a Jury of at least Eighteen 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 Person so to be impanelled, summoned, and returned are hereby required to come and appear before the Justices of the Peace for the County in which such Lands, Tenements, or Hereditaments shall lie, or the Matter in question or dispute shall arise, at some Court of General or Quarter Sessions of the Peace to be holden in or for the same County, or at some Adjournment thereof, as in such Warrant shall be directed or appointed, and to attend such General or Quarter Sessions from Day to Day until discharged by the said Court; and out of such Persons so to be impanelled, summoned, and returned a Jury of Twelve Men shall be drawn by the Clerk of the Peace for the County wherein such Jury shall be returned, or his Deputy, in such Manner as Juries for Trials or 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 Clerk of the Peace or his Deputy 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 Clerk of the Peace or his Deputy is hereby empowered and required to summon before the said Justices all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question or dispute, and may order and authorize the said Jury, or any 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 of Persons called *Quakers*, upon their solemn Affirmation, (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 Justices are 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 done or sustained as aforesaid, or for the future temporary or perpetual Continuance of any recurring Damages which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been in part only removed by the said Company, and which can or will be no further obviated, remedied, or repaired by them, and the said Justices shall accordingly give Judgment for such Purchase Money, Recompence, or Compensation as shall be assessed by such Jury; which said Verdict, and the Judgment thereupon to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes upon all Bodies Politic, Corporate, or Collegiate, and all other Persons whatsoever: Provided always, that not less than Seven Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Company to the Party or Parties with whom any such Controversy shall arise, by leaving such Notice at the Dwelling House of such Person or

In default of Attendance of Jurymen, Standers-by may be returned.

Witnesses may be summoned.

Jury may view the Place or Matter in question.

Verdict and Judgment thereon to be conclusive.

Notice of the Time and Place of Meeting to be given.

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.

XXI. Provided also, and be it further enacted, That in ascertaining the Sum or Sums of Money to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be taken or made use of the Purposes of this Act, the Jury shall also ascertain and assess the Compensation and Satisfaction to be made by the said Company for any Damages which shall or may at any Time hereafter be sustained by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons respectively, being Owner or Owners of or interested in such Lands, Tenements, or other Hereditaments, for or by the reason of severing or dividing the same from the 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, Inconvenience, or Prejudice which shall or may accrue to or be sustained by 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, working, using, repairing, or maintaining the said Railway or Tramroad 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 of Proprietors, such Damages and Compensations to be ascertained separately and distinctly from the Value of the Lands, Tenements, and Hereditaments so to be taken and used as aforesaid.

Value of Land and Damages to be ascertained separately.

XXII. And be it further enacted, That if such Sheriff or his Deputy or other Person so directed to summon and return a Jury as aforesaid shall make default in the Premises he shall for every such Offence forfeit the Sum of Fifty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear without sufficient Excuse, or appearing shall refuse to be sworn or give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Person so to be summoned to give Evidence shall not appear without sufficient Excuse, after being paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing shall refuse to be sworn, examined, or to give Evidence, then and in every such Case every Person so offending shall forfeit and pay, for the Benefit of the Party for whom or on whose Account such Jury or Witnesses shall be summoned, any Sum not exceeding Ten Pounds, to be levied, by virtue of any Warrant under the Hand and Seal of any One of the said Justices, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, her, or them the Overplus, after such Penalty and the Charges and Expences of such Distress and Sale shall be deducted.

Fine on Sheriff making default, and for Persons refusing to appear.

XXIII. And be it further enacted, That any such Jury and Juryman as aforesaid shall also be liable and subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of an Issue joined in any of His Majesty's Courts of Record at *Westminster*; and all and every Person and Persons, who in any Examination to be taken by virtue of this Act upon their Oath shall wilfully and

Penalty on Witnesses for giving false Evidence.

corruptly

corruptly give false Evidence before any Justice of the Peace acting as such in the Execution of this Act shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the same Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable.

Expences of  
Jury how to  
be paid.

XXIV. And be it further enacted, That in every Case where the Verdict of the Jury shall be given for more Money to be paid as a Recompence or Satisfaction as aforesaid than shall have been previously offered or tendered by or on behalf of the said Company of Proprietors, or if no such Satisfaction or Recompence shall have been tendered by them on their behalf to the Person or Persons competent to accept and take the same, then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, for ascertaining and determining the Recompence and Satisfaction as aforesaid, shall be ascertained by some One or more Justice or Justices of the Peace for the said County of *Kent*, not being interested in the Matter in question, who is and are hereby empowered and required to examine into, ascertain, and settle the same; and in case of Nonpayment thereof by the said Company of Proprietors for 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 of Proprietors, then the said Justice or Justices shall and he and they are hereby required, by Warrant under his or their Hand and Seal or Hands and Seals, to levy the same by Distress and Sale of any of the Goods and Chattels of the said Company of Proprietors, for the Use of such Person or Persons to whom such Costs and Expences shall have been allowed, rendering to the said Company of Proprietors the Overplus (if any), after deducting the reasonable Charges of making such Distress and Sale; and every or any of such Person or Persons, upon Refusal or Neglect of the said Company of Proprietors to pay the said Costs and Expences as aforesaid, shall and may also have such and the like Remedy against them for the Recovery thereof by Action of Law, to be commenced and prosecuted in such Manner as in other Cases is by this Act described and directed; but if the Verdict of the Jury shall be given for the same Sum or for a less Sum than shall have been previously offered or tendered by or on behalf of the said Company of Proprietors, then and in every such Case one Moiety of such Expence shall be defrayed by the Person or Persons with whom the said Company of Proprietors shall have such Controversy or Dispute, and the other Moiety thereof shall be defrayed by the said Company; which said Expences, having been ascertained and settled in manner last aforesaid by the said Justice or Justices, shall and may be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as aforesaid as so much Money advanced to or for his, her, or their Use, and the Payment or Tender of the Remainder of the Money so to be determined or adjudged shall be deemed and taken to all Intents and Purposes whatsoever to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in all Cases where by reason of Absence in Foreign Parts, or otherwise, any Person or Persons shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges shall be borne and paid by the said Company of Proprietors.

XXV. And