



ANNO QUADRAGESIMO TERTIO

GEORGI II. REGIS.

Cap. 35.

An Act for making and maintaining a Railway from or from near a Place called *Pitlake Meadow*, in the Town of *Croydon*, to or near to the Town of *Reigate*, in the County of *Surrey*, with a Collateral Branch from the said Railway, at or near a Place called *Merstham*, in the Parish of *Merstham*, to or near to a Place called *Godstone Green*, in the Parish of *Godstone*, all in the said County of *Surrey*. [17th May 1803.]

WHEREAS the making and maintaining a Railway for the Passage of Waggons and other Carriages from or from near a Place called *Pitlake Meadow*, in the Town of *Croydon*, in the Parish of *Croydon*, in the County of *Surrey*, to or near to a Place called *Reigate*, in the Parish of *Reigate*, in the said County; and also a Collateral Branch from the said Railway, at or near a Place called *Merstham*, in the Parish of *Merstham*, to or near to a Place called *Godstone Green*, in the Parish of *Godstone*, all in the said County of *Surrey*, will be of very great Advantage to several considerable Manufactories established in the Neighbourhood, and to the Inhabitants of many Towns and Places, and of a very populous Country lying on or near to the Line of the said intended Railway, by opening a cheap and easy Communication for the

[Loc. & Per.]

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Conveyance

Proprietors.

Incorporated.

Conveyance of Coals, Corn, and all Goods, Wares, and Merchandize to and from the Métropolis, and other Places, and likewise will be of great public Utility : And whereas the several Persons herein-after named are desirous at their own Costs and Charges to make and maintain the said intended Railway and other Works ; but cannot effect the same without the Aid and Authority of Parliament : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Sir Robert Barclay Baronet, Sir John Lade Baronet, George Tritton, Benjamin Goldsmid, Abraham Goldsmid, John Hilbert, William Dent, William Edwards junior, James Phillips, Thomas Hall, Charles Morris, James Perry, John Barnes, Richard Glover, Samuel Yates, James Tate, George Day, Edward Knight, Richard Shepley, Asher Goldsmid, Isaac Lyon Goldsmid, Moses Zuntz, Thomas Homer, Thomas Nixon, J A Clarke, Richard Nixon, William Nanson, Robert Cooper, John Bowden, Jeremiah Lear, William Winbolt, James Smithson, John Hibbert, William Anderson, Robert Spankie, Robert Marshall, Thomas Bush, Robert Makepeace, Benjamin Paterson, William Hayward, Charles Barker, John Plowman, Nathaniel Robarts, Robert Spanbill, John Day, John Leach, Robert Barclay senior, Charles Barclay, John Gotobed, Robert Were, Edmund Cobb Hurry, Francis Gosling, Robert Barclay junior, James Carey, Joseph Hibbert, Josias Jessop, Thomas Reynolds, Jacob Foster Reynolds, Timothy Curtis, Thomas McGhie, Hylton Jolliffe, John Moore, Charles Birkhead, John Dingwall, John Henton Tritton, Charles Pieschell, James Brogden, T Winter, Samuel Aydon, Walter Powell, Henry Hoare, Esquires, the Reverend Richard Valpy, the Reverend William John Jolliffe, and their several and respective Successors, Executors, Administrators, and Assigns, shall be, and are hereby united into a Company for making, completing, and maintaining the said Railway and other Works, according to the Rules, Orders, and Directions herein-after mentioned ; and shall for that Purpose be One Body Corporate, by the Name and Stile of *The Croydon, Merstham, and Godstone Iron Railway Company*, and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name may sue and be sued ; and that the said Company of Proprietors shall have Power and Authority, from and after the passing of this Act, and at all Times thereafter, 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 or dispose of the said Lands and Hereditaments again, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain ; and the said Company shall be and are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain, and from Time to Time to alter a Railway to be called *The Croydon, Merstham, and Godstone Iron Railway*, passable for Waggon and other Carriages, constructed as herein-after mentioned, from or from near a Place called *Pitlake Meadow*, in the Town of *Croydon*, in the Parish of *Croydon*, in the County of *Surrey*, to or near to a Place called *Reigate*, in the Parish of *Reigate*, through the said Parish of *Croydon*, and into and through the several Parishes of *Beddington*, *Coulsdon*, *Chipsted*, *Merstham*, *Bletchingly*, *Nutfield*, *Gatton*, and *Reigate* aforesaid ; and also a Collateral Branch from the said Railway at or near a Place called *Merstham*, in the Parish of *Mers-*

tham, in, to, and through the several Parishes of *Merstham*, *Charlton*, *Nutfield*, *Bletchingly*, and *Godstone*, to or near to a Place called *Godstone Green*, in the Parish of *Godstone*, all in the said County of *Surrey*; and for the Purposes aforesaid, the said Company, their Deputies, Ser-^{Powers,} vants, Agents, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of 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 ascertain such Parts thereof as they shall think necessary and proper for making or altering the said Railway, and all such other Works, Matters, and Conveniences, as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining, and using the same; and also to bore, dig, cut, trench, sough, get, 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 Matters or Things which may be dug or got in making the said Railway or other Works, or out of the Lands or Grounds of any Person or Persons adjoining or being convenient or contiguous thereto, and which may be proper, requisite, or necessary for making, carrying on, continuing, maintaining, altering, or repairing the said Railway and other Works, or which may hinder, prevent, or obstruct the making, using, or completing, altering, extending, or maintaining the same respectively, according to the Intent and Meaning of this Act; and also to make, build, erect, and set up, in, over, under, or upon the said Railway and other Works, or upon the Lands adjoining or near to the same, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Flood-gates, Weirs, Pens for Water, Wharfs, Houses, Warehouses, Toll-houses, Landing Places, Weigh Beams, Cranes, or other Machines, and other Works, Ways, Roads, and Conveniences, as and where the said Company shall think necessary and convenient for the Purposes of the said Undertaking; and also from Time to Time to alter, repair, and amend or discontinue the same, and to make, divert, alter, widen, enlarge, and extend any Ways, Roads, Passages, or other Works or Conveniences, as well for carrying and conveying of Goods, Wares, Merchandize, and other Articles, to and from the said Railway and other Works, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, maintaining, amending, widening, or enlarging the Railway and other Works hereby authorized to be made, or which may be useful for any the Purposes thereof; and also to place, lay, work, or manufacture the said Materials on the Lands or Grounds near to the Place or Places where the said Works, or any of them, shall be or are intended to be made, erected, repaired, or done; and also to make, set out, and appoint such Roads and Ways convenient for haling or drawing of Waggons and other Carriages passing upon the said Railway, with Men, Horses, or otherwise, and proper Places for Waggons and other Carriages to turn, lie, or pass each other, as they the said Company shall think convenient; 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 of the said Railway and other Works to be made or constructed in pursuance of and according to the true Intent and Meaning of this Act; they the said Company, their Deputies, Agents, Servants, and Workmen, doing as little
Damage

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 prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisoos and Restrictions as herein-after mentioned and contained: Provided always, that where the said Railway shall cross any Turnpike Roads or public Highways, the Ledge or Flank of the Railway, for the Purpose of guiding the Wheels of the Carriages, shall not exceed One Inch in Height above the Level of the Road.

Houses and Gardens not to be injured, except such as are mentioned, &c.

II. Provided always, That nothing herein contained shall authorize or empower the said Company, 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 other Works, or any other of the Purposes aforesaid, any House or other Building which was erected or built at or before the passing of this Act, or any Land or Ground which was then set apart and used as or for a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent of the Owners and Occupiers thereof, and Persons interested therein respectively, other than and except those particularly mentioned and described in the Schedule hereunto annexed, which are meant and intended to be taken for the Purposes of this Act, and which are respectively meant and intended to be taken and used for the Purposes of this Act, and which it shall be lawful for the said Company to take and pass through, and make use of for the Purposes of the said Undertaking, the said Company making Satisfaction to the several Owners and Persons interested in such Hereditaments and Premises respectively for the same, and for the Damages they shall respectively sustain thereby; the same to be ascertained in like Manner as by this Act is directed with respect to other Hereditaments to be taken or used by the said Company of Proprietors.

If old Roads destroyed, new ones to be made.

III. And be it further enacted, That when and as often as it shall be found necessary by the said Company of Proprietors to make or cut through any Carriage or Horse Road, be the same public or private, or so much injure the same as to render it impassable or inconvenient for Carriages or Horses, or the Persons entitled to the Use and Benefit thereof, the said Company of Proprietors shall, at their own Expence, before any such Road shall be taken, cut through, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road (as the Case may be) to be set out and made instead thereof, and shall put, or cause to be put, the same in good and sufficient Repair and Condition.

Plan, &c. to be authenticated by the Speaker of H. C.

IV. And whereas a Survey has been taken to ascertain the Practicability of making the said intended Railway and other Works, and a Map or Plan, with a proper Book of Reference thereto, has been made in consequence thereof; be it therefore further enacted, That there shall be

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Two Parts of the said Map or Plan and Book of Reference thereto, which shall be certified by the Right Honourable the Speaker of the House of Commons, and severally deposited, One with the Clerk of the Peace for the County of *Surrey*, and the other with the Clerk of the said Railway Company, to either of which Maps, Plans, and Books of Reference, all Persons shall have Liberty to resort, and to examine or make Extracts from or Copies of the same, as Occasion shall require, paying to the said respective Clerks, for Copies of or Extracts from the said Books of Reference, after the Rate of Sixpence for every One hundred Words; and either of the said Maps or Plans, and Books of Reference, so certified, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the Clerk for the Time being to the said Company, upon Twenty-one Days Notice to him given for that Purpose, shall and is hereby required from Time to Time to produce the Map or Plan and Book of Reference to be so deposited with him as aforesaid, before the Commissioners hereinafter mentioned, or any Jury or Juries to be impannelled by virtue of this Act, at the Time and Place to be mentioned in such Notice, in order that the same may be then and there given in Evidence, such Clerk having a reasonable Sum of Money allowed for his travelling Expences, Absence from Home, and Attendance on such Occasions.

V. And be it further enacted, That it shall be lawful for the said Company of Proprietors in making the said intended Railway to deviate from the Course or Direction delineated in the said Map or Plan, in or near the Town of *Croydon*, not exceeding One hundred and fifty Yards to the South-west of the said Town, with the Consent of the Proprietors, and set forth in the said Book of Reference, not exceeding One hundred and fifty Yards; and to cut, carry, or convey the same Railway into, through, across, under, or over any Part or Parts of the several Estates, Lands, or Grounds, now or late belonging to, or reputed to belong to, the said several and respective Persons named or described in the said Book of Reference, within the like Distance of One hundred and fifty Yards, and no more, from such Part or Parts as are mentioned in the said Book of Reference in that Behalf, without the Approbation and Consent in Writing, signed by the Person or Persons to whom such Estates, Lands, or Grounds do or shall respectively belong: Provided always, that such and the like Rates upon the said Railway as are herein-before mentioned shall, notwithstanding such Variation or Deviation as aforesaid, be paid to the said Company, and with the like Powers, and subject to the same Restrictions, Provisions, and Regulations, as are herein-before mentioned and provided in respect to the Course delineated in the said Map or Plan, and set forth in the said Book of Reference.

Power to deviate 150 Yards from the Line laid down in the Plan.

VI. Provided always, and it is hereby further enacted and declared, That the said Company of Proprietors may make the said Railway into, through, across, or over the Lands or Grounds of any Person or Persons whomsoever, whose Name or Names shall appear to the Satisfaction of the said Commissioners, 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, 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.

Land Owners omitted in Book of Reference not to obstruct making the Railway, &c.

[*Loc. & Per.*]

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VII. And

Breadth of
the Land to
be taken for
the Railway.

VII. And be it further enacted, That the Lands and Grounds to be taken or used for the making and using of the said Railway shall not exceed Sixty Yards in Breadth, except in such Places where it shall be judged necessary for Waggon or other Carriages to turn, lie, or pass each other; or where any Warehouses, Cranes, or Weigh Beams may be erected; or where any Places may be set out or appropriated for the Reception or Delivery of Goods, Wares, and Merchandize, which shall be conveyed on the said Railway; and not above Eighty Yards in Breadth in any Place, without the Consent of the Owners of the Lands or Hereditaments adjoining to the said Railway.

Railway to
pass over the
Estate of
Mark Wood,
Esquire, un-
der certain
Conditions.

VIII. Whereas it having been found necessary for the better conducting of the said Railway, that it should pass through a small Part of the Parish and Estate of *Gatton*, as is described or delineated by the Plan, to be at or near Mr. *Avery's* Farm at *Battle Bridge*, and the Owner of the said Parish and Estate being desirous to give every Facility to the said Undertaking; be it therefore enacted, That the said Railway shall pass over that Part of the Estate and Parish of *Gatton* so described, gratuitously, and without any Rent or Recompence whatever for such Permission, so long as the present Railway Corporation or Company shall continue, or that the said Railway shall continue to be used as a Railway, but for no other Purpose whatever.

Owner of the
said Estate to
be assessed
and pay all
Taxes, &c.

IX. And be it also enacted, That the Owner of the said Parish and Estate shall continue to be assessed to, and to pay all Parliamentary or Parochial Taxes, Rates, and Assessments for and in respect of the Land occupied by the said Railway, the said Land continuing to be in every respect Part of the Estate of *Gatton*, as if this Right of Railway had never been granted.

Breadth of
Railway over
the said
Estate, &c.

X. And be it further enacted, That the Breadth of such Railway shall not exceed Twenty-four Feet, excepting what may be required for a Base of an Embankment so far as it may extend, and at the Expence of the Railway Company, be fenced off with a strong close Oak Paling Six Feet in Height with a Gate at each End, to be kept in good Condition and Repair by the said Railway Company; the Key of such Gates to be kept by the Owner of the *Gatton* Estate, who for the Purpose of asserting or keeping up his Rights, shall be intitled One Hour in every Year to lock such Gates: Also that no Buildings of any Description shall ever be erected upon or over the Land of the *Gatton* Estate by the said Railway Company across which the present Right of Railway is meant to be granted, nor over or upon any other Part of the said Estate, without the express Grant or Permission of the Owner of the said Estate, in Writing under his Hand and Seal first had and obtained.

If Railway not
completed in
Two Years,
Owner of the
Land to re-
possess the
same.

XI. And be it further enacted, That if at any Time hereafter the said Railway shall be disused, or by Neglect or other Means be rendered or become impassable for a Period of Two Years, in such Case the Owner of the Parish and Estate of *Gatton* shall be and is hereby empowered to resume the Right of Railway now granted, and to re-possess and to occupy the Land meant to be set off and allotted for a Railway in the fullest Manner, as if the present Act had never passed or been carried into Effect.

XII. Provided

XII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to authorize the said Company of Proprietors to make the said Railway through a certain Close or Piece of Ground, commonly called or known by the Name of *Scarbrook Mead*, belonging to and in the Occupation of *William Chatfield*, and situate near *Scarbrook Lane* in the Parish of *Croydon* in the said County of *Surrey*.

The Railway not to pass through *Scarbrook Mead*.

XIII. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend so as to enable the said Company of Proprietors to make or carry the said intended Railway into the inclosed or cultivated Lands or Grounds of *William Parker Hamond* Esquire, nor before the House and Premises in the Occupation of *John Baratty* Esquire; on the West Side of the Turnpike Road leading from *London* to *Godstone*, between the Turnpike Gate at *Croydon* aforesaid, and a certain Point opposite the Road leading to *Sanderstead*, marked or numbered 16 a on the Map or Plan herein directed to be deposited with the Clerk of the Peace for the said County of *Surrey*, and described in the Book of Reference as a Field called the *Twenty Acres*, but more commonly called the *Little Ranges*; lying in the Parish of *Croydon* aforesaid, the Property and in the Occupation of the said *William Parker Hamond*; or to enter in or upon the Lands or Grounds lying on the West Side of the Points aforesaid, for any Purpose whatsoever, save and except for the Distance of Thirty-five Feet, at the North End of the said Field called the *Twenty Acres* or *Little Ranges*, and not exceeding Two hundred and ten Feet at the South End thereof; any thing herein contained to the contrary thereof in anywise notwithstanding.

Railway not to pass over certain Grounds belonging to *W.P. Hamond, Esq.*

XIV. And be it further enacted, That after any Lands, Grounds, or Hereditaments, shall be set out and ascertained for making the said Railway and other Works, or any Part or Parts thereof, and for providing and constructing the Wharfs, and other Works and Conveniencies herein-before authorized to be made, 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, Husbonds, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on the Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femmes Covert, or other Person or Persons; and to and for all Femmes Covert who is, are, or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interests 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 Lands or Hereditaments which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same, and every Part thereof, unto the said Company: And if it shall happen that by making the said Railway the Property of any Land Owner or Land Owners shall be separated into small Parcels, or so affected as to render the Occupation thereof inconvenient, it shall be lawful for such Bodies Politic, Corporate, and Collegiate, and all and every such other Person and Persons so entitled or interested as aforesaid, by and with the Consent of the Commissioners hereby appointed, or any Five or more of them, to be testified by Writing under their Hands, although they may not be assembled

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

assembled at any Meeting of the said Commissioners to be held by virtue of this Act, to contract for, sell, and dispose of, or to convey in Exchange for other Lands or Hereditaments, all or any Part of such Land or Hereditament so separated or affected as aforesaid, to any Person or Persons whomsoever, for such Price or Consideration in Money, or other Equivalent, as to the said Commissioners shall seem reasonable; and that all such Contracts, Agreements, Sales, Exchanges, 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 herein-before capacitated to convey Lands or Hereditaments, whomsoever, so conveying or exchanging as aforesaid, are hereby indemnified for what they shall respectively do by virtue and in pursuance of this Act; and all such Contracts, Agreements, Sales, Conveyances, Exchanges, and Assurances, (other than those which concern any Purchase or Exchange between any such respective Land Owners), so to be made as aforesaid, shall be made at the Expence of the said Company; and such of them as shall be made of any Lands or other Hereditaments to the said Company, shall be made according to the following Forms; (*videlicet*),

Form of Con-
veyance to the
Company.

I A. B. of _____ in Consideration of the Sum of _____
to be paid [*or* in Consideration of the _____
annual Rent of _____ to me to be hereafter yielded
and paid] by the *Croydon, Merstham, and Godstone* Iron Railway Com-
pany, do hereby grant and release to the said Company 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 for ever,
by virtue and according to the true Intent and Meaning of an Act passed
in the Forty-third Year of the Reign of His present Majesty, intituled
[*here set forth the Title of this Act.*] In Witness whereof I have here-
unto set my Hand and Seal, the _____ Day of _____
in the Year of our Lord _____

And which said Conveyance shall be kept by the Clerk or Clerks of the said Company, 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 *per* Sheet for every such attested Copy, reckoning One hundred Words to every Sheet; and every such Conveyance as aforesaid, which shall be made to any Person or Persons other than the said Company, shall be according to the following Form; (*videlicet*),

I A. B. of _____ do hereby, in Consideration of the
Sum of _____ to me in Hand paid by C. D.
of _____ at or before the Sealing and Delivery of these
Presents, the Receipt whereof I do hereby acknowledge [*or* in Exchange
for certain Lands situate _____ conveyed to me by
C. D. by Writing under his Hand and Seal, bearing even Date here-
with,] convey and assign to the said C. D. all [*describe the Premises,*] to
hold to the said C. D., his Heirs and Assigns for ever. As Witness my
Hand and Seal, the _____ Day of _____ in the
Year of our Lord _____

And

And every such Conveyance shall be valid and effectual, to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary notwithstanding.

XV. And be it further enacted, That in all Cases where, in making the said Railway or other Works hereby authorized, or any Road or Roads thereto respectively, there shall be Occasion to cut through, take, or use any Part of any Commons or Wastes, the Conveyance of such Parts of such Commons or Wastes by the Lord or Lords, Lady or Ladies of the Manor or Manors, Lordship or Lordships, in which the same are situate, to the said Company of Proprietors, shall be a good and sufficient Conveyance thereof, (without the Commoners or other Persons interested therein joining in such Conveyance); 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, on the Receipt of his, her, or their Proportion or Proportions of the Purchase Money as hereinafter mentioned, or on the same being tendered to him, her or them, subject to all the Rules, Regulations, and Provisions herein contained with respect to the Payment of other Monies for other Lands taken or used by the said Company; and the said Commissioners shall ascertain what Proportion of the Purchase Money shall be due to the said Lord or Lords, Lady or Ladies, Copyholders, or other Persons interested in such Commons or Wastes, for his, her, or their Interest in such Lands, and such Proportion shall be thereupon paid to him, her, or them, for his, her, or their own Use.

Commons or Waste Lands to be conveyed by the Lords of the Manors.

XVI. And whereas, in order to carry into Effect the Purposes of this Act, and to avoid Disputes with the Owners of Lands, Grounds, and Hereditaments which may be affected by making the said Railway and other Works, the said Company of Proprietors may hereafter purchase Lands and Buildings not necessary to be made use of for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Company of Proprietors to sell and dispose of, and by Indenture under their Common Seal to grant and convey in Fee Farm, such Part or Parts of the Lands and Buildings as may be so purchased by and conveyed to the said Company of Proprietors, or as shall be so purchased by and conveyed to them as aforesaid, and as shall not be wanted for the Purposes of the said Railway and Works, at and under such yearly Rents, and to be reserved or limited in such Manner as in such Conveyances shall be expressed; and also to lay out and appropriate any Part of the said Lands and Premises as and for a Way or Ways, Street or Streets, Avenue or Avenues, Passage or Passages; and that it shall be lawful for the said Company of Proprietors to sell and dispose of, and by Indenture under their Common Seal to grant and convey, by way of Absolute Sale, for a Consideration in Money, such Part or Parts of the Lands or Buildings as may be so purchased by and conveyed to the said Company of Proprietors, or as shall be so purchased by and conveyed to them as aforesaid, and as shall not be wanted for the Purposes of the said Railway and Works; and also all or any Part or Parts of the annual Rents or yearly Sums which shall or may be reserved or limited to the said Company of Proprietors, their Successors and Assigns, or any Grant or Grants to be by them made and granted; and that all such Purchases and Conveyances to the said Company of Proprietors, and all such Grants in Fee Farm,

Company empowered to re-sell Lands on Chief Rents or absolutely.

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and Conveyances from the said Company of Proprietors, shall be valid and effectual; any thing in this Act contained, or any other Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Lands, Rents, or Premises, or any Parts or Parcels thereof, it shall and may be lawful for the Treasurer or Treasurers for the Time being to the said Company of Proprietors, 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 which such Lands, Rents, or Premises shall be sold; or for so much thereof as in such Receipts shall be acknowledged or expressed to be received, and such Person or Persons shall not afterwards be answerable or accountable for any Losses, Misapplication, or Non-application of such Purchase Money, or any Part thereof: Provided always, that the said Company of Proprietors, before they shall sell and dispose of such Lands or Buildings, shall first offer to re-sell the same at the Price for which they were originally purchased to the Person or Persons from whom they shall have purchased such Lands or Buildings; and in case such Person or Persons shall not then and thereupon agree, or shall refuse to re-purchase the same, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before any One of His Majesty's Justices of the Peace for the County where such Lands or Buildings shall lie, by some Person or Persons no way interested in the said Lands or Buildings, stating that such Offer was made by or on Behalf of the said Company of Proprietors, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused, by the Person or Persons to whom it was made, as the Case may be.

Satisfaction
to be made.

Yearly Rents
charged on
the Rates.

XVII. And be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees, or other Person or Persons herein-before capacitated to sell or convey Lands or other 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 other Works hereby authorized shall be made, may accept and receive Satisfaction for the Value of such Lands and Hereditaments, and for the Damages to be sustained by making and completing the said Works, either in gross Sums, or by yearly Rents, as shall be agreed upon by and between the Parties interested respectively, or any of them, and the said Company; and in case the said Company, and the said Parties interested in such Lands or other Hereditaments, cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Commissioners hereby appointed, in such Manner, and subject to such Verdict of a Jury, if required, as is herein-after directed; and also such yearly or other certain Rents as shall be agreed upon between the said Company and the Parties interested in such Lands or other Hereditaments, or as shall be so ascertained and settled as aforesaid, shall be charged on the Rates arising by virtue of this Act, and shall be paid by the said Company, either yearly or half-yearly, as the same shall be agreed or ordered to become due and payable; and in case the same shall not be paid within Thirty Days next after the same shall at any

Time

Time so become due and payable; it shall be lawful for the said Commissioners, or any Five or more of them, although not assembled at any Meeting to be held by virtue of this Act, and they are hereby required by an Order under their Hands, to appoint One or more Person or Persons to receive the Rates hereby granted and made payable, and to pay the same to the Person or Persons to whom the said Rents shall be due and unpaid as aforesaid, the said Commissioners taking such Security from every such Collector for the due and faithful Execution of his Office, as they shall judge proper and sufficient; and every Person so appointed shall be deemed a Collector of the said Rates, and shall have the same Power and Authority for collecting the same, and to receive and retain thereout a reasonable Satisfaction for his Trouble therein, as if he had been appointed a Collector of the said Rates by the said Company, until such Rents, with all Costs and Damages occasioned by the Nonpayment thereof, shall be fully satisfied and paid; or it shall be lawful for such Bodies Politic, Corporate, or Collegiate, Trustees, or other Person or Persons to whom such Rents shall be due and owing as aforesaid, to sue for and recover the same, with such Costs of Suit, by Action of Debt in any of His Majesty's Courts of Record, or otherwise to seize and distrain any Waggon or Carriage, or other Goods or Effects of the said Company, which shall be found upon the said Railway, or in or upon the Wharfs, Quays, Warehouses, or other Works thereto belonging, (Information of such Distress being immediately given to the said Company, by Notice in Writing delivered to their Clerk, or One of the Collectors of the Rates, or affixed to some of their Premises, near to the Place where such Seizure was made,) and to detain the same until Payment of such Rents then due and owing, together with the reasonable Charges attending such Distress; and if such Distress shall not be redeemed within Five Days next after making the same, and Notice thereof given in Writing as aforesaid, then such Waggons, Carriages, or other Goods and Effects so distrained, shall and may be sold or disposed of in such Manner as the Law directs in case of a Distress for Rent.

XVIII. And whereas Differences may arise between the said Company and the several Owners of and Persons interested in the Lands and Hereditaments, which shall or may be affected or prejudiced by the Execution of the Powers hereby granted, touching the Purchase Money to be paid, or Recompence to be made to them respectively; be it further enacted, That the Right Honourable *William Russell*, commonly called *Lord William Russell*, Sir *John Frederick* Baronet, Sir *William Beaumarice Rush* Knight, Sir *Matthew Bloxam* Knight, *John Barchard*, *John Foakes*, *Robert Bridges*, *John Bridges*, *William Pembroke*, *Thomas Fassett*, *Richard Dallett*, *John Watney*, *James Eaton*, *James Royer*, *Peter Wybrants Broadley*, *Bryant Barratt*, *William Molleson*, *Robert Hankey*, *Daniel Ponton*, *John Cormick*, *John Pooley Kensington*, *John Hodgson*, *William Head*, *John Prior*, *Tyson Chapman*, *Charles King*, *Samuel Long*, *George Taylor*, *George Lane*, *William Neale*, *Samuel Farmer*, *Richard Carpenter Smith*, *Robert Lucas*, *Thomas Evance*, *Gilbert Handasyde*, *William Wilkinson*, *Henry Thornton*, *Robert Thornton*, *Samuel Thornton*, *William Prescott*, *John Anthony Rucker*, *Daniel Henry Rucker*, *Richard Bush* the younger, *Edward Tanner Worsfold*, *John Moore*, *William Gee*, *William Northby*, *Edward Polhill*, *John Watson*, *William Hollingsworth*, the Reverend — *Bullock*, the Reverend — *Gardner*, the Reverend *William Carter*, the Reverend — *Peach*, *Thomas Dyke*,

Commissioners for settling Differences.

Dyke, William Fowler Jones, Robert Fisher, and William Parker Hamond, and their Successors, to be elected in Manner herein-after mentioned, shall be, and are hereby appointed Commissioners for settling, determining, and adjusting all Questions, Matters, and Differences which shall or may arise between the said Company and the several Persons as aforesaid.

Election of
new Commis-
sioners.

XIX. And, for continuing a sufficient Number of Commissioners for putting this Act in Execution, be it further enacted, That when any of the Commissioners hereby appointed, or to be elected in Manner herein mentioned, shall die or refuse to act, the surviving or remaining Commissioners shall, and they are hereby empowered from Time to Time, at some Meeting to be held for that Purpose, by Writing under their Hands, to elect and appoint any Person in the Place of every Commissioner dying or refusing to act; and all such Commissioners so to be appointed shall, from the Time of their respective Appointments, have the like Authority, in all Things relating to the Execution of this Act, as if they had been expressly named Commissioners in and by this Act.

The Quarter
Sessions em-
powered to
nominate
Commission-
ers in case the
Survivors
neglect, or a
sufficient
Number can-
not be found
in the Neigh-
bourhood.

XX. And be it further enacted, That in case it shall happen that the surviving or remaining Commissioners shall at any Time neglect or refuse, upon any Vacancy, to appoint a new Commissioner, or that for Want of a proper Number of Commissioners in the Neighbourhood, it shall become difficult to procure a Meeting or Meetings for executing the Powers of this Act, or in case the Commissioners nominated in this Act, or hereafter to be elected under and by virtue thereof, shall be reduced to a less Number than Twenty, then and in any of the said Cases, it shall be lawful for the said Company, from Time to Time, to make Complaint thereof to the Justices of the Peace for the said County of *Surrey*; and the Justices to whom such Complaint shall be made, are hereby authorized to receive and hear the said Complaint, and upon due Proof thereof being made to them, to nominate and appoint such fit and proper Persons as they in their Discretion shall think fit, to be Commissioners for the Purposes of this Act; and the said Commissioners so nominated and appointed, shall from thenceforth have the like Powers and Authorities as if appointed by or under the immediate Authority of this Act.

Commission-
ers may act
as Justices of
the Peace.

XXI. And be it further enacted, That any of the said Commissioners, who are or shall be Justices of the Peace for the said County, shall and may, notwithstanding their being Commissioners, act as Justices of the Peace in the Execution of this Act.

Qualification
of Commis-
sioners.

XXII. Provided always, and be it further enacted, That no Person shall act as a Commissioner in any case in the Execution of this Act, during the Time of his holding any Place of Profit arising out of the Rates to be collected by virtue of this Act, or during the Time of his being a Proprietor in the said Undertaking, or concerned or interested in any Contract or Bargain made or to be made for the Purposes of this Act, or in any Case where he shall be in anywise interested or concerned in the Matter in question, nor unless he shall be seised in his own Right, or in

in the Right of his Wife, and not as a Mortgagee, at the Time of such his acting, of an Estate of Freehold or Copyhold of Inheritance, or both, in Lands, Tenements, or Hereditaments, of the yearly Value of Sixty Pounds over and above all Reprizes, or unless he shall be possessed of or entitled unto a Personal Estate of the Amount or Value of Two thousand Pounds, or unless he shall be eldest Son or Heir Apparent of a Peer, or of a Person qualified to serve in Parliament as a Knight of the Shire; nor shall any Person (not being an Heir Apparent as aforesaid) act as a Commissioner in the Execution of this Act, (otherwise than by giving Notice of the First Meeting of the Commissioners, and administering an Oath in the Words following to the other Commissioners), until he shall have taken such Oath before any One or more of the said Commissioners, who is or are hereby authorized and empowered to administer the same; (that is to say),

‘ I A. B. do swear, That I am truly and *bonâ fide* in the actual Possession and Enjoyment [*or Receipt*] of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Sixty Pounds above Reprizes, [*or possessed of or entitled to a Personal Estate to the Amount or Value of Two thousand Pounds*], and that I will, without Favour or Affection, truly and impartially, according to the best of my Skill and Knowledge, execute and perform the Powers and Authorities vested in me as a Commissioner, by an Act made in the Forty-third Year of the Reign of King George the Third, intituled [*set forth the Title of this Act.*]

Oath.

‘ So help me GOD.’

Nor shall any Person, being such Heir Apparent as aforesaid, act as a Commissioner in the Execution of this Act, otherwise than by giving Notice of the First Meeting of the Commissioners, and administering such herein-before or herein-after mentioned Oath, as the Case may require, to the other Commissioners, until he shall have taken or made the Oath following, before any One or more of the said Commissioners, who is or are hereby authorized and empowered to administer the same; (that is to say),

‘ I A. B. do swear, that I will without Favour or Affection, &c. [*as in the former Case.*]

And the Clerk of the said Company shall be present when such Oath shall be taken or made by any Commissioner appointed or to be appointed by virtue of this Act, and an Entry or Memorandum of such Oath being taken or made by the Commissioner, shall be made by and certified under the Hand of such Clerk, which Certificate shall be deemed sufficient Evidence of such Oath having been taken or made, in all Courts whatsoever; and if any Person by this Act declared incapable to act as a Commissioner, shall nevertheless presume to act as such in the Execution of this Act, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit by Action at Law in any of His Majesty's Courts of Record at *Westminster*, in which Action no Essoign, Protection, Privilege, or Wager of Law, or more than One Imparlance, shall be allowed; and such Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the

[*Loc. & Per.*]

7 O

Part

Part of the Prosecutor, than that such Person hath acted as a Commissioner in the Execution of this Act.

Notice of
Commissioners
Meetings
to be given.

XXIII. And be it further enacted, That no Meeting whatsoever of the said Commissioners shall at any Time or Times be had for putting in Execution any of the Powers or Authorities vested in them by this Act, unless previous Notice of the Time, Place, and Purpose of such Meeting shall be given and inserted in some Newspaper or Newspapers circulated in the said County of *Surrey*, at least Fourteen Days before such Meeting; and that every Meeting of the said Commissioners by virtue of this Act shall be public; and that no Act, Order, or Proceeding of the said Commissioners, or any of them, in the Execution of this Act (except in such Cases as are hereby otherwise directed) shall be valid, unless the same shall be made or done at a Meeting to be held in pursuance of this Act; and that all Powers and Authorities by this Act given to or vested in the said Commissioners, shall and may from Time to Time be exercised by a Majority of the Commissioners present at every such Meeting, such Meeting on all Occasions not to consist of less than Five Commissioners.

On Application
of the
Proprietors or
Land Owners
Commissioners
to meet.

XXIV. And be it further enacted, That upon Application in Writing being made by the said Company, or any Five or more of them, or by the Owners or Occupiers of any Lands or Hereditaments to be taken for or affected by the said Railway or any of the Works necessary or relating thereto, or any of them requesting or desiring them to appoint a General Meeting of the Commissioners, the Commissioners so applied to shall, and they are hereby respectfully authorized and required, within Fourteen Days after such Request or Application made, to give Notice in Manner aforesaid of a General Meeting, to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Fourteen Days, nor more than Twenty-eight Days, from the Day on which such Request shall be made to them as aforesaid; and the said Commissioners are hereby authorized, empowered, and required to assemble at the Time and Place so to be appointed, in order to put this Act and the Powers and Authorities hereby given to and vested in them in Execution, and shall then adjourn themselves, and afterwards meet at such Time and Place as the said Commissioners there assembled shall think proper or convenient; and if it shall happen that there shall not appear at any Meeting which shall be appointed to be had or held by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time, then and from Time to Time, as often as the Case shall happen, the Clerk to the said Commissioners shall and may, by Notice to be given in Manner aforesaid, appoint the Commissioners to meet at the Place where the last Meeting of the said Commissioners was appointed to be held, on that Day Fortnight after the Day on which the said last Meeting of the said Commissioners was appointed to be held.

Power to
hold occa-
sional Meet-
ings.

XXV. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, and they are hereby empowered, although they shall not be assembled at any Meeting to be held by virtue of this Act, from Time to Time, and at all Times, upon such Request made as aforesaid, by Notice in Writing,

signed by them and published in Manner aforesaid, to summon a Meeting of the said Commissioners, at such Time and Place as shall be mentioned in such Notice, for the settling and ascertaining such Damages as are herein directed to be settled and ascertained, and for other Purposes, notwithstanding any Adjournment or Non-adjournment of the said Commissioners.

XXVI. And be it further enacted, That all the Orders and Proceedings of the said Commissioners shall be regularly entered in a Book or Books to be kept for that Purpose, such Book or Books to be opened at all seasonable Times to the Inspection of any Person interested in the said Proceedings, or his or her Agent or Solicitor, and desirous of seeing and examining the same, without Fee or Reward; and such Entries, being signed by such Number of the said Commissioners respectively as are empowered by this Act to make such Orders, or carry on such Proceedings, shall be deemed Originals, and the same, or true Copies thereof, shall be admitted as Evidence in all Courts whatsoever; and the said Commissioners may, and are hereby required, at their First Meeting, to appoint, out of Three Persons to be appointed by the said Company, such One of the said Three Persons as the said Commissioners shall think proper to be their Clerk, and from Time to Time may remove any such Person; and on such Removal, or in case any such Clerk shall die, or quit the said Employment, the said Company, or their Committee for the Time being, shall, within the Space of One Calendar Month after Notice in Writing for that Purpose to be given by the said Commissioners, nominate Three other Persons, and give Notice thereof unto the said Commissioners from whom such Notice in Writing was received, and the said Commissioners shall and may appoint such One of the said Three last-named Persons as they shall think proper to be their Clerk; and in like Manner a Clerk to the said Commissioners shall be from Time to Time nominated and appointed as Occasion shall require; and such Clerk shall be paid for his Care, Expenses, and Trouble in the Execution of his Office by the said Company; and such Clerk who shall be removed, or die, or quit the Service as aforesaid, his Executors or Administrators, shall, within Two Calendar Months after Notice in Writing to him or them respectively given by the said Commissioners, produce and deliver up to such Commissioners all Books, Accounts, Papers, or Writings whatsoever, relating to the Execution of his Office, which shall be in his Custody or Power; and every such Person neglecting or refusing to produce and deliver up such Books, Accounts, Papers, or Writings after such Notice as aforesaid, shall, for every such Neglect or Refusal, respectively forfeit the Sum of Fifty Pounds to any Person or Persons who shall sue for the same; to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, in which Action no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance, shall be allowed.

XXVII. And be it further enacted, That the said Commissioners acting in any Question, Matter, or Difference which shall or may arise, are hereby authorized and empowered, by Writing under their Hands, with the Consent of the Parties concerned, to determine and adjust, from Time to Time, what Sum or Sums of Money shall be paid by the said Company,

Company, either by an annual Rent or Payment, or by a Sum of Money in Gross, to and at the Election of the Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons respectively, who shall be so entitled or interested as aforesaid, for the absolute Purchase of the Lands or Hereditaments which shall be set out and ascertained for making the said Railway, and other Works and Conveniences, or any Part thereof, and other the Purposes of this Act, and also to determine and adjust what other distinct Sum or Sums of Money shall be paid by the said Company as a Recompence for any Damages which may or shall at any Time or Times whatsoever be sustained by such Bodies Politic, Corporate, or Collegiate, or other Person or Persons respectively, being Owners of and interested in any Lands or Hereditaments, by reason or means of the Execution of any of the Powers herein contained by the said Company, or by their Agents, Workmen, or Servants, or for any other Matter or Thing whatsoever, for which a Recompence or Satisfaction is by this Act directed to be made, in case such Price or Value, Damages and Recompence respectively, cannot be finally and conclusively settled, adjusted, and agreed for, by and between the said Company or their Agents, and such Proprietors of and Persons interested in the said Lands and Hereditaments as aforesaid; which Determination of the said Commissioners, when once perfected and effectuated by the Assent and Execution of the Parties authorized, interested, and entitled as aforesaid, and every Thing executed, done, received, allowed, and transacted in conformity thereto, and in pursuance thereof, by the Parties aforesaid, shall be conclusive and binding upon all and every Person and Persons whomsoever, any Law or Usage to the contrary thereof in anywise notwithstanding; and if the said Company, for and on the Part and Behalf of themselves, or any such Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons so interested or entitled as aforesaid, for and on his, her, or their Part or Parts, shall refuse to submit any such Matter to the Determination of the said Commissioners, or shall be dissatisfied with any Determination which shall be by them made as aforesaid; or if any such Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons interested or entitled as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money or annual Rent, or such Recompence as shall be determined to be paid, or shall, upon Notice in Writing given to the principal Officer or Officers of such 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 such Lands or Hereditaments, for the Space of Fourteen Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company, or by reason of Absence shall be prevented from treating, or through Disability, by Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement as shall be convenient for promoting the said Undertaking, or shall not produce and evince a clear Title to the Premises which they are or shall be in Possession of, or to the Interest which they claim therein, then and in every such Case, the said Commissioners shall and are hereby empowered and required, from Time to Time, to issue a Warrant or Warrants under their Hands and Seals to the Sheriff of the said County of *Surrey*; and in case the said
Sheriff

Sheriff or his Under-Sheriff shall happen to be One of the said Company of Proprietors, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matters in question, then to some One of the Coroners of the said County, not interested as aforesaid, commanding such Sheriff or Coroner respectively to impanel, summon, and return a Jury; and the said Sheriff or Coroner is accordingly hereby required to impanel, summon, and return a Jury of Twenty-four sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for the Trials and Issues in His Majesty's Courts at *Westminster*, to appear before the said Commissioners at such Time and Place as in such Warrant or Warrants shall be appointed, not being less than Nine nor more than Twenty-one Days after such Warrant or Warrants shall be served upon the said Sheriff or Coroner; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, the said Sheriff or Coroner, or their Deputies respectively, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Commissioners are hereby empowered to summon and call before them all and every such Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question, either by or before them the said Commissioners, or by or before any Jury or Juries as aforesaid, as the Case may be; and the said Commissioners may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matters in controversy, which Jury upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners are hereby empowered to administer) shall enquire of, assess, and ascertain the Sum of Money or annual Rent to be paid for such Lands or Hereditaments, or the Recompence to be made for the Damages that may or shall be sustained as aforesaid, and shall assess separate Damages for the same, and the said Commissioners shall give Judgment for such Purchase Monies, Rent, or Recompence to be assessed by such Juries; which said Verdict, and the Judgment thereupon pronounced as aforesaid, shall be signed by the said Commissioners, and shall be binding and conclusive to all Intents and Purposes against the King's Majesty, His Heirs and Successors, and against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever; and if any such Sheriff or Coroner, or his or their Deputy or Agent, shall make Default in the Premises, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Pounds, nor less than Five Pounds; and if any Person so summoned and returned as aforesaid upon such Jury, shall not appear, or appearing shall refuse to 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 summoned to give Evidence shall not appear, or appearing shall refuse to be sworn and examined or give Evidence, every Person so offending, having no reasonable Excuse to be allowed by the said Commissioners, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, for the Benefit of the Party in whose Behalf such Person was so summoned.

Commissioners may summon Witnesses and examine them on Oath.

Expences of
Commission-
ers and Jury.

XXVIII. And be it further enacted, That in all Cases where a Verdict shall be given for more Monies as a Recompence or Satisfaction for any Lands or Hereditaments of any Person or Persons whomsoever, or for any Damage to be done to any Lands or Hereditaments of any Person or Persons, than had been previously offered by or on Behalf of the said Company, or determined by the said Commissioners as aforesaid, then all the Expences of calling such Commissioners, summoning such Jury, and taking such Inquest, shall be settled by the said Commissioners, and be defrayed by the said Company; but if any Verdict shall be given or made for the same or a less Sum than had been previously offered by or on Behalf of the said Company, or than had been determined by the said Commissioners as aforesaid, or in case no Damage shall be given by the Verdict where the Dispute is for Damages only, then and in every such Case the Costs and Expences of calling a Meeting of such Commissioners, summoning such Jury, and taking such Inquest, shall be settled in like Manner by the said Commissioners, and be borne and paid by the Person or Persons with whom the said Company shall have such Controversy or Dispute; which said Costs and Expences having been so settled shall and may be deducted out of the Money so assessed and adjudged, where the same shall exceed such Costs and Expences, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed or adjudged; or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Commissioners, in and by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures: Provided always, that whenever any Person or Persons shall, by reason of Absence or otherwise, have been prevented from treating, the Whole of such Costs, Charges, and Expences shall be borne and defrayed by the said Company.

Persons re-
questing a
Jury to enter
into a Bond
to prosecute.

XXIX. And be it further enacted, That all and every such Person and Persons making Complaint, and requesting such Jury, shall, before the said Commissioners shall be obliged to issue out their Warrant or Warrants for the summoning such Jury, first enter into a Bond, with sufficient Sureties, to the Treasurer of the said Company for the Time being, in the Penalty of One hundred Pounds, or in such other Penalty as the said Commissioners shall appoint, not exceeding the Sum of One hundred Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Costs and Expences of summoning such Jury and taking such Inquest, in the Proportion and Manner herein-before mentioned: Provided always, that the said Commissioners, or any of them, shall not be obliged, by virtue of this Act, to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Damage or Injury by him, her, or them sustained, in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing hath been or shall be given in relation thereto, by or on Behalf of such Person or Persons, to the said Company, or to their Clerk, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Notice of In-
jury to be
given to the
Proprietors
before Com-
plaint to the
Commission-
ers.

XXX. And be it further enacted, That the said Commissioners and Juries respectively shall award all Determinations, Judgments, and Verdicts which they shall respectively make and give in the Execution of the Powers hereby vested in them, concerning the Value of Lands or Hereditaments, separately and distinctly from the Consideration of any other Damages sustained or to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money assessed and adjudged for such Damages as aforesaid, separately and apart from each other.

Verdict of Value of Lands and Damages to be ascertained separately.

XXXI. And be it further enacted, That every such Jury and Juryman as aforesaid shall be under and subject to the same Regulations, Pains, and Penalties, as if such Jury or Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and that all and every Person and Persons, who, in any Examination to be taken by virtue of this Act, shall wilfully give false Evidence before the said Commissioners, or before any such Jury as aforesaid, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishments and Disqualifications as any Person or Persons can or may be subject to for wilful and corrupt Perjury by the Laws and Statutes of this Realm.

Jury to be under the same Regulations as in the Courts at Westminster, and Persons guilty of Perjury may be prosecuted.

XXXII. And be it further enacted, That all the Determinations of the said Commissioners, which shall be submitted to and acquiesced in by the Parties concerned, and also the Verdicts of the Juries, and the Judgments of the said Commissioners thereon, as aforesaid, shall be transmitted to, and kept by the Clerk of the Peace for the said County of *Surrey*, and shall be deemed Records to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for each Inspection the Sum of Two Shillings and Sixpence, and no more, and to take Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words.

Verdict to be recorded.

XXXIII. And, in order that the said Company of Proprietors may not be impeded in the Prosecution of their said Undertaking by means of any such Proceedings before the said Commissioners or Jury, be it further enacted, That, either upon Payment or legal Tender of such Sum or Sums of Money by the said Company, or on their giving such Security as the said Commissioners shall approve, for Payment of any such annual Rent as shall be contracted or agreed for between the Parties, or adjusted and determined by the said Commissioners, or assessed by such Juries in Manner respectively as aforesaid, for the Purchase of any such Lands, Tithes, 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 and Premises, or to such other Person or Persons as shall be interested therein or entitled to receive such Money, Rent, or Compensation respectively, within a reasonable Time, in the Discretion of the said Commissioners, after the same shall have been actually so agreed for, determined, or assessed, or upon the said Company's previously giving such Security as the said Commissioners shall approve, for the

The Lands are to vest absolutely in the Company, upon their either paying or giving Security for Payment of the Value of the Land, or Compensation for Damages.

the future Payment of such Sum of Money, or duly securing such annual Rent when the Amount thereof shall be fixed by the said Commissioners or Jury as aforesaid ; or if the Person or Persons interested in the said Lands or Hereditaments shall not be able to make a good Title thereto, to the Satisfaction of the said Company, so as to entitle himself to receive, or shall actually refuse to receive the Sum or Sums awarded to him, her, or them, by the said Commissioners or Jury, or to execute a sufficient Conveyance, or in case such Person or Persons to whom such Sum or Sums shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then, in any of these Cases, upon Payment of the said Sum or Sums of Money into the Bank of *England*, if the said Sum or Sums shall amount to One hundred Pounds or upwards, in case the same shall be requisite, as herein-after mentioned, or if not, then on leaving or depositing the Money in the Hands of the Treasurer to the Company of Proprietors, if the said Sum or Sums shall be less than One hundred Pounds, for the Use of such Person or Persons who shall be entitled to receive the same ; and in all or any of the said Cases, as often as the same shall happen, it shall be lawful for the said Company of Proprietors, and their Agents, Workmen, and Servants, immediately to enter upon the Lands, Tenements, and other Hereditaments respectively (or before such Payment or Tender, or Security given, by Leave of the Owners and Occupiers thereof), and then and thereupon such Lands, Tenements, and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Company of Proprietors, to and for the Purposes of this Act for ever ; and such Tender, Payment, Investment, or Deposit, or the giving of such Security for the same as aforesaid, shall not only bar all Right, Title, Claim, Interest, and Demand, of the 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, and other Estates in Reversion and Remainder, of his, her, or their Issue, and of every other Person whomsoever therein : Provided nevertheless, that before such Payment, Tender, Investment, Deposit, or Security as aforesaid, it shall not be lawful for the said Company of Proprietors, or any Person acting under their Authority, to dig or cut the Lands or Grounds of the Person or Persons entitled to such Payment or Security, for the Purpose of making the said Railway or Works, without the Consent of such Person or Persons respectively.

Tenants at
Will to deli-
ver Posses-
sion on Six
Months
Notice.

XXXIV. And be it further enacted, That every Tenant at Will or Lessee for a Year, or any other Person or Persons in Possession of any such Lands, Tenements, and Hereditaments, or any Part thereof, which shall be taken or used for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenant at Will or Lessee for a Year, or from Year to Year, shall deliver up the Possession of such Premises to the said Company of Proprietors, or to such Person or Persons as they shall appoint to take Possession of the same, upon having Six Calendar Months Notice to quit such Possession from the said Company, or from the Person or Persons so authorized by them ; and such Person or Persons so in Pos-
session

session of such Premises, or such Tenant or Tenants as aforesaid shall, at the End of the said Six Calendar Months, whether such Notice be given with Reference to the Time or Times of such Tenants holding or not, or so soon after as he, she, or they shall be required, peaceably and quietly to deliver up the Possession of the said Premises to the said Company, or the Person or Persons authorized by them to take Possession thereof; and in case any such Person or Persons so in Possession as aforesaid shall refuse or neglect to give such Possession as aforesaid, it shall be lawful for the said Company to issue their Precept or Precepts, in Writing, signed by the Treasurer and Clerk for the Time being of the said Company, and also by Three Members of the Committee of the said Company, to the Sheriff of the County of *Surrey*, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts on the Person or Persons so refusing or neglecting to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

XXXV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers hereof for the Purposes hereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity, or seised or possessed of only a particular or determinable Estate or Interest therein, such Money shall, in case the same shall amount to 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 High Court of Chancery, to be placed to his Account *ex parte* the *Croydon, Merstham, and Godstone* Iron Railway Company, together with the Name or Names of such Person or Persons as Three of the said Commissioners shall, by Writing under their Hands, direct and appoint, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; 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 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 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 and capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, 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*

Application
of Compen-
sation Money
when
amounting
to 200*l*.

[*Loc. & Per.*]

7 Q

Reduced

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 the Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the said Lands or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation is less than 200*l*. and exceeds 20*l*.

XXXVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity; or seised or possessed of such particular or determinable Estate or Interest as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands) be paid into the Bank in the Name and with the Privy of the said Accountant General of the High Court of Chancery; and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20*l*.

XXXVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners, or any Three or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Compensation in lieu of Tithes.

XXXVIII. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company for all Tithes, both Great and Small, which would have been issuing from or out of any of the Lands which shall be taken or made use of for the Purposes of this Act, to the several Persons who now are or at any Time hereafter might have been entitled to such Tithes, according to their respective Interests therein, such Tithes to be estimated at the Average Value of the Four Years, commencing at *Michaelmas* Day One thousand seven hundred and ninety-eight, and ending at *Michaelmas* Day One thousand eight hundred and two; such Value

to be ascertained (in case of any Difference concerning the same) in like Manner as the Value of any Lands or other Hereditaments is herein-before directed to be ascertained: Provided always, that such Recompence and Satisfaction shall be made to Spiritual Persons by an annual Rent.

XXXIX. And be it further enacted, That in case any Lands or Hereditaments to be used for the Purposes of this Act shall happen to be in Mortgage to any Person or Persons, or legally or equitably subject or charged or chargeable to or with the Payment of any Debt or Sum or Sums of Money in Gross, and not by way of Rent or Annuity, it shall be lawful for the said Company, upon Application being made to them by such Mortgagee or Mortgagees, or Person or Persons having and being entitled to such Charge or Charges as aforesaid, and manifesting the same, his, her, or their Executors or Administrators, and the said Company are hereby authorized and required to pay such Sum or Sums of Money, after the same shall have been so agreed for and adjusted or assessed in manner aforesaid, for such Lands in Mortgage, in or towards or in Part Payment of the Principal Money that shall be due on such Mortgage or Mortgages, and also the Debt or Debts, Sum or Sums of Money, to and with which the said Lands or Hereditaments shall be so liable and charged as aforesaid, unto such Mortgagee or Mortgagees, or other Person or Persons entitled as aforesaid, his, her, or their Executors or Administrators: Provided always, that upon Receipt of such Sum or Sums such Mortgagee or Mortgagees, or other Person or Persons entitled as aforesaid, his, her, or their Executors or Administrators respectively, shall acknowledge the Receipt of such Sum or Sums of Money by an Indorsement to be made upon the Back of such Mortgage or Mortgages, or in other Cases within the Meaning of this Clause, wherein such Discharge cannot be by Indorsement, by an appropriate Receipt or Acquittance, and signed by such Mortgagee or Mortgagees, or other Person or Persons so entitled as aforesaid, his, her, or their Executors or Administrators respectively, in the Presence of One or more credible Witness or Witnesses, in Satisfaction of so much of the Principal or other Monies due upon such Mortgage or Mortgages, Charge or Charges, as the said Purchase Money shall extend to cover; and upon the signing of every such Indorsement and Release respectively, such Lands or Hereditaments shall be exonerated, freed, and discharged of and from every such Mortgage or Mortgages, Charge or Charges as aforesaid.

For paying off Mortgages and Sums charged upon Lands used by the Company.

XL. Provided always, and be it further enacted, That where any Contract or Contracts shall be made with any Bodies Politic, Corporate, or Collegiate, Trustees, or other Persons whomsoever, by the said Company, for the Purchase of any Lands or Hereditaments through, into, or upon which the said Railway or other Works are intended to be made, and the Title to such Lands or Hereditaments respectively shall not thereupon be made out to the Satisfaction of the said Company, then and in all such Cases, from the Time of making such Contracts until a good Title shall be made to the said Lands or Hereditaments respectively, and the same shall be effectually conveyed to the said Company in Fee Simple, or other good Estate of Inheritance, the said Bodies Politic, Corporate, or Collegiate, Trustees, and other Persons contracting to sell the said Lands or Hereditaments, shall be entitled to have and receive annual Rents or Sums for the same respectively from the said Company; and

Satisfaction to be made by an annual Rent where the Title is doubtful.

and in case such annual Rents or Sums respectively shall not be agreed on, between the said Company and the said Bodies Politic, Corporate, or Collegiate, Trustees, or other Persons entitled to the said Lands or Hereditaments, the same shall be ascertained and settled by the said Commissioners, in such Manner, and subject to the Verdict of a Jury, if required, as the Value of the Lands to be set out for making the said Railway and other Works are herein directed to be ascertained and settled; and when and as often as it shall happen that any Lands or Hereditaments, which, by virtue of the Powers created and given by this Act shall be taken and appropriated to and for the Purposes of the said intended Railway, shall be charged with any Annuity, Rent Charge, or annual Sum, unless such Land can be exonerated and discharged by the Agreement of all the Parties interested, it shall be lawful for the said Company to make Satisfaction for such Land, by such annual Rent as is herein next before mentioned, out of which annual Rent so much shall be set apart and applied by the said Company in and towards paying such Annuity, Rent Charge, or annual Sum, as the said Commissioners shall deem proper and adequate, according to the Proportion which such Land shall bear to the whole Land or Hereditament charged with such Annuity, Rent Charge, or annual Sum.

Proprietors
to raise Money
amongst
themselves.

Application
of the Money
raised.

XLI. And be it further enacted, That it shall be lawful for the said Company to raise and contribute amongst themselves, in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making and completing the said Railway and other Works and Conveniences thereto, not exceeding in the whole the Sum of Sixty thousand Pounds (except as is herein-after mentioned); and that the same shall be divided into such Number of Shares as is herein directed; and that no Person subscribing thereto, or becoming a Proprietor of such Undertaking, do become a Proprietor of less than One Share; and all the Money to be raised by the said Company by virtue of this Act is hereby directed and appointed to be laid out and applied, in the first Place, for and towards the Payment, Discharge, and Satisfaction of all Costs, Charges, and Expences in applying for, obtaining, and passing this Act, and all other necessary Expences preparatory and relating thereto, and all the Residue and Remainder of such Money for and towards making, completing, and maintaining the said Railway and other Works, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

The Money
to be divided
into Shares
of 100*l.* each,
and Shares
to be num-
bered.

XLII. And be it further enacted, That the said Sum of Sixty thousand Pounds, or such Part thereof as shall be raised by the several Persons herein-before named, shall be divided into Six hundred equal Parts or Shares, at a Price not exceeding One hundred Pounds *per* Share; and that such Shares shall be numbered in regular numerical Progression, and each Share shall always be distinguished and denominated by the Number with which it is marked; and that the said Six hundred Shares shall be and they are hereby vested in the several Persons, Bodies Politic and Corporate, subscribing the same, and their several and respective Executors, Administrators, Successors, and Assigns, to and for their and every of their proper Use and Benefit who shall possess and enjoy a Property in the same proportionable to the Sum they shall

shall respectively subscribe and pay thereunto; and all and every the said Shares shall be Personal Estate, and be enjoyed and transmissible as such, and not partake in any Manner of the Nature of Real Property, nor entitle any Proprietor in any respect to exercise any Right or Franchise in any Town or Borough through which the intended Railway may pass, in Right of any Share or Shares possessed by such Proprietor in the said Railway; and all Bodies Politic and Corporate, and all and every Person and Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe the Sum of One hundred Pounds, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Undertaking, shall be entitled to, and receive, after the same shall be completed, the entire and neat Distribution of One six-hundredth Part of the Profits and Advantages that shall and may arise and accrue by the Rates and other Sum and Sums of Money to be raised, recovered, or received by the Authority of this Act, and so in proportion for any greater Number of Shares; and every Body Politic and Corporate, Person or Persons, having such a Property of One Share in the said Undertaking, and so in proportion for any greater Number of Shares as aforesaid, shall bear and pay a proportionable Sum towards carrying on the said Undertaking, in manner herein directed and appointed.

and be Personal Estate.

XLIII. 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 Assembly, to cause the Names and proper Additions of the several Persons who shall be then entitled to the Shares in the said Undertaking, with the Number of the Shares or the Amount of all the Subscriptions which they are then respectively entitled to hold, 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 to the said Company, and after such Entry made, to cause their Common Seal to be affixed thereto, and shall cause a Ticket or Instrument, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber upon Demand, specifying the Share or Shares to which he or they is or are entitled in the said Undertaking, every such Proprietor paying to the Clerk Two Shillings and Sixpence and no more, for every such Ticket or Instrument; and such Ticket or Instrument shall be admitted in all Courts whatsoever as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Share or Shares therein specified; but the Want of such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof, and which said Ticket or Instrument may be in the Words or to the Effect following; (*videlicet*),

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

‘ *The Croydon, Merstham, and Godstone Iron Railway Company.*

Form of the Ticket.

‘ NUMBER

‘ THESE are to certify, That *A. B.* of _____ is a Proprietor
 ‘ of the Share or Number _____ being One Share of the
 ‘ *Croydon, Merstham, and Godstone Iron Railway,* subject to the Rules,
 ‘ [*Loc. & Per.*] 7 R Regulations,

Regulations, and Orders of the said Company, and that the said *A. B.* his or her 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

Subscribers to be deemed Proprietors, and have a Vote for every Share.

XLIV. And be it further enacted, That all and every Body or Bodies Politic or Corporate, or other Person or Persons, and his, her, or their Successors, Executors, Administrators, and Assigns, 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 in the said Undertaking, shall be deemed a Proprietor for every such Share, and shall have a Vote for and in respect of every such Share, subject to the Restrictions herein-after mentioned, in the General and Special Assemblies of the said Company, to be held as herein directed for carrying on the said Undertaking, or relative thereto; which Vote shall and may be given by him, her, or them, or by his, her, or their Proxy or Proxies (such Proxy or Proxies being a Proprietor or Proprietors of One or more Share or Shares in the said Undertaking), duly constituted under his, her, or their Hand or Hands, or in case of Infancy, under the Hand or Hands of his, her, or their Guardian or Guardians, and that every such Vote by Proxy shall be as good and valid, to all Intents and Purposes, as if such Principal or Principals had voted in Person, and being an Infant, had been of full Age; the Appointment of which Proxy shall and may be made in the Words or to the Effect following; (*videlicet*),

Form of the Appointment of a Proxy.

I *A. B.* One of the Proprietors [*or* we *A. B.* and *C. D.*, Guardians of *E. F.* One of the Proprietors,] of the *Croydon, Mersham, and Godstone Iron Railway*, do hereby nominate, constitute, and appoint *G. H.* to be my [*or* his *or* her] Proxy in my [*or* his *or* her] Absence to vote and give my [*or* his *or* her] Assent or Dissent to any Business, Matter, or Thing relative to the said Undertaking, which shall be mentioned or proposed at any Meeting of the Proprietors of the said Railway, or any of them, in such Manner as he the said *G. H.* shall think proper, according to his Opinion and Judgment, for the Benefit of the said Undertaking, or any thing appertaining thereto. In witness whereof I [*or* we] have hereunto set my Hand [*or* our Hands], the Day of in the Year of our Lord

All Questions to be decided by the Majority of Votes.

And that every Election of Committees and Officers, Question, Matter, and Thing whatsoever, which shall be proposed, discussed, or considered in any General or Special Assembly of the said Company of Proprietors, to be held by virtue of this Act, shall be finally determined by the Majority of Votes and Proxies then present, computing One Vote to every Share as aforesaid; and that at every such Assembly One of the Proprietors present shall be appointed President or Chairman, who shall not only have such Vote or Votes as a Proprietor as aforesaid, but shall also, in case of an equal Division, have the decisive or casting Vote: Provided always nevertheless, that no Person shall have more than Five Votes in his or her own Right, nor more than Five other Votes in Right of any Proxy or Proxies.

Proprietors may raise an additional Sum if necessary.

XLV. And be it further enacted, That in case the said Sum of Sixty thousand Pounds, herein-before authorized to be raised, shall be found insufficient

insufficient for making, completing, and maintaining the said Railway and other Works hereby authorized to be made, and defraying all necessary Charges and Expences relating thereto, then and in such Case, it shall be lawful for the said Company to raise and contribute, amongst themselves, in Manner and Form aforesaid, and in such Shares and Proportions as to them shall seem meet, or by the Admission of new Subscribers, any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding the Sum of Thirty thousand Pounds; and every Subscriber, towards raising such further or other Sum of Money, shall be a Proprietor in the said Undertaking, and shall have a like Vote by himself or herself, or his or her Proxy, in respect of every Share in the said additional Sum so to be raised, and shall also be liable to such Forfeitures, and stand interested in all the Profits and Powers of the said Undertaking, in proportion to the Sum he, she, or they shall or may subscribe thereunto, as generally and extensively, to all Intents and Purposes, as if such further or other Sum hereby allowed to be subscribed for and raised, had originally been Part of the said Sum of Sixty thousand Pounds; any thing herein contained to the contrary thereof in anywise notwithstanding.

XLVI. Provided always, That in case the said Company shall be desirous of raising the said Sum of Thirty thousand Pounds, herein-before authorized to be raised, or any Part thereof, by Mortgage of the said Undertaking, 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 Thirty thousand Pounds, on the Credit of the said Undertaking, as to them shall seem meet and convenient; and the said Company, or the Committee of the said Company, after an Order of any General Assembly, are hereby 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 such Sum or Sums of Money to be borrowed as aforesaid, with Interest, to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance the same; all which said Mortgages or Assignments shall be made under the Common Seal of the said Company, in the Words or to the Effect following; (that is to say),

Power to
raise Money
by Mortgage.

NUMBER

BY virtue of an Act, made in the Forty-third Year of the Reign of King George the Third, intituled [*here set forth the Title of this Act*], we, the Croydon, Merstham, and Godstone Iron 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 Undertaking, and all and singular the Rates arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of, in, and to the same, to hold unto the said _____ his [*or her*] Executors, Administrators, or Assigns, until the said Sum of _____ together with Interest for the same, after the Rate of _____ for every One hundred Pounds for a Year, shall be fully paid

Form of
Mortgage.

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

And all and every Person or Persons to whom such Mortgage or Assignment shall be made, shall be equally entitled, one with the other, to his, her, or their Proportion or Proportions of the said Rates and Premises, according to the respective Sums in such Assignments mentioned, to be advanced without any Preference by reason of Priority of any such Assignments, or on any other Account whatsoever; and a 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 the Rate of Interest, shall be entered in a Book or Books, to be kept by the Clerk to the said Company; which said Book or Books shall and may be perused, at all reasonable Times, by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all and every Person or Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may, from Time to Time, transfer his, her, or their Right or Interest therein, to any Person or Persons whomsoever; which Transfer shall and may be in the Words or to the Effect following; (that is to say),

Form of
Transfer.

I [or we] of in consideration
 of the Sum of paid by
 of do hereby transfer a certain Mortgage,
 Number made by the *Croydon, Merstham, and Godstone Iron*
Railway Company, 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] Executors, Administrators, and Assigns. Dated this
 Day of in the Year of our Lord

And every such Transfer shall, within Sixty Days after the Date thereof, be produced to the Clerk to the said Company, who shall cause a Memorial to be made thereof, in like Manner as 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 Payment thereon; 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.

Interest of
Money bor-
rowed to be
paid in Pre-
ference to the
Dividends, or
may be sued
at Law.

XLVII. And be it further enacted, That the Interest of the Money which shall be borrowed by Mortgage, as aforesaid, shall be paid Half-yearly, to the several Persons entitled thereto, in preference to any Interest or Dividends due and payable by virtue of this Act to the said Company, or any of them, and shall, from Time to Time, be fully paid and discharged, or provided for, before the yearly or other Interest or Dividends due to the said Proprietors, or any of them, shall be paid, made;

made, and divided; and in case the same, or any Part thereof, shall be behind and unpaid by the Space of Thirty Days next after the same shall become due and payable as aforesaid, and after Demand made, that then it shall be lawful for the said Commissioners, and they are hereby required, on Request made to them by any Creditor, whose Interest shall be so in Arrear, by an Order under their Hands, to appoint One or more Person or Persons to receive the Whole or such Part or Parts of the said Rates as are liable to pay such Interest so due and unpaid as aforesaid; and the Money so to be received by such Person or Persons is hereby declared to be as so much Money received by or to the Use of such Person or Persons to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the Rates, shall be fully satisfied and paid; and after such Interest and Costs shall be paid and satisfied, the Power and Authority of such Receiver and Receivers, for the Purposes aforesaid, shall cease and determine; or otherwise the said Interest, so due and unpaid as aforesaid, shall be sued for and recovered, with Costs, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*: Provided always, 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 Assignment.

Mortgagees
not to vote
on account
of having
lent Money.

XLVIII. And be it further enacted, That the First General Assembly of the said Company, for putting this Act into Execution, shall be held at the *King's Arms Inn*, in the Town of *Croydon*, upon the Third *Tuesday* next after the passing of this Act, at the Hour of Eleven of the Clock in the Forenoon; and the Second and every General Assembly shall be held at such Time and Place as the said First General Assembly shall appoint; and the like General Assembly shall be held on the First *Tuesday* in *May* in every Year for the future, at such Place as the said Proprietors at each next preceding General Assembly shall appoint, all such Meetings being at the Hour of Eleven of the Clock in the Forenoon; and the said Company, at such respective General Assemblies, together with such Proxies as shall be then present, shall choose and elect, out of such of the said Proprietors as at the Time of such Election shall respectively be possessed, in their own Right, of Stock to the Amount of Three hundred Pounds at the least in the said Undertaking, One Committee, to manage the Affairs of the said Company, as herein directed, and to consist of Nine or more Persons, Three of whom shall at all Meetings be a Quorum; and the said Company shall have Power and Authority, at any such General Assembly, to remove and displace any Person or Persons who shall have been chosen a Member or Members of the said Committee, or any Officer or Officers under them, and to choose and elect others in case of Death or other Vacancy, and to revoke, alter, amend, or change any of the Rules or Directions which may have been prescribed and laid down by virtue of this Act, with regard to their Proceedings amongst themselves, as they shall think proper (the Method of calling General or Special Assemblies, and their Time and Place of meeting and voting, and appointing Committees only excepted), and shall also have Power and Authority to make such new Rules, Bye

First and
other General
Assemblies.

Committee to
be elected.

[*Loc. & Per.*]

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Laws,

Laws, and Orders, for the good Government of the said Company, their Agents and Workmen, for making, maintaining, and using the said Railway or other Works, and all other Conveniencies, Matters, and Things, that shall be made for the same, and also for and concerning all such Goods and Commodities as shall be conveyed thereon, and also for the well governing of all Persons who shall be employed in the conveying of any Goods, Wares, and Merchandize, and other Articles and Things, upon any Part of the said Railway or other Works, and from Time to Time to alter and repeal the said Bye Laws, Orders, and Regulations, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the major Part of such General Assemblies shall seem meet, not exceeding the Sum of Five Pounds for any One Offence, such Fines and Forfeitures to be levied and recovered by such Ways and 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 being printed, 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 this Realm, or any Directions in this Act contained; and every such General Assembly shall have Power to call for, audit, and settle all Accounts of Money received, laid out, and disbursed, on account of the said Undertaking, by the Treasurers or Collectors of the Rates, and other Officers by them appointed, or by any other Person or Persons whomsoever employed by or concerned for or under them in and about the said Railway, and other Works thereto belonging, but no Vote or Votes by Proxy shall be given or have any Power in or as to the Audit and Settlement of Accounts; and the said Company shall have Power to adjourn themselves from Time to Time, to such Place or Places as shall at any such General Assemblies be thought proper and convenient.

General Assemblies for choosing Committees to consist of 30 Shares.

XLIX. Provided always, and be it further enacted, That if at any such General Assembly there shall not be present Persons, or the Proxies of Persons, whose aggregate Interest or Property in the said Undertaking shall amount at least to Thirty Shares or Subscriptions of One hundred Pounds or upwards, no Choice of a Committee, nor any Removal of a Person or Persons from any such Committee, nor any Election of any Person or Persons in the room of such of the Members of the said Committee as shall die or decline to act, shall be made at that Time, but in such Case there shall be another Assembly of the said Company, at the same Place upon that Day Three Weeks, and if a sufficient Number of Proprietors, as Principals or by Proxies, shall not then attend, the said General Assembly shall stand adjourned to the same Place, on the Third *Tuesday* next following; and such Choice, Removal, or new Appointment of any Member of any such Committee shall then take place, and not before; and such Committee so before appointed shall continue to act, and have the same Powers as they had and were possessed of, until a new Committee shall be appointed as aforesaid; and in case of Failure of the assembling of a sufficient Number of Proprietors having such Shares or Subscriptions as Principals or Proxies at such First General Assembly, every Proprietor who shall not attend such Second Assembly, in his own Person or by Proxy, shall forfeit to the said Company, for every Share or Subscription of One hundred Pounds which he or she shall possess in the said Undertaking,

ing, the Sum of Ten Shillings, to be deducted out of his or her next succeeding Payment of Interest or Dividends of the Profits of the said Undertaking, as the Case may happen; and in case no Interest or Dividends shall be payable to such Person or Persons making Default as aforesaid, within Three Calendar Months next after the making of such Default, then the Payment of the said Forfeiture of Ten Shillings may be recovered and enforced by the Ways and Means herein-after appointed for the Recovery of any other of the Penalties or Forfeitures imposed by this Act.

L. And be it further enacted, That if it shall at any Time appear that, for the more effectually putting this Act into Execution, a Special General Assembly of the said Company is necessary to be held, it shall be lawful for any Five or more of the said Proprietors, who may each of them be possessed of or entitled unto Three Shares or Subscriptions of Three hundred Pounds or upwards at the least in the said Undertaking, to cause Ten Days Notice at the least to be given thereof in some Newspaper usually circulated in the said County of *Surrey*, or by giving to each Proprietor, or by leaving at his or her usual Place of Abode, a Notice in Writing signed by such Proprietors, or by the Clerk to the said Company for the Time being, or in such other Manner as the said Company shall at any General Assembly direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special Assembly, and the Time when and Place where the same shall be held; and the said Proprietors are hereby authorized to meet pursuant to 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 Assembly, (provided such major Part shall be possessed of at least Thirty Shares or Subscriptions of One hundred Pounds each in the said Undertaking, either as Principals or Proxies), shall be valid with respect to the Matters specified in such Notice, as if the same had been done at a General Assembly at the Time herein-before appointed for holding the same.

Assemblies of Proprietors may be specially convened.

LI. And be it further enacted, That it shall be lawful for the said Company at any General Meeting assembled, and they are hereby authorized and required from Time to Time to nominate and appoint a Treasurer and Clerk, and such other Officers as they shall think proper, and shall take sufficient Security from every such Treasurer and other Officer, having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of his Office, as the said Company shall think proper, and from Time to Time to remove any such Treasurer, Clerk, and other Officers, or any of them; and such Clerk shall attend the General Meetings and Assemblies of the said Company, and the Meetings of the said Committee, and shall, in a proper Book or Books to be provided for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors, or entitled to any Share or Shares therein, and of all the Acts, Proceedings, and Transactions of the said Company, and of the said Committee, by virtue of and under the Authority of this Act; and that every Proprietor of the said Undertaking shall

Officers to the Company to be appointed.

shall and may, at all convenient Times, have Recourse to and peruse and inspect the same, and also the Book or Books to be kept by the Clerk of the said Commissioners, *gratis*, and may demand and have Copies thereof, or any Part thereof, paying Sixpence for every One hundred Words so to be copied; and if such Clerk shall refuse to permit any of the said Proprietors to inspect or peruse any such Books at all convenient Times and Seasons, or refuse to make any such Copy or Copies in a reasonable Time at the Rate aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, for the Benefit of the said Undertaking; and whenever any such Treasurer or Clerk shall die, or be removed from or quit the Service of the said Company, it shall be lawful for the Committee of such Proprietors for the Time being, or a Majority of them, to appoint some other fit and proper Person or Persons to be Treasurer or Clerk in the Place of him or them so dying, being removed, or quitting the said Service, until the then next General Assembly of the said Company, when such Appointment shall be confirmed, or another Treasurer or Clerk shall be nominated and appointed in his or their Stead.

Officers, &c.
to account.

LII. And be it further enacted, That all such Officers and Persons so to be appointed as aforesaid, shall at such Time and Times, and in such Manner as the said Company of Proprietors, or such Committee, shall direct, deliver to the said Company of Proprietors, or to such Committee, or to such Person or Persons as they respectively shall appoint, true and perfect Accounts, in Writing, of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officer or Officers and Person or Persons respectively received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Company of Proprietors, or to such Committee, or to such Person or Persons as they shall respectively appoint; and if any such Officer or Person shall refuse to produce or deliver up such Receipts or Vouchers, or to make Payment as aforesaid, or shall not deliver to the said Company of Proprietors, or to such Committee, or to such Person or Persons as they respectively shall appoint, within Ten Days after being thereunto required by the said Company of Proprietors, or by such Committee, all Books, Papers, and Writings, in his or their Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands to the said Company of Proprietors, or to such Committee, or as they respectively shall direct or appoint, then and in either of the Cases aforesaid, the said Company of Proprietors may and are hereby authorized and empowered to bring, or cause to be brought, any Action or Actions against the Officer or Officers, Person or Persons so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made by the said Company of Proprietors, or by such Committee, or by such Person or Persons as they respectively shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid

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to any Two or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons, so neglecting or refusing, shall be and reside, such Justices may, and are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before them, and upon his or their appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if, upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, it shall appear to such Justices that any of the Monies that shall have been collected, raised, or received, by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may, and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of making and levying the same; or if such Officer or Officers, Person or Persons, shall still persist in refusing or neglecting to deliver up all such Monies, Accounts, Receipts, Vouchers, Books, Papers, and Writings as aforesaid to the Company of Proprietors, or to such Committee, or other Person or Persons as they respectively shall appoint, then, and in any or either of the Cases aforesaid, such Justices shall commit every such Offender to the Common Gaol for the said County of *Surrey*, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Company of Proprietors, or with the said Committee, and shall have paid such Composition in such Manner as they respectively shall appoint, and until he shall deliver up such Monies, Accounts, Receipts, Vouchers, Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Company of Proprietors, or to such Committee.

LIII. And be it further enacted, That the Committee for the Time being of the said Company shall have Power from Time to Time to make such Call or Calls for Money from the Proprietors of the said Undertaking, to defray the Expences of and to carry on the same, as they shall from Time to Time find necessary for those Purposes, so that no such Call do exceed the Sum of Ten Pounds upon each Share, and so as no Calls be made but at the Distance of One Calendar Month at least from each other, which Monies so called for shall be paid to such Person and Persons, and in such Manner as the said Committee shall from Time to Time appoint and direct for the Use of the said Undertaking; and such Committee shall, until the next General Assembly to be holden in Manner as aforesaid, meet at such Times and at such Places, and from Time to Time adjourn themselves to such other Time as they shall think fit; and at all Meetings of the said Committee, One of the Members present shall be appointed President or Chairman, and all Questions, Matters, and Things, which shall be proposed, discussed, or considered at such Meetings, shall be finally determined by the Majority of Votes; but no Member of such Committee, although he may be a Proprietor of many Shares in the said Undertaking, shall have more than One Vote

Powers of the
Committee
for making
Calls.

[*Loc. & Per.*]

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Their Ex-
pences to be
paid.

Calls not paid
may be sued
for.

If not paid
within Three
Months,
Shares to be
forfeited.

Subscriber to
have Notice
before their
Shares are
forfeited.

in the said Committee, except the President or Chairman, who in case of an equal Division shall always have a second and the casting Vote ; and in order to defray the Expence of the Meetings of the said Committees, it shall be lawful for the said Committees, and they are hereby allowed to expend or detain to themselves a reasonable Sum of Money out of the Capital Stock of the said Proprietors for their Expences in attending such Meetings ; and the said Committee shall have Power and Authority to direct and manage all the Affairs of the said Company, as well in buying and purchasing Lands and Hereditaments, and Materials for the Use of the said Undertaking and Works, as in employing, ordering and directing the Works and Workmen, and in placing and displacing Under Officers, Clerks, Servants, Agents and Workmen, and in making all Contracts and Bargains touching the said Undertaking, so that no such Purchase, Bargain, or other Matter be done or transacted without the Concurrence of a Majority of the said Committee as aforesaid then assembled ; and every Owner or Owners of One or more Share or Shares in the said Undertaking shall pay his, her, or their Shares and Proportions of the Monies to be called for as aforesaid, at such Time and Place as aforesaid, of which One Calendar Month's Notice at the least shall be given, not exceeding the Sum aforesaid for every Share, by publishing the same in some One such Newspaper as aforesaid, or by giving Notice in Writing to such Proprietor, or leaving the same at his or her usual or last Place of Abode, or in such other Manner as the said Company shall at any General Assembly direct or appoint ; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for by the First Call to be made by virtue of this Act, at the Time and Place 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, Protection, or Wager of Law, or more than One Imparance shall be allowed ; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for as aforesaid at the Time and Place so appointed as aforesaid, he, she, or they so neglecting or refusing shall forfeit any Sum not exceeding Three Pounds nor less than Two Pounds for every One hundred Pounds of his, her, or their respective Share or Shares in the said Undertaking ; and in case such Person or Persons shall neglect or refuse to pay his, her, or their rateable and proportionable Part or Share of the said Money, to be called for as aforesaid, for the Space of Three Calendar Months after the Time appointed for Payment thereof as aforesaid, then he, she, or they, so neglecting or refusing, shall forfeit his, her, or their respective Share and Shares in the said Undertaking, and all the Profit and Benefit thereof, and all Money advanced by him, her, or them, to and for the Use and Benefit of the other Proprietors of the said Undertaking, and all such Forfeitures shall be sold at a public Sale by the said Company, for the most Money they can get for the same, and the Produce thereof shall be equally divided amongst the rest of the said Company, in proportion to their respective Shares and Interests in the said Undertaking : Provided always, that no Advantage shall be taken of the Forfeiture of any Share or Shares of the said Undertaking, until Notice shall be given by the Clerk or Treasurer to the said Company, to the Owner or Owners thereof,

or

or Notice in Writing left at his, her, or their usual or last Place of Abode, nor unless the same shall be declared to be forfeited at some General Assembly of the said Company, which shall be held after the End of Two Calendar Months after the Forfeiture shall happen to be made; and every such Forfeiture shall be an Indemnification and Discharge to and for every Proprietor or Proprietors so forfeiting, after such Share or Shares shall be deemed to be forfeited by a General Assembly, but not before, against all Actions, Suits, or Prosecutions whatsoever, to be commenced or prosecuted for any Breach of Contract or other Agreement between such Proprietor or Proprietors so forfeiting, and the rest of the Proprietors, with regard to carrying on the said Undertaking.

LIV. Provided always, and be it further enacted, That in case any Proprietor of a Share or Shares in the said Railway shall at any Time neglect or refuse to answer and pay the Calls made upon him or her within the Time and Manner prescribed by the said Act for making such Payment, it shall be lawful for the said Company of Proprietors to cause to be sold the Share or Shares belonging to such Person, or so many thereof (if more than One) as will raise a sufficient Sum of Money to make good the Money so called for, with lawful Interest for such Money from the Time the same shall have been due, and also all Charges and Expences occasioned by such Neglect or Refusal, and by Writing under their Common Seal to convey the same to the Purchaser or Purchasers thereof, according to the Form and in Manner by the said Act directed with respect to the Sale or Sales of Shares in the said Railway; and every such Sale and Conveyance shall be as valid and effectual as if made by the former Owner; and out of the Money arising by such Sale the said Company of Proprietors are hereby empowered to deduct and retain the Sum due to them from such Person on account of his or her Share in the said Railway, together with Interest for the same as aforesaid, and also all Expences attending such Neglect or Refusal and Sale; and if there shall be any Overplus of such Money, the same shall by the said Company of Proprietors be paid upon Demand to the Person who was the Proprietor of the said Share or Shares before such Sale was made, his or her Executors or Administrators, the Person or Persons receiving such Money giving to the said Company of Proprietors a proper Receipt or Discharge for the same: Provided always, that nothing herein contained shall extend or be construed to extend to prevent the said Company of Proprietors from pursuing such other Remedies for recovering the Calls and Arrears of Calls due from the said Proprietors, or any of them, as are given and directed by this Act.

So many Shares of Persons not answering Calls may be sold as will raise the Sum due.

LV. And be it further enacted, That in any Action 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 unto, for such or so many Call or Calls of such or so many Sum or Sums of Money, upon such or

Directing the Proceedings in Actions for Calls.

so

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 on the Trial of such Action it shall only be necessary to prove that the Defendant or Defendants at the Time of making such Call or Calls was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee 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, unless it shall appear that any such Call exceeded the Sum of 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 as aforesaid ; and after Judgment shall be given for the said Company in any such Action, Execution shall not be stayed by reason of any Writ of Error brought by the Defendant or Defendants therein, unless such Defendant or Defendants, with Two sufficient Sureties, shall first become bound to the said Company by Recognizance, to be acknowledged in the Court in which Judgment shall be given, in Double the Sum adjudged to the said Company by such Judgment, to prosecute the said Writ of Error with Effect, and also if the said Judgment be affirmed, or the said Writ of Error be non-prossed, to satisfy and pay the Debt, Damages, and Costs adjudged by the said Judgment, and all Costs and Damages to be awarded for Delay of Execution.

Committee
may appoint
Sub-Com-
mittees with
Power to
make Con-
tracts, &c.

LVI. And be it further enacted, That it shall be lawful for the said Committee to nominate and appoint, out of their own Body, One or more Sub-Committee or Sub-Committees (every such Sub-Committee to consist of Five or more Persons), who shall have full Power and Authority to enter into and make any such Contracts or Agreements on Behalf of the said Company of Proprietors ; and to hire and employ any Agents, Workmen, or Servants in and about the said Undertaking, and to do, execute, and perform all such other Matters and Things whatsoever, in and about the said Undertaking, which the said Committee are themselves herein-before authorized to do, as the said Committee shall think proper to entrust to the Care and Management of any such Sub-Committee or Sub-Committees ; save and except nevertheless the appointing of such Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the auditing and settling of the Accounts of the Treasurer or Treasurers, Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the making Calls for Money upon the Proprietors of the said Undertaking ; and that it shall be lawful for the said Committee, for the Time being, to order and direct such Compensation or Recompence to be made to the said Sub-Committee or Sub-Committees, from Time to Time, as they shall think reasonable ; and it shall also be lawful for the said Committee, by an Order or Resolution for that Purpose, to break up and dissolve any such Sub-Committee or Sub-Committees, or to remove and displace any Member or Members thereof, and appoint some other or others in his or their Place and Stead, when and as often as such Committee shall think proper and expedient ; and such Sub-Committees shall have full Power and Authority to meet from Time to Time, and adjourn from Place to Place, as they shall think proper, and as Occasion shall

And Com-
mittee may
dissolve such
Sub-Com-
mittees.

shall require, for effectuating the Purposes aforesaid; and all Powers and Authorities hereby vested, or which shall by the said Committee be vested in any such Sub-Committee or Sub-Committees within the Intent and Meaning of this Act, shall and may be exercised by the major Part of the Members present at their respective Meetings, the whole Number present not being less than Three; and at all Meetings of such Sub-Committees respectively, One of the Members present shall be appointed President or Chairman, and all Questions shall be decided by the Majority of Votes, and the President or Chairman shall have the casting Vote in case of an equal Division, although he may have given One Vote before.

Powers of Sub-Committees may be exercised by Majority.

At Meetings of Sub-Committees Chairman to be appointed.

LVII. And be it further enacted, That such Committee shall, from Time to Time, make Report of their Proceedings to, and be subject to the Examination and Controul of the said General and Special Assemblies 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 Assembly, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Committee to be under Controul of General Assemblies.

LVIII. And be it further enacted, That proper Books of Accounts, and other Matters relating to the said Undertaking, shall be kept; and that all such Books and other Matters shall be deposited and kept, under the Direction of the Committee for the Time being, at such Place or Places as the said Company shall from Time to Time direct; and every Proprietor or Proprietors, at all reasonable Times, shall have free Access to the same for his, her, or their Inspection, without Fee or Reward.

Books of Accounts to be kept.

LIX. And be it further enacted, That the said Company of Proprietors shall and may sue and be sued in the Name of their Treasurer or Clerk for the Time being; and that no Action that may be brought or commenced by or against the said Company of Proprietors, or any of them, by virtue or on account of this Act, in the Name of such their Treasurer or Clerk, shall abate or be discontinued by the Death or Removal of such Treasurer or Clerk, or by the Act of such Treasurer or Clerk, without the Consent of the Committee for the Time being of the said Company of Proprietors; but the Treasurer or Clerk to the said Company of Proprietors, for the Time being, shall always be deemed Plaintiff or Defendant in such Action, as the Case may be: Provided always, that every such Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended, by or on Behalf of the said Company, in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put to, or become chargeable with, by reason of his being so made Plaintiff or Defendant therein.

Company may sue and be sued in the Name of the Clerk or Treasurer.

LX. And be it further enacted, That if the Owner or Owners of any Share or Shares in the said Undertaking shall happen to die before such Call or Calls shall have been made for the full Sum to be advanced, or any Share or Shares which he, she, or they shall have been possessed of, or entitled to, without having made Provision by Will, or otherwise, how

On the Death of Subscribers before Shares completed, Executors may complete the same.

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or in what Manner such Share or Shares shall be disposed of, and how or by what Means the future Calls in respect thereof shall be paid to the said Company, for the Purposes of the said Undertaking, then and in such Case the Executors or Administrators of any such Owner so dying, or the Trustee or Trustees, Committee or Committees of any Lunatic or Lunatics, Guardian or Guardians of any Infant or Infants, Lunatic or Lunatics, or of any other Person or Persons entitled to the Estate and Effects of such deceased Owner, are hereby respectively authorized to pay, and shall be indemnified against all and every Person or Persons whomsoever, for or on account of his, her, or their having paid any Sum or Sums of Money when called for as aforesaid, to complete every such Subscription so contracted for or begun; and if such deceased Owner or Owners shall not have left Assets sufficient, or in case the Executors or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, the said Company shall be, and they are hereby authorized and required to admit any other Person or Persons to be Proprietor or Proprietors of the Share or Shares of such deceased Owner or Owners, on Condition that he, she, or they so admitted do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner or Owners, or to the Trustee or Trustees, Guardian or Guardians of any Infant or Infants, or to any other Person or Persons who shall or may be entitled to his, her, or their Effects, the full Sum or Sums of Money which shall have been paid by such Owner or Owners, in his, her, or their Lifetime, by virtue of any Call or Calls, or otherwise, upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for; and in case no Person or Persons shall be found who is or are willing to be admitted on such Conditions as aforesaid, then and in such Case such Share or Shares shall be forfeited to, and become vested in the rest of the said Company, in Trust for, and for the equal Benefit of all the rest of the said Proprietors, in proportion to their respective Interests in the said Undertaking, and shall be subject to be sold and disposed of in like Manner as other forfeited Shares may be sold and disposed of by virtue of this Act.

Shares may
be sold.

LXI. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, his, her, or their respective Executors or Administrators, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned and provided; and the Form of Conveyance for such Sales shall be in the following Words, or to the like Effect, varying the Names and Descriptions of the contracting Parties, as the Case may require:

Form of
Conveyance.

‘ I *A. B.* in consideration of *£* *—* paid to me by
‘ *C. D.*, do hereby bargain, sell, and transfer unto the said *C. D.*
‘ Share [*or Shares, as the Case may be*] of the Undertaking called *The*
‘ *Croydon, Merstham, and Godstone Iron Railway*, to hold to him, the
‘ said *C. D.*, his Executors, Administrators, and Assigns, subject to the
‘ same Rules, Orders, and Restrictions, and on the same Conditions, that
‘ I held the same immediately before the Execution hereof; and I the
‘ said *C. D.* do hereby agree to take and accept the said Share [*or Shares*]

‘ subject to the same Rules, Orders, Restrictions, and Conditions. As
 ‘ witness our Hands and Seals, the Day of .’

And on every such Sale the said Deed of Conveyance, executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares, shall be kept by the said Purchaser or Purchasers of his, her, or their Security, after the Clerk of the said Proprietors for the Time being shall have entered in the said Books a Memorial of such Transfer and Sale, to be kept for the Use of the said Company, and have testified or indorsed the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than Two Shillings and Sixpence shall be paid; and the said Clerk is hereby required to make such Entry or Memorial accordingly, and unless and until such Memorial shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Part of the Profits of the said Undertaking, nor any Interest for such Share paid unto him, her, or them, or any Vote as a Proprietor or Proprietors of the said Undertaking.

LXII. And be it further enacted, That after any Call of such Money shall have been made by such Committee as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, upon the Penalty of forfeiting his, her, or their respective Share or Shares therein to the said Company, in Trust for the Benefit of all the said Proprietors, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid and discharged to the Treasurer of the said Company of Proprietors the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred, such Forfeiture, nevertheless, to be notified and declared at a General Assembly in manner before directed.

After a Call,
no Share to
be sold until
after the Call
be answered.

LXIII. And be it further enacted, That if any of the Deeds for or respecting the Shares of the Company aforesaid shall be worn out or damaged, then, upon the same being brought and shewn at some General Assembly of the said Company of Proprietors, such Deeds may be cancelled and destroyed, and other similar Deeds given under the Seal of the said Company, to the Person or Persons in whom the Property of such Deeds and the Shares therein mentioned shall be at any Time vested; or in case such Deeds shall be burnt or totally destroyed, that then, upon due Proof thereof, like Deeds shall be given to the Person or Persons who were the Owner or Owners of, or entitled to such Deeds so burnt or destroyed, so as that due Entry of the Transfer of such Deed or Deeds (if any such have been made) shall have been entered by the Clerk to the said Company, in manner herein directed.

For granting
new Deeds
when old
ones are
destroyed or
worn out.

LXIV. And whereas much Inconvenience may arise by the frequent Transfer of Shares in the said Undertaking by the Marriage and Death of Proprietors, and it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Share ought to be paid and do belong; be it therefore further enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking by virtue of his, her, or their Marriage or Marriages, shall be entitled to receive the same, an Affidavit, containing a Copy of the Register of such Marriage, or the Effect of such Register, shall be made and sworn to by

Proof to be
given of Title
to Shares
acquired by
Marriage, or
by Will or
Letters of
Administra-
tion.

some

some credible Person, before a Judge in One of His Majesty's Courts of Record at *Westminster*, or before a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company for the Time being, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by him for the entering of Transfers of Shares in the said Undertaking; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking by virtue of any Bequest or Will, or of any Letters of Administration, shall be entitled to receive the same, the said Will, or Probate Copy thereof, or such Letters of Administration, shall be produced and shewn to the Law Clerk of the said Company, or an Affidavit, containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator or Testatrix, or a Copy of the said Letters of Administration, in case the Proprietor shall have died intestate, shall be made and sworn to by the Executor or Executors of such Will, or by the Administrator or Administrators of the Estate and Effects of the Proprietor dying intestate (as the Case may happen to be), before a Judge of One of His Majesty's Courts of Record at *Westminster*, a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company, who shall file and enter the same in Manner aforesaid.

Rates of
Tonnage.

LXV. And in Consideration of the great Charge and Expence which the said Company must incur and sustain in making and maintaining the said Railway, and other Works hereby authorized to be made and maintained, 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 and Wharfage of all Goods, Wares, and Merchandize, and other Things, which shall be carried or conveyed upon any Part of the said Railway, such Rates and Duties as the said Company shall think fit, not exceeding the Rates herein-after mentioned; (that is to say),

For all Dung, Two-pence *per Ton per Mile* :

For all Limestone, Chalk, Lime, and all other Manure (except Dung), Clay, Breeze, Ashes, Sand, and Bricks, Three-pence *per Ton per Mile* :

For all Timber, Tin, Copper, Lead, Iron, Stone, Flints, Coals, Charcoal, Coke, Culm, Fullers Earth, Corn and Seeds, Flour, Malt, and Potatoes, Four-pence *per Ton per Mile* :

And for all other Goods, Wares, and Merchandize, and Things whatsoever, Sixpence *per Ton per Mile* :

And in all Cases where there shall be a Fraction of a Ton, a Proportion of the said Rates shall be demanded and taken for such Fraction, according to the Number of Quarters of a Ton contained in such Fraction; and where there shall be a Fraction of a Quarter of a Ton, such Fraction shall be deemed and considered as a whole Quarter of a Ton; and in all Cases where there shall be a Fraction of a Mile in the Distance which any Waggon or other Carriage shall pass upon the said Railway, such Fraction shall, in ascertaining the said Rates, be deemed and considered as a Mile: And in order to ascertain such Distances, the said Company shall cause the said Railway to be measured,

measured, and Stones or Posts, with proper Inscriptions, to be erected and for ever maintained on the Sides of the same, at the Distance of One Mile from each other, or at such Distance as the said Company or their Committee shall think fit.

LXVI. And be it further enacted, That the Rates herein authorized to be demanded and taken, shall be paid to such Person or Persons, at such Place or Places at or near the said Railway, in such Manner, and under such Regulations, as the said Company, at some General or Special Assembly or Assemblies shall direct or appoint; and in case of Denial or Neglect of Payment of any such Rates, or any Part thereof, when demanded, to the Person or Persons appointed to receive the same as aforesaid, the said Company may sue for the same by Action of Debt or upon the Case, in any of His Majesty's Courts of Record, or the Person or Persons to whom such Rates ought to have been paid may, and he or they is and are hereby authorized to seize the Goods or other Things, for or in respect whereof any such Rates ought to have been paid, or any Part thereof respectively, and the Waggon or other Carriage laden therewith, and detain the same until such Payment shall be made, and also until Payment of all Arrears of any Rates which may be due from the Owner or Owners of such Waggon or other Carriage, as the Case may be, to the said Company, together with the reasonable Charges for 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 said Company shall have full Power, from Time to Time, at any General Assembly, to lower or reduce all or any of the said Rates, and again to raise the same, as they shall think proper, not exceeding the Rates before mentioned, as often as it shall be necessary for the Interest of the said Undertaking.

LXVII. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, at any of their General Assemblies, by Writing under their Common Seal, at any Time or Times to let to farm the Rates hereby made payable, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Railway, unto any Person or Persons, for any Term or Time they shall think proper, not exceeding Seven 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 so let, shall during the Continuance of every such Lease be deemed Collectors of the Rates so let, 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 or any Part thereof be given in Writing by the said Committee, or any Five or more of them, or the Clerk to the said Company, by Advertisement published in the County Newspaper, or by Notice to such Proprietors as aforesaid, at least Twenty-one Days prior to any such General Assembly at which the said Rates or any Part thereof are proposed to be let as aforesaid.

[*Loc. & Per.*]

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LXVIII. And

Masters of
Waggons,
&c. to give
an Account
in Writing of
Lading.

LXVIII. And, for the better ascertaining and more easily collecting the said Rates, be it further enacted, That the Owner or Owners, or Person or Persons having the Care of any Waggon, or other Carriage passing upon the said Railway, or any Part thereof respectively, shall give an exact and true Account in Writing, signed by him or them, to the Collectors of the said Rates, at the Place or Places where they shall attend for that Purpose, of what Quantity of Goods or other Things as aforesaid shall be in such Waggon, or other Carriage respectively, and with respect to such Waggon or other Carriage from whence brought, and where the same are intended to be unloaded or left; and in case any Person shall neglect or refuse to give such Account, or to produce his Bill of Lading to any such 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 what is or are mentioned in such Account, with Intent to avoid the Payment of the said Rates, or any Part of them, he shall forfeit and pay any Sum not exceeding Twenty Shillings nor less than 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 any such Waggon or other Carriage respectively, of which such Account shall be so refused to be given, or which shall be fraudulently delivered out as aforesaid, (as the Case shall happen to be) over and above the respective Rates directed to be paid for the same by virtue hereof.

Weight of
Tonnage, &c.
ascertained.

LXIX. And, for the better ascertaining the Tonnage of Goods and other Things to be charged with the Payment of such Rates as aforesaid, be it further enacted and declared, That One hundred and twenty Pounds Weight Avoirdupois shall, for the Purposes of this Act, be deemed, rated, or estimated as and for One Hundred Weight; any Usage to the contrary notwithstanding.

If any Differ-
ence con-
cerning
Weights, Col-
lectors may
weigh or
measure
Waggons.

LXX. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, and the Owner or Person having the Charge of any Waggon or other Carriage, or the Owner of any Goods or other Things, it shall be lawful for any such Collector to stop and detain any such Waggon or other Carriage, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, such Waggon or other Carriage, and all such Goods and other Things as shall be therein contained respectively; 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 and contained in the Account given thereof as aforesaid, then the Owner or Person giving in such Account shall pay the Costs and Charges of such weighing, measuring, and gauging; all which said Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied by such Ways and Means, and in such Manner, as the said Rates are hereby appointed to be recovered and levied; but if such 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 Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and also pay to such Owner or Person, or to the Owner or Owners of such Goods or other Things, such Damages as shall appear to the said Commissioners, on the Oath or Oaths of any credible Wit-

ness or Witnesses (all which Oaths the said Commissioners are hereby empowered to administer), to have arisen from such Detention; and in Default of immediate Payment thereof by the Collector, the same shall be recovered from the said Company by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

LXXI. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors from Time to Time to ascertain and fix the Price, or Sum or Sums of Money, to be charged or taken for the Carriage of any Parcel not exceeding Five hundred Pounds in Weight upon the said Railway, or upon any Part or Parts thereof; and the said Company of Proprietors shall, from Time to Time, cause to be printed and affixed upon any public Wharf on the said Railway, in some conspicuous Place, a List or Account, ascertaining and particularizing the Price, or Sum or Sums of Money, so to be charged or taken for the Carriage of such Parcels as aforesaid upon the said Railway; and in case any Owner or Master, or other Person having the Care of any Waggon or other Carriage passing upon the said Railway, or upon any Part or Parts thereof, after such List or Account so ascertained or particularizing the Price, or Sum or Sums of Money at which every such Parcel shall be so carried and conveyed shall be so fixed up as aforesaid, shall demand or take for the Carriage of any such Parcel as aforesaid more than the Price, or Sum or Sums of Money in such List or Account ascertained and particularized for that Purpose, such Owner, Master, or other Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Twenty Shillings, at the Discretion of the Magistrate before whom such Person shall be convicted.

Power to fix the Price of small Parcels.

LXXII. And be it further enacted, That all Persons whomsoever shall have free Liberty to use, with Horses, Cattle, and Carriages the Roads, Ways, and Passages to be made by virtue of this Act, for the Purpose of conveying any Goods, Wares, Merchandize, and other Things, to or from the said Railway, and every Part thereof, without paying any Thing for the Use of such Roads, Ways, and Passages; and also to pass upon and use the said Railway with Waggon or other Carriages properly constructed respectively, as herein-after mentioned, and to employ the said Wharfs for loading and unloading such Goods and other Things, upon Payment of such Rates as shall be demanded by the said Company, not exceeding the respective Sums herein mentioned, and subject to the Rules and Regulations which shall be from Time to Time made by the said Company by virtue of the Powers herein granted.

Passage on the Railway to be free upon Payment of Rates.

LXXIII. And be it further enacted, That no Person or Persons whomsoever shall pass upon any Part of the said Railway, with any Waggon or other Carriage whatsoever, unless the same shall be constructed agreeably to the Order and Regulation of the said Company, which Orders and Regulations shall be stuck upon a conspicuous Part of every Toll House erected on such Railway for the collecting of the Rates by this Act imposed, (except in crossing the same for the convenient Occupation of the adjacent Grounds, or in passing any public or private Carriage

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

riage Road which may happen to cross the said Railway); and that if any Person or Persons whomsoever shall pass upon any Part of the said Railway with any Waggon or other Carriage not constructed in the Manner herein-before directed, (except as before excepted), he, she, or they so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds, nor less than Forty Shillings, to the said Company.

Owners to
put their
Names on the
Outside of
their Wag-
gons.

LXXIV. 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 every Owner of any Waggon or other Carriage passing along the said Railway, shall cause his or her Name and Place of Abode, and the Number of his or her Waggon or other Carriage, to be entered with the Clerk to the said Company, and shall also cause such Name and Number to be painted in large White capital Letters and Figures, on a Black Ground, Three Inches high at the least and a proportional Breadth, on some conspicuous Part of the Outside of every such Waggon or other Carriage, and shall permit and suffer every such Waggon or other Carriage to be gauged or measured at the Expence of the said Company whenever it shall be required by them, or any Person or Persons appointed for that Purpose; provided, that no such Waggon or other Carriage shall be gauged or measured more than Four Times in any One Year; and every Owner of any Waggon or other Carriage which shall pass on any Part of the said Railway, without having such Name, Figures, and Index thereon as herein-before directed, and every Person who shall alter, erase, deface, or destroy the same, or any Part thereof, or who shall refuse to permit and suffer the same to be gauged and measured, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings.

Owners of
Waggons
answerable
for Damages.

LXXV. And be it further enacted, That the Owner or Owners of any Waggon or other Carriage passing upon the said Railway, or any Part thereof, shall be and is hereby made answerable for any wilful Damage, Spoil, or Mischief that shall be done by his or their Waggon or other Carriage, or any of the Waggoners or other Persons belonging to or employed in or about the same respectively, unto the Railway or other Works to be made by virtue of this Act, or by loading or unloading any Waggon or other Carriage, and for any wilful Trespass or Damage that shall or may be done to the Owners or Occupiers of any Buildings, Lands, Tenements, or other Property adjoining or lying near to the same, or any of them, or any other Trespass whatsoever; and the said Owner or Owners of such Waggon or other Carriage shall for every such wilful Damage, upon Conviction of such Person or Persons before any Justice of the Peace, either by the Confession of the Party or Parties offending, or upon the Oath or Oaths of One or more credible Witness or Witnesses (which Oath or Oaths such Justice is hereby empowered and required to administer), 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 Five Pounds, and also shall, over and above such Damages, forfeit

forfeit and pay to the Informer any Sum not exceeding Twenty Shillings nor less than Ten Shillings, and all Costs, Charges, and Expences 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 such Waggon or other 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 are deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels, or if the said Damages shall exceed the Sum of Five Pounds, then and in such Case the Owner or Owners of such Waggon or other Carriage shall and may be prosecuted for the same in any Court of Record at *Westminster*, and if found guilty, or a Verdict passed against him or her, or Judgment be given against him or her upon Demurrer or Default, the Plaintiff in such Case shall recover his Damages thereby sustained with full Costs of Suit.

LXXVI. Provided always, That in case the Owner or Owners of any Waggon or other Carriage as aforesaid shall be compelled to pay any Penalty, or to make Satisfaction for any Damage by reason of any wilful Neglect or Default done or committed by his, her, or their Servant, such Servant shall be liable to repay such Penalty or Satisfaction to such Owner or Owners, and in case of Non-payment upon Demand thereof, and 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, although demanded (such Oath to be made before any One Justice of the Peace acting in and for the County of *Surrey*), 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, 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 or by them paid for the wilful Act or Default of such Servant as aforesaid; and in case no sufficient Distress can be had, such Justice of the Peace shall, and is hereby required to commit such Servant to the Common Gaol or House of Correction for the said County, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

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

LXXVII. And be it further enacted, That it shall be lawful for the said Company from Time to Time to make such Rules, Orders, and Regulations as they shall think proper for or relating to Waggon or other Carriages passing along or using the said Railway and other Works, and all such Rules, Orders, and Regulations shall be binding upon and be conformed to by the Owners or Persons having the Care or Conduct of such Waggon or other Carriages, upon Pain of forfeiting any Sum not exceeding Five Pounds, nor less than Forty Shillings, for every Default; and if any Waggon or other Carriage shall be placed or suffered to remain in any Part of the said Railway or other Works 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

Company or Committee to regulate the Passage on the Railway.

[*Loc. & Per.*]

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not

not exceeding Five Shillings nor less than One Shilling for every Hour such Obstruction shall continue after the making of such Request, and it shall be lawful for any Agent or Officer to 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 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.

Company
empowered
to make and
erect Gates
and Fences,
&c. under
Direction of
the Commis-
sioners.

LXXVIII. And be it further enacted, That the said Company shall at their own proper Costs and Charges, within Six Calendar Months next after any Part of the said Railway shall be laid out and formed, at their own Costs and Charges, make, erect, and set up, and from Time to Time maintain and support such and so many convenient Gates in and upon the said Railway, and also such Arches, Culverts, Ditches, Drains, and Passages over, under, or by the Side of the said Railway, of such Dimensions, and in such Manner, as the said Commissioners shall at any of their Meetings from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same, for the Use of the Owners and Occupiers of the Lands and Grounds through which such Railway shall be made, or for protecting the said Lands and Grounds from Trespass, or the Cattle or other Property of the Owners or Occupiers thereof from estraying or escaping thereout by reason of such Railway, or any other Matter or Thing to be done in pursuance of this Act, and all such Gates, Arches, Culverts, 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, Arches, Culverts, 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 as aforesaid, for the Space of Six Calendar Months next after the Time to be appointed for those Purposes respectively by the said Commissioners, 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 Refusal or Neglect, to make, erect, and set up all such Gates, Arches, Culverts, Ditches, Drains, and Passages as the said Commissioners shall have before directed or appointed to be made, erected, and set up as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining such Gates, Arches, Culverts, Ditches, Drains, and Passages aforesaid, the said Railway, Wharfs, Buildings, and 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 Commissioners) shall be repaid to the respective Owners or Occupiers of the said Lands or Hereditaments who shall have so erected and made, repaired or maintained such Gates, Arches, Culverts, Ditches, Drains, and Passages as aforesaid,

aforesaid, by the said Company, within the Space of Two Calendar Months 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, by Delivery of such Account or Demand to the Treasurer or Clerk to the said Company for the Time being; and in Default of Payment of the said Costs and Charges within the Time aforesaid, the said Commissioners 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 who shall have so incurred such Costs and Charges, rendering to the said Company the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Commissioners; 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 or any of 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.

LXXIX. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or other Hereditaments through which the said Railway shall be made, do or shall at any Time or Times hereafter apprehend that any of the Gates, Arches, Culverts, Ditches, Drains, and Passages respectively, which the said Commissioners shall have so directed or appointed to be made by the said Company, are insufficient either in their Number or Situation for the commodious Use and Occupation of the respective Lands or Hereditaments through which the said Railway shall pass, then and so often, or in any such Case, it shall be lawful for any such Owner or Occupier, with the Consent and Approbation of the said Company, upon Request made to them or their Clerk or Treasurer for the Time being, or in case of their Refusal for the Space of Fourteen Days next after such Request, then with the Consent and Approbation of the said Commissioners, to make, fix, and erect, at their own Costs and Charges, any such other Gates, Arches, Culverts, Ditches, Drains, or Passages, of the same or the like Construction or Form with those made and erected by the said Company, in, upon, or near to the said Railway, in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands or other Hereditaments, and to repair and support the same at their own like proper Costs and Charges, as Occasion shall require, so that the Passage through or along the said Railway be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than the same would necessarily have been if such Gates, Arches, Culverts, Ditches, Drains, and Passages had been made or erected by the said Company.

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

LXXX. Provided always, That it shall be lawful for the Owners and Occupiers of the respective Lands or Grounds through which the said Railway shall be made, and his and their Servants and Workmen, Cattle and

Owners and Occupiers to pass along Railway.

and Carriages, at all Times to pass and repass upon, over, and across such Part of the said Railway as shall be made in and upon their said Lands and Grounds respectively, not damaging or obstructing the same, or the Passage thereof.

For fencing
off Railway.

LXXXI. Provided always nevertheless, and be it further enacted, That the said Company shall, and they are hereby empowered and required, at their own proper Charges, after any Lands shall be taken for the Use of the said Railway, to divide and, separate, and keep constantly divided and separated, the same, from the Lands or Grounds adjoining to such Railway, with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, and at their own Costs and Charges from Time to Time maintain and support the said Posts, Rails, Hedges, Ditches, Mounds, and other Fences, so to be made as aforesaid, in case the Owner or Owners of such Lands or Grounds adjoining to such Railway, or any of them respectively, shall at any Time desire the same to be fenced off, or in case the said Company shall think proper to fence off the same instead of Gates being erected as aforesaid; and the said Company shall also make and maintain all necessary Gates and Stiles in all such Fences to be made as aforesaid, all such Gates being made to open towards such Lands and Grounds; and then, and in every such Case, the Powers, Provisions, Directions, and Regulations herein-before contained, with respect to Gates and other Works as aforesaid, shall extend and apply, and be applicable 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 now repeated and re-enacted with respect to such Fences.

Penalty on
Persons ob-
structing the
Works.

LXXXII. And be it further enacted, That if any Person shall wilfully, maliciously, and to the Prejudice of the said Undertaking, break, throw down, damage, destroy, steal, or take away, any Part of the said Railway or other Works to be erected and made by virtue of this Act, or do any other wilful Hurt or Mischief, to obstruct, hinder, or prevent the carrying on, completing, supporting, and maintaining the same, every Person offending, and being thereof lawfully convicted, shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by or before whom such Person shall be tried and convicted, shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws or Statutes of this Realm; or in Mitigation of such Punishment, such Courts may, if they shall think fit, award such Sentence as the Law directs in Cases of Petit Larceny; or otherwise, every Person so offending, and being thereof lawfully convicted, on the Oath of One or more credible Witness or Witnesses, before One or more of His Majesty's Justices of the Peace for the County of *Surrey*, or the Place where such Offence shall be committed, shall forfeit any Sum not less than Double the Value of the Damage proved on Oath to be done, at the Discretion of such Justice or Justices; such Penalty, together with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus (if any) to such Offender; or such Offender shall and may be committed to the Common Gaol for the said County of *Surrey*, or Place where such Offence shall happen, for any Time not exceeding Six

Calendar Months, at the Discretion of such Justice or Justices before whom such Offender shall be convicted: Provided, that nothing herein contained shall extend to any Owner of Land, or his or her own Agent or Agents, till Satisfaction shall have been tendered as hereby provided.

LXXXIII. And be it further enacted, That if any Person or Persons shall knowingly or wilfully lay or place any Sort of Timber or Wood, or any Stones, Bricks, Tiles, Coals, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or any other Matter or Thing whatsoever, on any Part of the said Railway, to the Prejudice or Annoyance thereof, or of any Person passing along the same, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings, to be levied, recovered, and applied, as other Penalties or Forfeitures are by this Act directed to be levied, recovered, and applied.

For preventing Nuisances and Annoyances.

LXXXIV. And be it further enacted, That all and every Person or Persons opening any Gate set up across the said Railway shall, and he and they is and are hereby required and directed, so soon as he or they, and the Waggon or other Carriage, shall have passed through the same, to shut and fasten the same; and every Person neglecting so to do shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds nor less than Forty Shillings, to be levied and recovered as herein-after mentioned; and the Money arising by such Forfeiture or Forfeitures shall be applied in the Manner following; (that is to say), One Half thereof shall be paid to the Informer, and the other Half to the Poor of the Township or Parish where such Offence shall be committed, any thing herein contained to the contrary notwithstanding.

Gates to be shut and fastened after Waggons shall have passed through them on Penalty.

LXXXV. And be it further enacted, That it shall be lawful for the Lord or Lords of any Manor or Manors, and the Owner or Owners of any Lands or Grounds near to, through, or by which the said Railway shall be made, to erect and use any Wharfs, Landing Places, Cranes, Weighbeams, or Warehouses, in or upon his, her, or their respective own proper Lands, Grounds, or Wastes adjoining or near to the said Railway, with necessary Ways and Roads to the same, and may land any Goods or other Things upon such Wharfs or Landing Places, and may make and use proper and convenient Places for Waggons or other Carriages to turn in and pass each other, so that the making or using thereof respectively do not obstruct or prejudice the using of the said Railway; and all the Rates which shall be paid for the Use and Benefit of such Wharfs, Landing Places, Cranes, Weighbeams, and Warehouses respectively, shall be subject to the Power herein contained for the said Commissioners to limit, ascertain, and make Regulations of and concerning such Rates of Wharfage, and the same are hereby accordingly vested in such Lord or Lords of such Manor or Manors, or the Owner or Owners of such Lands, Grounds, or Wastes, who shall make and erect the same as aforesaid, and his, her, and their Representatives, so that the Rates and Powers herein granted to the said Company of Proprietors shall not be thereby reduced, altered, or infringed.

Lords of Manors, &c. may erect Wharfs on their own Lands.

[*Loc. & Per.*]

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LXXXVI. And

But if they refuse when required by the Company, the Company may erect the same.

LXXXVI. And be it further enacted, That if any such Lord or Lords, Owner or Owners, shall not, within the Space of Twelve Calendar Months next after Notice given in Writing to him, her, or them, or left at his, her, or their usual Place or Places of Abode, by or on the Behalf of the said Company, that any Part of such Lands, Grounds, or Wastes is necessary or proper to be used for the Purpose of making and erecting Wharfs, Landing Places, Warehouses, and Buildings for the Use of the said Undertaking, or for making or laying out necessary and convenient Roads for the Conveyance of Goods to and from the said Railway, make, erect, and lay out, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Landing Places, Warehouses, Buildings, and Roads, for the Use of the said Railway, as the said Commissioners shall think necessary, on the respective Part or Parts of the Lands and Grounds described in such Notice, then and in such Case the said Company of Proprietors shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make use of any such Lands, Grounds, or Wastes (not being the Ground whereon any House or other Building stands, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, or an Avenue to any House), for erecting or building proper and sufficient Wharfs, Landing Places, Warehouses, and Buildings, and making and laying out necessary and convenient Roads to and from the said Railway, agreeably to such Notice to be delivered as aforesaid, they the said Company of Proprietors first making Satisfaction for the same in such Manner as is herein-before directed with respect to other Lands or Grounds which shall be taken or used by the said Company for the Purposes of this Act.

Further Allowance to the Company for Goods remaining upon their Wharfs a certain Time.

LXXXVII. And be it further enacted, That if any Goods, Wares, Merchandize, or Things whatsoever, which shall be carried and conveyed on the said Railway, shall lie or remain upon any Wharfs, Landing Places, Cranes, Weighbeams, or Warehouses belonging to the said Company of Proprietors, or to any Person or Persons adjoining or near to the said Railway, for above the Space of Twenty-four Hours, then and in such Case the said Company of Proprietors, or such other Person or Persons, shall be entitled to receive such reasonable Rates or Allowance, over and above the Rates herein-before authorized to be taken, as shall be agreed upon between the said Company of Proprietors, or their Agent or Agents, or such other Person or Persons, and the Owner or Owners of any such Goods, Wares, Merchandize, or Things; and in case of any Dispute concerning the same, it shall be ascertained and adjudged by the said Commissioners, who are hereby authorized and empowered to make such Regulations from Time to Time as they may think fit, for limiting and ascertaining the Rates of Wharfage to be taken by the said Company of Proprietors, and all and every such other Person or Persons, being the Owners of any such Wharfs or Quays as aforesaid.

For making Recompence for Damages

LXXXVIII. And be it further enacted, That if at any Time or Times hereafter any Person or Persons shall sustain any Damage in his, her, or their

their Lands, Tenements, Hereditaments, or Property, by reason of the Execution of any of the Powers hereby given, and for which no Remedy is herein-before provided, then and in every such Case the Recompence or Satisfaction for such Damage shall from Time to Time be settled and ascertained in such Manner as herein-before directed in respect to any other Recompence or Satisfaction herein-before mentioned.

not herein-before particularly provided for.

LXXXIX. And be it further enacted, That the several Persons who have subscribed or who shall hereafter subscribe to advance any Money for or towards making and maintaining the said Railway, and the other Works hereby authorized to be made, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Committee, 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 the said Committee in manner before 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 to sue for and recover the same in any Court of Law or Equity.

To compel Payment of Subscriptions.

XC. And be it further enacted, That the said Railway shall not pass upon or be made in or over the Turnpike Roads under the Care and Management of the Trustees appointed in and by an Act made and passed in the Forty-second Year of the Reign of His present Majesty, intituled *An Act for repealing an Act passed in the Twenty-fifth Year of the Reign of His present Majesty King George the Third, for more effectually repairing the Roads leading from the Stone's End in Blackman Street, in the Borough of Southwark, in the County of Surrey, to Highgate in the County of Sussex; and several other Roads therein mentioned; and for granting other Powers for those Purposes*, unless the same shall be properly paved with Purbeck Squares, level with the Top of the Railway, for the Space of Two Yards on each Side of the said Railway; and such Pavement shall at all Times be kept in repair by the Proprietors of the said Railway.

Railway made across Roads to be paved.

XCI. Provided always, and be it further enacted, That the Proprietors of the intended Railway shall not be liable to pay to the Trustees of the public Turnpike Roads any Toll whatever for any Horse or Carriage passing along the said Railway over and across such Parts of the said Roads where the same is intended to be carried for the Purposes of the said Undertaking.

Proprietors of Railway not to pay Toll for Horses or Carriages crossing the Road.

XCII. And be it further enacted, That all Penalties or Forfeitures for Offences against this Act, or any Rule, Bye Law, or Order to be made by the said Company or Committee as aforesaid, shall, upon Proof of the Offences respectively before any Justice of the Peace for the said County of *Surrey*, or Place where the Offence shall be committed, either by the Confession of the Party or Parties, or by the Oath of any credible Witness, be levied and recovered by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and

Recovery of Forfeitures.

and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant), and the Overplus, after any such Penalties or Forfeitures, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the County or Place wherein the Offence shall be committed, there to remain without Bail or Mainprize for such Time as such Justice shall direct, not exceeding Six Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and such Penalties and Forfeitures, the Application whereof is not herein-before particularly directed, shall go and belong to the said Company, and be applied for the Purposes of this Act.

Persons aggrieved by Irregularity in Distress to recover special Damages.

XCIII. 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 Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages in an Action upon the Case.

For more speedy Conviction of Offenders.

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

Form of Conviction.

‘ BE it remembered, That on the Day of
‘ to wit. } 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 Surrey [or Place, as the Case may be,
‘ specifying the Offence, and Time and Place when and where the same
‘ was committed]. Given under my Hand and Seal the Day and Year,
‘ aforesaid.’

Proceedings not to be quashed for Want of Form.

XCV. 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 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.

XCVI. And

XCVI. And be it further enacted, That any Person or Persons thinking Appeal. 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 by the Order or Determination of any Justice or Justices of the Peace, may, within Six Calendar Months after such Order or Determination shall have been made or given, appeal to the Justices of the Peace at any General Quarter Sessions to be held for the County or Place where such Cause of Appeal shall happen or arise, first giving Ten Days Notice at the least in Writing of such Intention to appeal to the Parties interested in such Complaint; and the said Justices shall in a summary Way hear and determine the said Appeal at such Session, or, if they think proper, may adjourn the Hearing thereof to the next General Court of Quarter Sessions of the Peace to be held for the said County or Place, and, if they see Cause, may mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing, as they in their Judgment shall think just and reasonable.

XCVII. And be it further enacted, That no Action, Suit, or Information, Limitation of Actions. shall be brought, commenced, or prosecuted, against any Person or Persons, for any thing done in pursuance of this Act, or in Execution of any of the Powers or Authorities, or any of the Orders made, given, or directed in, by, or under this Act, unless One Calendar Month's previous Notice, in Writing, shall be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Information, to the said Company, or to their Clerk or Treasurer for the Time being, nor unless such Action, Suit, or Information shall be brought or commenced within Three Calendar Months next after the Fact committed, for which such Action, Suit, or Information shall be so brought, commenced, or prosecuted; or in case Damage or Injury shall be followed up by, or consist of a Continuation or connected Succession of Acts, then within Three Calendar Months next after the doing or committing of such Damage shall cease, and not afterwards, and shall be laid or brought in the County where the Matter in Dispute or Cause of Action shall arise, 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 Matter or Thing for which such Action, Suit, or Information shall have been brought, commenced, or prosecuted as aforesaid, the same was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or if 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 shall be laid in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants therein; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall

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shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if, on a Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant hath for Costs of Suit in any other Case by Law.

Public Act.

XCVIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act; and all Judges, Justices, and other Persons are hereby required to take notice of it as such, without specially pleading the same.

**SCHEDULE of Houses and Gardens to be taken for the
Purposes of the Railway.**

AN old Bark Barn, and a House adjoining, belonging to Ellis Davis's Alms-Houses in Croydon, and in the Occupation of William Bodkin and Richard Tidy.

An old Shoemaker's Shop, belonging to William Bodkin and William Geere, in the Occupation of John Balcomb.

An old House at the Tan Yard, now divided into several Tenements, belonging to William Bodkin and William Geere, and are in the Occupation of Frederick French, Thomas Strong, John Cockrell, Richard Lane, and John Grayham.

Also, some Part of the old Buildings, being Part of the Palace of Croydon, belonging to Samuel Starey, and in the Occupation of Samuel Starey and William Lane.

Also, Two Houses, belonging to Mrs. Sarah Bailey, in the Occupation of William Snelling and William Garson.

Also, a Part of the Anchor Inn, in the Town of Croydon, belonging to William Troughton, and in the Occupation of Henry Palmer.

GARDENS TO PASS THROUGH.

A Garden belonging to Ellis Davis's Alms-House, on Lease to Mary Lewen, and occupied in small Parcels by John Kemp, John Matthews, Stephen French, James Perry, John Kelley, Simon Lester, Edmund Weller, Mary Lewen, and John Pritchard.

Also, the Gun Orchard, belonging to the said Ellis Davis's Alms-Houses in Croydon, on Lease to Mary Lewen, and in the Occupation of Richard Messenger.

Also, the small Gardens and Yards belonging to the Tan Yard Houses, belonging to William Bodkin and William Geere, and in the Occupation of Frederick French, Thomas Strong, John Cockrell, Richard Lane, and John Grayham.

Also, Part of the Tan Yard belonging to William Bodkin and William Geere, in the Occupation of William Bodkin.

A small

A small Corner of a Garden, belonging to Sarah Harris, and in the Occupation of John Pritchard.

Also, a small Piece of Garden, belonging to Richard Holmes, in the Occupation of Edmund Weller and John Messenger.

Also, the old Gardens belonging to Samuel Starey, being Part of the Ground belonging to the old Palace, and now converted into Bleaching Ground.

Also, the Yard and Garden belonging to Sarah Bailey, and in the Occupation of William Snelling and William Garson.

Also, the Corner of a Yard and Garden belonging to Benjamin Hayward, and in the Occupation of Joseph Hayward.

Also, the back Part of a Garden belonging to Charles Collier, and in his own Occupation.

Also, a small Part of a Garden, belonging to Thomas Byron, Esquire, and in his own Occupation.

Also, Part of Two Orchards in the Street at Merstham, belonging to Hylton Jolliffe, Esquire, in the Occupation of Jacob Nash and William Toms.

Also, One other Orchard, belonging to Nicholas Feldwick, in his own Occupation.

Also, to cross near the East End of a planted Walk or Avenue belonging to Robert Ladbroke, Esquire, in the Occupation of William Brown.

Also, Part of a Garden or Fore Court, belonging to Joseph Cooksey, and in his own Occupation.

Also, a Garden near the Town of Reigate, belonging to Richard Barns, and in the Occupation of John Briggs.

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