



ANNO SECUNDO

GULIELMI IV. REGIS.

Cap. xciii.

An Act for making and maintaining a Railway from the Basin of the *Exeter Canal* in the Parish of *Saint Thomas the Apostle* in the County of *Devon* to the Four Mills in the Parish of *Crediton* in the said County. [23d June 1832.]

WHEREAS the making and maintaining a Railway or Tram Road from the Basin of the *Exeter Canal* in the Parish of *Saint Thomas the Apostle* in the County of *Devon*, to or near the Four Mills in the Parish of *Crediton* in the said County, will open an easy Communication for the Conveyance of Coals, Goods, and Merchandize from *Exeter* to *Crediton* and the several Parishes and Places through or near which the said Railway or Tram Road will pass, and will cause the Improvement of the neighbouring Lands and Estates by the easy Conveyance of Lime and Manure, and will be of public Utility: And whereas the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

[Local.] 23 N That

Proprietors
incorporated.

That the Honourable *Newton Fellowes, James Jones Tanner, John Clench, John Clench junior, Charles Brutton, Ralph Sanders, William Paige Kingdon, Joseph Brutton*, the Mayor and Chamber of the City of *Exeter*, *Edmund Granger, Benjamin William Johnson*, and all other Persons and Bodies Politic and Corporate who have subscribed or shall hereafter subscribe towards the said Undertaking, and their several and respective Successors and Assigns, shall be and they are hereby united into a Company for making and maintaining the said Railway or Tram Road, and other the Works by this Act authorized, according to the Provisions and Restrictions herein-after mentioned, and for that Purpose shall be One Body Corporate, by the Name and Style of "*The Exeter and Crediton Railway Company*," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and also shall have Power and Authority to purchase and hold Lands and other Hereditaments to them and their Successors and Assigns for the Use of the said Undertaking, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and also to sell and dispose of the said Lands and Hereditaments again in manner by this Act directed.

Company
empowered
to make
Railway.

II. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to make and maintain a Railway or Tram Road, with all proper Works and Conveniences connected therewith, for the Passage of Carriages, and as delineated on the several Plans, and described in the several Books of Reference deposited with the Town Clerk of the City of *Exeter* and the Clerk of the Peace of the said County of *Devon*; that is to say, commencing at or near to the Basin of the *Exeter Canal* in the Parish of *Saint Thomas the Apostle* in the said County of *Devon*, and thence passing over the River *Exe* by means of a Bridge above the public Quay at *Exeter*, from, through, or into the several Parishes of *Saint Thomas the Apostle* aforesaid, and *Saint Mary Steps, Saint Edmund's on the Bridge*, and *Saint David's* in the County of the City of *Exeter*, and also into and through the several Parishes of *Upton Pyne, Newton Saint Cyres*, and *Crediton*, in the said County of *Devon*, and terminating at or near to Four Mills near the Town of *Crediton* and in the Parish of *Crediton* aforesaid.

Company
may contract
for the
Works.

III. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized, in the Name of the said Company, or of such Person or Persons as they shall for that Purpose appoint, to contract and agree with any Person or Persons for making the said Railway or any Part thereof, or any other of the Works hereby authorized to be made or done by the said Company, and that in such Manner, and for such Sums, and under such Regulations and Restrictions, as the said Company shall think proper; and all Contracts in Writing for any of the Purposes aforesaid shall be binding on the said Company and all other Parties thereto, their respective Successors, Heirs, Executors, and Administrators, and Actions and Suits may be maintained thereon, and Damages and Costs recovered by or against the Company, or any of the Parties failing in the Execution thereof.

IV. And be it further enacted, That for the Purposes of this Act the said Company, their Deputies, Contractors, Servants, Agents, Surveyors, and Workmen, and other Persons by them authorized, shall be and they are hereby empowered to enter into and upon the Lands, Tenements, and Hereditaments of any Person or Body Politic, Corporate, or Collegiate whatsoever, according to the Provisions and Restrictions of this Act, and to survey and take Levels of the same or of any Part thereof, and to set out and appropriate for the Purposes of this Act such Parts thereof as they are by this Act empowered to take or use, and as they may deem proper for the Purposes of this Act; and in or upon such Lands, Tenements, or Hereditaments, and in or upon any Lands, Tenements, or Hereditaments adjoining thereto, to bore, dig, cut, embank, and sough, and to remove or lay, and also to use, work, and manufacture any Earth, Stone, Rubbish, Trees, Gravel, or Sand, or any other Materials or Things which may be dug or obtained therein or otherwise in the Execution of any of the Powers of this Act, and which may be proper or necessary for making, maintaining, altering, repairing, or using the said Railway and other Works by this Act authorized, or which may obstruct the making, maintaining, altering, repairing, or using the same respectively, according to the Intent and Meaning of this Act; and also, for the Purposes and according to the Provisions and Restrictions of this Act, to make or construct, in, under, upon, across, or over the said Railroad or other Works, or in, under, upon, across, or over any Lands, Tenements, or Hereditaments, or any Streets, Hills, Vallies, Roads, Rivers, Canals, Brooks, Streams, or other Waters, such inclined Planes, Tunnels, Embankments, Bridges, Roads, Ways, Passages, Conduits, Drains, Piers, Arches, Cuttings, and Fences, and also erect and construct such Houses, Wharfs, Warehouses, Toll Houses, Landing Places, Engines, and other Buildings, Machinery, Apparatus, and other Works and Conveniences as the said Company shall think proper; and also to alter the Course of any Brooks, Streams, or Watercourses during such Time as may be necessary for constructing Tunnels, Bridges, or Passages under or over the same, and also to divert or alter the Course of any Roads or Ways in order the more conveniently to carry the same over the said Railway; and also from Time to Time to alter, repair, or discontinue the before-mentioned Works, or any of them, and to substitute others in their Stead, and generally to do and execute all other Matters and Things necessary or convenient for constructing, maintaining, altering, or repairing and using the said Railway and the other Works by this Act authorized; they the said Company, their Deputies, Contractors, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and the said Company making full Satisfaction in manner herein-after mentioned to all Persons interested in any Lands, Tenements, or Hereditaments which shall be taken, used, or injured, for all Damages to be by them sustained in or by the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Company, and all other Persons whatsoever, for what they or any of them shall do by virtue of the Powers hereby granted; subject nevertheless to

Power to
take Lands,
&c.

to such Provisions and Restrictions as are herein-after mentioned and contained.

Width of
Railway.

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

Breadth of
Land to be
taken.

VI. And be it further enacted, That the Lands to be taken or used for the Line of the said Railway shall not exceed Twenty Yards in Breadth, except in those Places where a greater Breadth shall be judged necessary for Carriages to turn or pass each other, or for raising Embankments for crossing Vallies or low Grounds, or in Cuttings, and not above Sixty Yards in any Place, except at or near to the Termination of the said Railway at each End, and at such Parts along the Line where Places not exceeding Two hundred Yards in Length by One hundred Yards in Breadth may be set out and appropriated for Wharfs, Warehouses, and other Buildings and Conveniences, and also except on Commons, Downs, or Waste Lands, unless with the Consent of the Owners or Proprietors and Persons interested in any Lands, Tenements, or Hereditaments which the said Company shall be desirous of appropriating in order to and for the Purpose of obtaining greater Space for the Purposes of this Act.

Where small
Parcels of
Land are
intersected,
Company
compellable
to purchase
the whole.

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

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

VIII. Provided also, and be it further enacted, That in all Cases where, in the Exercise of any of the Powers hereby granted, any Part of any Carriage or Horse Road, either public or private, shall be found necessary to be cut through, raised, sunk, taken, or so much injured as to be impassable or inconvenient for Passengers or Carriages, or to the Persons entitled to the Use thereof, the said Company shall, at their own Expence, before any such Road shall be so cut through, raised, sunk, taken, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road (as the Case may require) to be set out and made instead thereof, as convenient for Passengers and Carriages as the Road to be cut through, raised, sunk, taken, or injured as aforesaid, and shall cause the same to be put into good and substantial Order and Condition, where the former cannot more easily be restored, and where the Road cut through, raised, sunk, or injured shall be a Turnpike Road, the substituted Road, if temporary, shall be set out and made as aforesaid, and the principal Road shall be restored, within Three Calendar Months after the Commencement of the Operation, and the Railway, where it shall cross such Turnpike Road, shall be constructed and be kept in repair in such a Manner as to prevent, so far as may be practicable, any Inconvenience or Obstruction to the Passage along such Turnpike Road.

To prevent Inconvenience by cutting of Roads.

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

Ledge not to rise above nor sink below Level of Road.

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

Width and Height of Bridges.

XI. Provided also, and be it further enacted, That where any Bridge shall be erected for carrying any public Carriage Road over the said Railway or Tram Road, the Ascent of such Bridge for the Purpose of such Road shall not be more than One Foot in Thirteen Feet, and with respect to any private Carriage Road One Foot in Twelve Feet; and a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Ascent of Bridges.

Company to
erect Gates,
&c.

XII. And be it further enacted, That in all Cases wherein the said Railway shall cross any Turnpike Road or public Highway on a Level, the said Company shall erect and at all Times maintain a good and sufficient Gate on each Side of such Turnpike Road or public Highway where the said Railway shall communicate therewith; all which Gates shall be kept constantly shut, except during the Times when Carriages passing along the said Railway shall have to cross such Turnpike Road or public Highway, and then the same shall be opened for the Purpose only of letting such Carriages pass through; and the Driver or Person intrusted with the Care of any Carriage, or with any Train of Waggons or other Carriages, shall cause every such Gate to be shut as soon as such Carriages shall have passed through, under the Penalty of Ten Shilling for every Default therein.

Plans to
remain in
Custody of
Clerk of the
Peace.

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

Errors in
Plans not to
prevent Ex-
ecution of
Act.

XIV. Provided always, and be it further enacted, That it shall be lawful for the said Company to make the said Railway and other Works upon, in, over, or through the Lands, Tenements, or Hereditaments upon, in, over, or through which such Railway and other Works are delineated on the said Map or Plan, although such Lands, Tenements, or Hereditaments, or any of them, or the Situation thereof respectively, or the Name of the Owners or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in this Act, or in the Schedule thereto, or in the said Books of Reference, if it shall appear to any Two or more Magistrates of the City of *Exeter* or Justices of the Peace for the County of *Devon*, as the Case may require, (in case of Dispute about the same,) and be certified by Writing under their Hands, that such Omission,

Mis-

Mis-statement, or erroneous Description apparently proceeded from Mistake; and the Certificate of the said Magistrates or Justices shall be deposited with and remain in the Custody of the Town Clerk of the City of *Exeter* and the Clerk of the Peace of the County of *Devon* respectively, as the Case may require.

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

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

XVI. And be it further enacted, That unless the said Company shall, within the Space of Three Years, to be computed from the passing of this Act, agree for, or cause to be valued and paid for, as in this Act is mentioned, the Lands, Tenements, and Hereditaments which they are by this Act empowered to take or use (or otherwise so much thereof as shall be by them deemed necessary and proper), for the Purposes of making the said Railway or other Works hereby authorized, (save and except the aforesaid Ten Acres of Land which the said Company are by this Act authorized to purchase in addition to the Lands, Tenements, and Hereditaments hereby authorized to be taken or used for making the said Railway or other Works,) then and from thenceforth the Powers which are hereby granted to them for taking or using such Lands, Tenements, or Hereditaments shall cease and be utterly void.

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

XVII. And be it further enacted, That the said Company, in making the said Railway and other Works by this Act authorized, shall not deviate or extend beyond One hundred Yards from the Line delineated on the Maps or Plans so deposited as aforesaid, and shall not deviate into any Lands belonging to or occupied by any Person whose Name is not mentioned in the Book of Reference so deposited as aforesaid, nor in or upon any Parts of any Turnpike Roads not therein particularly mentioned and described.

Not to deviate from Plan more than One hundred Yards.

XVIII. And be it further enacted, That after any Lands, Tenements, or Hereditaments intended to be taken or used for the Purposes of this Act shall have been set out and ascertained, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all Trustees and Persons whomsoever,

Power to sell Lands, &c.

soever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, and to and for all Femes Covert seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest in, and for all other Persons whomsoever who are or shall be seised or possessed of or interested in any such Lands, Tenements, or Hereditaments, to contract for, sell, and convey the same or any Part thereof unto the said Company; and all such Contracts, Sales, and Conveyances shall be made at the Expence of the said Company, and shall be made according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit; (namely,)

Form of
Conveyance
to Company.

‘ I *A. B.* of _____ in consideration
 ‘ of the Sum of _____ to me [*or, as the Case may be,*
 ‘ into the Bank of *England* in the Name and with the Privy of the
 ‘ Accountant General of the Court of Exchequer, *ex parte* the *Exeter*
 ‘ and *Crediton* Railway Company, pursuant to the Act after men-
 ‘ tioned] paid by the said Company established and incorporated by
 ‘ an Act passed in the Second Year of the Reign of His Majesty
 ‘ King *William* the Fourth, intituled [*here set forth the Title of this*
 ‘ *Act*], do hereby grant and alien to the said Company, their Suc-
 ‘ cessors and Assigns, all [*describing the Premises to be conveyed*],
 ‘ together with all Ways, Rights, and Appurtenances thereunto
 ‘ belonging, and all such Estate, Right, Title, and Interest in and to
 ‘ the same and every Part thereof as I am or shall become seised or
 ‘ possessed of, or am by the said Act capacitated or empowered to
 ‘ convey; to hold the Premises to the said Company, their Successors
 ‘ and Assigns for ever, according to the true Intent and Meaning of
 ‘ the said Act. In witness whereof I have hereunto set my Hand
 ‘ and Seal, the _____ Day of _____ in the Year of our
 ‘ Lord _____

And all such Conveyances and Assurances shall be valid and effectual in the Law to all Intents and Purposes, and shall operate to merge all Terms of Years attendant by express Declaration, or by Construction of Law, on the Estate or Estates, Interest or Interests so thereby conveyed or aliened, and to bar and destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever.

Satisfaction
for Lands
taken.

XIX. And be it further enacted, That all Corporations and other Parties by this Act capacitated to sell and convey Lands, Tenements, or Hereditaments, and the respective Owners and Occupiers of any Lands, Tenements, or Hereditaments through, under, in, or upon which the said Railway or other Works hereby authorized are intended to be made, may accept and receive Satisfaction for the Value of such Lands, Tenements, and Hereditaments, or the Interest or Interests therein by them, him, or her conveyed, and also Compensation for any Damage by them, him, or her sustained by reason of the

Execution of any of the Works by this Act authorized, and also by reason of the severing or dividing such Lands, Tenements, or Hereditaments, and also for and on account of any Damage, Loss, or Inconvenience which may be sustained by such Corporations or other Parties by reason of the Execution of any of the Powers of this Act, in such gross Sums as shall be agreed upon between the said Owners (including Persons hereby capacitated as aforesaid) and Occupiers respectively and the said Company ; and in case the said Company and such Parties respectively shall not agree as to the Amount or Value of such Purchase Money, Satisfaction, or Compensation, the same respectively, or either of them, concerning which they do not so agree, shall be ascertained and settled by the Verdict of a Jury, if required, as herein-after is directed.

XX. And for settling all Differences which may arise between the said Company and the several Owners of or Persons interested in any Lands, Tenements, or Hereditaments which shall or may be taken, used, damaged, or injuriously affected by the Execution of any of the Powers hereby granted, be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee, or other Person so interested or entitled and capacitated to sell or agree as aforesaid, shall not agree with the said Company as to the Amount of such Purchase Money or Satisfaction, or other Compensation as aforesaid ; or if any such Party shall refuse to accept such Purchase Money or Satisfaction or other Compensation aforesaid as shall be offered by the said Company, and shall give Notice thereof in Writing to the said Company within Twenty-one Days next after such Offer shall have been made, and the Party giving such Notice shall therein request that the Matter in dispute may be submitted to the Determination of a Jury ; or if any such Party as aforesaid shall (for the Space of Twenty-one Days next after Notice in Writing shall have been given to the Clerk, Agent, or principal Officer of any such Corporation, or to such Trustee or Person respectively, or left at his or her last or usual Place of Abode, or with the Tenant or Occupier of any Lands, Tenements, or Hereditaments required for the Purposes of this Act) neglect or refuse to treat with the Company for the Sale and Conveyance of their respective Estates and Interests, or the respective Estates and Interests which they, he, or she are or is capacitated to convey therein, or shall by reason of Absence be prevented from treating, or shall by reason of any Impediment or Disability not provided for by this Act be incapable of making such Agreement as shall be necessary or expedient for enabling the said Company to proceed in making the said Railway and other the Works aforesaid, or shall not disclose and prove the State of the Title to the Premises of which they, he, or she may be in Possession, and claim to be entitled unto or interested in, or in any other Case where Agreement for Compensation for Damages incurred in the Execution of this Act cannot be made ; then and in every such Case the said Company shall and they are hereby required from Time to Time to issue a Warrant under their Common Seal to the Sheriff of the County in which the Lands, Tenements, and Hereditaments in question shall be situate, or the Matter in dispute shall arise, or in case such Sheriff or his Under Sheriff shall be one of the said Company, or enjoy any Office of Trust or

In case of Refusal to treat, Value of Land, &c. to be settled by a Jury.

[*Local.*]

23 P

Profit

Profit under them, or shall be in anywise interested in the Matter in question, then to any of the Coroners of such County not interested as aforesaid, or if all the Coroners shall be so interested, then to some Person living in the County, and free from personal Disability, who shall have filled the Office of Sheriff or Coroner in the said County, and not interested as aforesaid (a Person having more recently served either Office being always preferred), commanding such Sheriff or Coroner or other Person to impanel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly empowered and required to impanel, summon, and return, a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*; and the Persons so to be impanelled, summoned, and returned are hereby required to appear before the said Sheriff, Under Sheriff, Coroner, or other Person at such Time and Place as in such Warrant shall be directed, and to attend from Day to Day until duly discharged; and out of such Persons so to be impanelled, summoned, and returned a Jury of Twelve shall be drawn by the said Sheriff, Under Sheriff, or Coroner, or other Person, or by some Person to be by them respectively appointed, in such Manner as Juries appointed for Trials of Issues in His Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff, Under Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or of others that can 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 Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to summon before him all Persons who shall be thought necessary to be examined as Witnesses touching the Matters in question, and may authorize or order the said Jury, or any Six or more of them, to view the Matter or Place in controversy; and such Jury shall upon their Oaths, or, being of the Society of Persons called *Quakers*, upon their solemn Affirmations, (which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmations of all such Persons as shall be called upon to give Evidence, the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to administer,) enquire of and assess and give a Verdict for the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, and Hereditaments, except for such Interest or Interests therein as shall have been of Right purchased by the said Company from any other Person or Persons, and also the separate and distinct Sum or Sums of Money to be paid by way of Satisfaction or Compensation, either for the Damages which shall before that Time have been done or sustained as aforesaid, or for the future temporary or perpetual or for any recurring Damages which shall have been so done or sustained as aforesaid, and the Cause or Occasion of which shall have been in part only obviated, removed, or repaired by the said Company, and which cannot or will not be further obviated, removed, or repaired

by them ; and the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money, Satisfaction, or Compensation as shall be assessed by such Jury ; which said Verdict, and the Judgment thereon to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes upon all Bodies and other Persons whatsoever : Provided always, that not less than Seven Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Company to the Party or Parties with whom any such Controversy shall arise, by leaving such Notice at the Dwelling House of the Person or Persons, or of the Clerk or Agent or principal Officer of the Corporation, or with some Tenant or Occupier of the Premises intended to be valued, or respecting which, or any Damage to which, any such Question shall arise.

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

Value of
Land and
Damages to
be ascer-
tained se-
parately.

XXII. And be it further enacted, That the said Juries shall and
 they are hereby respectively empowered to settle what Shares and
 Proportions of the Purchase Money, or Compensation for Damages,
 which shall be assessed as aforesaid, shall be allowed to any Tenant
 or other Person or Persons having a particular Estate, Term, or
 Interest in the Premises, for such his, her, or their Interest or
 respective Interests therein.

Compens-
ation Money
to be ap-
portioned.

XXIII. And be it further enacted, That all the said Verdicts and
 Judgments, being first signed by the said Sheriff, Under Sheriff,
 Coroner, or other Person present at the taking of such Verdict and
 pronouncing of such Judgment respectively, shall be kept by the
 Clerk of the Peace for the County in which the Matter of dispute
 shall

Verdicts to
be recorded.

shall have arisen, among the Records of the Quarter Sessions for such County, and shall be deemed Records to all Intents and Purposes; and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling and no more, and also to take and make Copies thereof, paying for every such Copy after the Rate of Sixpence for every One hundred Words.

Penalty
upon Sheriff,
Jurors, or
Witnesses
making
default.

XXIV. And be it further enacted, That if such Sheriff or his Deputy, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make default in the Premises, he shall for every such Offence forfeit the Sum of Fifty Pounds; and if any Person so to be summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or being of the Society of Persons called *Quakers*, to make his solemn Affirmation, or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so to be summoned to give Evidence as aforesaid shall not appear on being paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing shall refuse to be sworn or give Evidence, then and in every such Case every such Person so offending, having no reasonable Excuse, (to be allowed by the said Sheriff, Under Sheriff, Coroner, or other Person,) shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding Ten Pounds, to be levied by virtue of any Warrant under the Hand and Seal of any Justice of the Peace for the County in which the said Lands, Tenements, or Hereditaments shall be situate, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him the Overplus of the Money thereby produced, after such Penalty and the Charges and Expences of such Distress and Sale shall have been deducted.

Jurors to be
under the
same Regu-
lations as
those of
Courts at
Westmin-
ster.

XXV. And be it further enacted, That every such Jury and Jurymen as aforesaid shall be liable and subject to the same Regulations, Pains, and Penalties as if such Jury and Jurymen had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and all and every Person and Persons who in any Examination to be taken by virtue of this Act, upon their Oath, or being of the Society of Persons called *Quakers*, upon their solemn Affirmation, shall wilfully and corruptly give false Evidence before any such Jury, Sheriff, Under Sheriff, Coroner, or other Person, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the same Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable.

By whom
Expences of
Juries shall
be paid.

XXVI. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury as aforesaid for the same or more Money than shall have been previously offered or tendered
by

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

XXVII. And be it further enacted, That all and every Person and Persons with whom the said Company shall have any such Controversy or Dispute shall, before the said Company shall be obliged to issue out their Warrant or Warrants for the summoning of such Jury, enter into a Bond, with Two sufficient Sureties, to the Treasurer

[*Local.*]

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Persons requesting Juries shall enter into a Bond to prosecute

surer

their Com-
plaint, and
pay Ex-
pences.

surer of the said Company, in a Penalty of One hundred Pounds, to prosecute his, her, or their Complaint, and to bear and pay his, her, or their Proportion of the Costs and Expences of summoning and returning such Jury, and taking such Verdict, and of the summoning and of the Attendance of Witnesses, in case any Part of such Costs and Expences shall fall upon him, her, or them, to be paid according to the true Intent and Meaning of this Act.

Notice of
Injury to be
given to the
Company
before Com-
plaint made.

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

Power to
enter Lands,
&c. on Pay-
ment of
Tender or
Purchase
Money.

XXIX. And be it further enacted, That upon Payment or legal Tender of such Sums of Money as shall have been agreed upon between the Parties, or awarded by a Jury, in manner aforesaid, for the Purchase of any Lands, Tenements, or Hereditaments, or as a Satisfaction or Compensation for any Loss or Injury, as herein-before mentioned, to the Proprietors of such Lands, Tenements, or Hereditaments, or other Persons interested therein or entitled to receive such Money or Satisfaction or Compensation respectively, or if the Parties so entitled or interested as aforesaid cannot be found, or shall refuse to receive the same, or shall refuse, neglect, or be unable to make a good Title to or shall refuse to execute the necessary Conveyance of the Premises, or in case such Money shall be liable to be invested in the Purchase of other Lands, Tenements, or Hereditaments, then upon Payment of such Money into the Bank of *England*, as herein-after directed, within One Calendar Month after the same shall have been so agreed upon or awarded, or after such Tender, Refusal, Neglect, or Inability shall be made or discovered, for the Use of the Party or Parties entitled thereto, it shall be lawful for the said Company immediately to enter upon such Lands, Tenements, and Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of all Parties therein shall thenceforth be vested in and become the sole Property of the said Company, to and for the Purposes of this Act; and such Payment or Tender or Investment shall not only bar all the Right, Title, Interest, Claim, and Demand of all such Parties as aforesaid, and operate to merge all outstanding or other Terms of Years, but shall also bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder or otherwise of his or her Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *England* as aforesaid, it shall not be lawful for the said Company,

or for any Person acting under their Authority, to bore under, dig, or cut into or enter upon such Lands, Tenements, or Hereditaments, for any of the Purposes of this Act, without the previous Consent of the respective Owners and Occupiers thereof respectively.

XXX. Provided always, and be it further enacted, That nothing herein contained shall in any Manner abridge, infringe, lessen, alter, or diminish, prejudice, affect, or interfere with the Powers, Provisions, Enactments, and Authorities contained in an Act passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for altering, extending, and improving the Exeter Canal*, and that all and every the several Provisions, Powers, Clauses, and Enactments therein contained shall remain in such full Force as if this Act had not been passed.

Not to prejudice the Provisions of Exeter Canal Act.

XXXI. Provided always, and be it further enacted, That nothing herein contained shall in any Manner authorize or empower or be construed to authorize or empower the said Rail Road Company to have or take, occupy or use, any such Lands, or Pieces or Parcels of Ground, being the Property of the Mayor, Bailiffs, and Commonalty of *Exeter*, as lie and are situate between the Streams of the River *Exe* and the *Mills Leet*, both flowing through or by certain Lands called the *Bonhay* and the *Shilhay*, other than so much and such Parts as shall be actually necessary and requisite for the Transit and Passage of Carriages along the said Tramway or Rail Road, without the previous Consent under the Common Seal of the Mayor, Bailiffs, and Commonalty of *Exeter* for that Purpose first had and obtained.

No more of certain Lands of the Mayor, Bailiffs, and Commonalty to be taken than necessary, without Consent.

XXXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to abridge, infringe, lessen, or alter the Right, Royalty, Privilege, Liberty, or Authority of the Lords of the Manor of *Exe Island*, or to affect, lessen, or diminish the ancient and accustomed Tolls, Town Dues, and Duties now payable to the Mayor, Bailiffs, and Commonalty of the said City of *Exeter*; or the Powers or Authorities of the said Mayor, Bailiffs, and Commonalty, or any of the accustomed Rights and Privileges of the said City.

Saving the Rights of Lords of the Manor of Exe Island, and the Mayor, Bailiffs, and Commonalty of Exeter.

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

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

injure the said Railway, Wharfs, and other Works and Conveniences hereby authorized or directed to be made.

To prevent
the Rail-
way being
injured by
working
Mines.

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

Company
not to take
Land over
which the
Trustees of
Exeter
Turnpike
Roads are
empowered
to make a
Road, with-
out Notice.

XXXV. And whereas the said Railway is intended to be made through certain Lands and Premises lying between the *Red Cow* Turnpike Gate and *Exe Bridge* in the County of the City of *Exeter*, which said Lands and Premises, by an Act passed in the Second Year of the Reign of His present Majesty, intituled *An Act to amend an Act of His late Majesty King George the Fourth, for repairing the several Roads leading to and from the City of Exeter, and for making certain new Lines of Road to communicate with the same, and for keeping in repair Exe Bridge and Countess Wear Bridge, and to make and maintain other Roads communicating with the said Roads*, were authorized to be taken by the Trustees of the *Exeter* Turnpike Roads for the Purposes of a Turnpike Road: And whereas the said Road hath not yet been made, but is about to be commenced; and in order that the making of the said Turnpike Road may not be interrupted or interfered with by the Formation of the said Railway, be it enacted, That it shall not be lawful for the said Company of Proprietors by this Act incorporated to make or set out the Part or
Portion

Portion of the said Railway between the *Red Cow* Turnpike Gate and *Exe Bridge* aforesaid, or to proceed to contract for or purchase Lands or Premises required for such Purpose, until the Expiration of Three Calendar Months after Notice in Writing of such their Intention shall have been given by the said Company to the said Trustees or their Clerk, unless the Consent in Writing of the said Trustees shall for that Purpose have been first had and obtained; and in case the said Company of Proprietors shall not, within Six Calendar Months after the Expiration of the said Notice or any future Notice, commence and proceed towards the Completion of the said Portion of the said Railway, the said Company shall, previously to the Commencement and further Progress of the same, after Six Calendar Months from the Expiration of such Notice, give to the said Trustees a further Notice in manner as herein-before directed, to enable the said Trustees to stake out the said Turnpike Road in such Line as to the said Trustees shall appear requisite, and as by the said recited Act they are empowered to do; and the Lands and Premises so staked out by the said Trustees shall not be taken or applied for the Purposes of the said Railway: Provided always, that in case the said Trustees shall not, before the Expiration of Three Calendar Months after such Notice as aforesaid, stake and set out the said Line of Turnpike Road, it shall be lawful for the said Company to commence the said Portion or Part of the said Railway, and proceed therein according to the general Powers in this Act contained, and as if no such Notice had been necessary or required.

XXXVI. And be it further enacted, That all Tenants at Will, Lessees for a Year or from Year to Year, and other Persons in Possession of any Lands, Tenements, or Hereditaments which shall be intended to be taken or used for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenants at Will, or Lessees for a Year, or as Tenants from Year to Year, shall respectively deliver up the Possession of such Premises to the said Company, or to such Persons as they shall appoint to take Possession of the same, at the Expiration of Six Calendar Months next after Notice to that Effect shall have been given by the said Company to such respective Tenants or Lessees or Persons in Possession, or left upon the said Premises, whether such Notice be given with reference to the Time of the Commencement of such Tenants holding or not, and whether such Notice be given before or after the said Premises shall be purchased by the said Company, or at such other Time after the Expiration of such Six Calendar Months as they shall respectively be required; and in case any such Tenant or Lessee or Persons so in Possession as aforesaid shall refuse to give up such Possession as aforesaid, it shall be lawful for the said Company to issue their Precept to the Sheriff of the County in which the Premises shall be situate to deliver Possession of the said Premises to such Person or Persons as shall in such Precept be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy and satisfy such Costs as shall accrue from the issuing and Execution of such Precept on the Person

Tenants at Will to quit Lands after Notice.

or Persons so refusing to give Possession, by Distress and Sale of his, her, or their Goods.

Interest of
such Tenants
may be
settled by a
Jury.

XXXVII. Provided also, and be it further enacted, That where any such Tenant or Lessee shall be required to deliver up Possession of any Premises so occupied by him or her before the Expiration of his or her Term or Interest therein, the said Company shall and they are hereby required to make a Tender unto such Tenant or Lessee, before they shall issue their Precept to the Sheriff to give Possession of the Premises in the Occupation of such Tenant or Lessee, Satisfaction or Compensation for the Value of his or her unexpired Term or Interest in the said Premises; which Satisfaction or Compensation, in case of Difference, shall be ascertained and determined in the same Manner as any other Satisfaction or Compensation for any Lands, Tenements, or Hereditaments taken or used by the said Company is by this Act directed to be made or determined.

Leases to be
produced.

XXXVIII. Provided also, and be it further enacted, That in all Cases in which any Party shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he or she shall claim to be possessed of entitled unto in any Lands, Tenements, or Hereditaments intended to be taken or used under the Authority of this Act, under or by virtue of any Demise, Lease, or Grant thereof, the said Company are hereby authorized to require such Party to produce or show the Lease, Demise, or Grant in respect of which such Claim to Satisfaction or Compensation shall be made; and if such Lease, Demise, or Grant shall not be produced or shown, the Party claiming such Compensation or Satisfaction shall be considered as holding only from Year to Year.

Mortgagees
to convey to
Company.

XXXIX. And be it further enacted, That all Persons having any Mortgage on any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act (not being in Possession thereof by virtue of such Mortgage) shall, on Tender of the Principal Money and Interest due thereon, and the just Costs (if any) then due, together with the Amount of Six Calendar Months Interest on the said Principal Money by the said Company, immediately assign and transfer such mortgaged Tenements or Hereditaments to the said Company, or to such Person or Persons as they shall appoint; or in case such Mortgagees shall have Notice in Writing from the said Company that they will pay off the Principal Money and Interest which shall be due on the said Mortgage at the End or Expiration of Six Calendar Months (to be computed from the Day of giving such Notice), then at the End of such Six Calendar Months, on the Payment of the Principal Money and Interest so due, together with any Costs then due, such Mortgagees shall assign and transfer their respective Interest in the mortgaged Premises to the said Company, or as they shall direct; and in case any such Mortgagee shall refuse to assign and transfer as aforesaid on such Tender or Payment, then all Interest on every such Mortgage shall thenceforth cease and determine: Provided always, that in case the Sum due on any such Mortgage shall amount to more than the real Value of the Premises to be taken or used for the

Purposes of this Act, or otherwise, of the Estate or Interest therein mortgaged, and which shall be ascertained in manner herein-before directed, then the said Company shall not be liable to pay to any such Mortgagee more than the real Value of such Premises or Estate or Interest so mortgaged, or than the Residue thereof, after such Allowance and Payment thereout to any Lessee or Tenant as herein-before directed occupying or holding the Estate so in mortgage; provided also, that in case any such Mortgagee shall neglect or refuse to assign or transfer as aforesaid, then, upon Payment of the Principal Money and Interest, and the Costs (if any), due on any such Mortgage as aforesaid, into the Bank of *England*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, or in lieu of such Notice, and in addition to the said other Monies, Six Calendar Months Interest in advance, for the Use of such Mortgagee, the Cashier of the Bank shall give a Receipt for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in Trust for him or her, shall vest in the said Company, and the said Company shall be deemed to be in the actual Possession of the Premises and Estate comprised in such Mortgage to all Intents and Purposes whatsoever; provided also, that if any such Mortgage shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so taken or used by the said Company, such Mortgagee shall, upon Payment or Tender of the Sum so ascertained to be the Value of the said Lands, Tenements, or Hereditaments as aforesaid, forthwith assign and transfer his or her Interest in such Lands, Tenements, and Hereditaments to the said Company; and in default of such Assignment or Transfer, and on Payment of such Money into the Bank of *England* for the Use of such Mortgagee, the Cashier of the said Bank shall give such Receipt as herein-before mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in Trust for him or her, in the said Lands, Tenements, or Hereditaments, the Value whereof or of the Estate or Interest therein mortgaged shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Company, and the said Company shall be deemed to be in the actual Possession of the said Lands, Tenements, and Hereditaments to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Money due to such Mortgagee by virtue of such Mortgage.

XL. And be it further enacted, That in all Cases where a Part only of any Lands, Tenements, or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, and the Mortgagee thereof shall not consider the remaining Part of such Lands, Tenements, or Hereditaments to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due or to become due thereon, and all Costs, the Value of such Part of the said Lands, Tenements, or Hereditaments as shall be so required for the Purposes aforesaid, or (as the Case may be) of the Estate or Interest therein mortgaged, and also

How Dis-
putes
between
Company
and certain
Mortgagees
shall be
settled.

also the Compensation, if any, for any Damage done, shall be settled and agreed upon by and between such Mortgagee and the Person or Persons entitled to the Equity of Redemption of such Lands, Tenements, or Hereditaments, on the one Part, and the said Company on the other Part; and in case of any Difference between them such Value and Compensation shall be determined by the Verdict of a Jury in the same Manner as in other Cases of Difference; and the Amount of such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee in satisfaction of his or her Claim, so far as the same will extend, or in case of his or her neglecting or refusing to assign or transfer as herein-before directed, then into the Bank of *England*, as by this Act is provided; and such Payment to the Mortgagee or into the Bank as last aforesaid shall be and be accepted in satisfaction of the Claim of such Mortgagee so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Premises as shall be so taken or used from all Principal and Interest and other Money due or secured thereon: Provided nevertheless, that notwithstanding any thing herein-before contained all such Mortgagees shall have the same Powers and Remedies for recovering or compelling Payment of their mortgaged Money, or the Residue thereof (as the Case may be), or the Interest thereof respectively, upon and out of the Residue of the mortgaged Lands, Tenements, or Hereditaments not required for the Purposes aforesaid, as they would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands, Tenements, or Hereditaments originally comprised in such Mortgage.

Application
of Compens-
ation Money
amounting
to 200*l*.

XLI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be taken or used by virtue of the Powers of this Act, or for any Compensation or Satisfaction under this Act, in respect of any Lands, Tenements, or Hereditaments which any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or any Person under any other Disability or Incapacity, shall be entitled unto, interested in, or hereby capacitated to convey, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the *Exeter and Crediton* Railway Company, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King George the Fourth, intituled

1 G. 4. c. 35. *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes, and the General Orders of the said Court, and without Fee or Reward; and shall,*
when

when so paid in, there remain until the same shall, by Order of the said Court made upon Petition to be presented to the said Court in a summary Way by the Party or Parties who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance, affecting the said Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out, by Order of the said Court, in a summary Way, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, or in respect of which such Compensation or Satisfaction shall be paid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Purchase can be made the said Money may, by Order of the said Court, upon Application thereto, be invested by the Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated and Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime and until such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, or shall be called in or cancelled, the Dividends or Interest and annual Produce thereof shall from Time to Time, by Order of the said Court, be paid to the Party or Parties who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased and settled.

XLII. Provided also, and be it further enacted, That if any Money agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, or for Compensation or Satisfaction as aforesaid in respect of any Lands, Tenements, or Hereditaments, and belonging to any Corporation or Person under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then the same shall, at the Option of the respective Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so taken or used, or of their respective Husbands, Guardians, or Committees in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Company, signified in Writing under their Common Seal, be paid into the said Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid at the like Option and with the like Approbation to Two Trustees, to be nominated by the respective Persons exercising such Option, such Nomination

[*Local.*]

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nation

nation to be approved of by the said Company, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seals of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce so arising thereon and therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without being required to obtain any Order of the said Court touching the Application thereof.

When less
than 20%.

XLIII. Provided also, and be it further enacted, That where any Money so agreed or awarded to be paid as last herein-before mentioned shall be less than Twenty Pounds, then the same shall be paid to the respective Parties who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so taken or used for the Purposes of this Act, for their own Use and Benefit; or in case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to their respective Husbands, Guardians, Committees, or Trustees, to and for the Use and Benefit of the Parties respectively entitled thereto.

In case of
not making
out Titles,
Money to be
paid into the
Bank.

XLIV. And be it further enacted, That in case any Party to whom any Money shall be agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be taken or used under or by virtue of the Powers of this Act, or for Compensation or Satisfaction as aforesaid, shall refuse to accept the same, or shall refuse, neglect, or be unable to make a Title to the Premises to the Satisfaction of the said Company for the Purposes of this Act, or shall be absent from *England*, or shall not be found, or if any Party entitled unto or to convey such Lands, Tenements, or Hereditaments be not known or discovered, or be not shown to the Satisfaction of the said Company, or be absent from *England*, then and in every such Case it shall be lawful for the said Company to order the Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them, so far as the said Company can do), subject to the Controul and Disposition of the said Court; which said Court, on the Application of any Party making claim to such Money, or to any Part thereof, by Petition, is hereby empowered, in a summary Way of Proceeding or otherwise, as to such Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Parties making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem proper; and the Cashier of the Bank of *England* who shall receive such Money is hereby required to give a Receipt for such Money, mentioning and specifying therein for what and for whose Use (described as aforesaid) the same is received, to the said Company, or to the Party paying any Money into the Bank of *England* under or pursuant to this Act.

XLV. Provided also; and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or to the Dividends or Interests of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of the Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Persons in possession to be presumptively entitled.

XLVI. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of any Party entitled to any Lands, Tenements, or Hereditaments to be taken or used, or in respect of which any Compensation or Satisfaction shall be payable, under the Authority of this Act, the Purchase Money for the same, or the Money paid for such Compensation or Satisfaction, shall be required to be paid into the Bank of *England*, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all such Purchases, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company out of the Monies to be received by virtue of this Act; and the said Company shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court may order reasonable Expences of Purchasers to be paid in certain Cases.

XLVII. And whereas by means of the Purchases which the said Company are empowered and are required to make by virtue of this Act they may happen to be seised of more Lands, Tenements, or Hereditaments than will be necessary for effecting the Purposes of this Act, or of Lands, Tenements, or Hereditaments not applicable to the Purposes hereof; be it therefore enacted, That it shall be lawful for the said Company to sell, and by any Deed under their Common Seal to convey any Part of such Lands, Tenements, or Hereditaments, or any Estate or Interest purchased by the said Company in such Lands, Tenements, or Hereditaments, or any Part thereof, either together or in Parcels, by public Auction or by private Contract,

Company may sell Lands not wanted.

Contract, as they shall deem most advantageous ; and such Conveyances from the said Company shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom, to the contrary notwithstanding : Provided always, that the said Company, before they shall dispose of any such Lands, Tenements, or Hereditaments, shall first offer to sell the same to the Person or to the Persons whose Lands or Premises shall immediately adjoin the Lands, Tenements, or Hereditaments so proposed to be sold ; and such respective Persons, in case they shall be desirous of purchasing the same, (Preference in Pre-emption of such respective Persons, if more than One, being according to the Order of making such Offers,) shall signify such their Desire and Intention in that Behalf to the said Company within Fifteen Days after such Offer of Sale shall have been made ; and in case such Persons shall decline to avail themselves of such Offer, or shall neglect to signify their Desire and Intention to purchase such Lands, Tenements, or Hereditaments for the Space of Fifteen Days, an Affidavit, made and sworn to before a Master or Master Extraordinary in the High Court of Chancery, or before any Justice of the Peace for the said County of *Devon* or for the County of the City of *Exeter*, as the Case may require, by some Person not interested in the same Lands, Tenements, or Hereditaments, stating that such Offer was made by or on behalf of the said Company, and that such Offer was refused or was not accepted by the Person or Persons to whom the same was made, within the Space of Fifteen Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused, or was not accepted or agreed to (as the Case may be) within the Time aforesaid, by the Person or Persons to whom such Offer was made ; and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they and the said Company shall not agree with respect to the Price thereof, then the Price thereof shall be ascertained by a Jury in the Manner by this Act directed with respect to the disputed Value of Premises to be taken or used by the said Company in pursuance thereof ; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as in this Act is directed with respect to Purchases made by the said Company, *mutatis mutandis* ; and the Money produced by the Sale which may be made by the said Company of any such Lands, Tenements, and Hereditaments as aforesaid shall be applied to the Purposes of this Act.

Treasurer to
give Re-
ceipts, which
shall be a
sufficient
Discharge.

XLVIII. And be it further enacted, That upon Payment of any Money which shall arise from the Sale of any such Lands, Tenements, or Hereditaments, or of any Interest belonging to the said Company therein, or of any Lands, Tenements, or Hereditaments authorized by this Act to be sold by the said Company, or upon Payment of any Money under this Act, it shall be lawful for the Treasurer for the Time being of the said Company to sign and give Receipts for the Money so paid, which Receipts shall be sufficient Discharges to all Persons for the Purchase Money for such Lands, Tenements, or Hereditaments or Interests as shall be sold, or for so much thereof and for such Sums of Money as in such Receipts respectively shall be expressed to be received ; and such Persons shall not afterwards be

answerable

answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money or other Monies, or any Part thereof.

XLIX. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to contract with any Person, or any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole (who shall be willing to sell the same), for the Purchase of any Lands, Tenements, or Hereditaments not exceeding in the whole Ten Statute Acres, (in addition to the Lands, Tenements, and Hereditaments herein-before authorized to be taken and used,) in such Places as shall be deemed eligible for the Purpose of making and providing Stations, Yards, Staiths, Wharfs, Warehouses, and other Buildings and Conveniences for receiving, depositing, loading, weighing, or keeping any Cattle, or any Goods or other Articles, Matters, or Things conveyed or intended to be conveyed upon the said Railway, or for making convenient Roads or Ways thereto, or for any other Purposes whatsoever connected with the Undertaking by this Act authorized, which the said Company shall judge requisite; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, and in all other Persons whomsoever, (including especially such or the like Corporations and Persons as are herein-before capacitated to sell and convey other Lands, Tenements, and Hereditaments for the Purposes of this Act,) to sell or grant and convey to the said Company and their Successors, any Lands, Tenements, or Hereditaments whatsoever for the Purposes herein-before mentioned, or any of them, in the same Manner as is herein-before directed concerning the Lands, Tenements, and Hereditaments to be taken or used for the Purpose of making the said Railway.

Company may purchase not exceeding Ten Acres of Land for Warehouses, &c.

L. And be it further enacted, That it shall be lawful for the said Company from Time to Time to sell and dispose of such additional Lands, Tenements, and Hereditaments as they are herein-before empowered to purchase, and shall have actually purchased, for the Purposes of Stations, Yards, Staiths, Wharfs, Warehouses, and other Buildings and Conveniences, or such Parts of such Lands, Tenements, or Hereditaments as the said Company shall think proper, and either together or in Parcels, by public Auction or by private Contract, or partly by Auction and partly by private Contract, as they shall think expedient, and again from Time to Time to contract for the Purchase of any other Lands, Tenements, or Hereditaments which the said Company shall deem more eligible for the Purposes aforesaid, and afterwards to sell and dispose of the same as aforesaid, so that the total Number or Quantity of Acres to be purchased and held by the said Company for any of such Purposes shall not exceed at any one Time the Number or Quantity of Acres for those Purposes expressly specified or allowed.

Company may sell any Part of such Lands, and purchase other Lands not exceeding the prescribed Quantity.

LI. And whereas the said Company are enabled to purchase Ten Statute Acres of Land by virtue of this Act for the Purpose of providing Stations, and Coal or other Yards, Staiths, Wharfs, Warehouses, and other Buildings and Conveniences, in addition to the

[Local.]

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Lands,

Restraining Company from purchasing more than Ten Acres from

incapacitated
Persons.

Lands, Tenements, and Hereditaments authorized to be taken or used for making the said Railway, and all Corporations and all Persons whomsoever are empowered to sell such Number or Quantity of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling any such Lands so purchased from any Corporation, Trustee, or Feoffee in Trust for charitable or any other Purpose, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, Cestuique Trust, Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, and again purchasing other Lands from the same or from any other Corporation or Person being under legal Disability or Incapacity, in lieu or stead of the Land so sold; be it therefore enacted, That it shall not be lawful for the said Company to purchase from any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or any other Purpose, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, Cestuique Trust, or from any Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, more than such Ten Statute Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Ten Statute Acres so purchased, it shall not be lawful for the said Company to purchase of or from the same, or of or from any other Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or any other Purpose, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for any Infant, Lunatic, Idiot, Feme Covert, Cestuique Trust, or Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, nor for the same or any other Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or any other Purpose, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for any Infant, Lunatic, Idiot, Feme Covert, Cestuique Trust or Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, to sell to the said Company any other Lands in lieu or instead of such Ten Statute Acres of Land or any Part thereof so sold or disposed of by the said Company:

The Word
"grant," to
comprehend
certain Co-
venants.

LII. And be it further enacted, That in all Conveyances to be made by the said Company under or in pursuance of this Act the word "grant" shall operate as and be construed and adjudged in all Courts of Judicature to be express Covenants to or with the Grantees therein, and the Successors, Heirs, Executors, Administrators, or Assigns of such Grantees, according to the Quality or Nature of the Grantees therein, and the Estate or Interest therein expressed to be thereby conveyed by or from the said Company, for themselves and their Successors, that they the said Company, notwithstanding any Act or Default done by them, were at the Time of the

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

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

Deficiencies
of Land Tax
to be made
good by
Company.

LIV. And whereas the probable Expence of making the said Railway and the other Works hereby authorized will amount to the Sum of Thirty-five thousand Pounds, and the Sum of Twenty-eight thousand five hundred Pounds, being more than Four-fifth Parts thereof,

Whole Sum
to be sub-
scribed be-
fore Work
commences.

thereof, has been already subscribed for by several Persons under a Contract, binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them subscribed for respectively; be it therefore enacted, That the whole of the said Sum of Thirty-five thousand Pounds shall be subscribed for in like Manner before any of the Powers given by this Act shall be put in force.

Company
empowered
to raise any
Sum not ex-
ceeding
35,000*l.* by
Shares.

LV. And be it further enacted, That it shall be lawful for the said Company to raise amongst themselves any Sum of Money for making and maintaining the said Railway and other Works by this Act authorized, not exceeding in the whole the Sum of Thirty-five thousand Pounds, the whole to be divided into Three hundred and fifty Shares of One hundred Pounds each; and such Three hundred and fifty Shares shall be numbered, beginning with Number One, in arithmetical Progression, and every such Share shall be distinguished by the Number to be applied to the same; and the said Shares shall be and are hereby vested in the several Parties so raising the same, and their several and respective Successors, Executors, Administrators, and Assigns, to their proper Use and Benefit, proportionably to the Sum they shall severally contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards the said Undertaking, and other the Purposes of the said Subscription, shall be entitled to and shall receive, at such Time or Times as the said Company shall at any General or Special General Meeting, to be convened for that Purpose in such Manner as Meetings on other Occasions are by this Act directed to be convened, or as the Directors of the said Company to be appointed as hereinafter mentioned shall, after an Order for that Purpose shall have been made by the said Company, direct and appoint, in proportionable Parts, according to the respective Sums so by them respectively paid, the net Profits and Advantages which shall arise or accrue by the Rates, Tolls, and other Sums of Money to be received by the said Company, as and when the same shall be divided by the Authority of this Act; and all Bodies Politic, Corporate, and Collegiate, and Persons, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same.

Certificate of
Justice to be
sufficient to
prove that
the whole
Sum has
been sub-
scribed.

LVI. Provided always, and be it further enacted, That in case the Owner or Proprietor of or any Person or Persons interested in any Houses, Buildings, Lands, Tenements, or Hereditaments authorized to be taken by virtue of this Act shall require the said Company to specify or shew that the whole Amount of the said Sum of Thirty-five thousand Pounds has been subscribed as herein-before mentioned, the said Company shall and they are hereby required to prove the same, by the Production of a Certificate in Writing to that Effect, under the Hand of any Justice of the Peace of the said County of *Devon*, such Justice not being a Subscriber to the said Undertaking, and which Certificate shall be and be deemed good and sufficient Evidence

dence of the Fact of the whole of the said Sum of Thirty-five thousand Pounds having been subscribed.

LVII. And be it further enacted, That all the Shares and Proportions of and in the said Undertaking, or the Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and be transmissible as such, and shall not be deemed to be of the Nature of Real Property.

Shares to be deemed Personal Estate.

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

For compelling Payment of Subscriptions.

LIX. And be it further enacted, That all Bodies Corporate and Persons who shall have duly subscribed for or become entitled to any Share or Shares (not exceeding Twenty) in the said Undertaking, and their respective Successors, Executors, Administrators, and Assigns, shall have One Vote for each such Share; and all such Bodies and Persons as aforesaid as shall have subscribed for or become entitled to Twenty Shares and upwards in the said Undertaking, their respective Successors, Executors, Administrators, and Assigns, shall, over and above the Twenty Votes which they shall respectively have for or in respect of the first Twenty Shares, have an additional Vote for every Four Shares which they shall have subscribed for or become entitled to in the said Undertaking beyond the Number of Twenty Shares; and such Vote or Votes may be given by such respective Parties, or by their respective Proxies constituted under the Seals of such Bodies, or under the Hands of the other Proprietors appointing such Proxies, all such Proxies being Proprietors of Shares in the said Undertaking; and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if the Principal had voted in Person; and every Question, Matter, or Thing which shall be proposed in any General or Special General Assembly of the said Company shall be determined by the Majority of Votes and Proxies then present; and at every such Meeting the Chairman thereof shall and may not only vote as a Principal and Proxy, but in case of an Equality of Votes shall and may also have the decisive or casting Vote; and the Appointment of every such Proxy may be made according to the Form following, or as near thereto as the Quality, Nature, and Number of the Appointor or

Proprietors of Shares how to vote.

[*Local.*]

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Appointors

Appointors of the Proxy thereby constituted, and other Circumstances, will admit ; (that is to say,)

Form of
Proxy.

‘ *A. B.* of One of the Proprietors of the *Exeter* and
‘ *Crediton* Railway Company, doth hereby appoint *C. D.* of
‘ to be the Proxy of the said *A. B.*, in his Name
‘ or otherwise, and in his Absence, to vote or give his Assent to or
‘ Dissent from any Business, Matter, or Thing relating to the said
‘ Undertaking which shall be proposed at any General or Special
‘ General Meeting of the said Company, in such Manner as he the
‘ said *C. D.* shall think proper. In witness whereof the said *A. B.*
‘ hath hereunto set his [or her] Hand [or Common Seal], the
‘ Day of

The Person
whose Name
stands first
as a joint
Proprietor
with others
to be deemed
the Owner
and to vote.

LX. And be it further enacted, That whenever several Persons shall be jointly possessed of or entitled to any Share in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share shall for the Purposes of this Act be deemed the Proprietor of such Share ; and all such Proprietors shall be entitled to give their Votes in respect thereof by the Person whose Name shall so stand first in the Books of the said Company as Proprietor of such Share, and whose Vote shall, either in Person or by Proxy, on all Occasions, be deemed and allowed to be the Vote for or in respect of the whole Property in such Share, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share ; and all Notices by this Act directed to be given to the Proprietors of Shares in the said Undertaking shall and may, for and in respect of any such Share so jointly held, be given to the Person whose Name shall so stand first in the Books of the said Company, or be left at the last or usual Place of Abode of such Person, or be inserted in the *London Gazette*, as herein mentioned (as the Case may require), and such Notice to such Person shall be deemed sufficient Notice to all the Proprietors of such Share, for all the Purposes for which such Notice is intended to be given.

Lunatics and
Minors to
vote by their
Committees
and Guar-
dians.

LXI. And be it further enacted, That in case any Proprietor entitled to vote at any such Meeting as aforesaid shall be a Lunatic or a Minor, such Lunatic shall or may vote at such Meeting by his or her Committee or by any of such Committee, and such Minor shall or may vote by his or her Guardian or by any such Guardians ; provided that every such Committee or Guardian may also vote in Right of his or her own Share or Shares as well as in the Character of Committee of any Lunatic or Guardian of any Minor on the same Occasion.

Names of
Proprietors
to be entered,
and Certifi-
cates of
Shares de-
livered to
them.

LXII. And be it further enacted, That the said Company shall and they are hereby required, at some General Meeting, to cause the Names of the several Bodies, and the Names and Additions of the several Persons who shall then be or who shall from Time to Time thereafter become entitled to Shares in the said Undertaking, with the Number of Shares which they are respectively entitled to hold, and the Amount of the Subscriptions paid thereon, and also the proper

proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk of the said Company, and after such Entry made to cause their Common Seal to be affixed thereto; and the said Company shall also from Time to Time cause a Certificate or Ticket, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber, on Demand, specifying the Share or Shares to which they, he, or she are or is entitled in the said Undertaking, such Proprietor paying to the Clerk to the said Company the Sum of Two Shillings and Sixpence, and no more, for every such Certificate or Ticket; and such Certificate or Ticket shall be admitted in all Courts whatsoever as *prima facie* Evidence of the Title of such respective Subscribers, their Successors, Executors, Administrators, or Assigns, to the Share or Shares therein specified; but the Want of such Certificate or Ticket shall not hinder or prevent the Proprietor of any of the said Shares from selling or disposing thereof; and such Certificate or Ticket may be in the Words or to the Effect following; (that is to say,)

‘ The *Exeter and Crediton* Railway Company.
 ‘ Number

Form of
 Certificate.

‘ THESE are to certify, That *A. B.* of
 ‘ is a Proprietor of the Share Number of
 ‘ the *Exeter and Crediton* Railway Company, subject to the Rules,
 ‘ Regulations, and Orders of the said Company; and that the said
 ‘ *A. B.*, his 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

LXIII. And be it further enacted, That if any such Certificate or Ticket as aforesaid shall be worn out or damaged, then, upon the same being produced at some Meeting of the Directors of the said Company, such Certificate or Ticket may be cancelled and destroyed, and another similar Certificate or Ticket be given to the Party in whom the Property of such Certificate or Ticket, and the Share or Shares therein mentioned, shall be at that Time vested; or in case such Certificate or Ticket shall be burnt or totally destroyed, or lost, then upon due Proof thereof a similar Certificate or Ticket shall be given to the Party who was the Proprietor of or entitled to the Certificate or Ticket so lost, burnt, or destroyed; and a due Entry of the Substitute or Duplicate of each such Certificate or Ticket shall be made by the Clerk of the said Company in manner herein directed, the said Clerk receiving for every such Certificate or Ticket which shall be so exchanged or given the Sum of Two Shillings and Sixpence, and no more.

For granting
 new Certi-
 ficates when
 old ones are
 destroyed or
 worn out.

LXIV. And be it further enacted, That in case the Money hereby authorized to be raised by Subscription as herein-before mentioned shall be found insufficient for the Purposes of this Act, it shall be lawful for the said Company, by an Order of any General or Special General Meeting of the said Company, from Time to Time to borrow and take up at Interest any further or additional Sum, not exceeding

Company
 may raise by
 Mortgage
 any addi-
 tional Sum
 not exceed-
 ing 12,000*l.*

exceeding in the whole the Sum of Twelve thousand Pounds, on the Credit of the said Undertaking, as to them shall seem proper; and the said Company, or the Directors of the said Company, after an Order shall have been made for that Purpose by any General or Special General Meeting of the said Company, are hereby empowered to mortgage, assign, and charge the Property of the said Undertaking, and the Rates, Tolls, and other Sums 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, Tolls, or Sums,) as a Security for any such further Sum of Money to be borrowed as aforesaid, with Interest, to or for the Benefit of the Party, or to his or her Trustee, who shall advance the same; all which said Mortgages, Assignments, and Charges shall be made under the Common Seal of the said Company, in the Words or to the Effect following, or with such Variation therein as the Circumstances of the Case may render necessary; (that is to say,)

Form of
Mortgage.

Number

‘ BY virtue of an Act passed in the Second Year of the Reign of
 ‘ King *William* the Fourth, intituled [*here set forth the Title of*
 ‘ *this Act,*] We, the *Exeter and Crediton* Railway Company, incor-
 ‘ porated by and under the said Act, in consideration of the Sum of
 ‘ to us in hand paid by *A. B.* of
 ‘ do assign unto the said *A. B.*, his Executors, Administrators, and
 ‘ Assigns, the said Undertaking, and all and singular the Rates,
 ‘ Tolls, and Sums of Money arising by virtue of the said Act, and all
 ‘ the Estate, Right, Title, and Interest of the said Company in and
 ‘ to the same; to hold unto the said *A. B.*, his Executors, Adminis-
 ‘ trators, and Assigns, until the said Sum of
 ‘ together with Interest for the same after the Rate of
 ‘ for every One hundred Pounds for a Year, shall
 ‘ be fully paid and satisfied. Given under our Common Seal, this
 ‘ Day of in the Year of our
 ‘ Lord

Entry of
Mortgages
to be kept by
the Clerk.

And the respective Parties to whom such Mortgages or Assignments shall be made shall be entitled, one with the other, to their Proportions of the said Rates, Tolls, and Sums, and Premises, according to the respective Sums in such Mortgages or Assignments mentioned to be advanced, without any Preference by reason of Priority in the Date of any such Order of Meeting, or Priority in Date of any such Mortgage or Assignment, or on any other Account whatsoever; and an Entry or Memorial of every such Mortgage or Assignment, containing the Number and Date thereof, and the Names of the Parties, with their proper Additions, to whom the same shall have been made, and of the Sums borrowed, together with the Rate of Interest to be paid thereon, shall, within Fourteen Days next after the Date thereof, be entered into some Book, to be kept by the Clerk of the said Company, which said Book 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 Persons to whom any such Mortgage or Assignment shall have been made as aforesaid, or who shall be entitled to the Money due thereon, may from

from Time to Time transfer their respective Rights and Interests therein to any other Person; and every Transfer thereof may be in the Words or to the Effect following; (that is to say,)

‘ I A. B. of in consideration of the Form of
 ‘ Sum of paid by C. D. of Transfer of
 ‘ do hereby transfer a certain Mortgage or Assignment, Number Mortgage.
 ‘ made by the *Exeter* and *Crediton* Railway Com-
 ‘ pany to bearing Date the Day
 ‘ of for securing the Sum of
 ‘ and Interest, and all my Right, Estate, and Interest in and to the
 ‘ Money thereby secured, and in and to the Rates, Tolls, Sums of
 ‘ Money, and Property thereby assigned to the said C. D., his Exe-
 ‘ cutors, Administrators, and Assigns. Dated this Day
 ‘ of in the Year of our Lord .’

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

Entry of
Transfers to
be made by
the Clerk.

LXV. And be it further enacted, That the Interest of the Money which shall be raised by Mortgage, Assignment, or Charge as aforesaid, shall be paid yearly to the several Parties entitled thereto, and in preference to any Dividends payable by virtue of this Act to the Proprietors of the said Company or any of them; and in case such Interest or any Part thereof shall be unpaid by the Space of One Calendar Month next after the same shall have become due and payable as aforesaid, and the same shall not be paid within Fourteen Days next after Demand thereof in Writing shall have been made to the said Company, or left at the Office of the said Company, it shall be lawful for Two or more Justices of the Peace acting in and for the said County of *Devon* or the said County of the City of *Exeter*, within their respective Jurisdictions, not being interested in the Matter in question, and they are hereby required, on Request to them made by or on behalf of any Mortgagee whose Interest shall be so in arrear, by an Order under their Hands to appoint some Person to receive the Whole or such Parts of the said Rates, Tolls, or Sums as are liable to pay such Interest so due and unpaid as aforesaid; and the Money so to be received by such Person is hereby declared to be so much Money received by or to the Use of the Person or Persons to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the said Rates, Tolls, or Sums, shall be fully satisfied and paid; and after such Interests and Costs shall have been paid and satisfied the Power and

Interest of
Money bor-
rowed to be
paid in pre-
ference to
Dividends.

[*Local.*]

23 X

Authority

Authority of such Receiver for the Purposes aforesaid shall cease and determine; or otherwise the said Interest so due and unpaid as aforesaid may be sued for and recovered, with Costs, by an Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Creditors not
to vote.

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

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

LXVII. And be it further enacted, that in case the said Company shall raise the Whole or any Part of the said additional Sum of Twelve thousand Pounds by Mortgage, Assignment, or Charge as aforesaid, and shall afterwards be required or shall be desirous to pay off or shall have paid off all or any Part of the Principal Sum so secured upon Mortgage or Assignment as aforesaid, then and in every such Case it shall be lawful for the said Company, immediately, or at any Time or Times thereafter, again to raise, in lieu of the Principal Money so paid off or to be paid off by them, such Sum or Sums of Money as they shall from Time to Time have paid off or be required or desirous to pay off to the Holders of such Mortgages or Assignments, or any of them, or any Part thereof, and so from Time to Time as often as the same shall happen, but so nevertheless that the said Company shall not in any Event borrow upon Mortgage in such Manner or to such Extent as that more than the Sum of Twelve thousand Pounds in the Whole shall be owing at any One Time on Mortgage or Assignment of or as a Charge upon the said Undertaking.

Application
of Money to
be raised.

LXVIII. And be it further enacted, That all the Money to be raised by the said Company by virtue of this Act shall be laid out and applied, in the first place, in paying and discharging all Costs and Expences incurred in applying for and obtaining and passing this Act, and all other Expences preparatory or relating thereto; and all the Remainder of such Money shall be applied in and towards purchasing Lands, Tenements, and Hereditaments, and making and maintaining the said Railway and other Works, and in otherwise carrying this Act into execution.

First and
other Gener-
al Meetings
of the Com-
pany.

LXIX. And be it further enacted, That the said Company shall meet together at some convenient Place in *Exeter* within Three Calendar Months next after the passing of this Act, between the Hours of Ten and Three, and shall then and there proceed in the Execution of this Act, and shall and may adjourn such Meeting from Time to Times, and from Place to Place, as they shall think fit; and from and after the said First Meeting of the said Company there shall be a General Meeting of the said Company on the Twenty-first Day of *June* in each and every Year, or within the Space of Fourteen Days next thereafter, and also such and so many Special General Meetings of the said Company as shall be called as herein-after provided; of which said General Meetings and Special General Meetings

Fourteen Days public Notice at the least shall be given by Advertisement in some One or more Newspapers usually circulated in the County of *Devon* or in the County of the City of *Exeter* aforesaid, and which said Notices of a Special General Meeting shall specify the Purpose for which any such Special General Meeting is called; and all such General Meetings and Special General Meetings may be adjourned from Time to Time, and from Place to Place, as shall be found expedient.

LXX. And be it further enacted, That the said Company shall at some General Meeting elect a Treasurer and some Person or Persons as Clerk or Clerks for transacting the Business of the said Company; and it shall be lawful for the said Company, at any subsequent General Meeting or Special General Meeting, from Time to Time to remove and displace any such Treasurer or Clerk, or any Persons who shall be thereafter elected and appointed to their respective Offices, and to elect in manner aforesaid any other Person to act as Treasurer, or other Person or Persons to act as Clerk or Clerks of the said Company, in the Room of such of the said Officers as shall die or resign or be removed from their respective Offices; and it shall be lawful for the said Company to allow such Salaries or other Emoluments to the said Officers or either of them as they shall from Time to Time think proper and appoint: Provided always, that the said Company shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer of the said Company, and from every Receiver, Collector, or other Officer appointed by them or by the said Directors, having the Custody or Controul of any Money received by virtue of this Act, for the faithful Execution of his Office, before he shall enter thereupon.

General Meeting to appoint a Treasurer and Clerk.

LXXI. Provided also, and be it further enacted; That it shall not be lawful for the said Company to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk of the said Company for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer, or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Company other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of

Clerk and Treasurer not to be the same Person.

His

His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager at Law, nor more than One Imparlance, shall be allowed.

Company empowered to make Bye Laws.

LXXII. And be it further enacted, That the said Company shall have full Power and Authority, from Time to Time, to make such Bye Laws, Orders, and Rules, as to them shall seem right and proper, for the good Government of the Officers and Servants of the said Company, and for regulating the Proceedings and reimbursing the Expences of the said Directors, and for the Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Bye Laws, Orders, and Rules, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same as to the said Company shall seem meet, not exceeding the Sum of Five Pounds for any One Offence, such Fines and Forfeitures to be levied and recovered as other Penalties may by this Act be levied and recovered; which said Bye Laws, Orders, and Rules, being reduced into Writing under the Common Seal of the said Company, and printed and published, and painted on Boards, shall be hung up and affixed and continued on the Front or other conspicuous Part of the several Toll Houses to be erected on the said Railway, and other Buildings or Places at which any Rates, Tolls, or other Sums shall be received under the Authority of this Act, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated or destroyed; and such Bye Laws, Orders, and Rules shall be binding upon and be observed by all Parties, and shall be sufficient in all Courts of Law or Equity to justify all Persons who shall act under the same, provided that such Bye Laws, Orders, or Rules be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any Directions in this Act contained; and all such Bye Laws, Orders, and Rules shall be subject to Appeal in manner herein-after mentioned.

General Meetings to settle Accounts.

LXXIII. And be it further enacted, That it shall be competent to any General Meeting to call for and examine the Accounts of the said Company and of the Directors, and of the Treasurers, Receivers, or Collectors of the Rates, Tolls, and other Sums, and of the other Officers of the said Company.

First General Meeting to choose Directors.

LXXIV. And be it further enacted, That at such First General Meeting to be held as herein-before is mentioned, or at some Meeting to be held by Adjournment from such General Meeting, Twelve Persons who shall be Proprietors and respectively possessed in their own Right of Five Shares at the least in the said Undertaking shall be elected Directors to manage the Affairs of the said Company by the other Proprietors present at such Meeting, either personally or by Proxy, and of the Twelve Directors so elected as aforesaid Five shall be competent to act; and the several Person so to be elected, being neither removed nor disqualified, and not resigning, shall continue in Office and be respectively Directors until the Annual General Meeting of the said Company which shall be held in the Month

Month of *June* in the Year One thousand eight hundred and thirty-three, and until others shall be elected in their Stead, in pursuance of this Act; and the said Company at any General Meeting shall have Power and Authority to fix what Remuneration, if any, shall be allowed to the Directors of the said Company from Time to Time.

LXXV. Provided always, and be it further enacted, That if at any such General Meeting there shall not be Thirteen Persons present who shall be possessed of or entitled to at least One hundred Votes in the said Undertaking, within Two Hours from the Time appointed for such Meeting, no Choice of Directors shall be made, nor shall any Business be transacted, but in such Case there shall be another Meeting of the said Company at the Place and Hour at which such first-mentioned General Meeting shall have been appointed to be held, at the Expiration of Seven Days then next; and if such sufficient Number of Proprietors shall not then attend thereat, such Meeting shall stand adjourned to the Seventh Day next following; and so from Time to Time as often as the same shall happen, until at some Adjournment of such General Meeting there shall be a sufficient Number of Proprietors present, when, and not before, the Meeting shall proceed to Business; and the Directors for the Time being shall continue to act and have the same Powers as they had and were possessed of until new Directors shall be appointed as aforesaid.

General Meetings for choosing Directors to consist of Thirteen Persons possessing at least One hundred Shares.

LXXVI. And be it further enacted, That at the General Meeting to be held in the Month of *June* which will be in the Year One thousand eight hundred and thirty-three Four of the Directors who shall have been so elected as aforesaid (to be determined by Lot among themselves) shall go out of Office and cease to be Directors of the said Company, and Four Persons shall be elected by the said Company to be Directors in their Place and Stead; and at the General Meeting to be held in the Month of *June* which will be in the Year One thousand eight hundred and thirty-four Four other of the Directors who shall have been so primarily elected as aforesaid (to be determined by Lot among themselves) shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner; and at the General Meeting to be held in the Month of *June* which will be in the Year One thousand eight hundred and thirty-five the remaining Four of the Directors who shall have been so primarily elected as aforesaid shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner.

Service of Directors.

LXXVII. Provided always, and be it further enacted, That every Director who shall, by Ballot or Rotation, go out of Office on any Annual Day of Election may be immediately or at any future Time re-elected by the said Company as a Director of the said Company.

Directors going out by Rotation may be re-elected.

LXXVIII. Provided always, and be it further enacted, That no Person holding any Office, Place, or Employment, or being concerned or interested in any Contract, under the said Company, shall be capable of being chosen, or, being so chosen, of continuing a

No Person holding any Place of Profit under the Com-

[Local.]

23 Y

Director

pany capable of being a Director.

Director of the said Company; nor shall any Person during the Time he shall be a Director of the said Company be capable of taking any such Contract.

For supplying Vacancies in Direction.

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

Chairman and Deputy Chairman to be appointed.

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

At Meetings of the Company Chairman or Deputy Chairman to preside.

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

Directors, Chairman, or Deputy Chairman to be disqualified if engaged in any Contract.

LXXXII. Provided always, and be it further enacted, That if any Person who shall be elected a Director of the said Company, or Chairman or Deputy Chairman of the said Directors, shall at any Time subsequently to his Election accept or continue to hold any other Office, or any Place of Trust or Profit, under the said Company, or shall either directly or indirectly be concerned in any Contract for any Article to be used or consumed by the said Company, or shall offer to take and succeed in taking or shall participate in any Manner in any Work to be done for the said Company, or shall at any Time
cease

cease to be a Proprietor of Five Shares in the said Undertaking, every such Person shall thereby become disqualified from voting or acting at any succeeding Meeting of such Directors, and his Office shall thereupon become vacant.

LXXXIII. And be it further enacted, That the Directors for the Time being of the said Company shall have the Custody of the Common Seal of the said Company, with Power to use the same in their Behalf, and shall have full Authority to meet and adjourn from Time to Time, and from Place to Place, and also at any Time to call Special General Meetings of the said Company for any Purpose they may think proper, and to appoint the Times and Places of holding General or Special General Meetings; and all Questions, Matters, and Things which shall be discussed or considered at any Meeting of the Directors shall be finally determined by the Majority of Votes then present; and there shall be Seven Directors at the least present to constitute a Meeting; and no Director, although possessed of many Shares in the said Undertaking, shall have more than One Vote at any such Meeting, except the Chairman of such Meeting, who, in case of an equal Division, shall always have an additional or casting Vote as such Chairman; and such Directors shall have full Power and Authority to do all Acts whatsoever which the said Company is hereby authorized to do, (except only such Things as are hereby expressed or reserved to be done at a General Meeting of the Proprietors,) for the Management and Direction of the Affairs of the said Company, and for that Purpose to purchase Lands, Tenements, and Hereditaments, and Engines and Materials for the Use of the said Undertaking, and to sell Lands, Tenements, and Hereditaments hereby authorized to be sold, and to direct and employ the Works and Workmen, and to superintend and conduct the Affairs of the said Company after the Completion of the said Railway, and to appoint or displace the Officers and Servants of the said Company, (except the Treasurer and Clerk herein-before directed to be appointed by a General Meeting of the said Company,) with such Salaries, Gratuities, or Recompences as to the said Directors shall seem proper, and upon the Death, Resignation, or Removal of any of the said Officers or Servants from Time to Time to appoint others in their respective Places, and also to make Contracts and Bargains touching the said Undertaking; and the said Directors may require and take such Security to the said Company, from any Officer or other Person, for the faithful Execution of his Duty, as they may think proper; and the said Directors shall keep a regular Minute and Entry of their Proceedings at every Meeting of the said Directors, and from Time to Time make Report thereof to the said Annual General Meetings, and, if required, to the Special General Meetings of the said Company, and shall obey their Orders and Directions; and the said Directors shall keep full and true Accounts of all Monies disbursed and Payments made by the said Directors, and by all Persons employed by or under them, and of all Money which they shall receive on behalf of or in respect of such Undertaking from any Collector of the Rates, Tolls, or Sums by this Act authorized, or other Officer, or from any other Person employed in or having any Concern, Dealing, or Transaction with the said Undertaking, or from any other Person, on any Account, for the

Powers and
Duties of
Directors.

Chartered
Company
Limited

the Use of the said Company, and shall regularly enter in some Book to be from Time to Time provided at the Expence of the said Company for that Purpose, Notes, Minutes, or Copies (as the Case shall require) of every such Appointment, Contract, Bargain, Receipt, and Disbursements, and of other Orders and Proceedings; which Book shall be deposited with and be kept locked up under the Care or Direction of the said Directors.

Proprietors
possessed of
Fifty Shares
may require
a Special
General
Meeting of
the Com-
pany.

LXXXIV. And be it further enacted, That Five or more Proprietors of the said Company holding in the Aggregate Fifty Shares or upwards in the said Undertaking, upon which all Calls actually previously made shall have been paid and satisfied, may, at any Time, by Writing under their Hands, left at the Office of the said Company, or given to at least Seven Directors of the said Company, or delivered to some Inmate at their last or usual Places of Abode, require the Directors of the said Company to call a Special General Meeting of Proprietors of the said Company, so as such Requisition fully express the Object for which such Special General Meeting is required to be called; and in case of Neglect or Refusal of the said Directors to call such Meeting for the Space of Ten Days next after such Notice given as aforesaid, the same may be called by such Five or more Proprietors by giving Ten Days Notice thereof in some Newspaper usually circulated in the County of *Devon* or in the County of the City of *Exeter* aforesaid; and the said Company are hereby authorized to meet in pursuance of such Notice, and such of the Proprietors thereof as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company with respect to the Matters so specified in such Notice; and all Acts of the Majority in Votes of the Proprietors of the said Company met together at any such Special General Meeting shall be as valid with respect to the Matters specified in such Notice as if the same had been done at a General Meeting held at the Time hereinbefore appointed for holding the same.

Business at
Special Ge-
neral Meet-
ings.

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

Publication
of Notices.

LXXXVI. Provided always, and be it further enacted, That all Notices herein directed to be given of any General or Special General Meeting of the Proprietors of the said Company, or of any Adjournment thereof respectively, or to any of the said Proprietors, and not herein otherwise provided for, shall be signed by the Chairman or Deputy Chairman of the Directors of the said Company, or by the Proprietor who may be elected Chairman of any such Meeting, or by the Clerk of the said Company, and shall be given by Advertisement inserted in some Newspaper usually printed or circulated in the County of *Devon* or in the County of the City of *Exeter*; and such Notices, when so published and given, shall be deemed and considered the same as personal Notices.

LXXXVII. And be it further enacted, That the Orders and Proceedings of every Meeting, as well General as Special, of the said Company and of the said Directors, shall be entered in some Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of each respective Meeting; and such Orders and Proceedings, when so entered and signed, shall be deemed original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others, and that without Proof of such Meeting having been duly convened, or of the Persons making or entering such Orders or Proceedings being Proprietors, or being Directors, as the Case may be.

Orders and Proceedings at Meetings to be entered in a Book.

LXXXVIII. And be it further enacted, That the said Directors shall cause a Book or Books to be kept by a Book-keeper, who shall be expressly appointed by the said Directors for that Purpose, and such Book-keeper shall enter or cause to be entered in the said Book or Books true and regular Accounts of all Sums of Money received and expended for or on account of the said Undertaking, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Book or Books shall at all seasonable Times be open to the Inspection of any of the Proprietors of the said Company, or of any Creditor for any Money to be borrowed under this Act, without Fee or Reward; and the said Proprietors, or any Creditor as aforesaid, shall and may take Copies of or Extracts from the said Book or Books, or of any Part thereof, without paying any thing for the same; and in case the said Book-keeper shall refuse to permit, or shall not permit the said Proprietors or any such Creditor to inspect any such Book or Books, or to take such Copies or Extracts as aforesaid, such Book-keeper shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and applied in the same Manner as other Penalties are by this Act directed to be levied and applied.

Books of Account to be kept.

LXXXIX. And be it further enacted, That every Officer and Person who shall be appointed or employed by virtue of this Act shall, from Time to Time when thereunto required by the said Company or by the said Directors, make out and deliver to the said Directors, or to the said Company, or to such Persons as they shall respectively for that Purpose appoint, a true and perfect Account, in Writing under his or her Hand, of all Monies which shall have been by him or her received by virtue of this Act; and such Account shall state how and to whom and for what Purpose the same shall have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her to the Treasurer of the said Company, or to such Persons as the said Directors of the said Company shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof, when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up

Officers to account.

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

XC. And be it further enacted, That in case any Treasurer or Clerk of the said Company shall die, or be removed from or quit the Service of the said Company, it shall be lawful for the said Company, at their Annual or General Meetings, or at their Special General Meetings, or for the Directors of the said Company, to appoint some other fit and proper Person to execute such Office in the Place of the Person who shall so die, or be removed from or quit the Service of the said Company; and in case any such new Appointment shall be made by the said Directors, the same shall only continue until the next Annual General Meeting of the said Company, when the Appointment of such Person to such Office shall either be confirmed, or such other fit Person be appointed to succeed to such Office, as the Proprietors present at such Meeting shall think proper.

Directors
may appoint
a temporary
Treasurer
and Clerk.

XCI. And be it further enacted, That the Clerk of the said Company shall, in some proper Book to be provided by the said Company for that Purpose, enter and keep a true Account of the Locality or Places of Abode of the several Proprietors (whether Corporations or Individuals) of the said Undertaking, and of the several Bodies and Persons who shall from Time to Time become Proprietors thereof or be entitled to any Share therein; and every Proprietor of the said Undertaking (or in case of a Corporate Body by their Clerk or Agent duly appointed) may at all convenient Times have recourse to and peruse the same *gratis*, and may demand and have Copies thereof or of any Part thereof, paying at and after the Rate of Sixpence for every One hundred Words so to be copied; and if such Clerk of the Company hereby incorporated shall refuse to permit any such Proprietor or Agent as aforesaid to peruse such Book at all convenient Times, or refuse to make such Copy within a reasonable Period at the Rate aforesaid, he shall for every such Offence forfeit and pay the Sum of Ten Pounds for the Benefit of the said Undertaking.

Clerk of
Company to
enter and
keep a List of
Proprietors.

XCII. And be it further enacted, That the said Directors shall have full Power from Time to Time to make such Calls for Money from the Subscribers to and Proprietors of the said Undertaking, to defray the Expences of or to carry on the same, as they from Time to Time shall find necessary for those Purposes, so that no such Call shall exceed the Sum of Ten Pounds upon each Share which any Person shall or may be possessed of or entitled unto in the said Undertaking; and such Calls shall not be made but at the Distance of Two Calendar Months at the least from each other, and Twenty-one Days Notice at the least shall be given of all such Calls by Advertisement in some Newspaper usually circulated in the County of *Devon* or County of the City of *Exeter* aforesaid; which Monies so called for shall be paid to such Persons and in such Manner as the said Directors shall from Time to Time direct and appoint, for the Use of the said Undertaking; and every Owner of any Share in the said Undertaking shall pay his or her rateable Proportion of the Monies to be called for as aforesaid to such Persons and at such Times and Places as the said Directors shall from Time to Time direct and appoint; and if any Owner of any such Share shall not so pay such his or her rateable Proportion, then and in such Case, and

Directors
may make
Calls.

Shareholders
not paying
Calls to be
so

chargeable
with In-
terest.

If Owners
neglect to
pay Shares
and Interest
for a Month,
the same
may be sued
for, or the
Shares de-
clared for-
feited, and
sold.

so often as the same shall happen, such Owner shall pay Interest for the same after the Rate of Five Pounds *per Centum per Annum* from the Day appointed for the Payment thereof up to the Time when the same shall be actually paid; and if any Owner of any such Share shall neglect or refuse so to pay his or her rateable Proportion, together with the Interest, if any accrue for the same, for the Space of One Calendar Month after the Day appointed for the Payment thereof, then it shall be lawful for the said Company or for the said Directors to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Wager, or Protection of Law, or more than One Imparlance shall be allowed; or the said Company or the said Directors may and they are hereby authorized to declare the Shares belonging to any Person so refusing or neglecting to pay any such Call, together with Interest, in manner last aforesaid, to be forfeited, and to be sold, subject to the Provisions of this Act: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share in the said Undertaking until Notice in Writing under the Hand of the Clerk or Treasurer of the said Company, of such Share having been declared by the Directors aforesaid, shall have been given or sent by the Post unto or left at the last known usual Place of Abode of the Owner of such Share, nor until the Declaration of Forfeiture of the said Directors shall have been confirmed, either at an Annual General Meeting of the said Company, or at a Special General Meeting of the said Company to be called for that Purpose, and to be respectively held after the Expiration of Two Calendar Months at least from the Day on which such Notice of Forfeiture shall have been given or sent as aforesaid; and after such Forfeiture shall have been confirmed by such Annual or Special General Meeting the said Company, by an Annual or Special General Meeting, shall have Power to direct the said Directors to dispose of the Shares so forfeited.

If Purchase
Money of
forfeited
Shares be
more than
sufficient to
pay Arrears
of Calls,
Surplus to
be paid to
the Owner.

XCIIL. Provided always, and be it further enacted, That in case the Money produced by the Sale of any such Share as shall be forfeited by reason of the Nonpayment of any Call as herein authorized shall be more than sufficient to pay all such Arrears or Calls as aforesaid, and legal Interest thereon as aforesaid, and the Expence attending the Sale thereof, the Surplus of such Purchase Money shall, on Demand, be paid to the Party to whom such forfeited Share shall have belonged: Provided also, that the said Company or the said Directors shall not, by virtue of this Act, sell or transfer more of the Shares of such Defaulter in Payment of Calls than shall be sufficient as near as may be at the Time of such Sale to pay the Arrears due from such Defaulter for or on account of such Call and the Interest on and the Expences attending the same; and from and after Payment of such Call, and the Interest and Expences aforesaid, any Share or Shares vested in the said Company as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Party to whom such Share or Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Call had been duly paid.

XCIV. And

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

XCV. And whereas in Cases in which any Proprietor of any Share in the said Undertaking shall die, become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his or her Right and Interest therein to some other Person, and no Register shall have been made of the Transfer thereof with the Clerk of the said Company, it may not be in the Power of any Officer acting for the said Company to ascertain who is the Proprietor of such Share, in order to give him or her, or his or her Executors, Administrators, Successors, or Assigns, Notice of Calls to be made on such Share, or to maintain any Action, Suit, or other Proceeding against him or her, or his or her Executors, Administrators, Successors, or Assigns, for the Recovery of the same; be it therefore enacted, That in all the Cases aforesaid, where the Right of Property in any Share in the said Undertaking shall pass from the original Subscriber or any Proprietor thereof to any other Person, or to any Body Corporate, by any other legal Means than by a Transfer or Conveyance thereof, in

For ascertaining Proprietorship of Shares in certain Cases.

[Local.]

24 A

the

the Form and Manner herein specified or herein otherwise provided, an Affidavit shall be made and sworn to by some credible Person before any of His Majesty's Justices of the Peace, or before any Master or Master Extraordinary in the High Court of Chancery, stating the Manner in which such Share hath been passed to such other Person, or to such Body Corporate; and such Affidavit shall be delivered to and be left with the Clerk of the said Company, to the Intent that he may preserve the same, and enter and register the Name of every such other Proprietor, or the Description of every such Body Corporate, in the Register Book or List of Proprietors of the said Undertaking; and in all or any of the said Cases, after Twenty-one Days Notice in Writing shall have been given by the said Directors, under the Hand of the Clerk or Treasurer of the said Company, to the Person or Corporation stated or claiming in such Affidavit to be the Proprietor or Proprietors of such Share, or left at the last or usual Place of Abode of such Person, or of the Clerk of such Corporation, to pay his, her, or their Proportion of Money to be called for, and such Person or Corporation shall not have paid such his, her, or their Proportion as aforesaid, it shall be lawful for the said Company, at any General Meeting or Special General Meeting after the Expiration of such Notice, to declare such Shares to be forfeited; and in such Case the same shall become forfeited, and shall and may be sold and disposed of in such Manner as the said Company at any Meeting shall direct, or otherwise become consolidated in the General Fund of the said Company; and in case there shall be no such Affidavit as aforesaid, then such Notice as is herein-before directed to be given shall be served upon or be left at the last Place of Abode of the Executors or Administrators of such Proprietor so dying, or the Assignees or Trustees of such Proprietor so becoming bankrupt or insolvent, or, in the event of the Share or Shares being disposed of as aforesaid, of the last Proprietor appearing in the Books of the said Company to have been possessed of the same; and in case the last or usual Place of Abode of any such Proprietor cannot be ascertained upon Inquiry, such Notice shall be inserted once in the *London Gazette*; and in case any Proprietor shall go out of the Kingdom, such Notice shall be inserted in the *London Gazette* as aforesaid; and in all such Cases, and after such Notices, on default being made, the said Shares shall be forfeited in manner aforesaid, except only that in the Cases of Proprietors being Abroad the Shares shall not be forfeited until the Expiration of Three Calendar Months after the Day on which such Notice shall have been left at their last or usual Place of Abode in *England*, and inserted in the *London Gazette* as aforesaid.

Proprietors
of Shares not
to vote un-
less Calls are
paid up.

XCVI. Provided also, and be it further enacted, That no Proprietor of any Share on which any Call shall be unpaid shall at any Meeting of the Proprietors of the said Company be allowed to vote, either personally or by Proxy, until the Money called for in respect of such Share shall have been fully paid, although the Time limited for Payment thereof may not have expired.

Committees
to be ap-

XCVII. And be it further enacted, That it shall be lawful for the said Directors to nominate and appoint, out of their own Body,
a Com-

a Committee or Committees, who shall have full Power and Authority pointed by to enter into and make any Contracts or Agreements on behalf of the Directors. said Company, and to hire and employ any Agents, Workmen, or Servants in or about the said Undertaking, and to do, execute, and perform all other Matters and Things whatsoever in or about the said Undertaking which the said Directors themselves are herein-before authorized to do, or such of them as the said Directors shall think proper to entrust to the Care and Management of any such Committee or Committees (save and except nevertheless the making of Calls for Money upon the Proprietors of the said Undertaking); and it shall be lawful for the said Directors for the Time being to order and direct such Compensation or Recompence to be made to the Committee or Committees from Time to Time as they shall think reasonable; and it shall be lawful for the said Directors, by an Order or Resolution for that Purpose, to break up and dissolve any such Committee, and to remove and displace any of the Members thereof, and to appoint others in their Place and Stead, when and as often as such Directors shall think proper; and such Committees shall have full Power and Authority to meet from Time to Time, and to adjourn from Place to Place, as they shall think proper and as Occasion shall require, for effecting the Purposes aforesaid; and all Powers and Authorities hereby vested in or which shall by the said Directors be confided to any such Committee, within the Intent and Meaning of this Act, shall and may be exercised by Three of the Members present at the respective Meetings of such Committee, the whole Number present not being less than Five; and at all Meetings of the said Committee One of the Members present shall be appointed Chairman, who, in case of an equal Division of Votes upon any Subject entertained by the said Committee, shall have an additional or casting Vote.

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

‘ I A. B. of ‘ consideration of the Sum of ‘ to me by C. D. of ‘ assign and transfer to the said C. D. ‘ Shares, <i>as the Case may be</i>] numbered ‘ of and in the Undertaking called the <i>Exeter and Crediton</i> Railway; ‘ to hold unto the said C. D., his Executors, Administrators, and ‘ Assigns, [<i>or Successors and Assigns,</i>] subject to the same Condi- ‘ tions as I held the same immediately before the Execution hereof; ‘ and I, the said C. D., do hereby agree to accept and take the said ‘ Share [<i>or Shares</i>] subject to the same Conditions. As witness ‘ our Hands and Seals, the	in con- Form of paid Conveyance. do hereby Share [<i>or</i>
---	---

Day of

And on every such Sale the Deed or Conveyance (being executed by the Seller and Purchaser of such Share) shall be kept by the Clerk

Clerk of the said Company, who shall enter in some Book to be kept for that Purpose a Memorial of such Transfer and Sale, and indorse 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 to the said Clerk, and the said Clerk is hereby required to make such Entry or Memorial accordingly, and, on Request, to make an Indorsement of such Transfer on the Back of the Certificate of each Share so sold, and to deliver the same to the Purchaser for his or her Security, and for which Indorsement no more than Two Shillings and Sixpence shall be paid; and such Indorsement, being signed by the said Clerk, shall be considered in every respect the same as a new Certificate; and until such Memorial shall have been made and entered as before directed such Purchaser shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share paid to him or her, nor any Vote in respect thereof as a Proprietor of the said Undertaking.

Shares not
to be sold
unless full
Amount of
Calls has
been paid
up.

XCIX. And be it further enacted, That no Person shall sell or transfer any Share which he or she shall possess in the said Undertaking after any Call shall have been made by the said Directors for any Sum of Money in respect of such Share, unless he or she at the Time of such Sale or Transfer shall have paid the full Sum of Money which shall have been called for in respect of each Share so to be sold or transferred.

Annual Ac-
counts to be
kept, and
Dividends
declared.

C. And be it further enacted, That the said Company or the Directors of the said Company shall and they are hereby required to cause a true and particular Account to be kept, and annually made up and balanced on the Twenty-fifth Day of *March* in each Year, of the Money received by the said Company, or by the Directors or Treasurer of the said Company, or otherwise, for the Use of the said Company, by virtue of this Act, and of the Charges and Expences attending the making, maintaining, and carrying on the said Undertaking, and of all other the Receipts and Expenditure of the said Company or of the said Directors up to that Period; and it shall be lawful for the said Company, and they are hereby empowered, from Time to Time, at a Special General Meeting or Special General Meetings to be called for that Purpose, to declare and make a Dividend or Dividends out of the clear Profits of the said Undertaking, if Two Thirds of the Proprietors present at such Meeting or Meetings shall think proper so to do; and such Dividend or Dividends shall be after the Rate of so much *per* Share upon the several Shares held by the Members of the said Company in the Joint Stock thereof: Provided always, that such Dividends shall not be made oftener than once in every Year, and that no Dividends shall be made exceeding the net Amount of clear Profit at the Time being in the Hands of the said Company, or of the Directors or Treasurer thereof, nor whereby the Capital of the said Company shall in any Degree be reduced or impaired, nor shall any Dividend be paid in respect of any Share after a Day appointed for Payment of any Call of Money in respect thereof, until such Call shall have been paid, nor shall any Dividend be declared or paid until the yearly General Meeting which shall be held next after the Expiration of Two Years from the passing of this Act.

CI. And

CI. And whereas by the Death of, or by other after-mentioned Events happening to Proprietors, or by the Marriage of Female Proprietors of Shares in the said Undertaking, it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid or may belong; be it therefore enacted, That before any Person who shall claim any Part of the Profits of the said Undertaking in Right of Marriage with any Female Proprietor shall be entitled to receive the same, or be entitled to vote in respect of any Share, an Affidavit, or a solemn Affirmation by any Person of the Society of Quakers, in Writing, containing a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, and identifying the Wife as the Proprietor of the Share in respect whereof any such Claim may be made, shall be made and sworn to or solemnly affirmed by some credible Person before some Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company, who shall file the same, and make an Entry thereof in the Book which shall be kept for the Entry of Transfers or Sales of Shares in the said Undertaking; and before any Person who shall claim any Part or Share of the Profits of the said Undertaking by virtue of any Bequest or Will or in the Course of Administration shall be entitled to receive the same, or be entitled to vote in respect of any Share, the said Will, or the Probate thereof, or the Letters of Administration, shall be produced and shown to the said Clerk, or a Copy of so much of such Will or of such Letters of Administration as shall relate to the Share of the Testator or Intestate (as the Case may require) shall be made and sworn to or solemnly affirmed to by the Executors of the said Will, or the Administrators of the Intestate, before some Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace as aforesaid, together with an official Extract of the Act of Court on the Grant of Probate of such Will, or, in case of Intestacy, of the Letters of Administration, and shall also be transmitted to the said Clerk, who shall file and enter the same as herein-before mentioned; and in all Cases other than as herein-before mentioned, when the Right and Property of any Share in the said Undertaking shall pass from any Proprietor thereof to any other Person by any other legal Means than by a Transfer and Conveyance thereof duly made and executed as herein-before directed, an Affidavit or solemn Affirmation in Writing shall be made and sworn to or solemnly affirmed to by some credible Person before some Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Share hath been passed to such other Person; and such Affidavit or solemn Affirmation shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name of every such new Proprietor in the Register Book or List of Proprietors of the said Company; and the said Clerk shall be entitled to receive for each such Entry as is herein-before directed the Sum of Two Shillings and Sixpence, and no more; and the said Company shall not be bound to see to the Execution of any Trust, whether expressed or constructive, to which any Share aforesaid shall be subject or liable.

Marriage Register to be produced before Dividends are paid to Persons claiming Shares.

Receipt of
Person in
whose Name
Shares stand
to be a suf-
ficient Dis-
charge.

CII. And be it further enacted, That the Receipt of the Person or of any One of the Persons in whose Name or Names any Share or Shares in the said Undertaking shall stand in the Books of the said Company shall from Time to Time be a sufficient Discharge to the said Company, and to the Directors and Treasurer for the Time being of the said Company, for any Dividend or Dividends or other Sum or Sums of Money which shall become payable, and be paid for or in respect of such Share or Shares, notwithstanding any Uses or Trusts upon or to which such Share or Shares shall be then settled, conveyed, or assigned; and the said Company shall not be bound to see to the Application of the Money mentioned in such Receipt.

In the Case
of Minors
the Receipt
of the Guar-
dian to be
deemed suf-
ficient.

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

Rates.

CIV. And be it further enacted, That it shall be lawful for the said Company to demand, receive, and recover, to and for the Use and Benefit of the said Company, for the Tonnage of all Articles, Matters, and Things which shall be carried or conveyed upon or along the said Railway, or upon or along any Part thereof, any Rates not exceeding the following; (that is to say,)

For all Limestone, any Sum not exceeding Four-pence *per Ton per Mile* :

For all Coal and Lime, all Dung, Compost, and all Sorts of Manure, and all Materials for the Repair of the public Roads or Highways, any Sum not exceeding Four-pence *per Ton per Mile* :

For all Coke, Culm, Charcoal, Cinders, Stones, Sand, Clay, building, pitching, and paving Stones, Flags, Bricks, Tiles, and Slates, any Sum not exceeding Four-pence *per Ton per Mile* :

For all Sugar, Corn, Grain, Flour, and Dyewoods, Cotton and other Wool, Hides, Drugs, manufactured Goods, and all other Wares, Merchandize, Matters, and Things, any Sum not exceeding Five-pence *per Ton per Mile* :

And for Timber, Staves, Deals, Lead, Iron, and other Metals, any Sum not exceeding Five-pence *per Ton per Mile*.

As to Rates
for short
Distances.

CV. Provided always, and be it further enacted, That in all Cases where any of the above-mentioned Articles, Matters, or Things shall be conveyed upon the said Railway for so short a Distance that the Tonnage Rates shall not amount to the Sum of One Shilling *per Ton*, it shall be lawful for the said Company to demand and receive the Sum of One Shilling *per Ton* thereon; any thing in this Act contained to the contrary thereof notwithstanding.

Quarter of a
Mile Stones
to be erected.

CVI. And be it enacted, That in order to ascertain and calculate with greater Precision and Facility the Distance for which such Rates or Tolls shall be demanded and taken upon the said Railway, the said Company shall cause the said Railway to be measured, and Stones or
other

other conspicuous Marks, with proper Inscriptions thereon, to be set up and maintained, at the Distance of One Quarter of a Mile from each other.

CVII. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized to carry and convey upon the said Railway all such Goods, Articles, Matters, and Things as shall be offered to them for that Purpose, and to demand, receive, and recover, to and for the Use and Benefit of the said Company, for such Carriage and Conveyance as aforesaid of all Goods, Articles, Matters, or Things carried and conveyed upon the same, exclusive of and in addition to the several Sums herein-before authorized to be charged and received as and for Tonnage Rates, any Sum not exceeding the following Sums ; (that is to say,)

Company
may convey
Goods.

For all Limestone, any Sum not exceeding Two-pence *per Ton per Mile* :

For all Coal and Lime, all Dung, Compost, and all Sorts of Manure, and all Materials for the Repair of the public Roads or Highways, any Sum not exceeding Two-pence *per Ton per Mile* :

For all Coke, Culm, Charcoal, Cinders, Stone, Sand, Clay, building, pitching, and paving Stones, Flags, Bricks, Tiles, and Slates, any Sum not exceeding Two-pence *per Ton per Mile* :

For all Sugar, Corn, Grain, Flour, and Dyewoods, Cotton and other Wool, Hides, Drugs, manufactured Goods, and all other Wares, Merchandize, Matters, and Things, any Sum not exceeding Three-pence *per Ton per Mile* :

And for Timber, Staves, Deals, Lead, Iron, and other Metals, any Sum not exceeding Three-pence *per Ton per Mile* :

And for Persons, and for Cattle and other Animals, such reasonable Charge as shall from Time to Time be determined by the said Company.

CVIII. Provided always, and be it further enacted, That in all Cases in which any Article, Matter, or Thing shall be carried or conveyed upon the said Railway for so short a Distance that the Toll or Sum of Money authorized by this Act to be demanded or received for the Carriage of the same shall not amount to Sixpence *per Ton* thereon, the said Company are hereby empowered to demand the Sum of Sixpence *per Ton* thereon ; any thing in this Act contained to the contrary thereof notwithstanding.

When Toll
does not
amount to
Sixpence,
Company
empowered
to charge a
whole Six-
pence.

CIX. Provided always, and be it further enacted, That it shall be lawful for the said Company from Time to Time, at any General Meeting of the said Company, to make such Orders for ascertaining and fixing the Sum to be charged or taken for the Carriage of any Parcel (not exceeding Five hundred Pounds Weight) upon the said Railway or upon any Part thereof, and from Time to Time to repeal or vary the same as to them shall seem proper : Provided always, that the Provisions herein-before contained shall not extend to Goods, Articles, Matters, or Things sent in large aggregate Quantities, although made use of separate and distinct Parcels, such as
Bags

Company
may fix
Rates for
Carriage of
small Par-
cels.

Bags of Sugar, Coffee, Meal, and the like, but only to single and individual Parcels unconnected with Parcels of a like Nature which may be sent at the same Time.

Where there is a Fraction of a Ton a Proportion of the Tonnage to be demanded.

CX. And be it further enacted, That in all Cases in which there shall be a Fraction of a Ton a Proportion of the said Tonnage Rates may be demanded and taken for such Fraction according to the Numbers of Quarters of a Ton contained therein, and when there shall be a Fraction of a Quarter of a Ton such Fraction shall be considered a whole Quarter of a Ton ; and in all Cases in which there shall be a Fraction of a Mile in the Distance which any Carriage shall pass upon the said Railway, the Rates of Tonnage or of Toll, or the other Sums which shall be demanded and taken, shall be after the Rate of the Number of Quarters of a Mile which such Carriage shall have passed, and when there shall be a Fraction of a Quarter of a Mile such Fraction shall be considered as One Quarter of a Mile ; and in order to ascertain and calculate with greater Precision and Facility the Distance for which such Rates, Tolls, or Sums shall be demanded and taken upon the said Railway, the said Company shall cause the said Railway to be measured, and Stones or other conspicuous Marks, with proper Inscriptions thereon, to be set up and maintained, at the Distance of One Quarter of a Mile from each other.

Company may reduce Rates.

CXI. And be it further enacted, That it shall be lawful for the said Company, from Time to Time and as often as they shall think fit, to reduce all or any of the Rates, Tolls, or Sums by this Act authorized to be taken, and afterwards from Time to Time again to raise the same or any of them, so that the same respectively shall not at any Time exceed the Amount by this Act authorized.

Company to cause Table of Tolls to be put up.

CXII. And be it further enacted, That the said Company shall cause to be painted on Boards, and to be affixed and continued, and renewed as often as the same shall be obliterated or defaced, to or upon every public Wharf, Office, or Building at which any of the Tolls, Rates, or Sums by this Act authorized shall be collected or received, in some conspicuous Place, in large and legible Characters, an Account or List of the several Rates, Tolls, and Sums which the said Company shall from Time to Time direct and appoint to be taken, and which shall be payable by virtue of this Act ; and in case any Owner or Master of or Person having or assisting in the Charge of any Carriage passing upon the said Railway, or any Collector of the Rates, Tolls, or Sums aforesaid, shall, after and whilst such Account or List shall be affixed as aforesaid, demand or take more than the Amount thereon specified, such Owner, Master, Collector, or other Person as aforesaid shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Company restrained from taking Rates except when Table of Tolls is put up.

CXIII. Provided also, and be it further enacted, That it shall not be lawful for the said Company to demand or take any Rates, Tolls, or Sums for or in respect of any Articles, Matters, or Things, or any Carriage, Passenger, Horse, Beast, or Cattle, but for and during such Time as the Board on which such Rates, Tolls, or Sums shall be so painted

painted as aforesaid shall remain affixed to such public Wharf, Stop Gate, or Toll House as aforesaid.

CXIV. And be it further enacted, That if any Person shall wilfully pull down, deface, or destroy any Board whereon any such Rates, Tolls, or Sums, or any Rules, Orders, or Bye Laws shall have been painted, according to the Directions of this Act, or any Stone or Mark set up to denote Distances on the said Railway, or shall concur or aid therein, he or she shall, on Conviction, forfeit and pay a Sum not exceeding Five Pounds for every Offence.

Penalty for wilfully destroying or damaging Table of Tolls, &c.

CXV. And be it further enacted, That every Collector of the Rates, Tolls, or Sums by this Act granted shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Stop Gate, Toll House, or Toll Gate, or Wharf whereat he shall be on Duty immediately on his coming on Duty, each of the Letters of such Names to be at least Two Inches in Height and of a Breadth in proportion, and painted either in White Letters on a Black Ground or in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon Duty; and if any Collector of the said Rates, Tolls, or Sums shall not place such Board as aforesaid, and keep the same there during the Time he shall be on Duty as aforesaid, or shall demand or take a greater or less Rate, Toll, or Sum from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the said Company made in pursuance thereof, or shall demand or take a Rate, Toll, or Sum from any Person who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or shall not permit any Person to read, or shall in anywise hinder any Person from reading, the Inscriptions on the Board to be affixed and placed as aforesaid, or shall refuse to tell his Christian or Surname to any Person who shall demand the same, and who shall have paid the legal Rates, Tolls, or Sums, or shall in answer to such Demand give a false Name or Names, or upon the legal Rate, Toll, or Sum being paid or tendered shall unnecessarily detain or wilfully obstruct or hinder any Carriage or any Person from passing upon the said Railway, or shall make use of any scurrilous or abusive Language to any Officer or Servant of the said Company, or to any Passenger upon the said Railway, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

For preventing Toll Collectors misbehaving.

CXVI. And be it further enacted, That the Rates of Tonnage, Tolls, and other Sums hereby authorized to be taken shall be paid to such Persons, at such Places upon or near the said Railway, and in such Manner and under such Regulations as the said Company at some General or Special General Meeting, or as the said Directors, shall, by Notice to be annexed to the Account of List of Rates, Tolls, or Sums, direct or appoint; and in case of Refusal or Neglect, on Demand, to pay such Rates, Tolls, or Sums as may have accrued due unto the Persons appointed to receive the same as aforesaid, the said Company may, in case such Rates, Tolls, or Sums shall amount

Recovery of Rates.

[*Local.*]

24 C

to

to or exceed the Sum of Ten Pounds, sue for and recover the same by Action of Debt or upon the Case in any of His Majesty's Courts of Record; or the Persons to whom such Rates, Tolls, or Sums ought to have been paid may and they are hereby respectively empowered to seize the Goods, Articles, and other Things for or in respect whereof any such Rates, Tolls, or Sums ought to be or to have been paid, or any Part thereof, and the Carriage laden therewith, and detain the same until such Payment shall be made, together with reasonable Charges for such Seizure and Detention; and if such Goods, Articles, and Things shall not be redeemed within Twenty-one Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent: Provided always, that in case such Rates, Tolls, or Sums so due as aforesaid shall not amount to the Sum of Ten Pounds, it shall not be lawful for the said Company to sue for the same by Action of Debt or on the Case, but the same shall and may be recovered by Distress and Sale only, as is herein mentioned.

Disputes
about the
Amount of
Rates.

CXVII. And be it further enacted, That if any Dispute shall arise concerning the Amount of the Rates, Tolls, or Sums due to the said Company, or concerning the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector or Person distraining to detain such Distress, or, as the Case may require, the Proceeds of the Sale thereof, until the Amount of the Rates, Tolls, or Sums due, or, as the Case may require, the Amount of the Charges of seizing, distraining, keeping, or selling such Distress, shall be ascertained by some Justice of the Peace of the County of *Devon* or for the County of the City of *Exeter*, within their respective Jurisdictions, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath or Affirmation of the Parties or other Witnesses, and determine the Amount of the Rates, Tolls, or Sums due, or (as the Case may be) of the said Charges; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the said Parties to the other of them as he shall think reasonable; and in case of Nonpayment thereof, on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party directed to pay the same, by Warrant under the Hand and Seal of such Justice.

Company
empowered
to lease the
Rates, &c.

CXVIII. And be it further enacted, That it shall be lawful for the said Company at any of their Meetings, by Writing under their Common Seal, from Time to Time to let to farm the Rates, Tolls, and Sums hereby made payable, or any Part thereof, upon the Whole or any Part of the said Railway, unto any Company or Person, for any Term which they shall think proper, not exceeding Three Years from the Commencement of any such Lease, and to commence in Possession upon or within Three Calendar Months next after granting the same; and every such Lease shall be valid and effectual, and the respective Lessees thereof, and also such Persons as such Lessees shall appoint to collect and receive the Rates, Tolls, or Sums so let, shall during the Continuance of any such Lease be deemed Collectors of the Rates, Tolls, or Sums so let, but for the

proper Use of the Lessees, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company: Provided that public Notice of the Intention to let the said Rates, Tolls, and Sums, or the Part thereof intended to be let, shall be given in Writing by the said Directors, or by the Clerk of the said Company, by Advertisement published in some Newspaper or Newspapers circulated in the County of *Devon* or County of the City of *Exeter* aforesaid at least Twenty-one Days prior to any Meeting at which it may be in Intention or be proposed that the said Rates, Tolls, and Sums, or any Part thereof, shall be let as aforesaid.

CXIX. And be it further enacted, That in case any of the Rates, Tolls, or Sums granted by this Act shall be demised or let to farm to any Person in any Manner whatsoever, and the Lessee or Farmer thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or any of them, or in case all or any Part of any Rent agreed to be paid by any such Lessee or Farmer shall be in arrear or unpaid for the Space of Seven Days next after any of the Days on which the same ought to be paid pursuant to the Lease, Agreement, or Contract for demising or letting the same Rates, Tolls, or Sums, or in case any temporary or other Collectors of any of the said Rates, Tolls, or Sums shall be discharged from his Office by virtue of this Act, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family or any Representative of any such Collector who shall die, abscond, or absent himself, or be discharged, or any other Person, being in Possession thereof, shall refuse to deliver up or shall not deliver up Possession of any Toll House, Office, Weighing Machine, or other Building, with the Appurtenances thereto respectively belonging, to be erected or provided under the Powers of this Act, for or within the Space of Seven Days after Demand thereof made in Writing given or left at such Toll House, Office, Weighing Machine, or Building, or at any of such Toll Houses, Offices, Weighing Machines, or Buildings which shall be or have been in Possession or Occupation of such Collector or other Person, such Demand in Writing to be signed by any Two or more of the Directors (although not assembled at a Meeting) or by the Clerk or Treasurer for the Time being of the said Company, or in case any such Lease, Agreement, or Contract shall in any Manner become void or voidable, then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace, upon Application made by the said Directors or by the Clerk or Treasurer for the Time being of the said Company, by Warrant under the Hands and Seals of such Justices respectively, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any such Toll House, Office, Weighing Machine, or other Building, with the Appurtenances thereto belonging, and to remove and put such Lessee or Farmer or other Person who shall be found therein, together with his or her Goods, from and out of the same and the Possession thereof, and from the Collection of such Rates, Tolls, and Sums, and to put the said Company,

Power of
Re-entry in
Case of Non-
performance
of Condi-
tions of
Leases of
Rates.

or

or their Agent, or their new Lessee, Farmer, or Collector, into the Possession thereof; and thereupon it shall be lawful for the said Company or for the said Directors to vacate and determine the Lease, Contract, or Agreement (if any) which was previously subsisting, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants and Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part); and it shall be lawful for the said Company or for the said Directors, in every such Case, either during such Proceedings or on the Termination thereof, again to demise or let to farm the said Rates, Tolls, and Sums to any other Person, or cause them to be collected, in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

Owners of
Waggons to
give Ac-
count of
Lading.

CXX. And be it further enacted, That the respective Owners or Persons having the Care of Carriages passing upon the said Railway shall give an exact and true Account in Writing signed by them to the Collectors of the Rates, Tolls, or Sums, at the Places where they shall attend for that Purpose, of the Quantity of Goods and other Things as aforesaid which shall be in the Carriages so belonging to them or under their Care, and from whence such Carriages are brought, and where the same are intended to be unloaded or left, and if the Goods or other Things contained in any such Carriage shall be liable to the Payment of different Rates, Tolls, or Sums, then such Owners or other Persons shall specify the respective Quantities liable to each or any of the said Rates, Tolls, or Sums; and in case any such Owner or other Person as aforesaid shall neglect or refuse to give and deliver such Account, or to produce his Bill of Lading to any Collector demanding the same, or shall give a false Account, or shall deliver any Part of his Lading or Goods at any other Place than is mentioned in such Account, with an Intent to avoid the Payment of any of the said Rates, Tolls, and Sums, and shall be thereof convicted before any Justice of the Peace for the said County of *Devon* or for the County of the City of *Exeter*, within their respective Jurisdictions, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings for every Ton of Goods, or for every Parcel not exceeding Five hundred Pounds Weight, and so in proportion for any less Quantity than a Ton or Five hundred Pounds Weight, as the Case may be, which shall be in such Carriage of which such Account shall be so refused or neglected to be given, or concerning which such Bill of Lading shall not be produced as aforesaid, or of which a false Account shall have been given, or which shall be fraudulently delivered out as aforesaid, as the Case shall happen, over and above the Rate, Toll, or Sum to which such Articles or Things may be liable.

Weight of
Goods as-
certained.

CXXI. And for better ascertaining the Weight of Goods and other Things to be charged with the Payment of Tonnage Rates or Tolls as aforesaid, be it further enacted, That One hundred and twelve Pounds Weight shall be deemed One Hundred Weight, and Twenty such Hundred Weight shall be deemed One Ton; and for
ascertaining

ascertaining the Tonnage of Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Beech, and Ash, and Fifty Cubic Feet of all other Timber, shall be deemed One Ton Weight; any Usage to the contrary notwithstanding.

CXXII. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, Tolls, or Sums, or any other Officer or Servant of the said Company, and any Owner of or Person having the Charge of any Carriage passing upon the said Railway, or of any Goods, Articles, or other Things in or on such Carriage, respecting the Goods, Articles, or other Things in such Carriage, or the Rates, Tolls, or Sums due in respect thereof, it shall be lawful for such Collector or other Officer as aforesaid to detain such Carriage, and to weigh, measure, and gauge, or cause to be weighed, measured, and gauged, such Carriage, and all such Goods, Articles, and other Things as shall be therein or thereon; and in case the same shall upon such weighing, measuring, and gauging appear to be of greater Weight or Quantity, or of different Quality, than shall be stated in the Account given thereof as aforesaid, then the Person giving in such Account shall pay, and the Owner of such Carriage, and the respective Owners of such Goods, Articles, and other Things shall also, at the Option of the said Company, be liable to pay, the Costs and Charges of such weighing, measuring, and gauging; all which Costs and Charges, upon Refusal or Neglect of Payment thereof, on Demand, shall and may be recovered and levied by and in any such Ways and Manner as the said Rates, Tolls, and Sums are in this Act authorized to be recovered and levied; but if such Goods, Articles, or other Things shall appear to be of the same Quantity and Quality, or of less Weight or Quantity than shall be stated in such Account, then the said Company shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Owner of or Person having Charge of such Carriage, and to the respective Owners of such Goods, Articles, or other Things, such Damage as shall appear to any Justice of the Peace for the County of *Devon* or the County of the City of *Exeter*, within their respective Jurisdictions, on the Oath of any credible Witness, to have arisen from or by such Detention; but in case it shall at any Time be made appear to such Justice, upon the Complaint of the said Company, and upon the like Oath, that such Detention, and weighing, measuring, or gauging, was without reasonable Ground or Belief, or that it was vexatious on the Part of such Collector or other Officer as aforesaid, then such Collector or other Person as aforesaid shall himself pay the Costs and Expences of such weighing, measuring, and gauging, and shall also pay to such Owner or Person, or to the respective Owners of such Goods, Articles, or other Things as aforesaid, such Damage as shall appear to such Justice to have arisen from such Detention; and in default of immediate Payment thereof by the said Company, or by such Collector or other Officer as aforesaid (as the Case may be), the same may be recovered by Distress and Sale of the Goods of the said Company, or of the said Collector or other Officer as aforesaid (as the Case may be), by Warrant under the Hand and Seal of such Justice, rendering the Overplus, if any, upon Demand, after de-

If Differences arise concerning Weight, Collector may weigh or measure Carriages.

ducting the Costs of such Distress and Sale, to the said Company, or to the said Collector or other Officer as aforesaid (as the Case may be).

Owners to
put their
Names on
the Outside
of their
Carriages.

CXXIII. And be it further enacted, That the respective Owners of Carriages passing upon the said Railway shall cause their Names and Places of Abode, and the Numbers, Weights, and Gauges of their respective Carriages, to be entered with the Clerk or other Officer of the said Company appointed for that Purpose, and shall also cause such Names, Places of Abode, Numbers, Weights, and Gauges to be painted and continued in large White Capital Letters and Figures on a Black Ground or Black Capital Letters and Figures on a White Ground, Two Inches at least in Height and of a proportionate Breadth, on some conspicuous Part of the Outside of every such Carriage, so as to be always open to View, and shall permit every such Carriage to be weighed, measured, and gauged, at the Expence of the said Company, whenever it shall be required by them, or by any Person by them appointed for that Purpose; and every Owner of or other Person having the Care of any Carriage, or who shall conduct the same upon the said Railway without having such Carriage previously weighed, measured, and gauged, or without having such Names, Places of Abode, Numbers, Weights, and Gauges marked thereon respectively as herein-before directed, or who shall alter, erase, deface, or hide such Names, Places of Abode, Number, Weights, and Gauges, or any of them, or any Part thereof, or shall fix thereon any false Name, Place of Abode, Number, Weight, or Gauge, or shall refuse to permit any such Waggon or other Carriage to be weighed, measured, or gauged, shall forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings for every such Offence.

Owners of
Carriages to
be account-
able for
Damage
done by
their Ser-
vants.

CXXIV. And be it further enacted, That the respective Owners of Carriages passing upon the said Railway shall be and they are hereby respectively made answerable for any Trespass, Damage, or Mischief which may be done by their Carriages, or any of the Servants or other Persons belonging to or employed by them, to the said Railway or other Works made by virtue of this Act, either by loading or unloading such Carriage, or by any Means whatsoever; and every such Owner shall for every such Trespass, Damage, or Mischief, upon Conviction of such Servant or other Person before some Justice of the Peace, either by the Confession of the Party offending or upon the Oath of some credible Witness, pay to the said Company or to the Person injured the Damages to be ascertained by such Justice, so that the same do not exceed the Sum of Twenty Pounds, and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Five Pounds, and all Costs, Charges, and Expences attending such Conviction; all which Damages, Penalties, Costs, Charges, and Expences shall be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners of such Carriage, by Warrant under the Hand and Seal of such Justice; and the Overplus, if any, of the Proceeds of such Sale, after Deduction of such Damages, Penalties, Costs, Charges, and Expences, together with the Costs and Charges of such Distress and Sale, shall

be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; but if the Value or Amount of such Trespass, Damages, or Mischief shall not exceed the Sum of Twenty Pounds, the Owner or Owners of such Carriage, and his, her, or their Executors or Administrators, may be sued and prosecuted for the same in any of His Majesty's Courts of Record; and if a Verdict or Judgment shall be given against him, her, or them, either upon Proof made, or by Default, or upon Demurrer, the Plaintiff in any such Case shall recover his Damages sustained as aforesaid, with full Costs of Suit.

CXXV. Provided always, and be it further enacted, That in case any Owner of any Carriage passing upon the said Railway shall be compelled to pay any Penalty or to make any Satisfaction for any Damage by reason of any wilful Act, Neglect, or Default of any of his or her Servants, every such Servant shall be liable to pay such Penalty or Satisfaction for Damages, or both (as the Case may be), with the Costs attending the same, to such Owner; and in case of Nonpayment thereof on Demand, and Oath made by such Owner of the Payment by him or her of such Penalty and Satisfaction, or either of them (as the Case may be), and that the same have not or hath not been repaid to him or her by such Servant, although demanded, (such Oath being made before some Justice of the Peace for the County or Place in which such Penalty or Damages was or were incurred,) such Penalty and Satisfaction, or either of them (as the Case may be), and the Costs aforesaid, 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, or either of them (as the Case may be), and Costs and Charges as aforesaid, when recovered, shall be paid to such Owner in discharge of such Penalty and Satisfaction, or either of them, and Costs, so by him or her paid for the wilful Neglect or Default of such Servant as aforesaid; and in case no sufficient Distress can be had, such Justice shall and is hereby required to commit such Servant to some Common Gaol or House of Correction for the said County or other Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Owners may recover from their Servants any Money paid for their Neglect.

CXXVI. And be it further enacted, That all Persons shall have free Liberty to pass along and upon and to use the said Railway with Carriages properly constructed as by this Act is directed, upon Payment only of such Rates, Tolls, and Sums as shall be demanded by the said Company, not exceeding the respective Rates, Tolls, or Sums by this Act authorized, and subject to the Rules and Regulations which shall from Time to Time be made by the said Company by virtue of the Powers herein granted.

Railway to be free on Payment of Tonnage.

CXXVII. And whereas for the greater Security of Passengers and other Persons travelling upon or using the said Railway it is expedient that the Locomotive Engines or other Power to be from Time to Time used in drawing or propelling Carriages upon and along the said Railway should be entirely under the Management and Controul of the said Company; be it therefore enacted, That no Locomotive Engine,

Authorizing Company to provide moving Power.

Engine, or other Description of moving Power, shall at any Time be brought upon or used on the said Railway, save and except the Locomotive Engines or other Power belonging to or to be provided by the said Company, or by such Person or Persons as may be from Time to Time especially licensed in that Behalf by the said Company; and every such Locomotive Engine or other Power shall be under the absolute Controul and Management of the said Company, their Engineers, Officers, and Servants; and it shall be lawful for the said Company and they are hereby authorized and empowered to make such reasonable Charges for the Use of the said Locomotive Engines or other Power as they may from Time to Time determine upon.

Owners and Occupiers of adjoining Lands to pass along Railway without Payment of Toll.

CXXVIII. Provided always, and be it further enacted, That it shall be lawful for all Owners and Occupiers of any Lands through which the said Railway shall be made, and their respective Servants and Workmen, (except in such Cases where the said Company shall at their own Expence have made proper and convenient Communications from the Land on the one Side of the said Railway to the Land on the other Side thereof, according to the Provisions of this Act,) at all Times to pass and repass, on Foot or on Horseback, directly over and across such Part of the said Railway as shall be made in or upon the said Lands, and also along and upon the same so far only as their own Lands extend and adjoin such Railway (not damaging or obstructing such Railway or the Passage thereof), without Payment of any Toll or Tonnage for the same, provided they shall not pass across, along, or upon any other Part of the said Railway: Provided also, that it shall be lawful for the respective Occupiers of any Lands through which the said Railway shall be made, except as aforesaid, and their Servants, to ride, lead, or drive any Horse, Mule, or Ass, Cow or any other Neat Cattle, Sheep, Swine, or any other Beast, along and upon the said Railway, as far only as the Lands in their respective Occupation shall extend, for the Purpose only of occupying the same Lands, such Persons not damaging or obstructing the said Railway or the Passage thereof.

Carriages not to be used unless constructed as directed by the Company.

CXXIX. And be it further enacted, That no Person shall pass upon the said Railway with any Carriage, unless the same shall be constructed agreeably to the Orders and Regulations and be approved of by the Engineer of the said Company, which Orders and Regulations shall be fixed on some conspicuous Part of every public Office or other Building at which the Rates, Tolls, or Sums by this Act granted shall be received, except in crossing or passing along the same, as herein-before authorized, for the Occupation of the respective Lands through which such Railway shall be laid, or in passing any public or private Carriage Road which may happen to cross the said Railway; and if any Person shall pass upon any Part of the said Railway with any Carriage not constructed in the Manner herein-before directed (except as aforesaid), he or she shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Weights allowed to be carried on Railway.

CXXX. And be it further enacted, That no Carriage shall carry at any One Time upon the said Railway, including the Weight of such Carriage, more than Five Tons, except in any One Piece of Timber,

Timber, Block, or Stone, Boiler, Cylinder, Bob, or single Piece of Machinery, or other single Article, which shall nevertheless not exceed the Weight of Eight Tons, including the Weight of the Carriage, and for the Tonnage and Carriage of which single Piece of Timber, Block, or Stone, Boiler, Cylinder, Bob, or single Piece of Machinery, or other single Article as last herein-before mentioned, the said Company are hereby authorized to receive and take such Rates as they may from Time to Time direct or appoint, not exceeding One Shilling *per Ton per Mile*; and no Piece of Timber, Stone, Machinery, or other Article exceeding the Weight of Eight Tons, including the Weight of the said Waggon or other Carriage, shall be carried upon any Part of the said Railway without the special Licence of the said Company or their Agents, and for the Tonnage and Carriage of which the said Company are hereby authorized to receive and take such Rates as they may deem proper.

CXXXI. And be it further enacted, That it shall be lawful for the said Directors from Time to Time to make such Orders and Regulations as they shall think proper for or relating to Carriages passing upon the said Railway, and for or relating to the Mode or Means by which and the Speed at which such Carriages shall from Time to Time be moved or propelled, and the Times of their Departure and Arrival, and also for the loading thereof respectively, and also for the Delivery of Goods and other Articles, Matters, and Things which shall be conveyed in or upon such Carriages, and generally for passing upon, using, and working the said Railway and other Works by this Act authorized, or in anywise relating thereto respectively; and all such Orders and Regulations shall be submitted to Two or more Justices of the Peace for the said County of *Devon* or for the County of the City of *Exeter*, within their respective Jurisdictions, and when ratified by such Justices shall be binding upon and be conformed to by the said Company, and by all Owners of and Persons having the Care or Conduct of such Carriages, and by all Persons using or working the said Railway or other Works, upon pain of forfeiting and paying a Sum not exceeding Twenty Pounds for every Default.

Company to regulate the Passage on Railway.

CXXXII. And be it further enacted, That if any Person shall throw or place, or wilfully scatter or drop, any Gravel, Stone, Rubbish, or other Matter or Thing upon any Part of the said Railway, unless by Authority of the said Company, or shall wilfully obstruct or prevent any Person in the Execution of this Act, or shall do any Act, Matter, or Thing to obstruct the free Passage of the said Railway or any Part thereof, he or she shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Penalty on Persons obstructing the free Course of Railway.

CXXXIII. And be it further enacted, That if any Person shall wilfully and to the Injury of the said Undertaking or of the said Company injure, break, throw down, destroy, steal, or take away any Part of the said Railway or other Works erected or made by virtue of this Act, or any Part of the Materials of any such Works, every Person being lawfully convicted of any such Offence shall be sub-

Penalty on destroying Works.

[*Local.*]

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ject and liable to the like Pains and Penalties as in Cases of Simple Larceny.

Penalty for obstructing Railway by leaving Waggon, &c.

CXXXIV. And be it further enacted, That if the Loading of any Carriage using the said Railway shall be suffered to extend more than Two Feet over and beyond the Flanch or Lip of each or any Wheel of such Carriage, or if any Carriage, or any Goods, Article, Matter or Thing, shall be placed or be suffered to remain on any Part of the said Railway or other Works so as to obstruct the Passage or working thereof, and the Person having the Care of such Carriage, Goods, Article, Matter, or Thing shall not immediately upon Request made remove the same, then and in every such Case, and without Prejudice to any other Provision in this Act contained, such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds for every Hour during which such Obstruction shall continue after the making of such Request, and so in proportion for any less Period than an Hour; and it shall be lawful for any Agent or Officer of the said Company to cause any such Carriage, Goods, Article, Matter, or Thing to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing, terminating, or removing such Obstruction, and to detain such Carriage, Goods, Article, Matter, and Thing, or any Part thereof, until the Expences occasioned by such unloading, Removal, and Detention shall be paid; and the said Company shall not nor shall any Agent or Officer of the said Company be liable or accountable for any Damage or Loss occasioned by any such unloading, Removal, or Detention, or for any Delay occasioned thereby, nor in any other Way relating thereto, except for wilful Damage done to any Carriage, Goods, Articles, Matters, or Things so unloaded, removed, or detained, nor shall they or he be liable for the safe Custody of any such Carriage, Goods, Articles, Matters, or Things which shall be so detained, unless the same shall be wrongfully detained by the said Company, or by the said Agent or Officer, and then only for so long a Time as the same shall be so detained.

Railway not to be used as a Passage for Horses or other Cattle.

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

Penalty on Persons on Foot using Railway.

CXXXVI. And whereas it might be attended with great Danger to the Public if the said Railway were used by Persons on Foot; be

it therefore further enacted, That if any Person, save and except the said Company, and their Agents and Servants authorized by them, and by them authorized for the Purposes only of the said Undertaking, shall travel or pass on Foot upon the said Railway without the Licence and Consent of the said Company, (except for the Purpose of attending any Carriage under his Care, and also except the Owners or Occupiers of any of the Lands or Premises adjoining to the said Railway, their Families, Agents, or Servants, in passing across or along the same as herein-before authorized, to and from the respective Lands or Grounds through which the said Railway may be made,) every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

CXXXVII. And be it further enacted, That the said Company shall, at their own Expence, after any Part of the said Railway shall have been laid out and formed, forthwith make and erect, and from Time to Time maintain, such and so many convenient Gates in and upon or adjoining the said Railway, and such and so many Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages over, under, or by the Side of or leading to or from the said Railway, of such Dimensions and in such Manner as Two or more Justices of the Peace for the said County of *Devon* or the said County of the City of *Exeter*, within their respective Jurisdictions, shall from Time to Time judge necessary and appoint (in case there shall be any Dispute about the same), for the Use of the Owners and Occupiers of the respective Lands through which such Railway shall be made, and for the commodious Use and Occupation of the Lands on either Side of the said Railway, or for protecting the said Lands from Trespass, or the Cattle or other Property of the Owners or Occupiers thereof from straying or escaping thereout by reason of such Railway, or any other Matter or Thing to be done in pursuance of this Act; and all such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages so to be made as aforesaid shall from Time to Time and at all Times thereafter be maintained in sufficient Repair and Condition by the said Company; and for the Purpose of enabling the said Company to make and set up such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, and from Time to Time to maintain the same, the said Company, their Agents, Surveyors, and Workmen, are hereby authorized and empowered to enter into and upon all Lands adjoining the said Railway, and to load and carry the Materials for making and repairing such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages in Carts and other Carriages across or along such Lands in such Manner as to do as little Damage as may be to the same; and in case the said Company shall refuse or neglect to make or erect or to maintain such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as herein-before directed, or any of them, for the Space of Ten Days next after the Time to be appointed for those Purposes respectively by such Justices, it shall be lawful for the respective Owners or Occupiers of the said Lands, or who shall find themselves aggrieved by such Neglect or Refusal, to make and erect, or, as the Case may require, to repair and maintain, such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches,

Company to erect Gates, &c. for Protection of adjoining Lands.

Ditches, Drains, and Passages as the said Justices shall have before directed or appointed to be made and erected as aforesaid, so that in making, erecting, repairing, and maintaining such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as aforesaid the said Railway or any of the Works by this Act authorized to be made and constructed by the said Company shall not be obstructed for any longer Space of Time or be injured in any other Manner than shall be unavoidably necessary for the doing thereof; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Justices, shall be repaid to the respective Owners or Occupiers of the said Lands who shall have so made and erected, repaired, and maintained such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, by the said Company, within the Space of Five Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered to and made from the said Company; and in default of Payment of the said Costs and Charges within the Time aforesaid, the said Justices 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 the Party to whom such Costs and Charges shall have been allowed, rendering to the said Company the Overplus (if any), on Demand, after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices; and the said Owners or Occupiers, upon Refusal or Neglect by the said Company to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against them for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is by this Act directed: Provided always, that no Bridge or Arch shall be required to be erected or made, or shall be erected or made, over or under the said Railway or any Part thereof, at or in any Place or Manner at or in which the same would if so made prevent or obstruct the working or using of the said Railway.

Owners of
Lands em-
powered to
erect Gates,
&c. in case
of Insuffi-
ciency of
those erected
by the Com-
pany.

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

and

and such Gates, Bridges, Arches, Hollows, Culverts, Ditches, Fences, Drains, and Passages shall thenceforth be repaired and maintained by and at the Expence of the respective Owners or Occupiers for the Time being of the respective Lands the respective Owners or Occupiers of which shall have made or erected the same, so that the Passage to or upon the said Railway be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than the same would necessarily have been if such Gates, Bridges, Arches, Hollows, Culverts, Ditches, Fences, Drains, and Passages had been made or erected by the said Company.

CXXXIX. And be it enacted, That the said Company shall and they are hereby required, at their own Expence, after any Land shall have been taken for the Use of the said Railway and other Works, to separate the same, and to keep the same constantly separated from the Lands adjoining to such Railway and other Works, with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, in case the Owners of such Lands adjoining to such Railway and other Works, 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 erecting Gates across the same as aforesaid, and shall 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 not towards the said Railway); and in every such Case the Powers, Provisions, Directions, and Regulations herein-before contained with respect to the Gates and other Works aforesaid shall extend and apply to the making and maintaining of such Fences, and the Gates and Stiles in such Fences, as fully and effectually to all Intents and Purposes as if such Powers, Provisions, Directions, and Regulations were here repeated and enacted with respect to such Fences, Gates, and Stiles.

For fencing off Railway through private Lands.

CXL. And be it further enacted, That all Persons opening any Gate set up across the said Railway, or any Gate set up at either Side of the said Railway to communicate with the adjoining Lands, shall and they are hereby respectively required, as soon as they, and the Carriage, Cattle, or other Things under their Care, or which they may accompany, shall have passed through the same, to shut and fasten the said Gate; and every Person neglecting so to do shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Gates to be shut after Waggons shall have passed through them.

CXLI. And be it further enacted, That the said Company shall and they are hereby required, at their own Expence, to make such Arches, Tunnels, Culverts, Drains, or other Passages over, under, or by the Side of the said Railway, and the Fences on the Sides thereof respectively, of such Breadth, Depth, and Dimensions as shall be sufficient at all Times to convey the Water as clearly from the Lands or Grounds adjoining or lying near to the said Railway as before making the said Railway, without obstructing or impounding the same Water to the Prejudice of any of the said Lands or Grounds, and also to make proper Watering Places for Cattle in all Cases where by means of the said Railway the Cattle of any Person occupying Lands or Grounds adjacent thereto shall be deprived of as easy

Company to make sufficient Drains, &c. to carry Water off adjoining Lands.

Access as before to their ancient Watering Place, and to supply the same at all Times with Water from such Rivers, Brooks, Streams, or Springs of Water as would have supplied the Cattle of such Person if the said Railway had not been made, or from any other Source or Feeder which can readily be obtained for that Purpose; and it shall be lawful for the said Company and they are hereby required from Time to Time to make such and so many Watercourses and Drains by the Side of, along, or under the said Railway, or in, through, over, and across any Lands or Grounds thereto adjoining, of such Dimensions, and in such Manner, and with such proper and convenient Bridges over and Tunnels for the same respectively, as any Two or more Justices of the Peace for the said County of *Devon* or for the County of the City of *Exeter*, within their respective Jurisdictions, shall from Time to Time judge necessary and appoint (in case there shall be any Dispute about the same), for the Purpose of conveying Water from such Rivers, Brooks, or Springs, or other Sources or Feeders, to the said Watering Places respectively; and all such Arches, Tunnels, Culverts, Watercourses, Drains, and other Passages shall from Time to Time be supported, maintained, cleansed, and kept in good and sufficient Repair by the said Company; and if at any Time after Ten Days Notice in Writing shall be given by or on behalf of any Owner or Occupier of Land adjoining or lying near to the said Railway to the said Company, that the said Arches, Tunnels, Culverts, Drains, Watercourses, or other Passages, or any of them, are not made, or, being made, are not cleansed, maintained, and repaired, according to the true Intent and Meaning of this Act, it shall be lawful for any Person to apply for an Order in Writing from any Two or more of the said Justices of the Peace from Time to Time as often as there shall be Occasion, and the said Justices are hereby empowered, at their Discretion, to make and grant such Orders as aforesaid, enabling such Person to make or cleanse and repair such Arches, Tunnels, Culverts, Watercourses, Drains, and other Passages accordingly; and the reasonable Expences thereof (to be ascertained by such Justices) shall be defrayed by the said Company; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Ten Days after Demand thereof made upon the said Company, such Expences shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, in the same Manner as any other Costs and Charges may by virtue of this Act be levied and recovered upon or from the said Company.

Allowing
the Owners
of adjoining
Lands to
make
Branches to
communi-
cate with
Railway.

CXLII. And be it further enacted, That it shall be lawful for the Owners and Occupiers of the respective Lands, Tenements, or Hereditaments adjoining or lying near to the said Railway, and for all other Persons, to lay down, either upon their own Lands or upon the Lands of any other Persons, with the Consent of such other Persons, any collateral Branches from their respective Lands, Tenements, or Hereditaments, to communicate with the said Railway; and the said Company shall be bound to make, at the Expence of such Owners and Occupiers and other Persons as aforesaid, Openings in the Ledges or Flanches of the said Railway, for effecting such Communications, in such Places as may be most convenient for that Purpose, and as may the least interfere with the Passage of the said Railway; and the said Company shall not receive any Rate, Toll,

or Sum for the passing of any Goods or other Things along such Branches so to be made by any such Owner or Occupier or Person as aforesaid.

CXLIII. Provided always, and be it further enacted, That the said Company shall not be bound to make any such Openings in the Ledges or Flanches of the said Railway for the Purpose of effecting such Communication in any Places where they shall have erected, built, made, or set up any Building, Steam Engine, Works, Machinery, or Yard, or in any Places which they shall have appropriated or set apart for any specific Purpose with which such Communication would interfere, nor upon any inclined Place, nor in any Tunnel; and in case any Disagreement or Difference shall arise between any such Owner and Occupier or other Persons, and the said Company, as to the proper Places for making any such Openings in the Ledges or Flanches of the said Railway for the Purpose of such Communication, then the same shall be left to the Decision of any Two Justices of the Peace for the County of *Devon*, or for the County of the City of *Exeter*, whose Determination shall be binding; and such Justices are hereby authorized to take cognizance of all such References, and to act therein accordingly.

Company not obliged to make Openings in certain Places.

CXLIV. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent any Owner of any Lands, Tenements, or Hereditaments lying adjoining or near to the said Railway from making any Railway, Common Road, or Watercourse, Bridge, or Culvert, to, from, across, over, or under the said Railway hereby authorized to be made by the said Company, and to use such first-mentioned Railway, Common Road, or Watercourse, Bridge, or Culvert, for the Benefit of himself or herself, and of all other Persons to whom he or she may from Time to Time give Leave, so that such Railway, Common Road, or Watercourse, Bridge, or Culvert, do no Injury to and do not prevent or impede the free Passage upon the said Railway hereby authorized to be made by the said Company; and all such Railways, Common Roads, Watercourses, Bridges, and Culverts shall be made and erected under the Superintendence of the Engineer of the said Company, and according to Plans and Specifications to be submitted to and approved of by such Engineer previously to the commencing of such Railways, Common Roads, Watercourses, Bridges, and Culverts respectively: Provided nevertheless, that in case any Damage or Obstruction shall be thereby done or occur to or in the said Railway or Works by this Act authorized to be made by the said Company, the same shall be forthwith repaired or removed (as the Case may be) by and at the Expence of the respective Owners of the Land for whose Benefit any such other Railway, Road, or Watercourse may be made; and if the same shall not be forthwith done, it shall be lawful for the said Company to repair such Damage or to remove such Obstruction, and to recover the Expences attending the same, in case of Refusal or Neglect to pay the same, within Ten Days after Demand thereof, by Distress and Sale of the Goods and Chattels of such respective Owners, or by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

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

CXLV. And

Declaring
what shall
be good
Service of
Notice on
the Com-
pany.

Declaring
what shall
be good Ser-
vice of No-
tice by the
Company.

If Railway
not com-
pleted in
Five Years,
Powers to
cease, ex-
cept as to
such Part, if
any, as shall
be com-
pleted.

If Railway
abandoned,
the Land to
revert to
the original
Owners.

CXLV. And be it further enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity upon the said Company, Service thereof respectively upon any One of the Directors of the said Company, or delivered to some Inmate at their last or usual Place of Abode, or upon the Clerk or Treasurer of the said Company, or left at the Office of such Clerk or Treasurer, or delivered to some Inmate at his last or usual Place of Abode, or leaving a Copy or Copies thereof at the principal Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any other Agent of or Officer employed by the said Company, or delivered to some Inmate at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company; and in all Cases wherein it may be necessary for the said Company to give any Notice to any Corporation, or to any Person whomsoever, under the Provisions or Directions contained in this Act, such Notice shall or may be in Writing or in Print, or partly in Writing and partly in Print, and be signed by the Clerk for the Time being of the said Company, without being required to be under the Common Seal of the said Company, and such Notice shall be delivered to such Person, or be delivered to some Inmate at his or her last or usual Place of Abode, or be delivered to some Member of such Corporation, or be delivered to some Inmate at his last or usual Place of Abode, or to some Clerk or other Officer of such Corporation, or be left at the Office of such Clerk or Officer, or delivered to some Inmate at his last or usual Place of Abode, except in Cases in which any other Mode of giving such respective Notices is by this Act particularly directed.

CXLVI. Provided also, and be it further enacted, That in case the said Railway and Works shall not have been made and completed within the Space of Five Years, to be computed from the passing of this Act, then, from and after the Expiration of the said Term of Five Years, all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much (if any) of the said Railway and Works as shall have been declared and certified to be completed within the said Term by the Justices of the Peace of the County of *Devon* or for the County of the City of *Exeter*, within their respective Jurisdictions, assembled at any General or Quarter Sessions of the Peace to be held in and for the said County of *Devon* or for the County of the City of *Exeter*, as the Case may be, at any Time before the Expiration of the said Term of Five Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of Two or more Witnesses upon Oath or Affirmation, to be produced before such Justices for that Purpose.

CXLVII. Provided also, and be it further enacted, That if the said Railway or any Part thereof shall at any Time hereafter be abandoned or given up by the said Company, or, after the same shall have been completed, shall for the Space of Three Years ceased to be used and employed as a Railway, then and in such Case the Lands, Tenements, and Hereditaments so purchased or taken by the said Company for the Purposes of this Act, or otherwise the Part or Parts thereof

thereof over which the said Railway or any Part or Portion of such Railway which shall be so abandoned or given up by the said Company shall pass, shall vest in the Person or Persons of whom the same shall have been purchased, if such Person or Persons be in *England*, and be conveniently found, but if such Person or Persons be not so found, then the same shall vest in the Owner or Owners of the Land adjoining that which shall be so abandoned or given up, in manner following; that is to say, one Moiety thereof in the Owner or Owners of the Land on the one Side, and the Remainder thereof in the Owner or Owners of the Land on the other Side thereof.

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

For compelling Witnesses to attend.

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

Directors empowered to grant Releases to Witnesses.

CL. And be it further enacted, That when and so often as any Money shall by any Justice of the Peace be ordered to be paid in pursuance of this Act, as or by way of Compensation or Satisfaction

In case of Nonpayment of Compensation

[Local.]

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for

ation for
Damages,
&c. the same
to be levied
by Distress
of the Goods
of the Com-
pany or of
their Trea-
surer.

for any Materials or Costs, or for any Damage or Injury of any Nature or Kind soever done or committed by the said Company, or by any Person acting by or under their Authority, and such Money shall not be paid by the said Company to the Parties entitled to receive the same within Five Days after Demand in Writing shall have been made from the said Company in pursuance of the Direction or Order made by such Justice, and in which Demand the Order of such Justice shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice, which Warrant any such Justice is hereby authorized and required to grant under his Hand and Seal on Application made to him for that Purpose by the Party entitled to receive such Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damage, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the Treasurer of the said Company, for the Use of the said Company, or of their Treasurer for the Time being, as the Case may require: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or have been put unto by virtue of any such Warrant as aforesaid.

Recovery
and Appli-
cation of
Penalties.

CLI. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or by virtue of any Bye Law, Rule, or Order made in pursuance thereof (the Manner of levying and recovering whereof is not herein otherwise particularly directed), may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Two or more Justices of the Peace for the County of *Devon* or for the County of the City of *Exeter*, within their respective Jurisdictions, on Complaint to them for that Purpose made, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Good and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justices; and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalty or Forfeiture, and the Costs and Expences as aforesaid, shall be returned, on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained; all which Penalties and Forfeitures not herein directed to be otherwise applied shall be paid, One Half to the Informer, and the Remainder to the Treasurer of the said Company, for the Use of the said Company, unless such Penalties or Forfeitures shall be incurred by the said Company, in which Case the same shall be paid, One Half to the Informer, and the Remainder to the Overseers of the Poor of the Parish, Township, or Place within which the Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Parish or Place; and in case such Penalties and Forfeitures shall not be forthwith paid,
it

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

CLII. And be it further enacted, That in all Cases wherein Damages or Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by some Two or more Justices of the Peace; and where by this Act any Damages or Charges are directed to be paid in addition to any Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be settled and determined by the Justices by or before whom any Offender shall be convicted of such Offence; and such Justices respectively are hereby authorized and required, on Nonpayment of the Damages in any of the Cases aforesaid, to levy such Damages and Charges by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying of any Penalties or Forfeitures.

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

CLIII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the

Justices may proceed by Summons in the Recovery of Penalties.

the Offender, and to adjudge him or her to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing shall have been exhibited before such Justice; and all Proceedings by Summons without Information in Writing shall be as valid and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

For securing unknown Offenders.

CLIV. And be it further enacted, That it shall be lawful for any Collector of Tolls, or any Officer or Agent of the said Company, and all such Persons as he shall call to his Assistance, to seize and detain any Person, being unknown to such Collector, Officer, or Agent, who shall commit any Offence against this Act, and to convey him or her before some Justice of the Peace for the County or Place within which such Offence shall be committed, without any other Warrant or Authority than this Act; and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

Forms of Information and Conviction.

CLV. And be it further enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act may cause the Information (whenever an Information shall be taken in Writing or in Print) and the Conviction respectively to be drawn up according to the following Forms, or any other Forms to the same Effect, as the Case may require; (that is to say,)

Form of Information.

‘ to wit. } BE it remembered, That on the Day of A. B. of informeth me C. D., One of His Majesty’s Justices of the Peace for that E. F. of [here describe the Offence, and the Time and Place when and where committed], contrary to an Act passed in the Second Year of the Reign of His Majesty King William the Fourth, intituled [insert the Title of this Act], which hath imposed a Forfeiture of for the said Offence. Taken the Day of before me C. D.’

Form of Conviction.

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

Distress not unlawful for Want of Form.

CLVI. 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 any Party making the same deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by him, but all Persons aggrieved by such

Defect or Irregularity shall and may recover full Satisfaction for the special Damage by an Action upon the Case.

CLVII. And be it further enacted, That all Bodies Corporate and Persons who may think themselves aggrieved by any Order or Judgment made or given in pursuance of any Bye Law, Rule, or Order of the said Company or of the said Directors, and the said Company, and all other Bodies Corporate, and Persons, who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace relating to any Matter or Thing in this Act mentioned or contained, and for which no Power of Appeal is by this Act specifically given, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the County or Place where the alleged Cause of Appeal shall arise, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, or to the said Company, as the Case may be, and forthwith after such Notice entering into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think proper, may adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County or Place; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Bye Law, Rule, 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 shall think reasonable.

Persons
aggrieved
may appeal
to Quarter
Sessions.

CLVIII. And be it further enacted, That in all Cases of Prosecution for Offences against the Bye Laws, Rules, or Orders of the said Company, the Production of a written or printed Paper purporting to be the Bye Laws, Rules, or Orders of the said Company, and authenticated by having the Common Seal of the Company affixed thereto, shall be Evidence of the Existence of such Bye Laws, Rules, or Orders, and it shall be sufficient to prove that a Board painted according to the Directions of this Act, purporting to be a Copy of such Bye Laws, Rules, or Orders, hath been affixed and published in manner by this Act directed, and in case of its being afterwards displaced or damaged hath been replaced by another such Board as soon as conveniently might be, unless Proof shall be adduced by the Defendant that such Board is not a Copy of such Bye Laws, Rules, or Orders, or hath not been duly affixed and generally continued in manner by this Act directed.

Authen-
ticated Bye
Laws to be
Evidence.

CLIX. And be it further enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Proceeding whatsoever, into any of His Majesty's Courts of Record.

Proceedings
not to be
quashed for
Want of
Form.

[*Local.*]

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at

at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

Limitation
of Actions.

CLX. And be it further enacted, That no Action, Suit, or Information, nor any other Proceeding of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or omitted to be done in pursuance of this Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under this Act, unless Ten Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, or Information or other Proceeding, to the intended Defendant or Defendants, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Six Calendar Months next after the Act committed, or in case there shall be a Continuation of Damage, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, nor unless such Action, Suit, Information, or Proceeding shall be laid and brought in the County or Place within which the Matter in dispute or Cause of Action shall have arisen; and the Defendant or Defendants in such Actions, Suit, Information, or Proceeding 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 Acts were done, or were omitted to be done, as the Case may be, in pursuance or by the Authority of this Act; and if they shall appear to have been so done, or to have been so omitted to be done, or that such Action, Suit, Information, or Proceeding shall have been brought otherwise than as herein-before directed, then and in every such Case the Jury shall find for the Defendant or Defendants; upon which Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or shall suffer a Discontinuance of his, her, or their Action, Suit, Information, or Proceeding, after the Defendant or Defendants shall have appeared thereto, or if a Verdict shall pass against the Plaintiff or Plaintiffs therein, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have his, her, or their Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in any other Cases.

Plaintiff not
to recover
after Tender
of Amends.

CLXI. Provided also, and be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in execution of this Act, if Tender of sufficient Amends shall have been made, by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made, it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or she shall think fit, whereupon such Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Acts where Defendants are allowed to pay Money into Court.

General
Power to

CLXII. And be it further enacted, That in all Cases where any Justice of the Peace is authorized by this Act to examine any Person,

Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to, or to receive the Affirmation of, any Person before he or she shall be examined by or before such Justice.

administer
Oaths.

CLXIII. And be it further enacted, That wherever in this Act any Word or Words is or are used or employed importing the Singular Number or the Masculine Gender only, such Word or Words shall extend to and shall be construed to include several Acts, Matters, and Things of the same Kind, contemporary, consecutive, or repeated, as well as One Act, Matter, or Thing; and several or various Times as well as One Time, and several Persons as well as One Person, and Females as well as Males, and a Body or Bodies Politic, Corporate, or Collegiate, Corporation or Corporations Aggregate or Sole, as well as Individuals, unless it be otherwise specially directed or provided for.

Rule for
Construc-
tion of
certain
Terms of
this Act.

CLXIV. Provided always, and be it further enacted, That it shall not be lawful for the said Company to proceed with any Part of the Embankments to be erected, or the Arch or Arches to any Bridge which may be constructed over the said River *Eve* below *Eve Bridge*, for the Purposes of this Act, until *James Walker* of the City of *Westminster*, Civil Engineer, or in case of his Death, Incapacity, Refusal or Neglect to act for the Space of Three Calendar Months, *Francis Giles* of the same City, Civil Engineer, or in case of his Death, Incapacity, Refusal or Neglect to act for the Space of Three Calendar Months, *William Cubitt* of the same City, Civil Engineer, shall under his Hand and Seal have made and furnished a Report to the said Company, and also to the Inhabitants of *Saint Thomas the Apostle*, certifying that the said Embankments, and Arch or Arches to any Bridge so proposed to be constructed by the said Company, will not, when executed, cause any increased Floods in the said Parish of *Saint Thomas the Apostle*, or until he shall have laid down such Mode in the Execution of the aforesaid Works as will in his Judgment prevent any Increase of Flooding in or over any Part of the said Parish of *Saint Thomas the Apostle*; and the said Engineer shall have full Power and Authority, and he is hereby required, before he makes and completes his Report, to examine any Witness or Witnesses who shall be tendered to him by or on the Part of the said Company or Parish touching the Premises aforesaid: Provided nevertheless, that if a Surveyor who shall be appointed by the said Inhabitants of *Saint Thomas the Apostle* shall, as the Agent thereof, certify to the said Company in Writing that the said Inhabitants consent to the aforesaid Embankments, and Arch or Arches below *Eve Bridge*, being carried into effect according to the present Plans, and such Report shall be made within Three Calendar Months next after the passing of this Act, it shall not be necessary for the said Company to call in the said Engineer to survey and report upon the Matters aforesaid; any thing herein-before contained to the contrary in anywise notwithstanding.

Embank-
ments, &c.
not to be
constructed
till Report
shall be
made that
no Increase
of Flood will
be caused
thereby.

CLXV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

The

The SCHEDULE to which this Act refers.

County.	Parish.	Description.	Owner.	Lessee.	Occupier.
Devon	St. Thomas the Apostle St. Mary Steps	Garden	Mayor and Chamber of Exeter	Mrs. Gray	Herself.
		Timber Yard	Ditto	Thomas Horrel	Himself.
City and County of the City of Exeter	St. Edmund's	Garden	Ditto	-	Wm. Crocket Esq.
Ditto	Ditto	Dwelling House and Garden	Ditto	Wm. Crocket Esquire	Himself.
Ditto	Ditto	Shrubbery and Garden	Ditto	James Strong	James Gorlay.
Ditto	Ditto	Garden	Ditto	Ditto	Bennett.
Ditto	Ditto	Ditto	Ditto	Ditto	Way and others.
Ditto	Ditto	Ditto	Ditto	-	Mayor and Chamber.
Ditto	Ditto	Building	Ditto	G. Copp	Garton and others.
Ditto	St. David's	Orchard	Thomas Hugo	-	John Connett.
Ditto	Ditto	Ditto	Mayor and Chamber	Fras. Cross	Fras. Cross.
Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
Ditto	Ditto	Garden	Ditto	J. Hancock	J. Hancock.
Ditto	Ditto	Ditto	Copls. Cross	J. Elston	J. Elston.
Devon	Upton Pyne	Ditto	Sir S. H. Northcote	John Moor	Robert Pitts.
Ditto	Ditto	Orchard	Ditto	Ditto	John Moor.
Ditto	Ditto	Garden	Ditto	Ditto	Robert Pitts.
Ditto	Ditto	Orchard	Ditto	Robert Sanders	Robert Sanders.
Ditto	Newton St. Cyres	Ditto	— Symmons	— Beedle	John Painter.
Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
Ditto	Ditto	Ditto	Fras. Parker	-	John Parkhouse.
Ditto	Ditto	Ditto	Thos. Townsend	-	Thos. Townsend.
Ditto	Ditto	Ditto	Fras. Parker	-	J. Parkhouse.
Ditto	Ditto	Garden	Rev. H. Ley	-	Edward Ormond.
Ditto	Ditto	Orchard	Ditto	-	Ditto.
Ditto	Ditto	Garden	Ditto	-	Mary Stone.
Ditto	Ditto	Orchard	Ditto	-	Ditto.
Ditto	Ditto	Garden	Ditto	-	Ditto.
Ditto	Ditto	Courtage	Ditto	-	Ditto.
Ditto	Ditto	Ditto	Ditto	-	Ditto.
Ditto	Ditto	Orchard	Ditto	-	Ditto.
Ditto	Ditto	Garden	W. Ley	-	Thomas Ellis.
Ditto	Ditto	Ditto	Ditto	-	Ditto.
Ditto	Ditto	Ditto	James Ley	-	Mary Ley.
Ditto	Crediton	Orchard	William Drake	-	J. and W. Drake.