



ANNO SEXTO

GULIELMI IV. REGIS.

Cap. xxxiv.

An Act for making and maintaining a Railway between the Royal Burgh of *Arbroath* in the County of *Forfar* and the Royal Burgh of *Forfar* in the same County.

[19th *May* 1836.]

WHEREAS the making and maintaining a Railway between the Royal Burgh of *Arbroath* in the County of *Forfar* and the Royal Burgh of *Forfar* in the same County, for the cheap and expeditious Conveyance of Passengers and Goods and other Matters, and the constructing of Wharfs, Warehouses, Depôts, and other Conveniences, as well for the depositing in Safety of Goods and other Matters, as for other Purposes which may tend to the more convenient Use of the said Railway, will be of great local and public Benefit and Utility: And whereas the Practicability of making the said Railway and Works has been ascertained, and the several Persons herein-after named are desirous to make and maintain the same at their own Costs and Charges; but as this cannot be effected without the Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *William Fullarton Lindsay Carnegie, Patrick Chalmers, James Whitshed Hawkins, Sir John Ogilvy Baronet, Henry Baxter, Frederick Fotheringham,*

Proprietors
incorporated.

[*Local.*]

120

ham,

ham, James Strachan, Donald Lindsay, George Goodall, David Louson, David Rodger, James Marnie, Alexander Lyell, William Potter, Patrick Meffan, Thomas Carnaby, William Whyte, William Andson, William Kid, William Chapel, John Stevenson, William Cargill, James Scott, Thomas Hunter, Patrick Wilson, James Goodall, James Kay, Thomas Collier, William Straton, Alexander White, Andrew Alexander, John Lindsay, John Mackenzie Lindsay, John Andson, Charles Gall, James Gibson, and the several Persons who have or are or shall hereafter become Subscribers for the Purpose of making and maintaining the said Railway, Wharfs, Warehouses, Depôts, and other Conveniences, and their several and respective Successors, Executors, Administrators, and Assignees, shall be and are hereby united into a Company for making and maintaining the same according to the Rules, Orders, Directions, and Regulations herein-after declared, and shall for these Purposes be One Body Corporate, by the Name or Style of "The *Arbroath and Forfar* Railway Company," and by that Name shall have perpetual Succession and have a Common Seal, and by that Name shall and may sue and be sued at Law or in Equity; and the said Company shall, for the Purposes of this Act, have full Power and Authority, from Time to Time and at all Times from and after the passing of this Act, to purchase, feu, and hold Lands and Heritages to them and their Successors and Assignees, and also to resell, feu, or dispose of the said Lands and Heritages, and convey the same to the Purchaser thereof.

Interpreta-
tion Clause.

II. And be it enacted, That in the Construction of this Act, unless there be something in the Subject or Context repugnant to such Construction, the Word "Person" shall extend and be applied to a Body Politic, Corporate, or Collegiate, as well as an Individual; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as One Person or Thing, and every Word importing the Plural Number shall extend and be applied to One Person or Thing as well as several Persons or Things, and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

Power to
make Rail-
way, Wharfs,
and Ware-
houses, &c.

III. And be it enacted, That the said Company shall be and are hereby authorized and empowered, by themselves, their Deputies, Officers, Workmen, and Servants, to make and maintain passable for Carriages and Waggons the said Railway, which shall be called "The *Arbroath and Forfar* Railway," from in or near the Harbour of *Arbroath*, and along or by *West Grimsby Street* and *Millgate Street* in the Parish of *Arbroath*; thence through the Lands of *Almerieclose*, and by or near *Stobcross*; thence by the Church of *Saint Vigeans*, *Letham Mill*, and *Waulk Mills* of *Letham*, all in the Parish of *Saint Vigeans*; thence by or near *Leys Mill* in the Parish of *Inverkeillor*; thence by or near *Pitmuies Toll* in the Parish of *Kirkden*; thence by or near the *New Mains* of *Guthrie* in the Parish of *Guthrie*; thence by or near *Guthrie Lodge* and *Milldens* in the Parish of *Rescobie*; thence by or near *Balgavie's Mill* in the Parish of *Aberlemno*; thence by or on the North Side of the Loch of *Balgavies* in the said Parish of *Aberlemno*; thence by or on or near the South Side of the Loch of *Rescobie*,

Rescobie, and by or near *Reswallie*, in the Parish of *Rescobie*; thence by or near *Clocksbriggs* in the Parishes of *Rescobie* and *Forfar*; thence by or through the Lands of *Pitscandlie* in the Parish of *Rescobie*; thence by or near *Restennet Loch*, *Lunanhead*, the *Muir of Carse*, and the *Market Muir of Forfar*, to or near the Malt Miln situated in the *Play Field of Forfar*, all in the Parish of *Forfar*; with such Inclined Planes, Passing Places, and other Conveniences, where the same may be necessary, as the said Company may think fit; and also to construct, erect, make, alter, re-erect, and maintain such Bridges, Tunnels, Roads of Communication, Wharfs, Warehouses, Depôts, Engines, and Machinery as may be deemed necessary or convenient by the said Company.

IV. And be it enacted, That for the Purposes of this Act the said Company, their Deputies, Officers, Workmen, and Servants, are hereby authorized and empowered to enter into and upon the Lands or other Premises of or belonging to any Person whomsoever, and also all Roads, Rivers, Quays, and other Places whatsoever, and to survey and take Levels of the same or any Part thereof, and to set out and appropriate such Parts thereof as they shall think necessary and proper for making the said Railway, Bridges, Roads of Communication, Wharfs, Warehouses, Depôts, and other Conveniences hereby authorized to be made, and also to bore, dig, cut, trench, excavate, deepen, remove, take, carry away, lay, use, and manufacture any Earth, Clay, Stone, Soil, Rubbish, Trees (leaving such Trees for the Owners thereof), Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making the said Railway and Works, or which may hinder, prevent, or obstruct the making, extending, maintaining, or using the same; and also to make and set out such Places for Carriages and Waggons to turn, lie, or pass each other as the said Company shall think convenient; to alter the Course of such Roads, Rivulets, and other Communications as may run in or near the said Railway and Works, or which may be required to be altered for the Purposes of this Act; and to construct, erect, alter, re-erect, and maintain all other Matters and Things which they shall think convenient and necessary for the completing, preserving, using, and improving of the said Railway and Works, or for the obtaining or Conveyance of Water to or for the Use of the said Railway and Works, or the Steam Engines set up or used therein or thereon; they the said Company, their Deputies, Officers, Workmen, and Servants, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and also making full Satisfaction in manner herein-after mentioned to the Owners of and every Person interested in any Lands or Heritages which shall be taken, used, or prejudiced, for all Damages (if any) to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company, and their Deputies, Officers, Workmen, and Servants, and all Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to the Provisions and Restrictions in this Act mentioned and contained: Provided always, that nothing herein contained shall authorize or empower the said Company, their Deputies, Workmen, Servants,

Power to appropriate Lands, and make and erect Railway and Works.

Servants, or other Persons whomsoever, to alter or vary the Course of any Turnpike Road, except as after mentioned.

When Act
may be put
in force.

V. And whereas the probable Expence of making the said Railway and Works hereby authorized to be made will amount to the Sum of Seventy thousand Pounds, and the Sum of Fifty-six thousand Pounds and upwards has been already subscribed for defraying the same, under a Contract, binding the Subscribers, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums thereby subscribed respectively; be it enacted, That the Whole of the said Sum of Seventy thousand Pounds shall be subscribed in like Manner before any of the Powers given by this Act shall be put in force.

Proprietors
may raise
Money for
making the
Railway and
Works.

VI. And be it enacted, That it shall be lawful for the said Company to raise and contribute among themselves, in such Proportions as they shall think proper, any Sum of Money for making and completing the said Railway, Wharfs, Warehouses, Depôts, and other Conveniences, not exceeding in the Whole the Sum of Seventy thousand Pounds; and the same shall be divided into Shares of Twenty-five Pounds each, and each respective Share shall be numbered in regular Progression, and every such Share shall always be distinguished by the Number to be applied to the same; and no Person shall be or become a Proprietor of less than One Share in the said Company; and the said Shares shall be and are hereby vested in the several Persons so subscribing as aforesaid for the Purpose of making and maintaining the said Railway and Works, and their several and respective Successors, Executors, Administrators, and Assigns; and every Person who shall subscribe for One or more Shares, or such Sums as shall be demanded in lieu thereof, shall be entitled to and receive, at such Time as the said Company shall at a General Meeting appoint, the entire and net Distribution of an equal proportionable Part, according to the Money so by them respectively paid, of the Profits and Advantages that shall and may arise and accrue by the Tolls or Rates and other Sums of Money to be raised, recovered, or received by the said Company by the Authority of this Act; and every Person having such Share in the said Company as aforesaid shall bear and pay a proportionable Sum towards carrying on the Business of the said Company in manner herein directed and appointed.

Certificate
by a Justice
that Money
is sub-
scribed to be
sufficient
Evidence.

VII. And be it enacted, That a Certificate under the Hand of any Justice of the Peace for the County of *Forfar* that the Whole of the said Sum of Seventy thousand Pounds hath been subscribed as aforesaid (and which Certificate such Justice is hereby authorized and required to grant on Application made to him by the said Company, and on Production of the Subscription Deed of or relating to the said Company) shall, for all Purposes whatsoever, be conclusive Evidence that the Whole of the said Sum of Seventy thousand Pounds has been subscribed.

Application
of the Money
to be raised.

VIII. And be it enacted, That all the Money to be raised by the said Company by virtue of this Act shall be laid out and applied, in the first place, for and towards the Payment, Discharge, and Satisfaction of all Costs, Charges, and Expences in applying for, obtaining, and passing

passing this Act, and all the necessary Expences preparatory and relating thereto, and all the Residue and Remainder of such Money for and towards making, completing, and maintaining the said Railway, Wharfs, Warehouses, Depôts, and other Conveniences, and the other Purposes of this Act, and to no other Use, Intent, or Purpose whatever.

IX. And be it enacted, That all and every the Property and Shares of and in the said Railway or Joint Stock Fund of the said Company shall be deemed Personal Estate, and transmissible as such to the several and respective Successors, Executors, Administrators, and Assigns of the Proprietors of the said Company, and shall not be deemed of the Nature of Real Property.

Shares to be deemed Personal Estate.

X. And be it enacted, That every Person who has subscribed or who shall hereafter subscribe any Money for or towards the Purposes of this Act shall and he is hereby required to pay the Sum of Money by him subscribed, or such Parts or Portions thereof, at such Times and Places as shall be directed by the said Company or the Committee of Management herein-after mentioned; and in case any Person shall refuse or neglect to pay the same at the Time and in the Manner appointed for that Purpose, it shall and may be lawful for the said Company to sue for and recover the same in the Court of Session in *Scotland*, Sheriff Courts of *Scotland*, or any other competent Court, together with Interest on such Sums of Money, at the Rate of Five Pounds *per Centum per Annum*, from the Time when the same was directed to be paid as aforesaid.

To compel Payment of Subscriptions.

XI. And be it enacted, That every Person who is or shall be a Proprietor of the said Company shall not be liable personally, or in his Real or Personal Estate; nor shall any thing herein contained extend to make, except as herein-after provided, any such Person liable for any Debt or Demand whatever due or to become due from or by the said Company, beyond the Amount of his Shares in the Capital Stock of the said Company, any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

No Person answerable for more than his Stock.

XII. And be it enacted, That the said Company, at or as soon as may be after their First Meeting, shall and they are hereby required to cause the Names and proper Additions of every Person who shall be then entitled to the Shares in the said Company, with the Number of Shares to the Amount of all the Subscriptions which they are then entitled respectively to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk of the said Company, in which Book also shall be minuted and recorded, as after provided, all Transfers or Conveyances of Shares, with the Names and proper Additions of the Assignees of the said Shares, and the proper Numbers of the said Shares; and after such Entry made the said Clerk is hereby empowered to deliver, when required so to do, a Certificate, subscribed by him, to every Proprietor of the Company, specifying the Shares to which he, according to the latest Entry or Minute in the said Book, is entitled in the said Company; and the said Clerk

Certificates of the Shares to be delivered to the Proprietors.

[*Local.*]

12 P

shall

shall be paid not exceeding Two Shillings and Sixpence for every such Certificate; and such Certificate shall be admitted in all Courts whatever as Evidence of the Title of such Person, his Executors, Administrators, and Assigns, to the Shares therein specified; but the Want of such Certificate shall not hinder or prevent any Proprietor of the said Company from selling or disposing thereof; and such Certificate may be in the Words or to the Effect following; (that is to say,)

Form of
Certificate.

‘ The *Arbroath* and *Forfar* Railway Company.
‘ Number
‘ THESE are to certify, That of
‘ is a Proprietor of the Share Number , being
‘ Share of the *Arbroath* and *Forfar* Railway Company; and that the
‘ said his Executors, Administrators, and
‘ Assigns; is and are entitled, subject to the Rules, Regulations, and
‘ Orders of the said Company, to the Profits and Advantages of such
‘ Share. Given at the
‘ Day of in the Year of our Lord ’

And in the event of such Certificate being either lost or destroyed, then, on Proof thereof by Affidavit or otherwise to the Satisfaction of the said Committee, a new Certificate shall be given to the Party who was the Proprietor of the one so lost or destroyed, the new Certificate being duly entered by the said Clerk, who shall be entitled to the same Fee as on granting an original Certificate.

Regulating
Votes of
Proprietors.

XIII. And be it enacted, That every Person, and his Successors, Executors, Administrators, and Assigns, who shall have subscribed for or shall become entitled to and be in the actual Possession of One or more Shares in the said Company, and whose Name shall be entered as aforesaid in the said Book as the Proprietor thereof, shall be deemed a Proprietor of every such Share; and at all Meetings of the said Company the Proprietor of One Share and less than Four Shares shall have One Vote; the Proprietor of more than Three Shares and less than Eight Shares shall have Two Votes; the Proprietor of Eight Shares shall have Three Votes; and the Proprietor of Shares beyond the last-mentioned Number shall have One Vote for every entire Four Shares held by him over and above Eight Shares; with this Limitation, that no Proprietor shall have more than Twenty Votes whatever Number of Shares he may hold; which Vote or Votes shall and may be given by such Proprietor, or by his Proxy (such Proxy being a Proprietor of One or more Shares in the said Company) duly constituted under his Hand, or under the Common Seal of a Corporation; and where any Share belongs to any Infant or Lunatic, his Guardian or Curator shall have a Right to vote in respect thereof; and every Vote by Proxy shall be as good and valid, to all Intents and Purposes, as if such Principal had voted in Person: Provided always, that no Person shall, as Proxy, have more than Twenty Votes; and the Appointment of which Proxy may be in the Words or to the Effect following; (that is to say,)

Form of
Proxy.

‘ I , One of the Proprie-
‘ tors of the *Arbroath* and *Forfar* Railway Company, do hereby
‘ appoint to be my Proxy in my
‘ Absence

‘ Absence to vote and give my Assent and Dissent, as he shall think
 ‘ proper, to any Business, Matter, or Thing in which the said Com-
 ‘ pany shall be interested, which shall be mentioned or proposed
 ‘ at any Meeting of the said Company. In witness whereof I have
 ‘ hereunto set my Hand the Day of
 ‘ in the Year of our Lord

And every Question, Matter, or Thing whatsoever which shall be proposed, considered, or discussed at any Meeting of the said Company, shall be determined by the Majority of Votes, to be computed in manner aforesaid, given personally or by Proxy; and at every such Meeting the Chairman shall not only be entitled to vote as a Proprietor, but shall also, in case of an equal Division, have the decisive or casting Vote as Chairman.

Majority of
 Votes to
 determine.

XIV. And be it enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to any Share in the said Company, the Person whose Name shall stand first in the Books of the said Company as a Proprietor of such Share shall, for the Purposes of this Act, be deemed and taken to be the Proprietor of such Share; and all Notices hereby required to be given to the Proprietor of any Share in the said Company shall be given or sent to such Person; and such Notice shall be deemed to be a sufficient Notice to all the Proprietors of such Share for all the Purposes for which such Notice is intended to be given; and all Votes in respect thereof shall be given by the Person whose Name shall so stand first in the Books of the said Company as a Proprietor of such Share, whose Vote, either in Person or by Proxy, shall 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 Proprietors of such Share, and notwithstanding of any Difference of Opinion among them; provided that the said Burghs of *Arbroath* and *Forfar* shall be entitled to vote by their respective Provosts, or any One of the Bailies or Councillors of the said Burghs respectively appointed to attend the Meetings of the said Company, although the said Provosts, Bailies, or Councillors may not as Individuals be Proprietors of the said Company.

Proprietor
 whose Name
 stands first in
 joint Shares
 to be deemed
 Owner.

XV. And be it enacted, That in the event of the Death of any Proprietor, his Administrator, Executor, or Legatee succeeding to his Share in the said Company shall not be entitled either to be entered as a Proprietor of such Share until he shall have produced to the said Clerk legal Evidence, according to the Law of *Scotland*, of his Right to such Share, or to receive any Part of the Dividends appropriated thereto, or to vote or otherwise act as a Proprietor, until a Minute of such Evidence shall have been made by the said Clerk in the aforesaid Book; and the said Clerk shall be entitled to a Fee not exceeding Two Shillings and Sixpence for making such Minute.

Administra-
 tors, &c. of
 deceased
 Proprietors
 not to be
 entered in
 the Books of
 the Com-
 pany, with-
 out produc-
 ing legal
 Evidence of
 Right.

XVI. And be it enacted, That it shall be lawful for each of the Proprietors of the said Company, and his Heirs, Executors, or Administrators, from and after Payment made of the Sum of Twenty Pounds *per Centum* by him upon his Share in the said Company, but not before, to sell and dispose of any such Share, subject to the Rules and Conditions

Shares may
 be sold.

Conditions herein mentioned; provided that the Form of the Instrument of Transfer or Conveyance of such Share shall be in the Words or to the Effect following; (that is to say,)

Form of
Conveyance.

‘ I _____, in consideration of
 ‘ _____ paid to me by _____,
 ‘ do hereby bargain, sell, and transfer unto the said _____,
 ‘ _____ Share numbered _____,
 ‘ in the *Arbroath and Forfar* Railway Company, to hold to him the
 ‘ said _____, his Executors, Administrators,
 ‘ and Assigns, subject to the same Rules and Conditions as I held
 ‘ the same immediately before the Execution hereof; and I the said
 ‘ _____ do hereby agree to
 ‘ take and accept the said Share, subject to the same Rules and
 ‘ Conditions. As witness our Hands, on the _____
 ‘ Day of _____.’

And on every such Sale such Transfer or Conveyance, executed by the Seller and the Purchaser of such Share, shall be kept by the said Clerk, who shall deliver, when required, an attested Copy thereof to such Purchaser, at his Expence; and the said Clerk shall enter in the Book appointed to be kept for such Purpose a Minute or Memorial of such Transfer or Conveyance, and shall endorse the Entry of such Minute or Memorial on the said Instrument of Transfer or Conveyance, for which no more than Two Shillings and Sixpence shall be paid; and unless or until such Transfer or Conveyance shall have been entered as above directed such Purchaser shall have no Part of the Profits of the said Company, nor any Dividend or Interest for such Share paid unto him, nor any Right to vote or otherwise to act as a Proprietor of the said Company.

No Share to
be sold till
Call be an-
swered.

XVII. And be it enacted, That after any Call of such Money as shall have been made by the said Company or Committee as aforesaid no Person shall sell or transfer any Share which he shall possess in the said Company, although Twenty Pounds *per Centum* shall have been paid thereon, under the Penalty of forfeiting his Share in the said Company, in Trust for the Benefit of all the Proprietors of the said Company, unless he at the Time of such Sale or Transfer shall have paid to the Treasurer of the said Company the entire Sum of Money which shall have been called for upon each Share so sold or transferred; such Forfeiture nevertheless to be declared at a General or Special Meeting in manner herein directed.

Regulating
the Ascent to
Bridges.

XVIII. And be it enacted, That in all Places where the said Company shall think it necessary to erect any Bridge to communicate with any public or Carriage Road the Ascent to every such Bridge for the Purpose of such Road shall not be more than One Foot in Thirteen Feet; and a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of the Roadway of such Bridge.

Railway to
cross Turn-
pike Road

XIX. And be it enacted, That where the said Railway shall cross any Turnpike Road, either such Turnpike Road shall, at the Expence of the said Company, be carried over the said Railway, or the said
 Railway

Railway shall be carried over the said Turnpike Road by means of a Bridge; and the Span of the Arch of such Bridge shall be formed and shall at all Times be 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 Road to the Centre of such Arch of not less than Fifteen Feet; and the Ascent of the Road over or Descent under any such Bridge shall not exceed One Foot in Twenty Feet.

by means of a Bridge.

XX. And whereas that Portion of the Turnpike Road leading from *Arbroath* to *Forfar*, West of the Point at which it is proposed that the Railway shall cross the same near *Stobcross*, is so situated that the Construction of the Bridge to be there erected for the Purpose of carrying the said Road over the said Railway would be attended with great Difficulty and Expence under the Provision herein-before made with respect to the Ascent and Descent of such Bridge; be it enacted, That, any thing herein contained to the contrary notwithstanding, it shall be lawful for the said Company to make the said Railway to cross the Turnpike Road leading from *Arbroath* to *Forfar* at or near to *Stobcross Bridge*, and to carry the Turnpike Road over the Railway by means of a Bridge, and, with the Consent of the Trustees of the said Road, to alter the Line of the said Road: Provided always, that such Alteration shall not exceed Thirty Feet from the present Line, and that the Ascent of the said Turnpike Road from *Stobcross Bridge* over the Bridge so to be erected, and the Descent therefrom, shall not be greater than One Foot in Fifteen Feet.

Provision as to crossing Turnpike Road at Stobcross.

XXI. And be it enacted, That where the said Railway shall cross any public Carriage Road maintained out of the Statute Labour, not being within the Limits of the Burghs of *Arbroath* or *Forfar*, such Road shall, if the Sheriff of the County shall consider it to be necessary for the Safety of the Public, and shall so direct, upon an Application by the Trustees of the District in which such Road is situated, made to him by the Order of some Special Meeting of such Trustees to be called for that Purpose, be, at the Expence of the said Company, either carried over the said Railway, or the said Railway carried over the said Road, by means of a Bridge, the Ascent and Descent to which shall be such as the said Sheriff shall direct, not exceeding One Foot in Twenty Feet: Provided always, that where the said Railway shall cross any public Carriage Road within the Limits of the said Burghs, such Road shall, if the Magistrates and Town Council of the Burgh of *Forfar* with respect to any such Road within the Limits of such Burgh, or the Magistrates and Town Council of *Arbroath* with respect to any such Road within the Limits thereof, shall so require, be, at the Expence of the said Company, either carried over the said Railway, or the said Railway be carried over the said Road, by means of a Bridge, the Ascent and Descent to which shall be such as the said Magistrates and Town Council shall respectively as aforesaid direct, not exceeding One Foot in Twenty Feet.

Regulation as to crossing public Carriage Roads.

XXII. And be it enacted, That in all Cases wherein, in the Exercise of any of the Powers hereby granted, any Part of any Carriage or Horse Road, Railway or Tramroad, either public or private, shall be found necessary to be cut through, raised, sunk, taken, or so much injured

For keeping up the Roads whilst the Railway is making.

[Local.]

12 Q

jured

jured 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 another good and sufficient Road (as the Case may require) to be set out and made instead thereof, and such new Road shall be as convenient for Passengers and Carriages as the said Road so to be cut through, raised, sunk, taken, or injured as aforesaid, or as nearly so as may be; 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, and the principal Road shall be restored, within Six Calendar Months after the Commencement of the Operation.

Where
Railways
cross public
Carriage
Roads on a
Level, Com-
pany to erect
Gates.

XXIII. And be it enacted, That in all Cases where the said Railway shall cross any public Carriage Road on a Level, the said Company, if required by any Meeting of the Trustees of such Carriage Road, shall erect and at all Times maintain good and sufficient Gates across the said Railway at the Point where it shall cross such Carriage Road; all which Gates shall be constantly kept shut by some Person to be appointed by the said Company (and which Person the said Company is hereby required to appoint), under a Penalty of Five Pounds for each Default, except during the Times when Carriages or Waggons passing along the said Railway shall have to cross such Carriage Road, and then the same Gates shall be opened for the Purpose only of letting such Carriages or Waggons pass through; and the Person entrusted with the Care of such Gates shall cause every such Gate to be shut as soon as such Carriages or Waggons shall have passed through the same, under a Penalty of Forty Shillings for every Default therein: Provided always, that where the said Railway shall cross any Footpath not on a Level a convenient Ascent and Descent shall be provided.

Ledges not
to project
above nor be
sunk below
the Roads.

XXIV. And be it enacted, That where the said Railway shall cross or pass along any public Carriage Road, the Ledge or Flanch of such Railway shall not project above the Surface of such Carriage Road, nor shall any such Ledge or Flanch be more than Three Quarters of an Inch below the Surface of the same.

Map or Plan
deposited
with the
Clerk of the
Peace to re-
main there.

XXV. And whereas a Map or Plan shewing the Line of the said Railway, with a Book of Reference thereto, containing Lists of the Names of the Owners or reputed Owners and Occupiers of the Lands through which the same is to be carried, has been deposited at the Office of the Clerk of the Peace for the County of *Forfar*; be it enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace, to the end that all Persons shall have Liberty at all reasonable Times to resort to and examine or make Extracts from or Copies of the same; and the said Company in making the said intended Railway shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Map or Plan, and set forth in the said Book of Reference; and no Deviation shall be made on that Part of the Line of the said Railway between the Road to *Letham Grange* and Seven hundred Yards to the Eastward thereof which shall have

Company
not to de-
viate more
than 100
Yards.

have the Effect of carrying the said Line of Railway nearer to the Mansion House of *Letham Grange* than the most northerly Red Line represented on said Plan.

XXVI. And be it enacted, That the said Company may make the said Railway, Wharfs, Warehouses, Depôts, Roads of Communication, and other Conveniences, into, upon, through, or over the Lands of any Person who is or may be the Owner of Land over which the same is set out and described in the said Map or Plan as aforesaid, although the Name of such Person may happen to be erroneously set forth or omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Forfar*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Lands of Persons omitted may be taken, if Omission proceeded from Mistake.

XXVII. And be it enacted, That nothing herein contained shall authorize and empower the said Company, or any Person acting under their Authority, to take or use for the Purposes of this Act any House or other Building which was erected or built at or before the passing of this Act, or any Land which was then set apart and used as and for a Garden, Orchard, Yard, Policy, Paddock, planting Walk or Avenue to a Mansion House, without the Consent in Writing of the Owners and Occupiers thereof and Persons interested therein respectively, other than and except those specified in the said Book of Reference.

No House or Building, &c. to be taken without Consent.

XXVIII. And be it enacted, That the Lands to be taken or used for the Purposes of this Act shall not exceed Twenty Yards in Breadth, exclusive of the Breadth required for cutting and embanking, except in such Places where it shall be judged necessary by the said Company to appropriate a sufficient Space for the Purpose of Carriages or Waggon to turn, lie, or pass each other, or where any Warehouses, Cranes, or Weighbeams may be required to be erected, or where any Depôts or Roads of Communication between the said Railway and the Roads in the District through which the said Railway passes may be required to be erected, made, or set out for the Reception or Delivery of Goods or other Matters; but in no Case (except where Roads of Communication shall be required) shall the same exceed Seventy-five Yards in Breadth in any Place, without the Consent in Writing of the Owners of the Lands or Heritages which may be required to be taken for such additional Width, elsewhere than on the Lands of *Almerieclose* at or near the Termination of the Railway at *Arbroath*, and on the Lands of *Cairnie* at or near to the Suburbs of *Arbroath*, and on the Lands of *Middletoun* at or near the Village of *Friockheim*, and on the Lands called the *Playfield* or *Market Muir* at or near *Forfar*, and at such other Places along the Line of the said Railway at which at any Time hereafter it shall to the said Company appear expedient that any Depôt, with Roads of Communication thereto, should be erected, made, or set out, with the view to facilitate the Traffic along the said Railway, at each of which several Places the said Company are hereby authorized to take and use a Space of Ground not exceeding Five Acres.

Railway not to exceed Twenty Yards in Breadth, except with Consent of Owners.

XXIX. And

Company to erect Fences and other Works, and maintain the same.

XXIX. And be it enacted, That the said Company shall at their own Expence, after any Part of the said Railway and Works shall be laid out and formed, make, erect, and in all Time coming maintain and support, such and so many convenient Gates in and upon the said Railway, and all such Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages over and under or by the Side of the said Railway, of such Dimensions and in such Manner as the said Company may deem proper and necessary for inclosing, protecting, and draining the said Railway or Works or the Lands adjoining thereto, or as shall be deemed necessary and appointed, on the Application of any Owner or Occupier of Lands through which the said Railway may be made, by Two or more Justices of the Peace for the said County of *Forfar*, in case there should be any Dispute about the same, for the Use of such Owners and Occupiers of the Lands or Heritages through which the said Railway shall be made, not only for protecting the said Lands from Trespass, or the Cattle or other Property of the Owners or Occupiers thereof from straying or escaping thereout, but also conveying the Water clear from the Lands adjoining or lying near to the said Railway, without obstructing or impeding the same to the Prejudice of any of the said Lands, and for enabling any Person occupying Lands adjacent thereto, and in use to be irrigated by means of any neighbouring Rivers, Brooks, Streams, or Springs of Water, to irrigate such adjacent Lands; and in case the said Company shall refuse or neglect to make or erect and maintain such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages as herein-before directed, for the Space of Twenty Days next after the Time to be appointed for those Purposes respectively by such Justices, then and in every such Case it shall be lawful for any of the Owners or Occupiers of the said Lands or Heritages who shall find himself aggrieved by such Neglect or Refusal to make or erect the same, or to maintain, repair, and support the same in all Time coming, so that in making and maintaining thereof the said Railway or Works shall not be obstructed or injured for any longer Space of Time or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Justices, shall be repaid by the said Company to the respective Owners or Occupiers of the said Lands or Heritages who shall have so erected and made, repaired and maintained the same, within the Space of Ten Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered or made thereof to or from the said Company or their Clerk for the Time being; and in default of Payment of the said Costs and Charges within the Time aforesaid the said Justices shall and they are hereby required, by Warrant under their Hands, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company, for the Use of such Person to whom such Costs and Charges shall have been allowed; and every and any of the said Owners and 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 the said Company for the Recovery thereof by Action at Law,

XXX. And

XXX. And be it enacted, That if the Owners or Occupiers of any Lands or Heritages through which the said Railway shall be made do or shall at any Time hereafter apprehend that any of the Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, and Passages respectively, which the said Justices shall have so directed or appointed to be made by the said Company, are insufficient, either in the Number or Station, for the commodious Use and Occupation of the respective Lands or Heritages through which the said Railway shall pass, then and in any such Case, and so often as the same shall happen, it shall be lawful for such Owners or Occupiers, with the Consent and Approbation of the said Company, upon Request made to them, or in case of their Refusal for the Space of Ten Days next after such Request then with the Consent and Approbation of the said Justices, to make, fix, and erect, at their own Costs and Charges, any other Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, or Passages, of the same or other 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 necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands or Heritages, and to repair and support the same at their own Costs and Charges, as Occasion shall require, so that the Passage over or along the said Railway be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than the same would necessarily have been if the same had been made or erected by the said Company.

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

XXXI. And be it enacted, That in every Case in which the Owners of any Lands, or other Person by this Act capacitated to convey, shall, in their Arrangements with the said Company, have received or agreed to receive Compensation for Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, or Passages, instead of the same being erected or formed by the said Company for the Purpose of facilitating the Passage to or from either Side of the Lands severed or divided by the said Railway, it shall not be lawful for such Owners or those claiming under them to pass, and they shall for ever be prevented from passing or crossing, the said Railway, from one Part to the other Part of their Lands so severed and divided, otherwise than by a Bridge, Arch, or Culvert, to be erected at the Charge of such Owners.

Compensation in lieu of Gates, Bridges, &c.

XXXII. And be it enacted, That after any Lands or Heritages shall be thought necessary by the said Company for the Purposes of this Act, and after the same shall be set out by the said Company for such Purpose, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Life Renters, Husbands, Tutors, and Curators, or other Guardians, Trustees for charitable and other Purposes, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of those for whom they are Tutors, Curators, Guardians, or Trustees, whether Infants, Minors, Issue unborn, Lunatics, Idiots, Married Women, or other Person, and to and for all Married Women who are or shall be seised, possessed of, or interested in their own Right, or entitled to Terce or other Interest therein,

Proprietors and incapacitated Parties empowered to convey.

therein, and to and for every other Person whomsoever who is or are or shall be seised or possessed of or interested in any such Lands or Heritages which shall be so set out for the Purposes aforesaid, and they are hereby authorized, to contract for, sell, feu, and convey the same and every Part thereof to and in favour of the said Company; and all such Contracts, Sales, Feus, and Conveyances shall be valid and effectual to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom, or other Matter or Thing, to the contrary in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, so conveying as aforesaid, are hereby indemnified for what they shall respectively do by virtue of or in pursuance of this Act; and all Conveyances so to be made as aforesaid may be made and expressed in the Words or to the Effect following; (that is to say,)

Form of
Conveyance.

‘ I of ,
‘ in consideration of the Sum of , to me paid by
‘ the *Arbroath and Forfar* Railway Company [*or other Consideration,*
‘ *as the Case may be*], do hereby grant and convey to the said Com-
‘ pany all [*describing the Premises to be conveyed*], and all my Right,
‘ Title, and Interest in and to the same and every Part thereof, to hold
‘ to the said Company and their Successors for ever, by virtue and
‘ according to the true Intent and Meaning of an Act passed in the
‘ Year of the Reign of His Majesty King *William* the
‘ Fourth, intituled [*here set forth the Title of this Act, and insert a*
‘ *Clause as to the Feu Duty (when the Property is feued), and a Testing*
‘ *Clause according to the Form of the Law of Scotland*].’

And every such Conveyance, being registered in the general Register of Sasines or in the particular Register of Sasines for the County, Burgh, or Place in which the Lands or Heritages thereby conveyed are situated (and the Keepers of the said Registers are hereby required and authorized to register the same), shall have the full Effect of a valid and formal Disposition or Feu Contract, followed by Infeftment and Sasine, duly recorded, and shall give and constitute a good and undoubted Right and Title to the said Company to the Lands or Heritages therein described, any Law or Custom to the contrary notwithstanding; and that the Lands or Heritages to be acquired for the Purposes of this Act shall not be liable in Payment of Land Tax, or of any Feu Duties, Casualties of Superiority, Cess, Stipend, Schoolmaster's Salary, or other public or parochial Burdens, unless it be so stipulated in the Conveyance thereof to the said Company, but the same shall be paid by the original Proprietors of such Lands or Heritages, except in case the said Company shall purchase and acquire the whole Lands or Heritages belonging to any Person within the said Parishes, in which Case the said Burdens shall be paid by the said Company for the whole of such Lands or Heritages which may be so acquired as aforesaid.

Persons ca-
pacitated to
convey em-
powered to
discharge

XXXIII. And be it enacted, That it shall and may be lawful to and for every Person hereby capacitated to sell and convey any Lands or Heritages required for the Purposes of this Act, on receiving Payment in the Manner required by this Act, to renounce and discharge, for them-

themselves and every other Person who would have succeeded them in such Estates, all Claims for Price, Compensation, or other Demands which may be competent to such Person for or in respect of any Lands or Heritages which may be occupied or damaged by the said Railway or Works; and a Discharge or Renunciation to this Effect, granted by such Person as aforesaid, and recorded as herein-before directed, shall have the same Force and Effect in Law as if a Conveyance had been granted and recorded as aforesaid.

Price of
Lands and
Damages.

XXXIV. And be it enacted, That the Rights and Titles to be granted in manner before mentioned to the said Company to the Lands or Heritages therein described shall not in any measure affect or diminish the Superiority of the same; but notwithstanding the said Conveyances the Superiority shall remain as before entire in the Persons having Right to the same.

Superiority
not to be
diminished.

XXXV. Provided always, and be it enacted, That if by reason of the Exercise of the Powers by this Act granted there shall arise any Deficiencies in the Assessments for Land Tax in the several Parishes through or in which the several Works hereby authorized may pass or be situate, the said Company shall, from and after they shall have become possessed by virtue of this Act 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 Land Tax, be subject and liable from Time to Time to pay and make good, to or in aid of such several Parishes as aforesaid, out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the said several Parishes by reason of taking down or using for the Purposes of this Act any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of passing this Act; and the Treasurer, Collector, or Receiver to be appointed under this Act is hereby required to pay all such Deficiencies, on Demand thereof, to the Collector of the said Assessments.

XXXVI. And be it enacted, That every Person hereby empowered to sell and convey Lands or Heritages, and every Owner or Occupier of Lands or Heritages through, in, or upon which the said Railway or Works shall be made, may accept and receive such Satisfaction as they shall think adequate for such Lands or Heritages, or for the Damages sustained or to be sustained by making and completing the said Railway and Works, in gross Sums or in annual Payments, or by a Feu Duty, at such Rate as may be agreed upon, at the Option of such Person or Owner, but not at the Option of the said Company; and all such Contracts, being made, shall be good and sufficient and binding on all Parties interested.

Satisfaction
to be made
to Owners.

XXXVII. And be it enacted, That on or before the Expiration of One Calendar Month next after Notice in Writing from the said Company, or their Agent duly authorized, of their Intention to take or use any Lands or any Part thereof for the Purposes of this Act shall have been given to any Person seised, possessed of, or interested in, or

Parties to
deliver a
Statement of
the Particu-
lars of their
Estates and
Amount of
autho-

Compensation claimed by them.

authorized by this Act to accept and receive Satisfaction and Compensation for the Value of the same, or any Estate, Share, or Interest therein or Charge thereon, or for any Injury or Damage sustained on account of the Execution of this Act, such Person shall deliver or cause to be delivered at the Office of the Secretary or Clerk of the said Company a Statement in Writing of the Particulars of the Estate, Share, Interest, or Charge which he claims to be entitled to, or to be authorized to receive Satisfaction and Compensation for, and of the Injury or Damage sustained by him, and of the Amount of the Sum of Money which he may expect or be willing to receive in Satisfaction and Compensation for the Value of such Estate, Share, Interest, or Charge, and for such Injury or Damage respectively.

In case of Disagreement as to Price.

XXXVIII. And be it enacted, That in case the Price or Value to be paid for any Lands or Heritages taken or used for the Purposes of this Act, or the Recompence to be given for Damage caused to the same, cannot be settled by Arbitration or otherwise by or between the said Company or their Agents and the Owners or Occupiers of and Persons interested in the said Lands or Heritages, or if any such Owners or Occupiers of or Persons interested in such Lands or Heritages shall for the Space of Fourteen Days after Notice in Writing given to some One or more of the principal Officers of any Bodies Politic, Corporate, or Collegiate, or to the Owners or Persons interested as aforesaid, or left at the last or usual Places of their Abode, or with the Tenants or Occupiers of such Lands or Heritages, neglect or refuse to treat, or shall not agree with the said Company, or by reason of Absence shall be prevented from treating, or through Disability cannot treat for themselves or make such Agreements as shall be necessary or expedient for enabling the said Company to take such Lands or Heritages, or to proceed in making the said Railway and Works, or shall not produce and evince a clear Title to such Lands or Heritages, or to the Interest which they may claim therein, to the Satisfaction of the said Company, or if the said Company shall, for the Space of Fourteen Days after Notice in Writing given to the said Company by any Owner or Occupier of or Person interested in any Lands or Heritages taken or used for the Purposes of this Act, neglect or refuse to treat with such Owner or Occupier, or other Person, or cannot agree with him, then and in every such Case the said Company, or the said Owner or Occupier or other Person interested in or entitled to such Lands or Heritages, shall be and they are hereby respectively empowered to make Application in Writing to the Sheriff Depute or Substitute of the said County, for the Purpose of such Price or Value or Recompence being ascertained by the Verdict of a Jury; and the said Sheriff is required to summon an Assize of Eighteen Persons, in the Manner in which Juries are in use to be summoned in *Scotland*, to meet at such Time and Place as such Sheriff shall think fit to appoint, not being more than Twenty-one Days nor less than Nine Days after such Application being made, of whom the said Sheriff shall impanel a Jury of Nine Persons, all Parties concerned having their lawful Challenges or Exceptions against any of the said Jurymen; and the said Sheriff is hereby empowered and required to summon and call before him every Person who shall be thought necessary by either

either Party to be examined as a Witness touching the Matter in question by or before such Jury; and the said Sheriff may order and authorize the said Jury, or any Three or more of them, to view the Place or Premises in controversy; and the said Jury shall inquire of, assess, and fix, by the Verdict of a Majority of their Number, the Sum of Money to be paid for such Lands or Heritages, or the Recompence to be given for the Damages that may be sustained as aforesaid; and the said Sheriff shall give Judgment for such Purchase Monies or Recompence assessed by such Juries; which said Verdict, and the Judgment thereupon, shall be signed by the said Sheriff, and shall be binding and conclusive to all Intents and Purposes against every Person whomsoever; and if any Person summoned to give Evidence before such Jury, after having been paid or tendered a reasonable Sum, to be fixed by the said Sheriff, for his Costs, Charges, and Expences, shall not appear, or appearing shall refuse to be sworn and examined or give Evidence, every Person so offending, having no reasonable Excuse to be allowed by the said Sheriff, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

XXXIX. And be it enacted, That the said Juries respectively shall, if required by the said Company, award the Value of the Lands or Heritages required for the Purposes of this Act separately and distinctly from the Sum of Money to be assessed or adjudged for any Damages sustained or to be sustained by any Person by reason of any thing done under the Authority of this Act.

Juries to distinguish between Value and Damages.

XL. And be it enacted, That the Verdicts of the Juries, and the Judgments of the said Sheriff thereon, shall be kept by the Sheriff Clerk of the said 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, and to have Copies thereof or Extracts therefrom.

Verdicts to be recorded.

XLI. And be it enacted, That in every Case in which the Verdict of a Jury shall be given for the same or a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands or Heritages to be used or taken by them for the Purposes of this Act, or for Compensation or Satisfaction for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury, and the Expences of Witnesses and of the Trial, and also the Expences of the Bond to be given by the Person making the Application for such Jury as after provided, shall be defrayed by the said Company, and such Costs and Expences shall be settled and determined by the said Sheriff; and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Five Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Company, or of the Treasurer of the said Company, unless such Treasurer shall pay such Costs and Expences out of any Monies received by him

Expences of Jury how to be paid.

[Local.]

12 S

by

by virtue of this Act (and which he is hereby authorized to do), under a Warrant to be issued for that Purpose by any Justice of the Peace for the County of *Forfar* not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand on Application made to him for that Purpose by any Party 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 by the said Company, One Half of the said Costs and Expences shall be defrayed by the Party with whom the said Company shall have such Controversy or Dispute, and the Remainder shall be defrayed by the said Company; and the former Half of such Costs and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money adjudged to be paid to such Party as aforesaid, as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of the Money so adjudged shall be deemed and taken, to all Intents and Purposes, to be a good Payment or Tender in satisfaction of the Whole thereof: Provided always, that in Cases in which by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the Whole of such Charges and Expences shall be borne and paid by the said Company.

Persons desiring a Jury to give Security.

XLII. And be it enacted, That every Person making Application for such Jury shall enter into a Bond, with sufficient Sureties, to the said Company, or to their Clerk or Treasurer, in the Penalty of One hundred Pounds, or in such other Penalty as the said Sheriff shall appoint, not exceeding the Sum of One hundred Pounds, to prosecute such his Application, and to bear and pay his Proportion of the Costs and Expences of summoning such Jury and taking such Inquest, in the Proportion and Manner herein-before mentioned: Provided always, that the said Sheriff shall not receive or take notice of any Application to be made by any Person for any Damage or Injury by him sustained or supposed to be sustained in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing hath been given in relation thereto by or on behalf of such Person to the said Company within the Space of Six Calendar Months next after the Time such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Persons giving false Evidence to be prosecuted.

XLIII. And be it enacted, That every such Jury and Juryman as aforesaid shall be under and subject to the same Regulations, Pains, and Penalties as if such Jury or Juryman had been returned to pass upon any Justiciary Trial in *Scotland*; and every Person who, in any Examination to be taken in virtue of this Act, shall wilfully and corruptly give false Evidence before any such Jury as aforesaid, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishments and Disqualifications as any Person can or may be subject to for wilful and corrupt Perjury by the Laws or Statutes of that Part of the United Kingdom called *Scotland*.

XLIV. And

XLIV. And be it enacted, That upon Payment or legal Tender of such Sum of Money as shall have been contracted or agreed for between the Parties, or assessed by a Jury, for the Purchase of any Lands or Heritages to be taken for the Purposes of this Act, or as a Compensation for Damages as herein-before mentioned, within One Calendar Month after the same shall have been contracted, agreed for, or assessed as aforesaid, to the Proprietor of such Lands or Heritages, or to such other Person as shall be interested therein or entitled to receive such Money or Compensation respectively, or if the Person so entitled or interested shall not be able to make a good Title thereto to the Satisfaction of the said Company, or cannot be found, or shall refuse to receive such Sum of Money as aforesaid, or execute a Conveyance to the said Company of such Lands or Heritages, then upon the Payment of the said Sum of Money, within One Calendar Month after the same shall have been contracted or agreed for or assessed as aforesaid, into the Bank of *Scotland*, the Royal Bank of *Scotland*, the *British* Linen Company, the Commercial Bank of *Scotland*, or the National Bank of *Scotland*, for the Use of such Person so interested or entitled as aforesaid, then and in all or any of the said Cases, as often as the same shall happen, it shall be lawful for the said Company, and their Agents, Officers, Workmen, and Servants, immediately to enter, or, if they have entered, to continue upon such Lands or Heritages respectively; and then and thereupon such Lands or Heritages, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person therein, shall from thenceforth be vested in and become the sole Property of the said Company to and for the Purposes of this Act for ever; and such Payment, Tender, Deposit, or Investment shall not only bar all Right, Title, Claim, Interest, and Demand of the Person entitled to or interested in such Lands or Heritages, but shall also extend to and be deemed and construed to bar the Courtesy of the Husband and the Terce of the Wife of every such Person, and all other Right or Title of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, Deposit, or Investment as aforesaid shall have been made it shall not be lawful for the said Company, or any Person acting under their Authority, to dig or cut for the Purposes of this Act the Lands of the Person entitled to such Payment, without his Consent in Writing.

Upon Payment or legal Tender of Purchase Money the Works not to be impeded.

XLV. And be it enacted, That in case any Difference shall arise between the said Company and any of the Owners or Occupiers of the Property to be taken or used for the Purposes of this Act as to the Value of or the Amount of the Damage done by the said Company, their Agents or Workmen, to such Property, in the Execution of any of the Powers of this Act, and such Difference cannot be settled between the said Parties, the same shall be ascertained and determined by the said Sheriff, who, upon Application made to him by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Company, provided such Compensation do not exceed the Sum of One hundred Pounds; and the said Sheriff is hereby authorized and required, on Nonpayment of the said Damages for

For settling Disputes as to Damages to a small Amount.

for the Space of Twenty Days after the same shall become due, to levy such Damages and all Costs and Charges attending the same by Distress and Sale of any Goods and Effects of the said Company in the same Manner as by this Act is directed with respect to the Recovery of Satisfaction or Compensation for other Damages done by the said Company.

Compensation to be made for temporary Damage.

XLVI. And whereas in making and executing the said Railway and Works it may be necessary for the said Company, their Agents and Workmen, to enter upon and take temporary Possession of some Parts of the Lands adjoining to the Line of the said Railway for the Purpose of laying or depositing and working thereon Earth, Clay, Stones, Bricks, Slates, Timber, Lime, and other Materials, or of manufacturing such Clay into Bricks, or for forming temporary Roads or Approaches to and from the said Railway and Works; and inasmuch as a Jury summoned as directed by this Act to assess a Compensation for the Damage and Injury done to such adjoining Lands by the Exercise of the Powers and Authorities by this Act granted cannot, either upon View or from Evidence, form a just Opinion of the permanent Injury which will be sustained by the Owners or Occupiers of such adjoining Lands, by the Exercise of the Powers and Authorities aforesaid, until the said Railway and Works shall have been completed, it is expedient that the said Company, their Agents and Workmen, should be empowered to enter upon such adjoining Lands for the Purposes aforesaid without having previously made such Payment, Tender, or Investment of Money as herein-before mentioned; be it enacted, That notwithstanding any thing in this Act contained it shall be lawful for the said Company, their Agents and Workmen, and they are hereby empowered, to enter upon the Lands of any Person or Corporation whatsoever, adjoining or lying near to the said Railway and Works, for the Purpose of laying, depositing, working, or manufacturing, upon such Lands or upon any Part thereof respectively, any Earth, Clay, Stones, Bricks, Slates, Timber, Lime, or other Materials, or for forming temporary Roads and Approaches to and from the said Railway and Works, and also to make use of any existing Roads, they the said Company, their Agents and Workmen, doing as little Damage as may be in the Exercise of the several Powers hereby granted to them, and making Compensation for such temporary Occupation of or temporary Damage to the said Lands, to the Owners and Occupiers thereof, such Compensation, in case the Parties differ about the same, to be settled and recovered in manner herein-before provided in Cases of Disputes as to the Value of Lands through or upon which the said Railway and Works are intended to be made, and the Compensation for any Damage sustained by reason of the Execution of the said Railway and Works: Provided always, that the said Company shall and they are hereby required to make such Compensation and Satisfaction for the permanent Damage or Injury (if any) which may have been done to the said Lands by the Exercise of any of the Powers and Authorities aforesaid within One Calendar Month after the Expiration of the Period by this Act granted for completing the said Railway and Works: Provided also, that before it shall be lawful for the said Company to make such temporary Use as aforesaid of the Lands adjoining or lying near the said Railway or Works, the said Company shall and they

they are hereby required to give Ten Days Notice of such their Intention to the Owners or Occupiers of such Lands, and to separate and set apart by sufficient Railings or Fencings so much of the Lands as shall be required to be so used as aforesaid from the other Lands adjoining thereto: Provided also, that it shall not be lawful for the said Company to make such temporary Use of any such Lands as aforesaid lying at a greater Distance than Two hundred and fifty Yards from the said Railway.

XLVII. And be it enacted, That the said Company shall not be obliged, nor shall any Jury to be summoned by virtue of this Act (unless with the Consent of the said Company) be allowed, to receive or take notice of any Complaint to be made by any Party for any Loss or Injury by him sustained or supposed to be sustained in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing, signed by or on behalf of the Party making such Complaint, stating the Particulars of such Loss or Injury, and the Amount of the Compensation claimed in respect thereof, shall have been given by such Party to the said Company Twenty-one Days before the summoning of such Jury, and within Six Calendar Months after the Time of such supposed Loss or Injury having been sustained, or the doing or committing thereof shall have ceased.

Notice of Injury to be given to the Company.

XLVIII. And be it enacted, That if any Monies shall be agreed or awarded to be paid for any Lands or Heritages purchased, taken, or used for the Purposes of this Act, which shall belong to any Corporation, Married Woman, Infant, Lunatic, or Person under any other Disability or Incapacity, or as a Recompence for Damages caused thereby, 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 any of the said Banks, to the Intent that such Money shall be applied, under the Direction of the Court of Session, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person who would have been entitled to the Rents and Profits of the said Lands or Heritages, in the Purchase of the Land Tax, or towards the Discharge of any Debt or other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Heritages, or affecting other Lands or Heritages standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction of the said Court, in the Purchase of other Lands or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes as the Lands or Heritages which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Purchases shall be made the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person who would for the Time being have been entitled to the Rents and Profits of the Lands or Heritages so hereby

Application of Compensation Money when exceeding 200*l*.

[Local.]

12 T

directed

directed to be purchased in case such Purchases or Settlement were made.

Application where less than 200*l.* and not less than 20*l.*

XLIX. And be it enacted, That if any Money so agreed or awarded to be paid for any Lands or Heritages purchased, taken, or used for the Purposes of this Act, and belonging to any Corporation, or to any 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 and in all such Cases the same shall (at the Option of the Person for the Time being entitled to the Rents and Profits of the Lands or Heritages so purchased, taken, or used, or of his Guardian in case of Infancy or Lunacy, to be signified in Writing under their respective Hands) be paid into any of the said Banks, and shall be ordered to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person making such Option, and approved of by the said Company, such Nomination and Approbation to be signified in Writing by the nominating and approving Parties, in order that such Principal Money and the Interest arising thereon may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction of the said Court.

Application where less than 20*l.*

L. And be it enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person, for his own Use, who would for the Time being have been entitled to the Rents and Profits of the Lands or Heritages so purchased, taken, or used for the Purposes of this Act; or in case of Infancy or Lunacy, then to his Guardian, for the Use of such Infant or Lunatic.

In case of not making out Titles the Court shall order the Price or Compensation to be deposited.

LI. And be it enacted, That in case the Person to whom any Sum of Money shall be awarded as aforesaid shall refuse to accept the same, or shall not be able to make good a Title to the Lands or Heritages required for the Purposes of this Act, to the Satisfaction of the said Company, or in case the Person to whom any such Sum of Money shall be so awarded as aforesaid cannot be found, or if the Person entitled to such Lands or Heritages be not known or cannot be discovered, then and in every such Case it shall and may be lawful to and for the said Company to pay the Sum of Money so awarded as aforesaid into any of the said Banks, to the Credit of the Parties interested in the said Lands or Heritages (describing them, if they are known, and if they are not known then generally to the Credit of the Parties interested in the said Lands or Heritages, without any Description of them), subject to the Order, Control, and Disposition of the said Court of Session; which said Court, on the Application of any Person making claim to such Sum of Money or any Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to make such other Order in the Matter as to the said Court shall seem just and reasonable; and the Cashiers of the said Banks who shall receive such Sum of Money are hereby required

required to give a Receipt for the same, specifying for what and for whose Use the same is received, to such Person as shall pay any such Sum of Money into any such Bank.

LII. And be it enacted, That where any Question shall arise touching the Title or Interest of any Person to or in any Money to be paid into any such Bank as aforesaid, for the Purchase of any Lands or Heritages, or of any Right or Interest therein, or to any Interest of such Money, the Person who shall have been in Possession of the Lands or Heritages at the Time of such Purchase, and all Persons claiming under such Person, or under the Possession of such Person, shall be deemed and taken to have been lawfully entitled to such Lands or Heritages according to such Possession, till the contrary shall be shewn to the Satisfaction of the said Court of Session; and the Interest of such Money, and also the Principal Sums, 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 one, and that some other Person was lawfully entitled to such Lands or Heritages, or to some Right or Interest therein.

Where Questions arise touching the Title to any Money.

LIII. And be it enacted, That where, by reason of any Disability or Incapacity of the Person entitled to any Lands or Heritages to be taken or used for the Purposes of this Act, the Purchase Money for the same shall be required to be paid into any of the said Banks, or to be applied in the Purchase of other Lands or Heritages in pursuance of this Act, it shall be lawful for the said Court of Session to order the Costs, Charges, and Expences of all Purchases from Time to Time to be made in pursuance of this Act, or which may be incurred in consequence thereof and of the Reinvestment of the said Purchase Money in Land, or other Disposition of the same, together with the necessary Costs and Charges of obtaining the proper Orders for such Purpose, to be paid by the said Company, who shall accordingly from Time to Time pay such Sums of Money for such Costs, Charges, and Expences as the said Court shall direct.

Court may order Payment of Expences.

LIV. And be it enacted, That in case any Lands or Heritages to be taken or used for the Purposes of this Act shall happen to be burdened with any Heritable Debts to any Person, it shall be lawful for the said Company, upon Application made to them by such Person, and the said Company are hereby authorized and required, to pay such Sum of Money agreed for and adjusted or assessed in manner aforesaid for such Lands or Heritages burdened with Heritable Debts to such Person, in part of the Money due on such Heritable Debts: Provided always, that upon Receipt of such Sum such Person shall acknowledge the Receipt of such Sum, either by Indorsement to be made upon the Security for such Heritable Debts, to be signed by such Person in the Presence of Two or more credible Witnesses, in satisfaction of so much of the Money due upon such Heritable Debts, or otherwise by such other Receipt, Acknowledgment, or Discharge for such Payment as shall by the Law of *Scotland* be good and effectual to the Debtor.

Company entitled to pay off Incumbrances.

LV. And

Enabling
the Company
to sell
Land not
wanted.

LV. 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 possessed of more Lands than will be necessary for effecting the Purposes of this Act, or of Lands 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 such Lands, or any Estate or Interests in such Lands or any Part thereof, either together or in Parcels, by public Auction or by private Contract; and all such Sales and Conveyances from the said Company shall be valid and effectual to all Intents and Purposes whatsoever, 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 so convey any such Lands, shall offer to sell the same to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be conveyed, if such Persons be in *Scotland*, and can be conveniently found, and are capable of entering into a Contract for the Purchase of such Lands; and such respective Persons, in case they shall be desirous of purchasing the same, shall signify such their Desire and Intention to the said Company, in Writing, within One Month after such Offer of Sale shall have been made; and in case such Persons, or any of them, shall decline to avail themselves of such Offer, or shall neglect for the Space of One Month to signify to the said Company their Desire and Intention to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer shall be destroyed; and an Affidavit sworn to before any Justice of the Peace for the said County of *Forfar*, by some Person not interested in the same Lands, stating (according to the Belief of the Deponent) that the Person entitled to such Right of Pre-emption was not in *Scotland*, or was not conveniently found, or was not capable of entering into a Contract for the Purchase of such Lands, or that such Offer had been made by or on behalf of the said Company, and that such Offer had been refused, or had not been accepted by the Person to whom such Offer had been made within the Space of One Month from the Time of making the same, shall in all Courts whatsoever be conclusive Evidence and Proof that such Offer had been made, and had been refused, or had not been accepted (as the Case may be) within the Time aforesaid, by the Person to whom such Offer was made; and in case any such Person shall be desirous of purchasing any such Lands, and he 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 Lands to be taken or used by the said Company; 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 the disputed Value of Lands to be taken or used 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 as aforesaid shall be applied to the Purposes of this Act.

Treasurer
to give Re-
ceipts.

LVI. And be it enacted, That upon Payment of the Money which shall arise by the Sale of any Lands, or of any Interest therein, belonging to

to the said Company, which shall be sold by the said Company under the Authority of this Act, 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 a Receipt for the Money so paid, which Receipt shall be a sufficient Discharge to all Persons for the Purchase Money or for such Lands or Interests as shall be sold, or for such other Money as in such Receipt shall be expressed to be received; and such Person shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money or other Money, or any Part thereof.

LVII. And be it enacted, That it shall be lawful for the said Company and they are hereby empowered to contract with any Person or with any Corporation (especially such and the like Persons and Corporations as are herein-before capacitated to sell and convey other Lands for the Purposes of this Act) for the Purchase of any Lands not exceeding in the Whole Five Statute Acres (in addition to the Lands herein-before authorized to be taken and used), in such Place as the said Company shall deem eligible for the Purpose of making and providing Stations, Yards, Wharfs, Weighing Machines, loading and unloading Places, Warehouses, and other Buildings and Conveniences for receiving, depositing, loading, or keeping any Cattle, or any Goods, or any 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 Corporations, and all other Persons whomsoever (including especially such and the like Corporations and Persons as are herein-before capacitated to sell and convey other Lands for the Purposes of this Act), to sell and convey to the said Company and their Successors and Assignees any Lands whatsoever for the Purposes herein-before mentioned, or any of them, in the same Manner as is herein-before directed concerning the Lands to be taken or used for the Purposes of constructing the said Railway and other Works by this Act authorized.

Empowering
Company
to purchase
Five Acres.
of Land.

LVIII. And be it enacted, That it shall be lawful for the said Company from Time to Time to sell and dispose of such additional Lands as they are last herein-before empowered to purchase and shall have actually purchased for the Purposes of Stations, Yards, Wharfs, Weighing Machines, loading and unloading Places, Warehouses, and other Buildings and Conveniences as aforesaid, or such Parts of such Lands as the said Company shall think proper, and in such Manner and to such Persons as the said Company shall think proper, and again from Time to Time to purchase other Lands which the said Company shall deem more eligible for the Purposes aforesaid, and afterwards to sell and dispose of the same as aforesaid, and so from Time to Time as the said Company shall deem proper, so that the total Number of Acres to be so purchased and held by the said Company for any of such Purposes shall not exceed at any One Time the Number of Acres for those Purposes allowed by this Act.

Empowering
Company to
sell Lands,
&c. not
required
for Yards,
Warehouses,
&c. and
afterwards
to purchase
other Lands,
and to sell
again within
a prescribed
Limit.

[Local.]

12 U

LIX. And

Restraining the Company from purchasing more than Five Acres of Land from incapacitated Persons.

LIX. And whereas the said Company are enabled to purchase Five Statute Acres of Land by virtue of this Act, for the Purpose of providing Stations, Yards, Wharfs, Weighing Machines, loading and unloading Places, Warehouses, and other Buildings and Conveniences, in addition to the Lands authorized to be taken for constructing the said Railway and other Works, and all Corporations and all Persons whomsoever are empowered to sell such Number of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling any such Lands so purchased from Corporations or from Persons being under legal Disability or Incapacity, and again purchasing other Lands from the same Corporations or Persons or from any other Corporations or Persons being under legal Disability or Incapacity instead of the Lands so sold; be it therefore enacted, That it shall not be lawful for the said Company so to purchase from any Heir of Entail, Corporation, Trustee, Factor, or Curator for or on behalf of any Infant, Lunatic, Idiot, or Married Woman, or other Person being under legal Disability or Incapacity, more than such Five Statute Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Five Statute Acres so purchased, it shall not be lawful for the said Company to purchase of the same or of any other Corporation or Person being under legal Disability or Incapacity as aforesaid, nor for the same nor for any other Corporation or Person being under legal Disability or Incapacity, to sell to the said Company, any other Lands instead of such Five Statute Acres or any Part thereof so sold or disposed of by the said Company.

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

LX. And be it enacted, That if in the Execution of any of the Powers of this Act any Land not built upon 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 Fourth Part of an 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 Lands so left on both or either of the Sides of the said Railway, being less than One Fourth Part of an Acre in Quantity, and unbuilt upon as aforesaid, the Value thereof to be ascertained (if the Parties differ about the same) in the same Manner as is directed concerning Land to be taken or 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 Sides thereof, and soiling the same in a workmanlike Manner: Provided always, that if the Owner of any Land so left, being less than One Fourth Part of an Acre in Quantity, shall not have any Land adjoining thereto on the same Side of the said Railway, and shall call upon the said Company to make any Bridge, Culvert, or other Crossing, for the Purpose of making a Communication between such Lands and any Lands he may possess on the other Side of the said Railway, it shall be lawful for the said Company and they are hereby empowered to purchase such Piece of Land being less than One Fourth Part of an Acre in Quantity.

LXI. And

LXI. And be it enacted, That the First General Meeting of the said Company for putting this Act into execution shall be held at *Arbroath* within the Town Hall thereof on the Fourth *Monday* after the passing of this Act, at the Hour of Twelve, Noon; and an Annual General Meeting of the said Company shall be there held on the Second *Monday of June* in every Year thereafter, at the Hour of Twelve, Noon, or at some other convenient Time and Place; of all which General Meetings Ten Days Notice shall be given by Advertisement in some One at least of the Newspapers published within the County of *Forfar*.

First General Meeting.

LXII. And be it enacted, That it shall be lawful for the Clerk of the said Company at any Time to call a Special General Meeting of the said Company, and he is hereby required, upon a written Requisition made to him by any Ten or more Proprietors of the said Company possessed of or entitled to One hundred Shares at least in the said Company, specifying the Purpose of such intended Meeting, to call a Special General Meeting of the said Company; and the said Clerk shall cause Ten Days Notice of all such Special Meetings to be given in some Newspaper published as aforesaid, stating the Purpose and the Time and Place of holding such Meeting, and the Names of the Parties calling the same, when such Meeting is called by Requisition, or by giving to each Proprietor, or by leaving at or by sending by Post to his usual Place of Abode a similar Notice printed or in Writing, or in such other Manner as the said Company shall at a General Meeting have directed and appointed; and the said Proprietors are hereby authorized to meet pursuant to such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company with respect to the Matters so specified only; and the Acts of such Proprietors, or the Majority of them met together at every such Special Meeting, shall be as valid with respect to the Matters specified in such Notice as if the same had been done at a stated General Meeting.

Special Meetings may be called.

LXIII. And be it enacted, That it shall be lawful for the said Company at any General Meeting and they are hereby required, from Time to Time, to nominate and appoint a Treasurer and Clerk, and such other Officers as they shall think proper; and the said Company shall take sufficient Security, to such Amount as shall be thought expedient by the said Company, for the due Execution of his Office by every such Treasurer and other Officer having the Care or Custody of any Money to be raised or received by virtue of this Act; and it shall be lawful for the said Company from Time to Time to remove and again to replace any such Treasurer, Clerk, and other Officers, or any of them; and such Clerk shall attend the General and Special General Meetings of the said Company, and the Meetings of the Committee of Management, and shall, in proper Books to be provided for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Persons who shall from Time to Time be Proprietors of or entitled to any Share in the said Company, and of all the Acts, Proceedings, and Transactions of the said Meetings and of the said Committee; and the said Entries shall be deemed and taken to be original Orders and Proceedings; and the

Company may appoint Officers.

the same, or Extracts therefrom, signed by the said Clerk, and impressed with the Seal or Stamp of the said Company, shall be admitted as Evidence in all Courts, and before all Judges, Justices, and others; and every Proprietor of the said Company shall and may at all convenient Times have recourse to and peruse and inspect the same *gratis*, and may demand and have Copies thereof or any Part thereof; and whenever such Treasurer or Clerk shall die, or be removed from or quit the Service of the said Company, it shall be lawful for the said Committee for the Time being, or the Majority of them, to appoint some other fit Person to be Treasurer or Clerk (as the Case may be) until the then next General Meeting of the said Company, when such Appointment shall be confirmed, or another Treasurer or Clerk be appointed; and the said Committee shall have Power and they are hereby required to balance or cause to be balanced the Books of the said Company as at the Fifteenth Day of *May* One thousand eight hundred and thirty-seven, or at such other Period of each Year thereafter as any General Meeting may from Time to Time appoint; and the same, being so balanced, shall be examined, docqueted, and signed by a Quorum of the said Committee, and shall be produced at the General Meeting to be held on the Second *Monday* of *June* One thousand eight hundred and thirty-seven; and every annual Balance thereafter shall be produced at the next General Meeting to be held thereafter, so that the said Proprietors may have an Opportunity of inspecting the same.

Dividend
may be de-
clared.

LXIV. And be it enacted, That it shall be lawful for the said Company and they are hereby empowered from Time to Time, at the Annual General Meeting to be held as hereby provided, or at some Adjournment thereof, to declare and make a Dividend out of the clear Profits which shall have accrued to the said Company, unless such Meeting shall declare otherwise, and such Dividend shall be after the Rate of so much *per* Share upon the several Shares held by the Proprietors of the said Company: Provided always, that no Dividends shall be made exceeding the net Amount of clear Profit at the Time being in the Hands of the said Company, 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.

Same Person
not to be
Clerk and
Treasurer.

LXV. And be it enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed their Clerk, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer of the said Company, or to appoint any Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Company; and if any Person shall accept both the Offices of Clerk and Treasurer of the said Company, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer, or in any Manner officiate
for

for such Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk of the said Company, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold or accept any Place or Office of Trust or Profit under the said Company other than that of Treasurer, every such 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.

LXVI. And be it enacted, That the Committee of Management by which the general Business of the said Company shall be conducted shall consist of Nine Persons, of whom Three shall be a Quorum, and be competent to act; and that the following Persons, (that is to say,) *William Fullarton Lindsay Carnegie, James Whitshed Hawkins, William Andson, Patrick Meffan, John Stevenson, David Louson, William Chapel, William Potter, and Thomas Carnaby* shall be and are hereby appointed the Committee of Management until the General Meeting to be held on the Fourth *Monday* after the passing of this Act; and until such General Meeting shall be holden, and the Directors to be then chosen are appointed, the said Persons, and the Survivors of them, or such of them as shall continue to act, shall and may exercise all Powers and Authorities which are by this Act given to or which may be exercised by any Committee of Management which may be elected in pursuance hereof.

Committee
of Manage-
ment of Com-
pany.

LXVII. And be it enacted, That at the General Meeting to be held on the Fourth *Monday* after the passing of this Act the Directors above named shall go out of Office, and Nine Persons shall be elected by the Proprietors then present, personally or by Proxy, to be the Committee of Management till the Annual General Meeting to be held on the Second *Monday* of *June* One thousand eight hundred and thirty-seven; and the Names of the Persons so elected shall be placed on a List or Roll according to the Number of Votes given for them respectively, a Person having a smaller Number of Votes being always placed higher up than a Person having a larger Number of Votes; and at the General Meeting to be held on the Second *Monday* of *June* One thousand eight hundred and thirty-seven, the Three Persons whose Names are highest upon the said List shall go out of Office, and cease to be Members of the said Committee; and the Proprietors of the said Company then present, personally or by Proxy, shall proceed to elect an equal Number of Persons to be Members of the said Committee in place and stead of the Persons so going out of Office; and the Persons so elected shall be placed on the List of the said Committee, and at the Foot thereof, immediately after the Persons whose Names remain thereon, according to the Number of Votes which each Person so elected shall have, a Person having a smaller Number of Votes being always placed higher up than a Person having a greater Number of Votes, and with the Persons remaining on the said List shall form the Committee of Management till the next Annual General Meeting on the Second *Monday* of *June* One thousand eight hundred and thirty-eight; and in like Manner at the General Meeting to be held on the Second *Monday* of *June* One thousand eight hundred

Committee
to retire by
Rotation.

[Local.]

12 X

and

and thirty-eight, and at every General Meeting to be held on the Second *Monday* of *June* in every subsequent Year, the Three Members of the said Committee at the Top of the List for the Time being shall go out of Office, and an equal Number of Persons shall be elected in their Stead; and the Persons so elected shall be placed at the Foot of the said List in manner and in the Order before provided, and shall with the Persons remaining in Office form the Committee of Management for the ensuing Year.

Committee to supply Vacancies by Death or otherwise.

LXVIII. And be it enacted, That in the event of a Vacancy arising in the said Committee by the Death of any of its Members, or by their ceasing to be Members thereof otherwise than by going out of Office by Rotation as aforesaid, the said Committee shall and they are hereby empowered to elect some other Proprietor of the said Company eligible as aforesaid to fill the Vacancy so occasioned until the First Annual General Meeting of the said Company thereafter; and the Person so elected shall occupy the same Place in the said List as the Person whose Vacancy he shall be appointed to supply: Provided always, that no Vacancy in the said Committee shall disqualify or prevent the remaining Members from acting so that there shall always be a Quorum, and any Person going out of Office by Rotation shall be eligible to be re-elected; and provided further, that the said Company shall have Power at any General Meeting, on a Year's previous Notice having been given for that Purpose, to alter the Number of the said Committee, if they think proper.

Company to give Allowance to Members of Committee.

LXIX. And be it enacted, That it shall be lawful for the Proprietors of the said Company, at any Annual General Meeting, to grant or allow, from the Funds of the said Company, to the Members of the said Committee, such reasonable Sum of Money for their Trouble in attending Meetings and otherwise managing the Affairs of the said Company as to such General Meeting shall appear proper.

No Person holding Office, &c. capable of being a Director.

LXX. And be it 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 chosen, of continuing a Member of the said Committee; and that no Member of the said Committee shall be entitled to act as such unless he shall continue possessed of Four Shares at least in the said Company.

Powers of Committee.

LXXI. And be it enacted, That the said Committee shall, unless it be otherwise ordered by a General Meeting, have the Custody of the Common Seal of the said Company, and shall have full Power and Authority to meet as often, and at such Times and Places, as the said Committee or a Quorum thereof shall think fit; and the said Committee shall at their first Meeting after the annual Election of Members of Committee appoint One of their own Members to be their Chairman until the next annual Election, and the Person so appointed shall preside at all Meetings of the said Committee, and in his Absence One of the Members present, to be appointed by the Meeting, shall be the Chairman of such Meeting; and all Questions, Matters, and Things which shall be proposed, discussed,

discussed, or considered at such Meetings shall be finally determined by the Majority of Votes; but no Member of the said Committee shall have more than One Vote in the said Committee, except the Chairman, who in case of an equal Division shall always have a second or casting Vote; and the said Committee shall have Power and Authority to execute all the Powers and Authorities given to the said Company by this Act, and to do and execute all Matters and Things which the said Company may lawfully do, excepting only such as are hereby specially directed to be exercised at General Meetings: Provided always, that the said Committee shall always be subject to the Control and Instructions of General Meetings of the said Company.

LXXII. And be it enacted, That the said Company or Committee shall have Power from Time to Time to make such Calls for Money from the Proprietors of the said Company as they shall from Time to Time find necessary for the Purposes of this Act, so that no Call do or shall exceed the Sum of Twenty Pounds *per Centum* upon each Share, and so as no such Calls be made but at the Distance of Two Calendar Months at the least from each other; which Monies so called for shall be paid to such Person and in such Manner as the said Committee shall from Time to Time appoint; and every Proprietor of One or more Shares in the said Company shall pay his Proportion of the Money to be called for as aforesaid at such Time and Place as aforesaid, (of which One Month's Notice at the least shall be given by publishing the same in any One Newspaper published as aforesaid,) or by giving Notice, printed or in Writing, to such Proprietor, or by leaving or sending the same at or to his usual or last Place of Abode, or in such other Manner as the said Company shall at any General Meeting appoint; and if any Person who hath already subscribed, or shall hereafter subscribe any Money for or towards the making and maintaining the said Railway and Works shall neglect or refuse to pay his proportionable Part of the said Money to be called for as aforesaid, it shall be lawful for the said Company to sue for and recover the same by Action in any competent Court; and if any Person shall neglect or refuse to pay his proportionable Part of the said Money to be called for, after the First Call as aforesaid, the said Person so neglecting or refusing shall forfeit any Sum not exceeding the Rate of Two Pounds Ten Shillings for every Hundred Pounds of his Share in the said Company; and in case such Person shall neglect or refuse to pay his proportionable Part of the said Money to be called for as aforesaid for the Space of Three Calendar Months after the Time appointed for Payment thereof as aforesaid, then such Person shall, at the Option of the said Company, forfeit his Share in the said Company, and the same shall be sold and disposed of in manner by this Act directed: Provided always, that no Advantage shall be taken of the Forfeiture of any Share in the said Company unless the same shall be declared to be forfeited at some General Meeting of the said Company which shall be held at the End of Two Calendar Months after the Forfeiture shall happen to take place; and every such Forfeiture shall be an Indemnification and Discharge to and for every Proprietor so forfeiting, after such Share shall have been declared to be forfeited by a General Meeting, but not before, against all Actions, Suits, or Prosecutions whatsoever to be commenced or prosecuted for any

Committee
empowered
to make
Calls.

Proceedings
in case of
Neglect.

any Breach of Contract or other Agreement, so far as the same may relate to the Affairs of the said Company, between such Proprietor so forfeiting and the rest of the Proprietors: Provided always, that it shall be lawful to and in the Power of the said Company at any General Meeting, instead of declaring any Share to be forfeited, to sue for and recover the Sum of Money subscribed by any Person, and called for as aforesaid, in any Court of Law or Equity.

On Sales of Shares to pay Calls in arrear, the Surplus to be paid to the Owner.

LXXIII. And be it enacted, That in case the Money produced by the Sale of any such Share shall be more than sufficient to pay all such Arrears of Calls as aforesaid, and the legal Interest thereon, and the Expences attending the Sale thereof, the Surplus of such Money shall be paid, on Demand, to the Person to whom such Share shall have belonged.

Actions for Calls.

LXXIV. And be it enacted, That in any Action brought by the said Company against any Proprietor of any Share in the said Company, to recover any Sum of Money due or payable to the said Company for or by reason of any Call made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defender is indebted to the said Company in such Sum of Money as the Call in arrear shall amount to, whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and it shall only be necessary to prove that the Defender at the Time of making such Call was a Proprietor of such Share in the said Company, and that a Call was in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the said Committee who made such Call, or any other Matter whatsoever; and the said Company shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded the Sum of Twenty Pounds for every Sum of One hundred Pounds, or was made within the Period of One Month from the last preceding Call, or without Notice given as aforesaid.

Committee may appoint Sub-Committees;

LXXV. And be it enacted, That it shall be lawful for the Committee of Management to nominate and appoint, out of their own Body, One or more Sub-Committees (every such Sub-Committee to consist of Three or more Persons), who shall have full Power and Authority to enter into and make any such Contracts or Agreements on behalf of the said Company as aforesaid, and to hire and employ any Agents, Workmen, or Servants in and about the said Railway and Works, and to do, execute, and perform all other Matters and Things whatsoever in and about the Business and Affairs of the Company which the said Company are themselves herein-before authorized to do, or such of them as the said Committee shall think proper to intrust to the Care and Management of any such Sub-Committee, save and except nevertheless the appointing of Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the auditing and settling of the Accounts of the Treasurer, Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and making of Calls for Money upon the Proprietors of the said Company; and that it shall be lawful for the said Committee for the Time being to order and direct such Compensation or Recompence to be made to the Sub-Committee from
Time

Time to Time as they shall think reasonable; and it shall be lawful for the said Committee, by an Order or Resolution for that Purpose, to break up and dissolve any such Sub-Committee, or to remove and displace any Member thereof, and to appoint some other in his Place and Stead, when and as often as such Committee shall think proper and expedient; and such Sub-Committees shall have full Power and Authority to meet from Time to Time, and adjourn from Place to Place, as they shall think proper, and as Occasion shall require, for effectuating the Purposes aforesaid; and all Powers and Authorities hereby vested or which shall by the said Committee be vested in any such Sub-Committee, within the Intent and Meaning of this Act, may be exercised by the major Part of the Members present at their respective Meetings, the whole Number present not being less than Three; and at all Meetings of such Sub-Committees respectively One of the Members present shall be appointed Chairman; and all Questions shall be decided by the Majority of Votes, and the Chairman shall have the casting Vote in case of an equal Division, although he may have voted as a Member of such Sub-Committee, before giving his Vote as Chairman.

and dissolve
the same.

LXXVI. And be it enacted, That the said Company shall provide Books to be kept by their Clerk or Treasurer, in which such Clerk or Treasurer shall enter true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of this Act, and of the several Articles, Matters, and Things for which any Sums of Money shall have been disbursed, laid out, and paid; which Books shall at all seasonable Times be open to the Inspection of the said Proprietors, or any Creditor on the Tolls or Rates granted by this Act, without Fee or Reward, and the said Proprietors and Creditors shall and may take Copies of or Extracts from the said Books without paying any thing for the same.

Accounts
to be kept
of Receipts
and Dis-
bursements.

LXXVII. And be it enacted, That every Officer and other Person who shall be appointed by virtue of this Act shall from Time to Time, when thereunto required by the said Company or Committee by Notice in Writing to him given or left at his usual Place of Abode, or within Seven Days next afterwards, make out and deliver to the said Company or Committee, or to such Person as they shall appoint to inspect and examine the same, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof had been disposed of, together with the Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Accounts shall appear to be owing from him to the said Company to such Person as the said Company or Committee shall appoint to receive the same; and if any Officer or Person shall neglect or refuse to render or deliver such Account as aforesaid, 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 and within the Time aforesaid, or shall neglect or refuse, on such Requisition as aforesaid, to deliver

Officers to
account.

up to the said Company or Committee, or to such Person as they shall appoint, all Books, Papers, Writings, Matters, and Things in his Custody or Power relating to the Execution of this Act, or which they shall have disposed of without the Consent of the said Company or Committee, then and in every such Case, Complaint being made by the said Company or Committee where such Neglect or Refusal shall happen, or by any other Person on their Behalf, of any Neglect or Refusal to any Justice of the Peace for the County where the Officer or Person so neglecting or refusing shall live or reside, such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account (if produced) in such Manner as the said Company or Committee 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 Witness, or upon the said Account (if produced), it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or owing by such Officer or Person to the said Company, the said Justice may and is hereby authorized, upon Nonpayment thereof within such Time as such Justice shall direct, by Warrant under his Hand and Seal to cause such Monies to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and the Charges of taking, making, keeping, and selling such Distress, or if such Officer or Person shall not appear (without having sufficient Excuse) before the said Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up to him all such Books, Papers, Writings, Matters, and Things as aforesaid, to be by him delivered over to the said Company, then and in any of the Cases aforesaid the said Justice is hereby authorized and required by Warrant under his Hand and Seal to commit such Officer or other Person to the Common Gaol or House of Correction for the County, Burgh, or Place where he shall live or reside, there to remain without Bail until he shall have delivered in and settled such Account as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Monies that shall appear to be in the Hands of or owing from him to the said Company, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he shall have compounded with the said Company (and which Composition the said Company are hereby empowered to make) for such Money and Charges, and pay the Composition Money to the said Company, or to such Person as they shall appoint to receive the same, and shall have delivered up as aforesaid such Books, Papers, Writings, Matters, and Things as aforesaid, or have given to the said Company Satisfaction in respect thereof: Provided always, that no Person who shall be committed for Want of sufficient Distress
only

only shall be detained in Prison for any longer Time than Six Calendar Months.

LXXVIII. And be it enacted, That in case the said Company shall be desirous of raising a further or additional Sum on the Credit of the said Railway and Works, it shall be lawful for the said Company, by an Order of any General or Special Meeting of the said Company, to borrow and take up at Interest any such Sum, not exceeding in the Whole Thirty-five thousand Pounds Sterling, on the Credit of the said Railway and Works, as to them shall seem meet and convenient; and the said Company, or any Three of the Proprietors thereof, upon an Order of any General Meeting of the said Company to that Effect, are hereby authorized and empowered to assign the Property of the said Company, and the Tolls or Rates arising or to arise by virtue of this Act or any Part thereof (the Cost and Charges of assigning the same to be paid out of such Tolls or Rates), as a Security for any such Sum of Money to be borrowed as aforesaid, with Interest, to the Person who shall advance the same.

Company may borrow, and assign Property and Rates in Security.

LXXIX. And be it enacted, That in case any Person or Banking Company shall agree to allow to the said Company a Credit to the Extent of the said Sum of Thirty-five thousand Pounds Sterling, so authorized to be borrowed, or any Part of such Sum, on a Cash Account, according to the Usage of Bankers in *Scotland*, upon the Security of the said Railway and Works, it shall be lawful for the said Company, by Order of any General Meeting, to accept of such Credit, and authorize their Committee, Treasurer, or other Officer to borrow and take up at Interest the said Sum of Thirty-five thousand Pounds Sterling, or any Sum under the said Sum; and the said Company or Committee, upon an Order of any General Meeting to that Effect, are hereby authorized and empowered to assign the Property of the said Company, and the said Tolls or Rates, or any Part thereof, as a Security for such Sums so to be borrowed as aforesaid, and the Interest thereof, to such Person or Banking Company who shall agree to advance the same: Provided always, that the total Sum due and owing by the said Company at one and the same Time for Money borrowed as aforesaid and upon such Cash Account shall never together exceed the said Sum of Thirty-five thousand Pounds.

Cash Accounts may be opened.

LXXX. And be it enacted, That all such said Securities or Assignments shall be made under the Common Seal or Stamp of the said Company, and under the Hands of any Three of the said Proprietors, in the Words or to the Effect following; (that is to say,)

‘ BY virtue of an Act made in the
 ‘ of the Reign of His Majesty
 ‘ intituled [*here set forth the Title of this Act*], we, Three of the Proprietors of the *Arbroath and Forfar* Railway Company, incorporated by and under the said Act, for and in the Name of the said Company, in consideration of the Sum of
 ‘ to us in hand paid by
 ‘ the said
 ‘ and Assigns, all the Property of the said Company, and all and
 ‘ singular

Year Form of Assignment.

‘ singular the Tolls or Rates to arise by virtue of the said Act, and
 ‘ all the Estate, Right, and Interest of the said Company in or to
 ‘ the same, to hold the same unto the said
 ‘ his Executors, Administrators, and Assigns, until the said Sum of
 ‘ together with Interest for the same after the Rate
 ‘ of for every for a Year, shall be fully
 ‘ paid and satisfied. Given under our Hands, and impressed with
 ‘ the Common Seal or Stamp of the said Company, this
 ‘ Day of , in the Year of our Lord .’

Assignees to
 be equally
 entitled.

And every Person to whom such Security or Assignment shall be made shall be equally entitled, one with the other, to his Proportion of the said Tolls or Rates and Premises, according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of Priority of any such Assignments or any other Account whatsoever; and a Memorial of every such Assignment, containing the Date, Name of the Person to whom made, the Sum of Money borrowed, and the Rate of Interest, shall be entered in a Book to be kept by the Clerk to the said Company, which said Book shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Company without Fee or Reward; and every Person to whom any such Security or Assignment shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his Right or Interest therein to any Person whomsoever, by an Instrument in Writing in the Words or to the Effect following; (that is to say,)

Form of
 Transfer.

‘ I , in consideration of the Sum of
 ‘ paid by of
 ‘ do hereby transfer a certain Security made by the *Arbroath* and
 ‘ *Forfar* Railway Company to , bearing Date
 ‘ the Day of , for securing the Sum of
 ‘ and Interest, and all my Right and Property
 ‘ therein, to the said , his Executors,
 ‘ Administrators, and Assigns. Dated this Day of
 ‘ in the Year of our Lord .’

And every such Transfer shall within Twenty-eight Days after the Date thereof be produced to the said Clerk, who shall cause a Memorial to be made thereof in like Manner as of the original Security, for which the said Clerk shall be paid Two Shillings and Sixpence; and after such Entry made every Transfer, being so minuted, shall entitle such Assignee, his Executors, Administrators, and Assigns, to the full Benefit thereof; and it shall not thereafter 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.

Interest to
 be paid in
 preference
 to Dividends.

LXXXI. And be it enacted, That the Interest of the Money which shall be borrowed as aforesaid shall be paid half-yearly to the Persons severally entitled thereto, in preference to any Interest or Dividends due and payable by virtue of this Act to the Proprietors of the said Company; and in case the same or any Part thereof shall be behind and

and unpaid by the Space of Thirty Days next after the same shall become due and payable as aforesaid, and after Demand made, the same shall and may be sued for and recovered, with Costs, from the said Company, by Action in any competent Court in *Scotland*: Provided always, that no Person to whom any such Security or Assignment shall be made or transferred as aforesaid shall be deemed a Proprietor of any Share, or shall be capable of acting or voting as such, either as Principal or by Proxy, at any Meeting of the said Company, for or on account of his having lent or advanced any Sum on the Credit of such Security or Assignment. Creditors' not to vote.

LXXXII. And be it enacted, That any Meeting of the Company held in pursuance of the Provisions of this Act shall have full Power and Authority, as often as may be thought expedient, to make and enforce Rules, Bye Laws, and Regulations for the good Government of the said Company, their Agents, Officers, Workmen, and Servants, in making, maintaining, and using the said Railway or Works, or for the regulating or doing any Matter or Thing that shall or may be necessary to be made or done with the view of carrying the Powers of this Act into effect, or for the good Government of all Persons in charge of or interested in any Carriages, Waggon, or Goods or other Matters conveyed or intended to be conveyed on or along the said Railway, or for the Prevention of Persons trespassing on the said Railway or Works, or for the Regulation, good Order, and Use of the said Wharfs, Warehouses, or Depôts, or for Regulation of the Police of the said Railway and Works, as shall be deemed by the said Company to be proper and necessary; and it shall also be lawful for the said Company from Time to Time to alter and rescind, and again to renew, such Bye Laws, Rules, and Regulations, and to impose, inflict, and levy such Fines and Forfeitures as shall be thought to be reasonable by the said Company, upon and from all Persons offending against the same, not exceeding the Sum of Five Pounds for any One Offence; all which said Rules, Bye Laws, and Regulations shall be reduced into Writing, and the Common Seal or Stamp of the said Company affixed thereto, and the same, or such Parts thereof as shall by the said Committee be thought expedient, shall be distinctly and legibly painted on Boards, and affixed on the different Toll Houses on the said Railway, and shall, when worn out, defaced, or obliterated, be from Time to Time renewed; and such Bye Laws, Rules, and Regulations shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided they be not repugnant to the Laws of *Scotland*, or any Directions in this Act contained. Power to make Bye Laws.

LXXXIII. And be it enacted, That it shall and may be lawful for the said Company at all Times hereafter to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company, for all Goods or other Matters which shall be delivered to the Custody of the said Company, or carried and conveyed upon the said Railway or upon any Part thereof, the Tolls or Rates herein-after mentioned; (that is to say,) Power to take Rates.

For all Lime to be used as Manure, Dung, or other Manure, and all Materials for making or repairing public Highways, such Sums as

[Local.]

12 Z

the

the said Company shall from Time to Time direct and appoint, not exceeding Two-pence *per Ton per Mile*, and so in proportion for any less Distance or Quantity :

For all Lime and Limestone to be used otherwise than as Manure, Coal, Kennel, or Gas Coal, Coke, Culm, Charcoal, Cinders, Stone, Sand, Brick, Pavement, Slates, Lime, Earth, Iron, Lead, or other Metals and Minerals unmanufactured, such Sums as the said Company shall from Time to Time appoint, not exceeding Three-pence *per Ton per Mile*, and so in proportion for any less Distance or Quantity :

For all Sugar, Corn, Grain, Flour, Dyewoods, Timber, Staves, Deals, Lead, Bar Iron, and other Metals, Cotton, Wool, Flax, Hemp, and Hides, such Sum as the said Company shall from Time to Time appoint, not exceeding the Sum of Four-pence *per Ton per Mile*, and so in proportion for any less Distance or Quantity :

For all manufactured Goods, Drugs, and for all other Wares, Merchandize, Articles, Matters, or Things, such Sum as the said Company shall from Time to Time appoint, not exceeding the Sum of Sixpence *per Ton per Mile*, and so in proportion for any less Distance or Quantity :

For the Use of any Carriage, Waggon, Machinery, Engine, or Power belonging to the said Company, such Sum, in addition to the said Tolls or Rates, as the said Company shall from Time to Time direct and appoint:

And for each Day such Goods or other Matters may remain in or upon the said Wharfs, Warehouses, or Depôts, any Sum not exceeding One Penny additional *per Ton*.

Tolls to be taken on Carriages conveying Passengers, Cattle, &c.

LXXXIV. And be it enacted, That it shall and may be lawful to and for the said Company to demand, receive, and recover, to and for the Use and Benefit of the said Company, for or in respect of Passengers and Cattle and other Animals conveyed in Carriages or Waggons upon the said Railway, and for and in respect of the several Matters and Things herein-after mentioned, any Tolls, Rates, or Fares not exceeding the following; (that is to say,)

For every Person conveyed in or upon any such Carriage any Sum not exceeding Two-pence *per Mile* :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any such Carriage or Waggon, any Sum not exceeding Three Half-pence *per Mile* :

For every Calf or Pig, Sheep, Lamb, Dog, or other small Animal conveyed in or upon any such Carriage or Waggon, any Sum not exceeding One Penny *per Mile* :

For every Carriage mounted on Springs, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, any Sum not exceeding Sixpence *per Mile* :

For every other Carriage, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, any Sum not exceeding Four-pence *per Mile*.

LXXXV. And

LXXXV. And be it enacted, That in all Cases in which there shall be a Fraction of a Ton a Proportion of the said Tolls or Rates may be demanded and taken for such Fraction according to the Number of Quarters of a Ton contained therein, and when there shall be a Fraction of a Quarter of a Ton such Fraction shall be deemed and considered as a Quarter of a Ton; and in all Cases in which there shall be a Fraction of a Mile in the Distance which any Carriage or Waggon shall pass upon the said Railway the Proportion of the Tolls or Rates which shall be demanded and taken for such Fraction shall be after the Rate of the Number of Quarters of a Mile contained therein, and when there shall be a Fraction of a Quarter of a Mile such Fraction shall be deemed and considered as a Quarter of a Mile, and in order to ascertain and calculate with greater Precision and Facility the Distance for which such Tolls or Rates 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, to be set up and maintained along the whole Line thereof, at the Distance of One Quarter of a Mile from each other.

Regulations
as to frac-
tional Parts
of a Ton
or of a Mile.

LXXXVI. And be it enacted, That it shall and may be lawful for the said Company from Time to Time to lessen and reduce, or advance and increase, all or any of the Tolls or Rates herein-before granted, but so as not at any Time to exceed the Amount herein-before set forth and authorized to be collected.

Rates may
be reduced
and in-
creased.

LXXXVII. And be it enacted; That the aforesaid Tolls or Rates shall at all Times be charged equally and after the same Rate *per* Ton *per* Mile throughout the whole of the said Railway in respect of the same Description of Goods or other Matters; and that no Reduction or Advance in the said Tolls or Rates shall either directly or indirectly be made partially or in favour of or against any particular Person or Company, or be confined to any particular Part of the said Railway, but that every such Reduction or Advance of Tolls or Rates upon any particular Kind or Description of Goods or other Matters shall extend to and take place throughout the Whole and every Part of the said Railway upon and in respect of the same Description of Goods or other Matters so reduced or advanced, and shall extend to all Persons whomsoever using the same, or carrying the same Description of Goods or other Matters thereon.

Rates to be
charged
equally.

LXXXVIII. And be it enacted, That nothing in this Act contained shall be construed to prevent the said Company from making any Agreement with any Person for the Hire or Use of any locomotive Engine, or of any Carriage, or from paying for the same such reasonable Sum as may be agreed on between the said Company and such Person, any thing herein contained to the contrary thereof notwithstanding.

Company
may hire
locomotive
Engines.

LXXXIX. And be it enacted, That it shall be lawful for the said Company and they are hereby authorized, if they shall think proper, to provide locomotive or stationary Engines or other moving Power for moving or propelling Carriages or Waggon, empty, or loaded with any

Company
empowered
to carry
Passengers
and Goods,
and to
Goods

charge for
the same.

Goods or other Matters, Persons, or Animals, and to use and employ such or any other locomotive or stationary Engines or other moving Power, and in Carriages or Waggons moved or propelled thereby to convey upon the said Railway, and also along and upon any other Railways communicating therewith, all such Passengers, Goods, and other Matters as shall be offered to them for that Purpose, and to receive, demand, and recover such Sums of Money for the Use of such Engines or other Power, and to make such reasonable Charges for such Conveyance, as they may from Time to Time think proper and determine upon, in addition to the several Rates or Tolls by this Act authorized to be taken: Provided always, that it shall not be lawful for the said Company, or for any Person using the said Railway as Carriers, to charge for the Conveyance of any Passenger upon the said Railway any greater Sum than the Sum of Three-pence *per* Mile, including the Toll or Rate herein-before granted.

Packages
containing
Goods of a
dangerous
Quality to
be marked.

XC. And for the better preventing of Accidents or Injury which might arise on the said Railway and Works from the unsafe and improper Carriage of certain Goods and other Matters upon the same, be it enacted, That every Person who shall send or cause to be sent by the said Railway any Aquafortis, Oil of Vitriol, Gunpowder, or other Goods or Matters of a dangerous Quality, shall distinctly mark or state the Nature of such Goods or Matters on the Outside of the Package containing the same, or shall otherwise give Notice in Writing to the Servant of the said Company with whom the same shall be left at the Time of so sending or causing the said Goods to be sent, on pain of forfeiting for every Default herein the Sum of Five Pounds: Provided always, that the said Company shall not be compelled or compellable to carry upon the said Railway any Gunpowder or other Goods which in the Judgment of the said Directors shall be of a dangerous Character; and it shall be lawful for the said Company to restrain any other Persons from carrying thereon Gunpowder or other such Goods as aforesaid,

Regulating
Charge for
short Dis-
tances.

XCI. And be it enacted, That in all Cases when any Passengers, or Goods or other Matters, shall be conveyed on the said Railway for a less Distance than One Mile, the said Company are hereby empowered to demand and receive the afore-mentioned Rates, Tolls, and Charges for Conveyance, as the Case may be, for One Mile, exclusive of a reasonable Charge for the Expence of loading and unloading such Goods or Matters in Cases where the loading and unloading shall be done by the said Company, and which Charge the said Company are hereby authorized to make.

Company
may fix the
Price of
Parcels
under
100l bs.
Weight.

XCII. And be it enacted, That it shall be lawful for the said Company from Time to Time to make such Orders for fixing, and by such Orders to fix, the Sum to be charged by the said Company in respect of small Parcels (not exceeding One hundred Pounds Weight each), as to them shall seem proper: Provided always, that the Provision herein-before contained shall not extend to Goods or other Matters sent in large aggregate Quantities, although made up of separate and distinct Parcels, such as Bags of Sugar, Coffee, Meal, and the like, but only to single Parcels unconnected with Parcels of
a like

a like Nature which may be sent upon the Railway at the same Time.

XCIH. And be it enacted, That the said Company shall and they are hereby required to put or fix up, and afterwards to continue the same so fixed, at or near the Places where such Tolls or Rates are collected, a Table, whereon shall be painted in distinct and legible Black Letters on a Board with a White Ground a List of all the Tolls or Rates payable by virtue of this Act, and to renew such Boards whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated.

Table of Tolls or Rates to be painted on Boards and put up.

XCIV. And be it enacted, That if any Person shall wilfully, negligently, or maliciously pull down, deface, or destroy any Board whereon any Rules, Orders, Bye Laws, Tolls, or Rates shall be painted, he shall, on Conviction, forfeit and pay to the said Company any Sum not exceeding Five Pounds.

Penalty on Persons defacing such Boards.

XCV. And be it enacted, That if any Collector or other Officer or Servant of the said Company shall demand or take a greater or less Toll or Rate from any Person than he shall be authorized to do by virtue of the Powers of this Act, or upon the legal Toll or Rate being paid or tendered shall unnecessarily detain or wilfully obstruct or hinder any Carriage or Waggon, or prevent any Person entitled so to do from passing along the said Railway, or shall make use of any scurrilous or abusive Language to any Person, then and in every such Case every such Collector or Officer or Servant shall forfeit and pay any Sum not exceeding Five Pounds.

For preventing Toll Collectors from taking undue Tolls.

XCVI. And be it enacted, That if any Dispute shall arise concerning the Amount of the Tolls or Rates due, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector or Person distraining to detain such Distress until the Amount of the Tolls or Rates due, and the Charges of seizing, distraining, keeping, or selling such Distress, (as the Case shall happen,) shall be ascertained by some Justice of the Peace for the County or Place wherein such Dispute shall happen to arise, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath of the Parties or other Witness, and determine the Amount of the said Tolls or Rates; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the said Parties to the other of them as he shall think just and reasonable; and in case of Non-payment thereof, on Demand, by the Party to whom the said Justice shall award the same, or his Agent, 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 of such Justice.

For settling Disputes concerning Rates.

XCVII. And be it enacted, That if any Person shall fraudulently carry or convey any Goods or other Matters whatsoever on the said Railway on Payment of a lower Toll or Rate than that to which such Goods or other Matters are made subject or liable by the said

For preventing the Evasion of Rates.

[*Local.*]

13 A

Company,

Company, and shall thereof be convicted before any Justice of the Peace for the said County of *Forfar*, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Five Pounds over and above the Tolls or Rates to which such Goods or other Matters are liable.

On Payment
of Rates
a Ticket to
be delivered.

XCVIII. And be it enacted, That upon the Payment of the Tolls or Rates granted by this Act the Collector thereof shall and he is hereby required to deliver *gratis* to the Person paying such Tolls or Rates a Note or Ticket denoting such Payment, and stating the Weight paid for, and which Note or Ticket shall be provided by and at the Expence of the said Company.

Rates how to
be levied.

XCIX. And be it enacted, That the Tolls or Rates hereby authorized to be demanded and taken shall be paid to such Person at such Place at or near the said Railway, in such Manner and under such Regulations as the said Company shall appoint; and in case of Refusal, Neglect, or Delay of Payment of any such Tolls or Rates, or any Part thereof, on Demand, to the Person appointed to receive the same as aforesaid, the said Company may sue for the same by Action in any competent Court, or the Person to whom the said Tolls or Rates ought to have been paid may and he is hereby authorized to seize the Goods or other Matters for or in respect whereof any such Tolls or Rates ought to have been paid, or any Part thereof, and the Carriage or Waggon laden therewith, as also the Horse or other Beast employed in drawing the same, and detain the same until such Payment shall be made, and also until Payment of all Arrears of any Tolls or Rates which may be due from the Owner of such Carriage or Waggon, or of such Goods or other Matters, Horse or other Beast, (as the Case may be,) to the said Company, together with the reasonable Charges for such Seizure and Detention; and if such Carriage or Waggon, or such Goods or other Matters, Horse or other Beast, shall not be redeemed within Three Days next after the taking thereof, the same shall be distrained, appraised, and sold.

Account of
the Lading
of Waggon
to be given.

C. And be it enacted, That the Owner of any Branch Railway, or the Owner of or Person having the Charge or Care of any Carriage or Waggon passing upon the said Railway or any Part thereof, shall be bound and they are hereby required to give a Bill of Lading to the Collector of the said Tolls or Rates at the Place where such Collector shall attend for that Purpose, in which shall be stated the Weight of the Goods or other Matters in such Carriage or Waggon, and the Place where such Goods or other Matters are intended to be unloaded; and in case any such Owner or Person shall neglect or refuse to give or produce his Bill of Lading to any such Collector demanding the same, or such Bill of Lading shall give a false Account of the Matters aforesaid, he shall forfeit and pay any Sum not exceeding Ten Shillings for every Ton of such Goods or other Matters, and so in proportion for any less Quantity than a Ton which shall be in any such Carriage or Waggon, over and above the respective Tolls or Rates directed by this Act to be paid for the same.

CI. And

CI. And be it enacted, That if any Difference shall arise between any Collector of the said Tolls or Rates and the Owner of or Person having the Charge of any Carriage or Waggon, or the Owner of any Goods or other Matters carried or intended to be carried along the said Railway, it shall be lawful for any such Collector to stop and detain any such Carriage or Waggon, and the Goods or other Matters therein, and to weigh the same; and in case the same shall upon such weighing appear to be of greater Weight than what is set forth and contained in the Account thereof given by the said Owner or Person, then the Person giving in such Account shall pay the Costs and Charges of such weighing; all which Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied by such Ways and Means and in such Manner as the said Tolls or Rates are hereby appointed to be levied and recovered; but if such Goods or other Matters shall appear to be of the same or less Weight than the same shall by such Account appear to be of, then the said Collector shall pay the Costs of such weighing.

Goods, &c.
may be
weighed.

CII. And be it enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered, at any General Meeting, to let to farm the Tolls or Rates hereby made payable, or any Part thereof, upon the Whole or any Part of the said Railway, unto any Person, for any Term or Time they shall think proper, not exceeding Three Years from the Commencement of any Lease; and every such Lease shall be valid and effectual; and the Lessee thereof, and also such Person as such Lessee shall appoint to collect and receive the Tolls or Rates so let, shall during the Continuance of every such Lease be deemed the Collector of the Tolls or Rates so let, and shall have the same Power and Authority for collecting and recovering the same as if he had been appointed for that Purpose by the said Company.

Rates may
be leased.

CIII. And be it enacted, That in case all or any of the Tolls or Rates arising by virtue of this Act shall be let to farm to any Person in any Manner whatsoever, and the Lessee thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so let; or in case the Rent agreed to be paid by such Lessee, or any Part or Instalment thereof, shall be in arrear or unpaid for the Space of Ten Days next after any of the Days on which the same ought to be paid, pursuant to the Lease or Contract for letting the said Tolls or Rates; or in case any temporary or other Collector of the said Tolls and Rates shall be discharged from his Office, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, or any of the Children or Family or other Representatives of any Collector who shall die, abscond, absent himself, or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House, Weighing Machine, or other Building, with the Gardens and other Appurtenances thereto respectively belonging, to be erected, built, constructed, or set up by virtue of this Act, for the Space of Seven Days after Demand thereof made in Writing given or left at such Toll House, Weighing Machine, or Building which shall be

For Reco-
very of
Possession
of Toll
Houses.

or

or have been in the Possession or Occupation of such Collector or other Person, such Demand in Writing to be signed by any Two Members of the said Committee, although not assembled at a Meeting, or by the Clerk or Treasurer of the Company; or in case any such Lease or Contract shall in any other Manner become void; then and in any of the said Cases it shall be lawful for the said Sheriff, upon Application made by the said Committee or Two of them, or by the Clerk or Treasurer of the Company, by Warrant under his Hand, to order any Sheriff Officer, with such Assistance as shall be necessary, to enter upon and take possession of every or any such Toll House, Weighing Machine, or other Building, with the Garden and all other the Appurtenances thereto belonging, and to remove and put such Lessee or other the Person who shall be found therein, together with his Goods, from and out of the same and the Possession thereof, and from the Collection of the said Tolls and Rates, and to put the said Company, or their new Lessee or Collector, into the Possession thereof; and thereupon it shall be lawful for the said Committee to vacate and determine the Lease or Contract (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 thereby reserved, or other unperformed or broken Obligations or Covenants on the Lessee's Part, as if such Lease or Contract had never been made; and it shall be lawful for the said Committee in every such Case again to let to farm the said Tolls and Rates to any other Person, or cause them to be collected in such and the same Manner as if no former Lease, Contract, or Agreement had been made relative thereto.

Railway, on
Payment of
Rates, to be
free.

CIV. And be it enacted, That every Person whomsoever shall have free Liberty to pass upon and use the said Railway, with Carriages and Waggons properly constructed as herein provided for the Conveyance of Goods and other Matters, and to use the Wharfs, Warehouses, and Depôts hereby authorized to be made, upon Payment of such Tolls or Rates as are authorized to be received by this Act, but subject always to the Provisions of this Act, and to the Rules and Regulations which shall from Time to Time be made by the said Company or their Committee by virtue of the Powers conferred on them by this Act.

Waggons
to be pro-
perly con-
structed.

CV. And be it enacted, That no locomotive or other Engine, or any Carriage or Waggon, shall be allowed to pass along or be upon the said Railway, unless the same be constructed to the Satisfaction of the said Company or of an Officer to be appointed by them for such Purpose, and agreeably to the Rules and Regulations to be fixed by the said Company, and which Rules and Regulations shall be affixed upon some conspicuous Part of every Toll House along the said Railway; and every such Carriage or Waggon shall have the Name of the Owner thereof painted in distinct Characters on a conspicuous Part thereof; and if any Person shall pass on Part of the said Railway with any Carriage or Waggon not so constructed, or
without

without the Name of the Owner thereof being painted thereon as aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings to the said Company, besides paying any Damage done to the said Railway; and the said Company and their Officers and Servants shall be entitled to stop such Carriage or Waggon from passing along the said Railway.

CVI. And whereas, for the greater Security of Passengers and other Persons travelling upon and using the said Railway, it is expedient that the moving Powers to be from Time to Time used in moving or propelling Carriages or Waggons upon or along the said Railway should be under the Control of the said Company; be it enacted, That no locomotive or other Engine, or other Description of moving Power, shall at any Time be brought upon or used on the said Railway, unless the same shall first have been approved of by the said Company; and it shall be lawful for the said Company and they are hereby required, within Fourteen Days after Notice given to them by any Person desirous of bringing any such Engine on the said Railway, to cause their Engineer or other Agent to inspect and examine such Engine at any Place within Five Miles of the said Railway, and to report thereon to the said Company, who shall, within Seven Days after such Report, in case such Engine shall be fit and proper to be used on the said Railway, give a Certificate to the Party requiring the same of their Approval of every such Engine; and it shall be lawful for the said Company from Time to Time, upon any Engine on the said Railway being out of repair, or unfit to be used upon the said Railway, to order the same to be taken off or to forbid the same to be used upon the said Railway; and in case any Person shall bring or use upon the said Railway any locomotive or other Engine, or any other moving Power, without having first obtained such Certificate of Approval as aforesaid, or in case, after Notice given by the said Company to remove from or not to use upon the said Railway any such Engine as aforesaid, the Person to whom such Engine shall belong shall not forthwith remove the same, or shall use any such Engine upon the said Railway without having first repaired the same to the Satisfaction of the said Company, and obtained such Certificate of Approval as aforesaid, every such Person shall forfeit and pay any Sum not exceeding Twenty Pounds for every such Offence, and the said Company are hereby authorized to remove such Engine from the said Railway.

Engines used on Railway to be approved by the Company.

CVII. And be it enacted, That it shall be lawful for the said Company from Time to Time to make such Orders and Regulations as they shall think proper for regulating the travelling upon and the Use of the said Railway, and the Times when the same shall be open for Use, and for or relating to Travellers and Carriages and Waggons passing upon the said Railway, and for or relating to the Mode or Means by which and the Speed at which such Carriages or Waggons shall from Time to Time be moved or propelled, and the Times of their Departure and Arrival, and the loading and unloading thereof respectively, and the Weights which they shall respectively carry, and the Delivery of Goods and other Matters which shall be conveyed in or upon such

Company to regulate the Passage on the Railway.

[Local.]

13 B

Carriages

Carriages or Waggon, and also for preventing the smoking of Tobacco and the Commission of any other Nuisance in or upon any such Carriages or Waggon, or in any of the Stations or Premises occupied by or belonging to the said Company, and generally for regulating the passing upon, using, or working the said Railway and Works, or in anywise relating thereto respectively; and all such Orders and Regulations 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 or Waggon, and by all Persons using or working the said Railway and Works, and by all Passengers and Persons passing upon the said Railway, upon pain of forfeiting and paying a Sum not exceeding Five Pounds, which the said Company may attach to any such Default: Provided, that such Rules and Regulations shall be published by affixing the same upon some conspicuous Part of every Toll House along the said Railway: And provided always, that in every Case of Infraction or Nonobservance of any such Rules or Regulations which shall be attended with Danger to the Public or Annoyance to Travellers, or which shall obstruct or hinder the said Company in their due and lawful Use and working of the said Railway, it shall be lawful for the said Company and their Officers or Servants summarily to interfere to obviate such Danger, or to remove or prevent such Obstruction, Nuisance, or Hindrance.

Owners of
Waggon to
be liable for
Damage
done.

CVIII. And be it enacted, That the Owner of every Carriage or Waggon passing upon the said Railway, or of the Horse, Cattle, or Engine drawing or pushing the same, shall be and he is hereby made answerable for any Damage or Mischief that shall be done by his Carriage or Waggon, Horse, Cattle, or Engine, or any of his Waggoners or other Persons employed by him in or about the same respectively, to the said Railway or Works, or by loading or unloading any Carriage or Waggon or otherwise, and for any Trespass or Damage that shall or may be done to the Owners and Occupiers of any Buildings, Lands, or other Property adjoining or lying near to the same or any of them, or for any other Trespass whatsoever; and the said Owner of such Carriage or Waggon, or Horse or Cattle, shall, upon Conviction of such Person before any Justice of the Peace, either by the Confession of the Party offending or upon Oath of One or more credible Witnesses (which Oaths such Justice is hereby empowered and required to administer), pay to the Person injured the Damages to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Five Pounds, and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Ten Shillings, and all Costs, Charges, and Expences attending such Conviction; which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Effects of the Owner of such Carriage or Waggon, Horse or Cattle, by Warrant under the Hand of such Justice; and if the said Damages shall exceed the Sum of Five Pounds, then and in such Case the Owner of such Carriage or Waggon, Horse or Cattle, shall and may be prosecuted for the same in any competent Court; and if Judgment be given against him, the Pursuer in such Case shall recover his Damages thereby sustained, with full Costs of Suit.

CIX. And

CIX. And be it enacted, That in case the Owner of any Carriage or Waggon passing upon the said Railway shall be compelled to pay any Penalty or to make any Satisfaction for any Damages by reason of any wilful Act or Neglect or Default of his Servant or Waggoner, then and in such Case every such Servant or Waggoner shall be liable to repay such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Owner; and in case of Nonpayment thereof on Demand, on Oath made by such Owner of the Payment by him of such Penalty or Satisfaction, and that the same hath not been repaid to him by such Servant or Waggoner, although demanded, (such Oath to be made before some Justice of the Peace acting within his Jurisdiction,) the same Penalty and Satisfaction shall be levied by Warrant under the Hand and Seal of such Justice by Distress and Sale of the Goods and Chattels of such Servant or Waggoner, together with all Costs and Charges attending such Distress and Sale; and the said Penalty and Satisfaction, when recovered, shall be paid to such Owner in discharge of such Penalty and Satisfaction so by him paid for the wilful Neglect or Default of such Servant or Waggoner; and in case no sufficient Distress can be had such Justice shall and is hereby required to commit such Servant or Waggoner to the Prison for the County or Place where such Offence shall arise, there to remain without Bail for any Time not exceeding Six Calendar Months.

Owners may recover the same again from their Agents.

CX. And be it enacted, That if any Person, save and except the Officers, Workmen, or Servants employed by the said Company, shall ride, lead, or drive, or cause to be ridden, led, or driven, on the said Railway, any Horse, Cow, or other Cattle, Sheep, Swine, or other Beast or Animal, except only in directly crossing the same at Places to be appointed by the said Company for that Purpose, he shall forfeit and pay to the said Company any Sum not exceeding Forty Shillings: Provided always, that nothing herein contained shall extend or be construed to extend to subject any Person having any Goods or other Matters carried along the said Railway to any Penalty for passing along the same for the Purpose *bonâ fide* of superintending the Carriage and Delivery of such Goods or other Matters.

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

CXI. And be it enacted, That if any Carriage or Waggon, Horse or other Beast, shall be placed or suffered to remain on any Part of the said Railway or Works, so as to obstruct the Passage along the said Railway, and the Person having the Care of such Carriage or Waggon, Horse or Beast, shall not immediately upon Request made remove the same, he shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings; and it shall be lawful for any Officer or Servant of the said Company to cause any such Carriage or Waggon to be unloaded, if necessary, and to be removed, in such Manner as shall be proper for preventing such Obstruction, and detain such Carriage or Waggon and the Loading thereof until the Charges occasioned by such Removal shall be paid; and if such Payment shall not be made within the Space of Five Days, then it shall be lawful for the said Company to sell and dispose of such Carriage or Waggon, with the Loading thereof, in such Manner as before directed with regard to Goods taken by Distress.

Penalty on Waggons, &c. remaining on Railway.

CXII. And

Penalty for
Obstructions
on Railway.

CXII. And be it enacted, That if any Person shall suffer the Loading of any Carriage or Waggon using the said Railway to project over the Sides of such Carriage or Waggon, or shall overload any such Carriage or Waggon so as to obstruct the passing of any other Carriage or Waggon, and shall not immediately upon Notice given to him for that Purpose remove such Obstruction, or if any Person shall throw or in any way lay or spill any Gravel, Stones, Rubbish, or other Matter or Thing into or upon any Part of the said Railway, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on
Trespassers.

CXIII. And be it enacted, That if any Person shall travel or pass on Foot on the said Railway without the Licence and Consent of the said Company (except for the Purpose of attending any Carriage or Waggon under his Care), every Person so offending shall forfeit and pay to the said Company any Sum not exceeding Twenty Shillings for every such Offence.

Penalty for
damaging
the Works.

CXIV. And be it further enacted, That if any Person shall carelessly, wilfully, or maliciously break, throw down, damage, or destroy any Part of the said Railway or Works, every Person so offending, and being thereof lawfully convicted, shall forfeit and pay to the said Company for every such Offence any Sum not exceeding Ten Pounds over and above the full Amount of Damages thereby done to the said Railway or Works.

How any
Damage not
provided for
is to be reco-
vered.

CXV. And be it enacted, That if at any Time hereafter any Person shall sustain any Damage in his Lands, Heritages, or Property, by reason of the Execution of any of the Powers hereby given, and for which no Remedy is herein-before provided, then and in every such Case the Recompence or Satisfaction for such Damage shall from Time to Time be settled and ascertained in such Manner as herein-before directed in respect of any other Recompence or Satisfaction herein-before mentioned.

In case of
Nonpayment
of Compensa-
tion for
Damages,
&c. the same
to be levied
by Distress
of the Goods
of the Com-
pany.

CXVI. And be it enacted, That when and so often as any Sum of Money shall be directed or ordered to be paid by the said Company by any Justice of the Peace, in pursuance of this Act, and such Sum of Money shall not be paid by the Treasurer of the said Company to the Party entitled to receive the same within Ten Days after Demand in Writing shall have been made upon 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, under a Warrant to be issued for that Purpose by such Justice, which Warrant 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 Sum of Money.

Recovery
and Appli-

CXVII. And be it enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or by virtue of any Bye Law, Rule, or Order

Order made in pursuance thereof, (the Manner of levying and recovering whereof is not otherwise herein particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some One or more Justices of the Peace acting within their Jurisdiction, 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 or Poinding and Sale of the Goods and Effects of the respective Offenders or Persons liable to pay the same, by Warrant under the Hand of such Justice; 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 whose Goods and Effects shall be so pinded; 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 whole of the same shall be paid to the Informer; and in case such Penalties and Forfeitures shall not be forthwith paid it shall be lawful for such Justice and he is hereby required to order the Offender so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Poinding, unless such Offender shall give sufficient Security to the Satisfaction of such Justice for his Appearance before such Justice, or before some other Justice having Jurisdiction, at such Time as shall be appointed for the Return of such Warrant (such Time not being more than Ten Days from the taking of such Security, and which Security any of the said Justices is hereby empowered to take); but if upon the Return of such Warrant it shall appear that no sufficient Goods and Effects could be had whereupon to levy the said Penalties or Forfeitures and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, upon Confession of the Offender or otherwise, that he hath not sufficient Goods and Effects whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant should be issued, such Justice shall not be required to issue such Warrant, but in such Cases it shall be lawful for such Justice and he is hereby required, by Warrant under his Hand, to commit such Offender to the Common Gaol or House of Correction for the County or Place within his Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be paid and satisfied, together with all the Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, or until such Offender shall be otherwise discharged by due Course of Law.

cation of
Penalties.

CXVIII. And be it enacted, That in all Cases of Prosecution for or relating to 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 or of the due making 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,

Authenti-
cated Bye
Laws to be
Evidence.

[*Local.*]

13 C

purporting

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 and until 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 continued in manner by this Act directed.

For securing
transient
Offenders.

CXIX. And be it enacted, That it shall be lawful for 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 whose Name and Residence shall be unknown to such Officer or Agent who shall commit any Offence against this Act, and to convey him with all convenient Dispatch before some Justice for the County, City, or Place within which such Offence shall be committed, without any Warrant or other Authority than this Act; and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

Company
empowered
to contract
with other
Railway
Companies.

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

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

CXXI. And be it enacted, That in the event of a Railway from *Dundee* being made to terminate at or near *Almeriecross*, the said Company shall permit and suffer that Portion of the said Company's Railway between the Point of Junction with the said Railway from *Dundee* and the Harbour of *Arbroath* to be freely used for the Traffic to and from *Dundee* aforesaid upon the said Railway, upon fair and reasonable Terms; and in case any Dispute shall arise between the said Company and the Company or Persons forming the said Railway from *Dundee*, in regard to the Terms upon which the said Company or Persons forming such Railway from *Dundee* shall be entitled to such Use as aforesaid, or in regard to the Regulations applicable to the Use of the same, such Dispute shall be finally settled and adjusted by the Sheriff of the County of *Forfar*, or any of his Substitutes to be named by him, upon the Application of either Party.

If Railway from Dundee is made, Communication to the Harbour to be secured.

CXXII. And be it enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or Poinding or other Proceedings relative thereto; nor shall the Party distrained be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by the Party distraining, but the Person aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages in an Action to be brought for the special Purpose.

Distress not to be deemed unlawful for Want of Form, &c.

CXXIII. And be it enacted, That no Proceeding to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Suspension or Advocation into or be subject to Reduction in any Court in *Scotland*, any Law or Practice to the contrary notwithstanding.

Proceedings not to be quashed for Want of Form.

CXXIV. And be it enacted, That all and every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form to the same Effect, as the Case shall happen; (that is to say,)

Convictions to be in the following Form.

Form of
Conviction.

County of } BE it remembered, That on the
 Day of _____ in the
 Year of our Lord _____,
 is convicted before me _____, One of
 His Majesty's Justices of the Peace for the said County [*where the
 Matter of Complaint may arise, specifying the Offence, and Time and
 Place, when and where the same was committed, and the Fine,
 Penalty, or Forfeiture thereby incurred*]. Given under my Hand the
 Day and Year aforesaid.'

Allowing an
Appeal.

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

Limitation
of Actions.

CXXVI. And be it enacted, That no Action, Suit, or Complaint shall be brought, commenced, or prosecuted against the said Company, or their Officers, Workmen, or Servants, for any thing to be done in virtue or pursuance or in the Execution of the Powers of this Act, unless Ten Days previous Notice in Writing shall be given by the Person intending to commence or prosecute such Action, Suit, or Complaint, to the said Company, or to their Clerk or Treasurer for the Time being, or unless such Action, Suit, or Complaint shall be brought and commenced within Six Calendar Months next after the Cause of Action shall have accrued, or in case there shall be a Continuation of Damage then within Six Calendar Months next after the doing or committing such Damages shall cease, and not afterwards; and the Defender in such Action, Suit, or Complaint shall and may plead this Act, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if such Action, Suit, or Complaint shall have been brought or commenced before or after the respective Times so limited for bringing or commencing the same, then and in every such Case Judgment shall be given for the Defender; and if any such Action, Suit, or Complaint shall be dismissed

missed or found irrelevant, or if the same shall be suffered to drop or be discontinued, or if Judgment shall be given against the Pursuer, the Defender shall have his Costs and Expences, and shall have such Remedy for the same as any Defender hath for Costs of Suit in any other Case by Law.

CXXVII. And be it enacted, That in all Cases where it may be requisite or necessary for any Person to serve any Notice upon the said Company, or any Citation or Summons or other legal Proceedings, the Service upon the Clerk of the said Company, or at the Office of the said Clerk, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

How Notices are to be served on the Company.

CXXVIII. And be it enacted, That in all Cases where it may be necessary or requisite for the said Company to give any Notice to any Person under the Provisions or Directions contained in this Act, such Notice shall and may be in Writing, signed by any One of the said Committee or by the said Clerk, without being required to be under the Common Seal or Stamp of the said Company.

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

CXXIX. And be it enacted, That when the Proceeds of any Property sold under the Provisions contained in this Act shall, after deducting all incidental Expences previous to and attending the Sale thereof, exceed the Sum of Money to liquidate the Payment of which such Property shall have been sold, such Overplus shall, upon Demand, be paid over to the Person who was the Owner of such Property at the Time of such Sale.

Overplus of Property distrained and sold to be paid over to the Owner.

CXXX. And be it enacted, That every Person who by the Provisions of this Act shall be entitled to call upon the Person having the Custody of any Books or written Documents to permit him to inspect or peruse the same shall, every Time he shall inspect such Books or Documents, pay to the Person having the Custody thereof the Sum of One Shilling for each Book or Document which he shall inspect; and if he shall desire to have any Extract therefrom or Copy thereof, he shall pay, upon being furnished therewith, at the Rate of Sixpence for every One hundred Words, and no more; and if any such Person shall refuse to permit such Inspection or Perusal at all convenient Times and Seasons, or refuse to make any such Copies in a reasonable Time at the Rate aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds to the Person requiring such Inspection, Perusal, or Copies.

Charge for Production of Books and Copy Money.

CXXXI. And whereas the said Railway, Wharfs, Warehouses, and Depôts may be completed, if not prevented by inevitable Accident or other unavoidable Impediment, within the Space of Five Years from the passing of this Act; be it therefore enacted, That if the said Railway, Wharfs, Warehouses, and Depôts shall not have been completed so as to answer the Objects of this Act within the Space of Five Years from and after the passing of this Act, all the Powers given by this Act shall thenceforth cease and become void, save only as to

Act to be null as to any Part of the Works not executed within Five Years.

so much of the said Railway, Wharfs, Warehouses, and Depôts as shall have been completed within the said Space of Five Years, and such of the Powers of this Act as are given for the Purpose of maintaining, repairing, and using the same.

Owners of
Lands may
erect Wharfs,
&c.

CXXXII. And be it enacted, That it shall be lawful for the Owner of any Lands near to or through which the said Railway shall be made to erect and use any Wharfs, Warehouses or Depôts, Cranes or Weighbeams, in or upon his own Lands, adjoining or near to the said Railway, and to unload any Goods or other Matters upon such Wharfs, Warehouses, or Depôts, or upon the Banks or Grounds lying between the same and the said Railway, and also to make and use proper and convenient Places for Carriages or Waggons to lie or turn in or pass each other, so that the making or using thereof do not obstruct or prejudice the Passage of the said Railway; and all Tolls or Rates which shall be paid for the Use of such last-mentioned Wharfs, Warehouses, or Depôts, Cranes and Weighbeams respectively, shall be and the same are hereby accordingly vested in the Owner of such Lands who shall make and erect the same as aforesaid, and his Representatives, so that the Tolls or Rates and Powers hereby granted to the said Company be not thereby reduced, altered, or infringed.

Power to
form Branch
Railways.

CXXXIII. And whereas Benefit and Advantage may arise to the said Company and the Public if Branch Railways were formed for facilitating the Communications between the said Railway and other Railways made or to be made, and the Harbour, Mills, and public Works of or in *Arbroath*, and the Quarries, Mills, and public Works adjacent or near to the said Railway; be it enacted, That if any Person shall make any such Branch Railways, and any Depôts or other Works necessary or convenient for the Use thereof, and which in the Opinion of the said Company shall tend to the Benefit and Advantage of the said Company, it shall and may be lawful to the said Company and they are hereby authorized and empowered to treat and agree with and to pay the Person making such Branch Railways such Sums of Money as may be fixed on as a Compensation to such Person in consideration of the Benefit and Advantage to arise from such Person's granting to the said Company the Right and Privilege of, either exclusively or with others, using such Branch Railways; and the said Company shall thereupon have Power and are hereby authorized and empowered to levy, at and upon such Branch Railways, such and the like Tolls or Rates for all Passengers and Goods or other Matters conveyed by them thereon as the said Company are by this Act authorized to levy for conveying Passengers and the like Goods or other Matters for the like Distance upon the said Railway hereby authorized to be made, and to levy, for the Use of such Depôts and other Works, such and the like Tolls or Rates as are herein authorized to be levied for the Use of the like Depôts and Works hereby authorized to be made; and it shall also be lawful to the said Company to maintain or contribute towards the Maintenance of such Branch Railways, Depôts, and Works; and where such Branch Railways as shall be intended to be or shall be made on or over the Lands of any Person who, had such Branch Railways formed Part of the said Railway and Works hereby authorized to be made, would
by

by this Act have been capacitated to convey such Lands to the said Company, then and in every such Case all the Powers and Provisions contained in this Act for enabling such Person to convey such Lands, and for securing the Reinvestment or Disposal of the Purchase Money thereof, shall extend and apply to the Lands required for the Purposes of forming or maintaining such Branch Railways; and when and so soon as such Branch Railways shall have been formed and opened for the Conveyance of Passengers and Goods and other Matters over or along the same, then all the Rules, Orders, or Bye Laws for the Regulation of the said Railway and Works hereby authorized to be made shall extend and apply to the said Branch Railways, so far as the said Company shall or may order and direct: Provided always, that nothing in this Act shall be held or construed so as to compel any such Person to grant any such Right or Privilege as aforesaid to the said Company.

CXXXIV. And be it enacted, That it shall be lawful for the said Company and they are hereby empowered, with the Consent of the Owner and Occupier of the Land through which the same shall pass, to provide proper Access to the said Railway from the *Ward Mills* and the *Wardmill Hill*, by means of not more than Two convenient Roads, passable for Carriages and Waggon, of not more than Ten Yards in Width, and Two hundred and fifty Yards each or in the aggregate Five hundred Yards in Length; and the Owner of such Land is hereby empowered, upon Compensation being made therefor, to convey the same to the said Company in the same Way as any Heir of Entail or other incapacitated Person is by this Act enabled to convey Land to the said Company.

Communications to the Ward Mills to be made.

CXXXV. And be it enacted, That in case the said Railway and Works hereby authorized to be made shall at any Time be given up or abandoned by the said Company, or after the same shall have been completed shall for the Space of Two Years cease to be used and employed as a Railway, then and in such Case the Land and Grounds constituting the said Railway and Works, or so much thereof as shall be given up, shall and is hereby declared to be the Property of the Owners of the Lands adjoining such Railway and Works; that is to say, One Half thereof to the Owners on the one Side, and the Remainder to the Owners on the other Side thereof; the said Owners, however, being liable to pay the Price or Value of the same to the said Company.

If Railway abandoned, Land to belong to the Owners of Lands adjoining the Railway.

CXXXVI. And be it enacted, That unless the said Company shall within the Space of Two Years, to be computed from the passing of this Act, agree for or cause to be valued and paid for, as in this Act mentioned, the Lands 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 and Works hereby authorized, then and from thenceforth the Powers which are hereby granted to them for taking or using such Lands shall cease and be utterly void, save and except with the Consent in Writing of the Owners and Occupiers thereof respectively.

If Land not paid for within Two Years, the Power of taking it to cease unless with Consent.

CXXXVII. And

General
Power to
Justices to
administer
Oaths.

CXXXVII. And be it enacted, That in all Cases in which any Justice of the Peace is authorized by this Act to examine any 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 receive the Affirmation of any Person before he shall be examined by or before such Justice.

Public Act.

CXXXVIII. And be it 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.

LONDON : Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1836.