

orders and provisions as the said Directors shall from time to time prescribe, enact or direct; and such Railway may be used by any person or persons who may comply with such bye laws, rules, regulations, orders, and provisions; and the Directors of the said Company are hereby authorized from time to time to alter or vary the tolls to be taken upon said Railway, as they shall think fit, provided that all such tolls be at all times charged equally to all persons, and after the same rate, whether per ton, per mile, or otherwise, in respect of all passengers and of all goods, chattels or carriages of the same description, and conveyed or propelled by a like carriage or engine, passing only over the same proportion of the line of Railway under the same circumstances; and no reduction or advance in any such toll shall be made, either directly or indirectly, in favor of or against any particular company or persons travelling upon or using the said Railway.

45. The Directors of the said Company shall make yearly dividends of tolls, income and profits arising to the said Company, first deducting thereout the annual costs, charges and expenses of the said Company, as well of the repairs of the works belonging to them, as for the salaries and allowances of the several officers and servants connected with the said Company, as may be deemed proper by the said Directors, consistent with the bye laws, rules and regulations of the said Company; but no dividend shall be paid in respect of any share until all calls then due in respect of that and every other share held by the person or persons to whom such other dividend may be payable shall have been paid; and before apportioning the profits to be divided among the stockholders, the Directors may, if they think fit, set aside thereout such sum as they think proper to meet contingencies, or for enlarging, repairing and improving the works connected with the said Railway, or any part of the said undertaking, and may divide the balance only among the shareholders.

46. If any money be payable from the said Company to any shareholder or other person being a minor, idiot, or lunatic, the receipt of the guardian of such minor, or of the committee of such lunatic, shall be a sufficient discharge to the said Company for the same.

47. The joint stock and property of the said Company shall alone be responsible for the debts and engagements of the said Company, and no person or persons who shall or may have dealings with the said Company shall on any pretence whatsoever have recourse against the separate property of any of the individual shareholders of the said Company, or against their person or persons, further than may be necessary for the faithful application of the funds of the said Company; provided also, that no shareholder of the said Company shall be liable for or charged with the payment of any debt or demand due from the said Company beyond the extent of his share in the capital of the said Company not then paid out.

48. No suit or action at law or in equity shall be brought or prosecuted by any person or persons for any act, matter or thing done under the authority of this Act, unless such suit or action shall be commenced within six months after the offence shall have been committed, or cause of action accrued; and the defendant or defendants in such suit or action may plead the general issue, and give this Act and the special matter in evidence under the said plea, and that the same was done in pursuance and by authority of this Act.

49. Nothing in this Act contained shall authorize the said Company or their contractors to enter upon any lands reserved for naval or military purposes, without the consent of Her Majesty.

50. The said Company, to entitle themselves to the privileges, benefits and advantages to them granted in this Act, shall *bona fide* commence to build said Railway within two years from the passage of this Act, failing which, then this Act and every matter and thing therein contained shall cease and be utterly null and void; and if the said Railway, having been commenced, shall not be made and completed within the period of five years from the passage of this Act, so as to be used for the conveyance and carriage of passen-

gers, goods and chattels thereon, then this Act and every matter and thing therein contained shall cease and be utterly null and void.

#### SCHEDULE A.

##### *Form of Certificate of Share.*

The Saint Martins and Upham Railway Company.

Number —

This is to certify, that A. B., of is the proprietor of the share (or shares) number of the Saint Martins and Upham Railway Company, subject to the regulations of the said Company.

Given under the Common Seal of the said Company, the day of in the year of our Lord one thousand eight hundred and

(B.)

##### *Form of Warrant to summon Jury.*

To the Sheriff, Deputy Sheriff, or any Constable of the County of

You are hereby commanded to summon a Jury of five disinterested freeholders of your County, of no way akin to the party aggrieved, to appear at in the said County on the day of at of the clock in the noon, then and there to assess the damages (if any) which A. B. alleges he has sustained by reason of the works and operations of the St. Martins and Upham Railway Company through and upon his land.

Given under our hands and seals, the day of in the year of our Lord one thousand eight hundred and

C. D., J. P. (Seal.)

E. F., J. P. (Seal.)

(C)

SCALE OF FEES in proceedings before Justices in assessing damages under the foregoing Act.

##### *To the Justices.*

Warrant to summon Jury, ... ..	\$0 50
Every Subpœna, ... ..	0 10
Every copy Subpœna, ... ..	0 05
Every adjournment made at the instance of either party, ... ..	0 20
Trial and Judgment, ... ..	0 50
Swearing each Witness and Constable, ... ..	0 05
Swearing the Jury, ... ..	0 20
Execution or Distress Warrant, ... ..	0 30

##### *To the Sheriff or Constable.*

Summoning Jury, ... ..	1 00
Attendance on Inquiry, ... ..	0 20
For all other services, the same as paid by Law in Civil cases before a Justice of the Peace.	

##### *To Witnesses.*

Attendance and travel same as in Civil cases before Justices of the Peace.

##### *To Jurors.*

Each Juror sworn on Inquiry, ... ..	0 50
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(D)

I, A. B., of , do hereby nominate, constitute and appoint C. D., of , to be my proxy, in my name and in my absence to vote or give any assent to, or dissent from, any business matter or thing relative to the Saint Martins and Upham Railway Company, in such manner as he the said C. D. shall think proper, for the benefit of the said Company: In witness whereof I, the said A. B., have hereunto set my hand and seal, (or if a Corporation, say the Common Seal of the Corporation,) the day of A. D. one thousand eight hundred and .

A. B., (Seal.)