



ANNO NONO

# GEORGII IV. REGIS.

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## Cap. lxi.

An Act for making and maintaining a Railway from the River *Tees*, near *Haverton Hill* in the Parish of *Billingham*, to a Place called *Sim Pasture Farm* in the Parish of *Heighington*, all in the County of *Durham*, with certain Branches therefrom.

[23d May 1828.]

**W**HEREAS the making and maintaining of a Railway or Tramroad for the Passage of Waggons and other Carriages, from the River *Tees*, at or near *Haverton Hill* in the Parish of *Billingham* in the County of *Durham*, to and joining and communicating with the *Stockton and Darlington* Railway between the Seventeen and a Quarter and the Seventeen and a Half Mile Posts placed by the Side of the said Railway at or within *Sim Pasture Farm* in the Parish of *Heighington* in the same County, with certain Branches therefrom, would open a shorter Communication than heretofore between several valuable Mines of Coal and other Minerals in the adjacent Country and the River *Tees*, at a more convenient Part than heretofore for the Shipment of the aforesaid Articles, and would also materially assist the Agricultural Interest, and tend to the Improvement of the Estates in the Vicinity of such Railways or Tramroads, and would be otherwise of great public Utility; but inasmuch

[Local.]

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as

Proprietors  
incorporated.

Name and  
Style of the  
Company.

Company  
empowered  
to make a  
Railway from  
the River  
Tees to Sim  
Pasture  
Farm ;

as the same cannot be effected without the Aid and Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in order for the making, completing, and maintaining the said Railways or Tramroads for the Passage of Waggon and other Carriages, according to the Rules, Orders, and Directions herein-after contained, *Henry Vansittart, Robert Appleby, Henry Blanshard, William Skinner, John Holt Skinner, Richard Dicks, John Russell Rowntree, Thomas Allison Tennant, John Stagg, William Page, Joseph Somes, Lawrence Marshall, George Faith, Samuel Lennox, Samuel Moates, James Dixon, William Wilkinson, James Shephard, Samuel Francis Somes, Thomas Wilson, Thomas Harley, William Braithwaite, the Reverend Henry Hildyard Clerk, Sir William Fowles Baronet, Richard Appleton, William Sayer, Robert Farrer, Thomas Johnson, James Alledice, Richard Scaith, John Page Sowerby, John Appleton, Christopher Lodge, Robert Bald, John Smith, Robert Johnson, William Corney, Henry Clarke, Charles Symmonds, John Small, Charles Bailey, Thomas King, Joseph Newton, John Pulman, Richard Ord, Isaac Scaith, William Pratt, Robert Coulson, George Skinner, Andrew Brown, Thomas Jennett, George Bingham, George Head, Thomas Ayres, Christopher Martin, John Willis, Thomas Lambert, and Thomas Richmond,* and their several and respective Successors, Executors, Administrators, and Assigns, and such other Person and Persons, Body and Bodies Politic and Corporate, as shall from Time to Time be possessed of any Share or Shares in the Railways or Tramroads hereby authorized to be made, shall be and they are hereby united into One Body Politic and Corporate, by the Name and Style of "The Company of Proprietors of the *Clarence* Railway," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and shall also have Power and Authority from and after the passing of this Act, and at all Times thereafter, to purchase and hold Lands, Tenements, and Hereditaments, to them, their Successors and Assigns, for the Use of the said Undertaking and Works, and also to grant, sell, or dispose of any of the Lands, Tenements, and Hereditaments to be purchased by them, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

II. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, and they are fully authorized and empowered, by themselves, their Deputies, Agents, Officers, Contractors, Workmen, and Servants, to make, complete, and maintain a Railway or Tramroad passable for Waggon and other Carriages to be constructed as herein-after appointed, from the River *Tees* at or near *Haverton Hill* in the Parish of *Billingham* in the County of *Durham*, in, through, and into the several Parishes, Townships, Hamlets, or Places of *Billingham, Norton, Carlton, Redmarsh, Whitton, Grindon, Stillington, Elstob, Great Stainton, Preston le Skerne, Woodham, Aycliffe* otherwise *Great Aycliffe, School Aycliffe,* and *Heighington*, or some of them, all in the said County of *Durham*, and to join, enter into, and communicate with the *Stockton and Darlington* Railway

Railway at or within *Sim Pasture Farm* in the Parish of *Heighington* in the same County, between the Seventeenth and One Quarter and the Seventeenth and a Half Mile Posts placed by the Side of the said Railway; and to make and maintain a Branch Railway therefrom, commencing at or within *Sim Pasture Farm* in the Parish of *Heighington* in the said County, to or near to the *Deanery* in the Parish of *Saint Andrew's Auckland* in the said County, in, through, and into the several Parishes, Townships, Hamlets, or Places of *Heighington*, *School Aycliffe*, *Midderidge Grange*, *Midderidge Eldon*, *Saint Andrew's Auckland*, and the *Deanery*, all in the said County; and also to make and maintain another Branch Railway from the first-mentioned Railway, commencing at or near to *How Hills* in the Parish of *Aycliffe* otherwise *Great Aycliffe*, in the Township of *Preston le Skerne* in the same County, to or near to *Broom Hill* in the Township of *Hett* and Parish of *Merrington* otherwise *Kirk Merrington* in the said County, in, through, and into the several Parishes, Townships, Hamlets, or Places of *Aycliffe* otherwise *Great Aycliffe*, *Preston le Skerne*, *Sedgefield*, *Morden*, *Bradbury*, *Woodham*, *Nunstainton*, *Great Chilton*, *Ferry Hill*, *Hett*, *Merrington* otherwise *Kirk Merrington*, in the said County; and also to make and maintain another Branch Railway from the said first-mentioned Railway, commencing at or near to *Harrogate House* otherwise *Harget's House*, in the Township and Parish of *Norton* in the said County, to or near to the Town of *Stockton* at *Brown's Bridge* in the Township and Parish of *Stockton* in the said County, in, through, and into the several Parishes, Townships, Hamlets, or Places of *Norton* and *Stockton* in the said County; and also to inclose and maintain by an Embankment, for the Purpose of erecting Staiths therefrom, and other Accommodations and Conveniences for the shipping and landing of Coals and other Merchandize, a certain Part of the Bed or Soil of the said River *Tees* in the said County of *Durham*, situate at or near or adjoining to *Haverton Hill* aforesaid, in the said County of *Durham*, in the Township and Parish of *Billingham* in the said County; and also to make, erect, and set up such Steam Engines and other Machines, and such and so many Inclined Planes, as the said Company of Proprietors shall from Time to Time judge necessary and expedient; and for the Purposes aforesaid the said Company of Proprietors, their Deputies, Agents, Servants, Surveyors, Contractors, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Tenements of all and every Person and Persons, Body and Bodies Politic, Corporate, and Collegiate whomsoever and whatsoever, and to survey and take Levels of the same or any Part thereof, and to set out and ascertain such Parts thereof as they shall think necessary and proper for making the said intended Railways or Tramroads, and such other Works, Matters, and Conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining, and using the same, and for the Conveyance of Goods to and from the said Railways or Tramroads; and also to bore, dig, cut, trench, sough, get, raise, remove, take, carry away, lay, use, and manufacture any Earth, Clay, Stone, Soil, Rubbish, Timber and other Trees, Roots of Trees, Beds of Gravel or Sand, and other Matters and Things which shall or may be dug, raised, or gotten in the making of the said Railways or Tramroads and other Works, out of or upon the Lands or

a Branch from  
Sim Pasture  
Farm to the  
Deanery  
Estate;

a Branch from  
How Hills to  
or near  
Broom Hill;

and a Branch  
from Harro-  
gate House to  
Brown's  
Bridge.

And to erect  
Staiths and  
other Works.

Grounds

Grounds of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, adjoining or contiguous thereto, and which may be proper, requisite, or necessary for making, carrying on, continuing, maintaining, altering, or repairing the said Railways or Tramroads and other Works, or which may hinder, prevent, or obstruct the making, using, completing, altering, extending, or maintaining the same, according to the true Intent and Meaning of this Act; and to make, build, erect, bank, excavate, and set up, in, under, or upon the said Railways or Tramroads and other Works, or upon the Lands adjoining the same, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Basins, Boats, Posts, Ropes, and Chains, for passing any Rivers, Brooks, Streams, and other Waters, and such and so many Wharfs, Quays, Houses, Warehouses, Toll Houses, Staiths, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, and other Works, Ways, Roads, and Conveniences, as and where the said Company of Proprietors shall think necessary and convenient for the Purpose of the said Undertaking; and also from Time to Time to alter, repair, and amend or discontinue the same, and to construct, erect, and keep in repair any Bridges, Piers, Arches, and other Works, in, upon, and across any Rivers or Brooks; and also to make, divert, alter, widen, enlarge, and extend all Bridges, Ways, Roads, Passages, or Conveniences for the carrying and conveying of Coal, Lime, Goods, Wares, Merchandizes, and other Articles, Matters, and Things, to and from the said Railways or Tramroads and other Works hereby authorized to be made, or any of them, or for the carrying and conveying of all Manner of Materials necessary or useful for making, erecting, altering, repairing, maintaining, amending, widening, or enlarging the said Railways or Tramroads, Bridges, and other Works; and also to place, lay, work, or manufacture all such Materials on the Grounds adjoining to the Place or Places where the said Works or any of them shall be or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said Railways or Tramroads and other Works; and also to make, set out, and appoint such Roads and Ways convenient for the drawing of Waggons or other Carriages passing upon the said Railways or Tramroads, with Men, Horses, and Cattle, and such proper Places for Waggons, Engines, and Carriages to turn, stand in, or pass each other, as the said Company of Proprietors shall think necessary and convenient; and also to take, dig, and carry away any Soil, Clay, Gravel, Sand, or Stone, which shall be proper, requisite, and convenient for the making, carrying on, repairing, and maintaining the several Works hereby authorized to be made, or any of them, in or from the Grounds of any Person or Persons adjoining thereto; and also to make such Roads, Ways, and Passages as the said Company of Proprietors shall think necessary or expedient for the Use and Accommodation of the Owners or Occupiers of any such Lands or Grounds as shall be cut through, separated, or divided, or otherwise affected by, or the Use or Occupation of which shall be obstructed or rendered inconvenient in consequence of, the making the said Railways or Tramroads and other Works or any of them, and to construct, erect, set up, use, make, and do all other Works, Matters, and Things whatsoever, necessary for the making, effecting, preserving, improving, completing, and using of the said Railways or Tramroads

and

and other Works in pursuance of and according to the true Intent and Meaning of this Act; they the said Company of Proprietors, their Deputies, Agents, Contractors, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby given and granted, and making full Satisfaction, in manner herein-after mentioned, to the Owners, Proprietors, and Occupiers of and all Persons interested in any Lands, Tenements, or Hereditaments which shall or may be taken, used, or injured, for all Damages to be by them respectively sustained in or by the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Deputies, Servants, Agents, Contractors, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisoes and Restrictions as are herein-after mentioned and contained.

III. Provided always, and be it further enacted, That the Branch Railway herein-before mentioned, commencing at or near to *How Hills* aforesaid, and running to or near to *Broom Hill* aforesaid, shall be made and completed at the same Time as or before the Main Railway from the River *Tees* to *Sim Pasture Farm*, herein-before mentioned.

How Hills Branch to be made at the same Time as the Main Railway.

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

Steam Engines to consume their own Smoke.

V. Provided always, and be it further enacted, That where the said Railways or Tramroads shall cross any Turnpike Road or public Highway, the Ledge or Flanch of such Railways or Tramroads, for the Purpose of guiding the Wheels of the Carriages, shall not rise more than Three Quarters of an Inch in Height above the Level of such Road, or be more than Three Quarters of an Inch below the Level of such Road or Highway.

Crossings.

VI. And be it further enacted, That the Lands or Grounds and Hereditaments to be taken and used for the said Railways or Tramroads, and the Ditches and Fences for separating the same from the adjoining Land, shall not exceed Fifteen Yards in Breadth measured horizontally, except in such Places where the Bed of the said Railways or Tramroads shall be raised higher or shall be cut deeper than the present Surface of the Land, and except in such Places where it shall be judged necessary for Waggons and other Carriages to turn, stand, or pass each other, or where any Warehouse Crane, or Weighing Beam shall be erected, or where any Wharf shall be made for the Landing or Delivery of any Goods, Wares, or Merchandizes which shall be carried or conveyed on the said Railways or Tramroads, nor in any of such excepted Places more than One hundred Yards in Breadth, except where the said Railways or Tramroads shall pass through or over any Common or Waste Lands, or where the Owner or Owners of any Lands or Grounds through which the Railways or

Width of Railway.

Tramroads shall pass shall consent to the same being made wider in or through his, her, or their Lands or Grounds respectively.

Distance between Edges of Railways.

VII. And be it further enacted, That the Distance between the inside Edges of the said Railways or Tramroads, and the Distance between the outside Edges of the said Railways or Tramroads, shall be respectively the same as the Distance between the inside Edges and the Distance between the outside Edges of the *Stockton and Darlington* Railway or Tramroad, neither more nor less.

Plan and Book of Reference to remain with Clerk of the Peace, and be open to Inspection.

VIII. And whereas a Map or Plan, describing the Line or Course of the said Railways or Tramroads, and the Lands or Grounds in, through, across, under, over, or upon which the same are proposed to be carried or made, together with a Book of Reference thereto, containing Lists of the Owners or reputed Owners and Occupiers of such Lands and Grounds, were deposited at the Office of the Clerk of the Peace in and for the said County of *Durham*; be it therefore enacted, That the said Map or Plan and Book of Reference so deposited shall remain with and be kept by the said Clerk of the Peace, and all Persons interested therein shall have Liberty to inspect and peruse the same, and make Extracts therefrom and Copies thereof, at all seasonable Times, on Payment of Two Shillings and Sixpence for each Inspection, and of Two Shillings and Sixpence more for every Hour during which such Inspection shall continue after the first Hour, and paying for every Copy not exceeding One hundred Words the Sum of Sixpence, and so in proportion for any greater Number of Words; and the said Map or Plan and Book of Reference, or true Copies thereof, or of so much thereof as shall relate to any Matter which may be in question, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Company not to deviate from Plan.

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

Misnomers in Book of Reference not to obstruct making the Railway, &c.

X. And be it further enacted, That the said Company of Proprietors shall and may make the said Railways or Tramroads and other Works into, through, across, or over any Lands or Grounds described or intended to be described in the said Map or Plan, although the Name or Names of the Owner or Owners, or Occupier or Occupiers thereof, is or are omitted or mis-stated in the said Book of Reference. In case it shall be made to appear to any Two or more of His Majesty's Justices of the Peace for the said County of *Durham*, and be by them certified under their Hands, that such Omission or Mis-statement proceeded from Mistake: Provided always, that nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage any House or other Building which was erected or built on or before the Thirtieth Day of *November* One thousand eight hundred and twenty-seven, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the

Houses, &c. not to be taken without Consent, except those mentioned in the Schedule.

the Consent in Writing of the Owners thereof or Persons interested therein respectively, other than and except those specified in the Schedule annexed to this Act.

XI. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall be set out and ascertained for making the said Railways or Tramroads, and other Works and Conveniences hereby authorized to be made, or any of them, or any Part or Parts thereof respectively, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate and Sole, Tenants in Tail or for Life, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Cestuique Trusts, (whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons,) and to and for all Femes Covert who are or shall be seised or possessed of or interested in their own Right, or entitled to Dower or other Interest in any such Lands, Grounds, or Hereditaments, and for all and every other Person or Persons whomsoever who is or are or shall be seised or possessed of or interested in any Lands, Grounds, or Hereditaments which shall be set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said Company of Proprietors and their Successors; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company of Proprietors, and in or according to the following Form, or as near thereto as the Circumstances of the Case will admit of; (that is to say,)

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

‘ I of in consideration of the  
 ‘ Sum of to me paid by the Company of Pro-  
 ‘ prietors of the *Clarence* Railway, do hereby grant, release, assign,  
 ‘ and confirm to the said Company of Proprietors, all [*describing the*  
 ‘ *Premises to be conveyed,*] and all my Estate, Right, Title, and  
 ‘ Interest in and to the same and every Part thereof; to hold to the  
 ‘ said Company of Proprietors and their Successors for ever, by virtue  
 ‘ and according to the true Intent and Meaning of an Act passed in  
 ‘ the Ninth Year of the Reign of His Majesty King *George* the  
 ‘ Fourth, intituled [*here set forth the Title of this Act*]. In witness  
 ‘ whereof I have hereunto set my Hand and Seal, this  
 ‘ Day of in the Year of our Lord ’

Form of Conveyance to the Company.

And all such Conveyances and Assurances as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall be a complete Bar to all Estates Tail and other Estates, Rights, Titles, Trusts, and Interests whatsoever; and all such Conveyances and Assignments respectively shall be kept by the Clerk or Clerks to the said Company of Proprietors, who shall from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive the Sum of Sixpence for every One hundred Words, exclusive of Stamps.

XII. Pro-

Conveyances  
of Copyholds.

XII. Provided always, and be it further enacted, That all Contracts, Agreements, Bargains, and Sales of or concerning any Lands, Tenements, or Hereditaments which shall be Copyhold or Customary, or of the Nature of Copyhold, shall be executed and completed by Surrender thereof in the Court of the Manor of which the same is or are holden, according to the Custom of such Manor; and such Lands, Tenements, or Hereditaments shall continue subject to the same Fines, Rents, and Services as are due and payable and of Right accustomed, in the same Manner as if this Act had not been made, unless the Lord or Lords, Lady or Ladies of the Manor for the Time being, shall be willing and desirous to enfranchise the same (in which Case such Lord or Lords, Lady or Ladies, notwithstanding Coverture, and whether sole or married, is and are hereby empowered so to do, notwithstanding he, she, or they shall be seised of or entitled to the same Manor, or Manors for a less Interest than an Estate of Inheritance in Fee Simple); but inasmuch as the vesting and continuing of such Copyhold or Customary Premises in the said Company would prevent such Lord or Lords, Lady or Ladies, from receiving such Benefit of Fines, Heriots, and other Services as he, she, or they would have been entitled to in case such Copyhold or Customary Premises had continued to be the Property of Individuals, the said Lord or Lords, Lady or Ladies of such Manor or Manors, in case he, she, or they shall decline to enfranchise the respective Parcels of Copyhold or Customary Land held of such Manors, which shall be purchased by or vested in the said Company of Proprietors for the Purposes aforesaid, shall be entitled to and shall be paid by the said Company of Proprietors a reasonable Recompence and Satisfaction for the Loss that will arise to him, her, or them in respect to such Fines, Heriots, and other Services, the Enjoyment of which shall be diminished or lost by the vesting and continuing of such Copyhold or Customary Premises in a Body Corporate; which Recompence and Satisfaction, and also the Apportionment of the Copyhold or Customary Rents and Services issuing out of or payable or to be performed in respect of such Copyhold or Customary Tenements, of which a Part only shall be taken for any of the Purposes of this Act, if not settled by Agreement between the Parties, shall be ascertained and settled by the Verdict of a Jury, if required, as is herein-after directed.

Pieces of  
Lands separated to be  
purchased if  
required.

XIII. And be it further enacted, That if in making the said Railways or Tramroads any Pieces or Parcels of Ground shall be cut through and divided, so that what shall be left on each or either Side of the said Railways or Tramroads shall be less than One Acre in Quantity, or shall be throughout the whole Length thereof less than Fifty Yards in Breadth, and if the Owner or Owners of any such Pieces or Parcels of Ground shall not have any other Land or Ground adjoining to what shall be so left on each or either Side of the said Railways or Tramroads, then and in every such Case, and if the Owner or Owners, or Person or Persons entitled to the Possession or to the Rents and Profits of the same, shall so require, but not otherwise, they the said Company of Proprietors shall also take and purchase the Piece or Parcel, Pieces or Parcels of Ground so to be separated or left on each or either Side of the said Railways or Tramroads, being less than One Acre in Quantity, or less than Fifty Yards in Breadth throughout the whole Length thereof,



thereof, as aforesaid, the Value thereof to be ascertained, in case of Disagreement, in the same Manner as is hereby directed concerning any Land or Ground to be cut, taken, and used for the Purposes of this Act.

XIV. And be it further enacted, That in all Cases where, in making the said Railways or Tramroads or other Works hereby authorized to be made, there shall be Occasion to cut through, take, or use any Part of any Commons or Waste Grounds, the Conveyance of such Part of such Commons or Waste Grounds by the Lord or Lords, Lady or Ladies, for the Time being, of the Manor or Manors in which the same are situate, to the said Company of Proprietors, shall be a good and sufficient Conveyance thereof; and the Lord or Lords, Lady or Ladies of such Manor or Manors respectively, is or are hereby authorized and required to make and execute such Conveyances accordingly, Compensation for such Part of the said Commons or Wastes as shall be required to be taken for making the said Railways or Tramroads or other Works being first made or tendered to the Surveyors of the Highways within the respective Parishes or Townships wherein such Commons or Wastes shall be; and the Money which shall be paid to such Surveyors respectively for such Compensation shall be by them laid out and applied towards the Repairs of the Highways within their said respective Parishes or Townships, and in no other Manner.

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

XV. And for settling all Differences which may arise between the said Company of Proprietors and the Owners and Occupiers of and Persons interested in the Lands, Tenements, or Hereditaments which shall or may be set out and ascertained for making the said Railways or Tramroads and other Works and Conveniences, or any of them respectively, or which may be otherwise affected or prejudiced by the Execution of the Powers hereby granted, touching the Purchase Money to be paid or Recompence to be made respectively for or in respect of the same, be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons seised or possessed of or interested in any such Lands, Tenements, or Hereditaments as aforesaid, shall, for and on his, her, or their own Part or Parts, or for or on the Part of his, her, or their Cestuique Trusts, or of any incapacitated Person or Persons as aforesaid, refuse to accept such Purchase Money, Recompence, or Compensation as shall be offered to him, her, or them respectively by the said Company of Proprietors, or their Agent by or on their Behalf, and shall give Notice thereof in Writing to the said Company of Proprietors, within Thirty Days next after such Offer shall have been made, and the Party or Parties giving such Notice as aforesaid shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury; or if any Body Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons seised or possessed of or interested in any such Lands, Tenements, or Hereditaments as aforesaid, shall neglect or refuse to treat, or shall not agree with the said Company of Proprietors, or the Person or Persons authorized by the said Company of Proprietors, for the Sale and Conveyance of their respective Estates or Interests therein; or if any

Differences  
respecting  
Price of Land  
or Damages  
to be settled  
by a Jury to  
be summoned  
by the Sheriff,  
&c.

[*Local.*]

15 O

other

other Person or Persons, seised, possessed, or interested as aforesaid, cannot be found, or shall not be known or discovered, or shall not produce or evince a clear Title to the Premises which they respectively are or shall or may be in Possession of, or to the Interest which they shall respectively claim therein, to the Satisfaction of the said Company of Proprietors, or the Person or Persons authorized by them as aforesaid; then and in every such Case the said Company of Proprietors shall and may and they are hereby empowered and required from Time to Time to issue a Warrant under their Common Seal to the Sheriff of the County of *Durham*, and in case such Sheriff or his Under Sheriff shall be One of the said Company of Proprietors, or shall hold any Office of Trust or Profit under the said Company of Proprietors, or shall be otherwise interested in the Matter in question, then to some One of the Coroners of the same County who shall not be so interested as aforesaid, commanding such Sheriff or Coroner to impanel, summon, and return, and the said Sheriff or Coroner is hereby accordingly authorized and required to impanel, summon, and return a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*, to appear before the Justices of the Peace for the same County, at such Court of General or Quarter Sessions of the Peace to be holden for the same County, or at some Adjournment thereof, as in such Warrant or Warrants shall be appointed; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, (being so qualified as aforesaid,) to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the Clerk of the Peace for the said County, or his Deputy, is hereby empowered and required to summon and call before the said Justices all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question, and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matter or Matters in controversy; and such Jury upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence as herein after mentioned, the said Justices are hereby empowered to administer,) shall inquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, and Hereditaments, and also what separate and distinct Sum or Sums of Money shall be paid by way of Recompence, either for Damage which shall or may before that Time have been sustained, or for the future temporary or perpetual Continuance of Damage, the Cause or Occasion of which shall have been only in part obviated, repaired, or remedied by the said Company of Proprietors, and which cannot or will not be further obviated, repaired, or remedied by the said Company of Proprietors; and the Justices shall accordingly give Judgment for such Purchase Money or Recompence as shall be assessed by such Jury; which said Verdict, and the Judgment to be thereupon pronounced as aforesaid, shall be binding and conclusive to all Intents

and Purposes against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever; provided that not less than Fourteen Days Notice in Writing of the Time and Place of Meeting of the said Justices and Jury shall be given by or on behalf of the said Company of Proprietors to the Party or Parties with whom such Controversy shall be depending, by leaving such Notice at the Dwelling House of such Person or Persons, Trustee or Trustees, or with the Clerk or Agent of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises to be valued, or respecting which such Question shall be depending.

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

Fine on Sheriff making Default, and for Persons refusing to appear, &c.

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

Juries to be under same Regulations as those of the Courts at Westminster.

Persons giving false Evidence.

XVIII. And be it further enacted, That in every Case where the Verdict of the Jury shall be given for more Money to be paid as a Recompence or Satisfaction as aforesaid than shall have been previously offered or tendered by or on behalf of the said Company of Proprietors, or if no such Satisfaction or Recompence shall have been tendered

Expences of Jury how to be paid.

tendered by them, or on their Behalf, to the Person or Persons competent to accept and take the same, then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, for ascertaining and determining the Recompence and Satisfaction as aforesaid, shall be ascertained by some One or more Justice or Justices of the Peace for the said County Palatine of *Durham*, not being interested in the Matter in question, who is and are hereby empowered and required to examine into, ascertain, and settle the same; and in case of Nonpayment thereof by the said Company of Proprietors for the Space of Ten Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof to and from the said Company of Proprietors, then the said Justice or Justices shall be, and he and they is and are hereby required, by Warrant under his or their Hand and Seal or Hands and Seals, to levy the same by Distress and Sale of any of the Goods and Chattels of the said Company of Proprietors, for the Use of such Person or Persons to whom such Costs and Expences shall have been allowed, rendering to the said Company of Proprietors the Overplus (if any), after deducting the reasonable Charges of making such Distress and Sale; and every or any of such Person or Persons, upon Refusal or Neglect of the said Company of Proprietors to pay the said Costs and Expences as aforesaid, shall and may also have such and the like Remedy against them for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is by this Act described and directed; but if the Verdict of the Jury shall be given for the same Sum, or for a less Sum than shall have been previously offered or tendered by or on behalf of the said Company of Proprietors, then and in every such Case one Moiety of such Expence shall be defrayed by the Person or Persons with whom the said Company of Proprietors shall have such Controversy or Dispute, and the other Moiety thereof shall be defrayed by the said Company; which said Expences, having been ascertained and settled in manner last aforesaid by the said Justice or Justices, shall and may be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as aforesaid, as so much Money advanced to or for his, her, or their Use, and the Payment or Tender of the Remainder of the Money so to be determined or adjudged shall be deemed and taken to all Intents and Purposes whatsoever to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in all Cases where, by reason of Absence in Foreign Parts or otherwise, any Person or Persons shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges shall be borne and paid by the said Company of Proprietors.

Persons requesting  
Juries to  
enter into a  
Bond to prosecute and  
pay Expences.

XIX. And be it further enacted, That all and every Person or Persons with whom the said Company of Proprietors shall have any such Controversy or Dispute as aforesaid, shall, before the said Company of Proprietors shall be obliged to issue out their Warrant or Warrants for the summoning such Jury, first enter into a Bond in a Penalty of One hundred Pounds to prosecute his, her, or their Complaint, and to bear and pay his, her, or their Proportion of the Costs and Expences of summoning and returning such Jury and taking such

such Inquest, and of the summoning and Attendance of Witnesses, in case such Costs and Expences shall fall upon him, her, or them, to be paid according to the true Intent and Meaning of this Act.

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

Compensation Money to be apportioned.

XXI. And be it further enacted, That all the said Verdicts and Judgments shall be kept by the Clerk of the Peace for the said County Palatine of *Durham* amongst the Records of the Quarter Sessions for that County, and shall be deemed Records to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for each Inspection the Sum of One Shilling and no more, and also to take and make Copies thereof, paying for each Copy after the Rate of Sixpence for every One hundred Words.

Verdicts of Juries to be recorded.

XXII. And be it further enacted, That the said Company of Proprietors shall not be obliged by virtue of this Act to receive or take notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him or them sustained, or supposed to be sustained, by virtue or in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing shall have been given in relation thereto by or on behalf of such Person or Persons to the said Company, and 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.

No Complaint to be taken notice of, unless previous Notice has been given to the Company.

XXIII. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall, on the Tender of the Principal Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said Company, or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Company, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Company, or from such Person or Persons as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Six Calendar Months (to be computed from the Day of giving such Notice), then at the End of the said Six Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer

Mortgagees to convey on Tender of Principal and Interest.

[*Local.*]

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his, her, or their Interest in the Premises to the said Company, or to such Person or Persons as shall be appointed in Trust for them; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid, on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Principal Sum due upon any such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of the Premises so to be taken and made use of for the Purposes of this Act (and which shall be ascertained in manner herein before directed in Cases of Difference), then the said Company of Proprietors shall not be liable to pay to the Mortgagee or Mortgagees more than such real Value of such Premises so to be ascertained as aforesaid: Provided also, that in case any such Mortgagee or Mortgagees shall neglect or refuse to convey or assign as aforesaid, then, upon Payment of the Principal Money and Interest due on any Mortgage as aforesaid into the Bank of England, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money, in like Manner as is herein after directed in Cases of other Payments into the Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, shall vest in the said Company of Proprietors, and the said Company of Proprietors shall be deemed to be in the actual Possession of the Premises comprised in such Mortgage or Mortgages, to all Intents and Purposes whatsoever: Provided also, that if such Mortgage or Mortgages shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so purchased or taken, such Mortgagee or Mortgagees shall, upon Payment or Tender of the Sum so ascertained as the Value of the said Lands, Tenements, or Hereditaments as aforesaid, forthwith convey assign, and transfer his, her, or their Interest in such Lands, Tenements, or Hereditaments to the said Company of Proprietors, or to such Person or Persons as they shall appoint; and in default of their so doing, and on Payment of such Money into the Bank of England for the Use of the Mortgagee or Mortgagees, the Cashier of the Bank shall give such Receipt or Receipts as above mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them respectively, in the said Lands, Tenements, or Hereditaments, the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Company of Proprietors, and the said Company of Proprietors shall be deemed to be in the actual Possession of the said Premises to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Monies due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

Application  
of Compensation Mo-  
ney when

XXIV. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments, or for any Estate or Interest therein, purchased, taken, or used

used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, Cestuique Trust, or to any other Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of His Majesty's Court of Exchequer, to be placed to his Account there *ex parte* the Company of Proprietors of the *Clarence* Railway, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes,* and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or in the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase and Settlement were made.

amounting  
to or exceed-  
ing 200*l.*

1 G. 4. c. 35.

When less than 200*l.*, and amounting to 20*l.*

XXV. Provided always, and be it further enacted, That if any Money so agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any 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 or Persons for the Time being entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein before directed; or otherwise the same shall be paid at the like Option to Two or more Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Company of Proprietors (such Nomination and Approbation to be signified in Writing by the nominating and approving Parties,) in order that such Principal Money, and the Dividends arising therefrom, 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 or Approbation of the Court of Exchequer.

When less than 20*l.*

XXVI. Provided also, and be it further enacted, That where such Money so agreed or assessed to be paid as herein before mentioned shall be less than Twenty Pounds, then and in every such Case the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for any of the Purposes of this Act, in such Manner as the said Company of Proprietors shall think fit; or in case of Infancy or Lunacy, then to the Guardian or Guardians of such Infant or Infants, or the Committee or Committees of such Lunatic or Lunatics, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank.

XXVII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be assessed, to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make out a good Title to the Premises, to the Satisfaction of the said Company of Proprietors; or in case such Person or Persons to whom such Sum or Sums of Money shall be so assessed or awarded to be paid as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered; then and in every such Case it shall and may be lawful to and for the said Company of Proprietors to order the said Sum or Sums of Money so assessed or awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court



of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

In case of disputed Titles, Persons in Possession to be deemed entitled.

XXIX. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court to order the Expences of all Purchases from Time to Time to be made in pursu-

Court of Exchequer may order Expences of Purchases to be paid by the Company.

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ance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Company of Proprietors, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power to enter and take Possession of Lands, &c. on Payment or Tender of Purchase Money.

XXX. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury or Juries in manner aforesaid, for the Purchase of any such Lands, Tenements, or other Hereditaments, or to such other Person or Persons as shall be interested therein, or entitled to receive such Compensation, within One Calendar Month after the same shall have been so agreed for, determined, or awarded, or if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then, upon Payment of such Sum or Sums of Money into the Bank of England, as herein-before directed and required, for the Use of such Person or Persons so interested or entitled as aforesaid, it shall and may be lawful to and for the said Company of Proprietors, and their Agents, Workmen, Contractors, and Servants, immediately, or at any Time thereafter, to enter upon such Lands, Tenements, and other Hereditaments respectively, and then and thereupon such Lands, Tenements, and other Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Company of Proprietors, to and for the Purposes of this Act, for ever; and such Tender or Payment shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but shall also extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment or legal Tender as aforesaid it shall not be lawful for the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to dig or cut any such Land or Ground, or to take down, remove, or alter any such Messuage, Building, Tenement, or other Hereditament, for the Purpose of making the said Railways or Tramroads and other Works, without the Leave and Consent of the Proprietor or Proprietors thereof respectively entitled to such Payment; and in case the said Company of Proprietors, or any Person or Persons acting by or under their Authority, shall enter upon any such Lands, Grounds, or Premises, before or until such Payment or legal Tender shall have been made, they or he shall respectively forfeit and pay to the Party aggrieved the Sum of Ten Pounds for every Day he or they shall remain on such Land or Premises.

Deficiencies in Land Tax to be made good by Company.

XXXI. And whereas by reason of taking Land for the Purposes of this Act there may be Deficiencies in the Assessments for Land Tax in the several and respective Parishes, Townships, or Places through

through which the said Railways or Tramroads will pass ; be it therefore enacted, That for preventing the same the said Company shall, from and after the said Company shall become seised and possessed of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, (unless the said Company shall think fit to redeem the same under the Powers of the Act for the Redemption of the Land Tax,) be subject and liable from Time to Time to pay and make good to or in aid of the said Parishes, Townships, or Places, out of the Monies to arise by virtue of this Act, all such Sum and Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said Parishes, Townships, or Places, by reason or means of taking or using, for the Purposes of this Act, any Lands liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer, Collector, or Receiver to be appointed under this Act shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the said Assessments.

XXXII. And whereas by means of the Purchases which the said Company of Proprietors are empowered and required to make by virtue of this Act, they may happen to be seised of more Land or Ground than will be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Company of Proprietors to grant and convey, by way of absolute Sale for a Consideration in Money, any Part or Parts of such Land or Ground, either together or in Parcels, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same ; and such Conveyances from the said Company of Proprietors shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom, to the contrary thereof in anywise notwithstanding ; and upon Payment of the Money which shall arise by any such Sale, it shall be lawful for the Treasurer or Treasurers for the Time being of the said Company of Proprietors to sign and give Receipts for the same, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands or Grounds shall be sold, or for so much thereof as in any such Receipt or Receipts shall be acknowledged or expressed to be received ; and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof: Provided always, that before the Sale or Disposition of any such Land or Ground shall be so made, the said Company of Proprietors shall first offer to resell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Land or Ground, or who would have been then entitled thereto, in case such Land or Ground had not been purchased by the said Company of Proprietors, or to the Owner or Owners of the adjoining Land ; and if such Person or Persons shall not agree, or shall refuse to repurchase the same, it shall and may be lawful to and for any Person or Persons not interested in the Premises to make an Affidavit, to be sworn before a Master or Master Extraordinary in the High Court of Chancery,

Enabling the Company to sell Lands not wanted.

First Offer to be made to the Person from whom it was purchased.

or

or before One of His Majesty's Justices of the Peace, for the said County Palatine of *Durham*, stating that such Offer was made by or on behalf of the said Company of Proprietors, and that such Person or Persons refused or did not agree to purchase such Land or Ground (as the Case may be), and such Affidavit shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made and was refused, or was not agreed to; and in case such Person or Persons shall be desirous of repurchasing the same, and he, she, or they and the said Company of Proprietors shall not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in manner herein-before directed with respect to the disputed Value of Premises to be purchased by the said Company in pursuance of this Act; and the Costs and Expences of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to Purchases made by the said Company of Proprietors, *mutatis mutandis*; and the Money produced by the Sale or Sales which may be made by the said Company of Proprietors of such Piece or Pieces of Land or Ground as aforesaid, shall be applied to and for the Purposes of this Act.

The whole Expences to be subscribed before the Work is commenced.

XXXIII. And whereas the probable Expences of making the said Railways or Tramroads and other Works hereby authorized to be made, will, according to an Estimate made thereof, amount to the Sum of One hundred thousand Pounds or thereabouts, and the Sum of Eighty thousand Pounds has already been subscribed for defraying such Expences by several Persons, under a Contract binding themselves, their Heirs, Executors, and Administrators, for the Payment of the several Sums of Money so subscribed by them respectively; be it therefore further enacted, That the whole of the said Sum of One hundred thousand Pounds shall be subscribed in like Manner before any of the Powers given by this Act shall be put in force.

Proprietors to raise Money amongst themselves for making Railway.

XXXIV. And to the end that the said Company of Proprietors may be enabled to carry on the said Undertaking, be it further enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute amongst themselves, in such Proportions as they shall think proper, a competent Sum of Money for making and completing the said Railways or Tramroads, Wharfs, Bridges, and other Works and Conveniences by this Act authorized to be made, not exceeding in the whole the said Sum of One hundred thousand Pounds, and the same shall be divided into Shares of One hundred Pounds each, and such Shares shall be numbered in regular numerical Progression, and every Share shall for ever afterwards be distinguished by the Number to be appointed for the same.

Shares vested in the Proprietors.

XXXV. And be it further enacted, That the said Shares shall be and they are hereby vested in the several Persons so raising and contributing the same, and their several and respective Successors, Executors, Administrators, and Assigns, to and for their and every of their proper Use and Benefit, according and proportionably to the Sums they shall severally raise and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons, their several and respective Successors,

Successors, Executors, Administrators, and Assigns, who shall subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Undertaking, and other the Purposes of the said Subscription, shall be entitled to receive, after the said Railways or Tramroads shall be completed, a due and just Proportion, according to their respective Number of Shares, of the clear Profits and Advantages which shall or may arise or accrue by or from the Rates, Tolls, Duties, and other Monies to be raised, recovered, or received by virtue of this Act, and shall also from Time to Time bear and pay a like due and just Proportion of the Money wanted for carrying on the said Undertaking, in manner herein directed and appointed.

XXXVI. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, or Collegiate, and all other Person or Persons, of and in the said Undertaking, or the Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and be transmissible as such, and not of the Nature of Real Property.

Shares to be deemed Personal Property.

XXXVII. And be it further enacted, That every Body Politic, Corporate, and Collegiate, and all and every other Person and Persons, who shall by virtue of this Act have subscribed for or shall become entitled to and be in the actual Possession of One or more Share or Shares in the said Undertaking, shall be deemed a Proprietor of every such Share, and shall have a Vote for and in respect of every such Share in all Meetings of the said Company of Proprietors to be held in pursuance of this Act, for carrying on the said Undertaking, or relating thereto; and such Vote or Votes shall and may in all Cases be given by such Body Politic, Corporate, or Collegiate, or other Person or Persons, or by their, his, or her Proxy duly constituted under the Seal of such Body Politic, Corporate, or Collegiate, or the Hand or Hands of such other Person or Persons, or in case of the Infancy, Lunacy, or Idiocy of any such other Person or Persons, then under the Hand or Hands of his, her, or their Guardian or Guardians, Committee or Committees, every such Proxy being a Proprietor of One or more Share or Shares in the said Undertaking; and every such Vote by Proxy shall be as good and valid to all Intents and Purposes as if such Principals had voted in Person, or being an Infant or Infants, had been of full Age, or being an Idiot or Lunatic, had been of sound Understanding; and the Appointment of every such Proxy shall and may be made in the Form or to the Effect following; (that is to say,)

Subscribers to be deemed Proprietors.

Proprietors may vote by Proxy.

‘ I of One of the Company of Form of  
 ‘ Proprietors, [or We Guardians of Proxy.  
 ‘ a Proprietor of Share [or Shares] in the *Clarence Rail-*  
 ‘ way, do hereby nominate, constitute, and appoint  
 ‘ of to be my [or his, or her,] Proxy, in my  
 ‘ [or his, or her,] Name and in my [or his, or her,] Absence to vote  
 ‘ or give my [or his, or her,] Assent or Dissent to any Business,  
 ‘ Matter, or Thing relating to the said Undertaking that shall be  
 ‘ mentioned or proposed at any Meeting of the Company of Proprietors  
 . [Local.] 15 R ‘ of

of the said Undertaking, or any Adjournment thereof, in such Manner as he the said shall think proper, according to his Opinion and Judgment, for the Benefit of the said Undertaking, or any thing appertaining thereto, until I [or we, or the said ] shall revoke this Appointment, by Notice in Writing to the Clerk of the said Company of Proprietors. In witness whereof I [or we] have hereunto set my Hand [or our Hands] the Day of

Questions to be decided by Majority of Votes.

And every Question, Matter, and Thing whatsoever which shall be proposed, discussed, or considered in any Meeting of the said Company of Proprietors, to be held by virtue or in pursuance of this Act, shall be finally determined by a Majority of Votes and Proxies then present, computing One Vote to each Share in the said Undertaking as aforesaid.

Power to raise a further Capital by Mortgage.

XXXVIII. Provided always, and be it further enacted, That in case the Money hereby authorized to be raised shall be found insufficient for the making, completing, and maintaining of the said Railways or Tramroads and other the Works hereby authorized to be made, and for defraying all necessary Charges and Expences relating thereto, then and in such Case it shall be lawful for the said Company to raise any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding the Sum of Sixty thousand Pounds, by Mortgage of the said Undertaking; and it shall be lawful for the said Company of Proprietors, by an Order of any General Assembly of the said Company, to borrow and take up at Interest all or any Part of the said Sum of Sixty thousand Pounds, on the Credit of the said Railways or Tramroads and Undertaking, as to them shall seem meet and convenient; and the said Company of Proprietors, or the Committee of the said Company, after an Order of any General Assembly, are hereby fully authorized and empowered to assign the Property of the said Railways or Tramroads, and the Rates arising or to arise by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Rates,) as a Security for any Sum or Sums of Money to be borrowed as aforesaid, with Interest, to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance the same; all which said Mortgages or Assignments shall be made under the Common Seal of the said Company, and in the Words and to the Effect following, or as near thereto as Circumstances will admit; (that is to say,)

Form of Mortgage.

N<sup>o</sup>  
 BY virtue of an Act made in the Ninth Year of the Reign of King George the Fourth, intituled [here set forth the Title of this Act,] we, the Company of Proprietors of the said Railways or Tramroads, incorporated by virtue of the said Act, in consideration of the Sum of to us in hand paid by of do assign unto the said his [or her] Executors, Administrators, and Assigns, the said Undertaking, and all and singular the Rates arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of us the said Company of Proprietors, of, in, and to the same; to hold the same unto the said

his

‘ his [*or her*] Executors, Administrators, and Assigns, until the said  
 ‘ Sum of together with Interest for the same after  
 ‘ the Rate of *per Centum per Annum*, shall be fully  
 ‘ paid and satisfied. Given under our Common Seal, this  
 ‘ Day of in the Year of our Lord One thousand eight  
 ‘ hundred and .’

And all Persons to whom such Mortgage or Assignment shall be made shall be equally entitled, one with the other, to their Proportion of the said Rates and Premises, according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of Priority of any such Assignments or on any other Account whatsoever; and a Memorial of every such Assignment, containing the Date thereof, the Name or Names and Additions of the Person or Persons to whom the same shall be made, and the Sum of Money thereby secured, with the Rate of Interest to be paid for the same, shall be entered in a Book to be kept for that Purpose by the Clerk of the said Company of Proprietors; which said Book shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all and every Person or Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled to the Money thereby secured, shall and may from Time to Time assign or transfer his, her, or their Right and Interest therein to any Person or Persons whomsoever; which Transfer or Assignment shall and may be in the Form or to the Effect following; (that is to say,)

Memorial of Assignments to be entered by the Clerk.

‘ I [*or We*] of in consideration of the Sum  
 ‘ of to me [*or us*] paid by of do  
 ‘ hereby transfer the within Mortgage, [*or a certain Mortgage,*  
 ‘ Number made by the Company of Proprietors of the  
 ‘ *Clarence* Railway, bearing Date the Day of ]  
 ‘ and the Principal Sum of thereby secured, and the  
 ‘ Interest now due or hereafter to grow due for the same, and all my  
 ‘ [*or our*] Right and Property therein, to the said his  
 ‘ [*or her*] Executors, Administrators, and Assigns. In witness  
 ‘ whereof I [*or we*] have hereunto set my Hand and  
 ‘ Seal [*or our Hands and Seals*], this Day of in  
 ‘ the Year of our Lord .’

Form of Transfer.

And every such Transfer shall within Thirty Days after the Date thereof be produced to the Clerk of the said Company of Proprietors, who shall cause an Entry or Memorial thereof, (to the same Purport and Effect as herein-before directed with respect to the original Assignment or Mortgage,) to be made or entered in the Book to be kept for entering the Memorials of such original Assignments or Mortgages, and for such Entry the said Clerk shall be paid the Sum of Two Shillings and Sixpence and no more; and after such Entry shall be made, but not before, such Transfer shall entitle the Assignee or Assignees therein named, and his, her, and their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage.

Memorial of Transfers to be entered.

XXXIX. And be it further enacted, That the Money to be raised by the said Company of Proprietors by virtue of this Act (or a sufficient

Application of Money to be raised.

sufficient Part thereof,) shall be laid out and applied, in the first place, in Payment, Discharge, and Satisfaction of the Costs, Charges, and Expences attending the obtaining and passing of this Act, and the making the proper Surveys, Plans, and Estimates, and the doing and providing of all the Matters and Things preparatory and previous thereto; and the Residue and Remainder of such Money shall be laid out and applied for and towards the purchasing of Lands and Grounds, and the making, carrying on, completing, and maintaining the said Railways or Tramroads and other Works and Conveniences, and for other the Purposes of this Act.

First and  
other General  
Meetings.

Committee  
to be elected.

XL. And be it further enacted, That the First General Meeting of the said Company of Proprietors for putting this Act into Execution shall be held at *Stockton* within Eight Weeks after the passing of this Act, of which Meeting not less than Seven clear Days Notice shall be given by public Advertisement in some Newspaper or Newspapers usually circulated in the County of *Durham*; and all future General Meetings shall be held at such Times and Places as the said Company of Proprietors at their preceding General Meetings shall from Time to Time appoint, of which future General Meetings not less than Seven clear Days Notice shall be given by public Advertisement in such Newspaper or Newspapers as herein-before mentioned, or in such other Manner as the said Company of Proprietors at their respective General Meetings shall direct; and the said Company of Proprietors at their First General Meeting, or some Adjournment thereof, shall nominate and appoint Twelve Persons of and out of such of the said Proprietors as at the Time of such Election shall respectively be possessed in their own Right of Five Shares at the least in the said Undertaking, who shall be and constitute a Committee for managing and conducting the Affairs and Business of the said Company of Proprietors: Provided always, that no Person holding any Office, Employment, or Contract under the said Company of Proprietors, or being directly or indirectly interested in supplying or furnishing any Article, Matter, or Thing to be employed or made use of, shall be capable of being chosen or acting on such Committee during the Time of his Continuance in such Office or Employment, or holding such Contract; and in case any Person or Persons nominated and appointed to be a Member or Members of such Committee as aforesaid shall die, or refuse to act, or cease to be One of the said Company of Proprietors, or shall hold any Office, Employment, or Contract under the said Company of Proprietors, then and in any of such Cases it shall be lawful for the said Company of Proprietors, at any General, or Special General Meeting, to nominate and appoint some other Person or Persons in the Room or Stead of the Person or Persons so dying, refusing to act, ceasing to be One of the said Company of Proprietors, or holding any Office, Employment, or Contract under the said Company; and every Person or Persons so nominated and appointed shall have the like Powers and Authorities for acting as One of the said Committee, and shall be subject to the like Rules, Orders, Regulations, and Restrictions, as the Person or Persons in whose Room or Stead he or they shall be so nominated and appointed.

Powers of  
General  
Meetings.

XLI. And be it further enacted, That the said Company of Proprietors shall have Power and Authority at any such General Meeting to



remove and displace any Person or Persons who shall have been nominated and appointed a Member or Members of the said Committee, by virtue of this Act, in manner herein directed, and from Time to Time to nominate and appoint another Person or Persons, duly qualified, in his or their Room or Stead ; and it shall and may be lawful for the said Company of Proprietors, at any General Assembly, to make such Rules, Orders, and Bye Laws as to them shall seem meet and proper for the good Government of the said Company of Proprietors, and of their Committee, Treasurers, Receivers, Collectors, Clerks, Officers, Agents, and Workmen, and for the whole, complete, and total Superintendence, Regulation, and Management of the said Railways or Tramroads and other Works or Conveniences, and all Matter and Things thereto belonging, and of and concerning the conveying of all Goods, Wares, Merchandize, Articles, and Things upon and along the said Railways or Tramroads and every Part thereof, and of the Men, Horses, Cattle, or Engines employed in hauling or conveying any Waggon or other Carriage upon or along the same, and for regulating the Commencement, Continuance, Suspension, Cessation, Turn, and Order of the passing and repassing of all Waggons, Engines, and Carriages upon or along the said Railways or Tramroads and the Inclined Plane thereof, and otherwise, and for so far regulating the Structure and Manner of Building of all such Waggons, Engines, and Carriages as shall from Time to Time be used upon the said Railways or Tramroads, as to prevent them damaging or injuring the same or the Works thereof, or damaging or injuring other Waggons, Engines, or Carriages passing thereon, and for regulating the Weight of Lading to be carried in each Waggon or other Carriage, and from Time to Time to alter and repeal such Rules, Orders, and Bye Laws, or any of them, and make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons who shall offend against such Rules, Orders, or Bye Laws, or any of them, as they shall think meet, not exceeding the Sum of Five Pounds for any One Offence ; such Fines and Forfeitures to be levied and recovered by such Ways and Means as herein-after mentioned ; which said Rules, Orders, and Bye Laws, being reduced into Writing under the Common Seal of the said Company of Proprietors, shall be binding upon and observed by all Parties using or in any way concerned in the said Railways or Tramroads and other Works thereto belonging, or any of them or any Part thereof, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same ; provided that such Rules, Orders, and Bye Laws be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any of the expressed Directions and Provisions of this Act ; and provided that Copies of such Rules, Orders, and Bye Laws, so far as the same may relate to the same Railways, shall be painted on Boards, and renewed from Time to Time when defaced, destroyed, or obliterated, and fixed in some conspicuous Place upon or near adjoining to every Toll House to be erected upon or near to the said Railways or Tramroads, and in such other Place or Places as the said General Meeting shall direct ; and all such Rules, Orders, and Bye Laws shall be subject to Appeal in manner herein-after directed ; and every such General Meeting shall have Power to call for, audit, and settle all Accounts of Money received,

paid out, and disbursed on account of the said Undertaking, by the Treasurers, Receivers, or Collectors of the Rates and other Officers by them appointed, or by any other Person or Persons employed by or concerned for or under them in and about the said Railways or Tramroads, and the Works thereto belonging; and the said Company of Proprietors shall have Power to adjourn themselves from Time to Time, as they shall see Occasion, for the further Execution of this Act.

Meetings of Proprietors may be specially convened.

XLII. And be it further enacted, That if it shall at any Time appear, that for the more effectually putting this Act into Execution a Special General Meeting of the said Company of Proprietors is necessary to be held, it shall be lawful for any Proprietor or Proprietors who shall each of them be possessed of or entitled to Five Shares at the least in the said Undertaking, to cause Ten Days Notice at the least to be given of such Special General Meeting, by public Advertisement in some Newspaper or Newspapers usually circulated in the County of Durham, or in such other Manner as the said Company of Proprietors shall at any General Meeting direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special General Meeting, and the Time when and the Place where the same shall be held; and the said Company of Proprietors are hereby authorized to meet in pursuance of 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 of Proprietors with respect to such Matters as shall be specified in such Notice; and all Acts and Proceedings of the Proprietors at every such Special General Meeting shall be as valid with respect to the Matters specified in such Notice as if the same had been done at any General Meeting of the said Company of Proprietors.

General and Special General Meetings to consist of Proprietors of not less than Fifty Shares.

XLIII. Provided always, and be it further enacted, That if at any such General or Special General Meeting there shall not be Persons present, either as Principals or Proxies, who shall be possessed of or entitled to at least Fifty Shares in the said Undertaking, nothing shall be done at such General or Special General Meeting, but in such Case there shall be another General Meeting of the said Company of Proprietors upon that Day Two Weeks, and so from Time to Time until there shall be Persons present at such General Meeting having such Number of Shares as aforesaid; and of every such Adjourned Meeting Seven Days Notice shall be given by Letters from the Clerk of the said Company to the several Proprietors thereof at their usual Place of Residence; and at all and every the Meetings of the said Company of Proprietors One of the Proprietors then and there present shall be appointed the Chairman; and in all Cases where there shall arise at any such Meeting a Difference of Opinion upon any Question, the Question shall be decided by a Majority of Votes of the Proprietors then present, and if upon any Question there shall be an equal Number of Votes (including the Chairman's Vote), then the Chairman shall have and give another of the casting Vote;

General Meetings to appoint

XLIV. And be it further enacted, That it shall be lawful for the said Company of Proprietors, at any General or Special General Meeting,

Meeting, and they are hereby authorized and empowered, from Time to Time to nominate and appoint a Treasurer or Treasurers, and One or more Receiver or Receivers, Collector or Collectors of the Rates, Tolls, and Duties hereby allowed to be demanded and taken, and also One or more Clerk or Clerks to the said Company of Proprietors, and such other Officers as to them shall seem meet, and to grant or allow to such Officers respectively such Salary or Allowance as the said Company of Proprietors shall think proper; and the said Company of Proprietors shall take Security from every such Treasurer, Receiver, Collector, and other Officer having the Care or Custody of any Money to be raised or received by virtue of this Act, for the faithful Execution of their respective Offices, and may also take such Security from any other of their Officers as they shall think proper; and also from Time to Time discharge and dismiss any such Treasurer or Treasurers, Collector or Collectors, Clerk or Clerks, or other Officer or Officers, or any of them, and appoint others in their Stead, as there shall be Occasion.

Officers, and  
take Security  
when requi-  
site.

XLV. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or Clerks or other Person or Persons in the Service or Employ of such Clerk, the Treasurer for the Purposes of this Act, nor to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or Clerks or other Person or Persons in the Service or Employ of such Treasurer, the Clerk to the said Company of Proprietors; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold or accept any Place or Office of Trust or Profit under the said Company other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same; to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance; shall be allowed.

Same Person  
not to be  
Clerk and  
Treasurer.

XLVI. And be it further enacted, That every such Treasurer, Clerk, Collector, and all other Officers and Persons to be appointed by virtue of this Act, shall, under their Hands, at such Time and Times and in such Manner as the said Company of Proprietors or their Committee shall direct, deliver to the said Company of Proprietors,

Officers, &c.  
to account.

prietors, or to the said Committee, or to such Person or Persons as they shall respectively appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Treasurer, Clerk, Collector, Officer or Officers, and Person or Persons respectively, received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Company of Proprietors, or to the said Committee, or to such Person or Persons as they shall respectively appoint; and if any such Treasurer, Clerk, Collector, Officer, or Person shall refuse to produce or deliver up such Receipts or Vouchers, or to make Payment as aforesaid, or shall not deliver to the said Company of Proprietors, or to the said Committee, or to such Person or Persons as they respectively shall appoint, within Fourteen Days after being thereunto required by the said Company of Proprietors, or by the said Committee, all Books, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said Company of Proprietors, or to the said Committee, or as they shall respectively direct and appoint, then and in any of the Cases aforesaid the said Company of Proprietors may and are hereby authorized and empowered to bring or cause to be brought any Action or Actions against such Treasurer, Clerk, Collector, Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid, for the Recovery of the Monies that shall be in their Hands respectively; or if Complaint shall be made by the said Company of Proprietors, or by the said Committee, or by such Person or Persons as they respectively shall appoint, for that Purpose, of any such Refusal or Neglect as aforesaid, to any One or more of the Justices of the Peace for the County of *Durham*, such Justice or Justices may, and he and they is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause the Treasurer, Clerk, Collector, Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him or them, and upon his, her, or their appearing, or having been summoned and not appearing, without giving some reasonable Excuse for such Nonappearance, to the Satisfaction of such Justice or Justices, or in case of his, her, or their not being so found, to hear and determine the Matter in a summary Way, and if upon the Confession of the Party or Parties, or by the Testimony of any One or more credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby empowered to administer), it shall appear to such Justice or Justices, that any of the Monies that shall have been collected, or raised by virtue of this Act shall be in the Hands of such Treasurer, Clerk, Collector, Officer or Officers, Person or Persons, such Justice or Justices may and is and are hereby authorized and required, upon the Nonpayment thereof, by a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Treasurer, Clerk, Collector, Officer or Officers, Person

Person or Persons respectively; and if no Goods or Chattels of such Treasurer, Clerk, Collector, Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of levying the same; or if such Treasurer, Clerk, Collector, Officer or Officers, Person or Persons, shall still persist in refusing or neglecting to deliver up all such Books, Papers, and Writings as aforesaid to the said Company of Proprietors, or to the said Committee, or as they respectively shall appoint; then and in any of the Cases aforesaid such Justice or Justices shall commit every such Offender to the Common Gaol for the said County, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Company of Proprietors, or with the said Committee, and shall have paid such Composition in such Manner as they respectively shall appoint, and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Company or to the said Committee: Provided always, that no Treasurer, Clerk, Collector, Officer, or Person so committed for Want of sufficient Distress, shall be confined or detained in Prison by virtue of this Act for any longer Space than Three Calendar Months.

XLVII. And be it further enacted, That if any Agent, Toll Collector, Wharfinger, or other Servant of the said Company of Proprietors, occupying any House, Toll House, Offices, or Buildings belonging to the said Company, without paying Rent for the same, shall be discharged from his Office by or by the Order of the said Company or their Committee, and shall not deliver up Possession of such House, Toll House, Offices, Buildings, and Appurtenances, together with the Books, Papers, and other Matters and Things belonging to the said Company, in his Custody, Power, or Possession, within Fourteen Days next after Notice of such Discharge shall have been given him, or left at such House, Offices, or Buildings, or if the Wife, Widow, or any of the Children or Family or other Representatives of any Agent, Toll Collector, Wharfinger, or other Servant who shall happen to die while in the Service of the said Company, or who shall abscond or absent himself, or any other Person or Persons, shall refuse to deliver up the Possession of such House, Toll House, Offices, Buildings, and Appurtenances as aforesaid, together with the Books, Papers, and other Matters and Things belonging to the said Company, in his, her, or their Custody, Power, or Possession, within Three Days after another Person shall be appointed in the Place and Stead of the Person so dying, absconding, or absenting himself, then and in any of the said Cases it shall be lawful for any One or more Justices of the Peace for the said County of *Durham*, and they are hereby required, by Warrant under their respective Hands and Seals, to order any Constable or other Peace Officer, with such Assistants as shall be necessary, to enter such House, Toll House, Offices, Buildings, and Appurtenances in the Day-time, and to remove the Person or Persons who shall be found therein, together with his or their Goods and Chattels, out of such House, Toll House, Offices, and Buildings, and to take Possession of all the Books, Papers, Matters, and Things belonging to the said Company which shall be found

Discharged Officers, &c. to quit the Possession of Houses, &c. belonging to the Company.

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therein,

therein, and to deliver Possession of such House, Toll House, Offices, Buildings, and Appurtenances, together with the Books, Papers, Matters, and Things found therein belonging to the said Company, to the new appointed Agent, Toll Collector, Wharfinger, or other Servant, or to such other Person or Persons as the said Company or their Committee shall appoint to receive the same.

Powers of  
Committee.

**XLVIII.** And be it further enacted, That the said Committee shall have full Power and Authority to contract for the Purchase of Lands, Tenements, and Hereditaments, and Materials for the Use of the said Undertaking, and to make all other Contracts and Bargains touching the said Undertaking, and to sell such Lands and Buildings as shall not be wanted for the Use thereof, and to order and direct how the several Works hereby authorized to be made and done shall from Time to Time be carried on, and to suspend or remove any Treasurer, Engineer, Clerk, Collector, Officer, or Servant of the said Company of Proprietors, for any Neglect, Misconduct, or Inability, and to appoint some other Person in their respective Places, and also to fill up Vacancies in those Offices, arising by Death, Resignation, or otherwise, (such new Appointment to continue only until the next General or Special General Meeting of the said Company of Proprietors, when the Appointment of such Person shall either be confirmed, or such other fit Person shall be appointed to succeed to such Office as the said Company at such General or Special General Meeting shall think proper,) and to do, execute, and perform all other Matters and Things whatsoever necessary and expedient to be done in and about the said Undertaking, and which the said Company of Proprietors are by this Act empowered to do, save and except such only as are hereby specially directed to be done by the Company of Proprietors at their General or Special General Meetings.

Meetings of  
the Com-  
mittee.

**XLIX.** And be it further enacted, That the said Committee shall and may (subject nevertheless at all Times to the Orders and Directions of the General Assemblies of the said Company of Proprietors) meet at such Times and Places, and from Time to Time adjourn to such other Times and Places, as they shall think fit; and all the Powers and Authorities hereby vested in or directed or authorized to be exercised by the said Committee may be done and exercised by a Majority of them present at their respective Meetings, the whole Number present not being less than Three; and all Questions, Matters, and Things which shall be discussed or considered at any Meeting of the said Committee shall be determined by the Members of the said Committee present in Person, and each Member present shall be entitled to One Vote; and at all such Meetings a Chairman shall be chosen, who, in case of an Equality of Votes (including the Vote of the Chairman) upon any Question agitated in the said Committee, shall have and give a Second or the casting Vote; and such Committee shall from Time to Time make Reports of their Proceedings to the General or Special General Meetings of the Proprietors, and shall obey their Orders and Directions; and in order to defray the Expences of their Meetings, the said Committee shall from Time to Time receive, out of the Capital Stock of the said Company of Proprietors, such Sum or Sums of Money as shall be directed, adjusted,

and settled at such General or Special General Meetings; and the said Company shall enter or cause to be entered in Books, to be from Time to Time provided for that Purpose at the Expence of the said Company of Proprietors, a full and true Account of all Monies disbursed and Payments made, and of all and every Sum and Sums of Money which shall be received on behalf or in respect of the said Undertaking, by or from any Person or Persons whomsoever employed in the said Undertaking, or having any Concerns, Dealings, or Transactions with the said Company of Proprietors, relating to the same, and shall cause to be regularly entered in a Book or Books, to be from Time to Time provided at the Expence of the said Company for that Purpose, Notes, Minutes, or Copies, (as the Case shall require,) of their Orders and Proceedings; which Book or Books shall be deposited with and kept by the Clerk of the said Company of Proprietors; and every such Book, and all other Books, Papers, and Writings belonging to the said Company of Proprietors, shall at all seasonable Times be open to the Inspection of any of the said Proprietors, who may take Copies thereof or Extracts therefrom, without Fee or Reward, having first applied to and obtained from the said Committee an Order in Writing for that Purpose.

L. And be it further enacted, That the said Committee shall have full Power and Authority from Time to Time to make such Call or Calls for Money from the several Subscribers to and Proprietors of the said Undertaking, in order to defray the Expences of or carry on the same, as they shall from Time to Time find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Ten Pounds for and in respect of every Share in the said Undertaking, and so that no such Calls be made within the Distance of One Calendar Month of each other; and Ten Days Notice at the least shall be given of every such Call, by Advertisement in some Newspaper or Newspapers usually circulated in the said County Palatine of *Durham*, or in such other Manner as the said Company of Proprietors shall at any General Meeting direct or appoint; all which Money so to be called for as aforesaid shall be paid into the Hands of the Treasurer or Treasurers of the said Company of Proprietors, to be issued, paid, and applied for carrying on the said Undertaking, in such Manner as the said Committee shall from Time to Time order and direct.

Power of  
Committee to  
make Calls.

LI. And be it further enacted, That every Proprietor of any Share or Shares in the said Undertaking shall from Time to Time pay his, her, or their Proportion of the Money so to be called for as aforesaid, into the Hands of the Treasurer or Treasurers of the said Company of Proprietors, at such Time and Place as the Committee making such Calls shall direct and appoint, and of which Notice shall be given as herein-before is directed; and if any Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money so to be called for as aforesaid, at the Time and Place which shall be appointed for that Purpose in manner aforesaid, it shall be lawful for the said Company of Proprietors, in case they shall think fit, to sue for and recover the same, with Interest at the Rate of Five Pounds *per Centum per Annum* from the Time appointed for the Payment

Proprietors  
to pay their  
Shares of the  
Money at the  
Time and  
Place ap-  
pointed.

In case of Neglect of Payment, Shares to be forfeited and sold.

No Advantage to be taken of Forfeitures of Shares without Notice.

If Purchase Money for Shares be more than sufficient for Call and Interest, &c. the Surplus to be paid to the Owner on Demand.

ment thereof, in any of His Majesty's Courts of Record, by Action of Debt or on the Case; and if any such Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money so to be called for as aforesaid, for the Space of Two Calendar Months next after the Time to be appointed for the Payment thereof as aforesaid, and the same shall not have been sued for by the said Company of Proprietors as aforesaid, or if sued for shall not have been recovered by them, then and in that Case the Person or Persons so neglecting or refusing shall absolutely forfeit all his, her, or their Share, Part, and Interest whatsoever in the said Undertaking, and all Profit and Advantage thereof, and all Money theretofore advanced by him, her, or them on account thereof; and all Shares which shall or may be so forfeited shall be sold by the said Committee by public Auction, for the most Money that can be gotten for the same, and the Produce thereof shall be applied as herein directed: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share or Shares in the said Undertaking, until after Notice in Writing shall be given by the Clerk or Treasurer of the said Company to the Owner or Owners of such Share or Shares respectively, or left at his, her, or their usual or last Place or Places of Abode, nor unless the same Share or Shares shall be declared to be forfeited at some General Meeting of the said Company within Two Calendar Months next after such Forfeiture shall have been incurred; provided also, that every such Forfeiture as aforesaid shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors so forfeiting, against all Actions, Suits, and Prosecutions for any Breach of Contract or Agreement between such Proprietor or Proprietors so forfeiting, and the rest of the said Company of Proprietors, with regard to the future carrying on and Management of the said Undertaking.

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

LIII. And



LIII. And be it further enacted, That in any Action to be brought by the said Company of Proprietors against any Owner or Owners of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company of Proprietors for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company of Proprietors to declare and allege that the Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company of Proprietors in such Sum or Sums of Money as the Call or Calls in arrear shall amount to, for such and so many Call or Calls of such and so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be), whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and in such Action it shall only be necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls, or any other Matter whatsoever; and the said Company of Proprietors shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded Ten Pounds for every Sum of One hundred Pounds, or was made within the Distance of One Calendar Month from the last preceding Call, or without Notice given as aforesaid.

Proceedings  
in Actions for  
Calls.

LIV. And be it further enacted, That no Proprietor of any Share or Shares in the said Undertaking shall, either in Person or by Proxy, give a Vote or Votes in respect thereof at any Meeting of the said Proprietors, unless the same shall be standing in the Name of such Proprietor in the Register Book at and immediately before such Meeting, and unless the Sums of Money from Time to Time called for by the Committee of the said Company of Proprietors as herein mentioned, and due and payable for or in respect of such Share or Shares, and all Arrears thereof, shall be duly paid to the Treasurer or Treasurers of the said Company of Proprietors.

Proprietors  
in arrear not  
to vote.

LV. And be it further enacted, That it shall be lawful for the several Proprietors of and in the said Undertaking, or any of them, to sell, dispose of, and transfer any Share or Shares which he, she, or they shall be entitled to therein, subject to the Rules and Conditions herein mentioned; the Conveyance of which Shares shall and may be in the Form or to the Effect following; (that is to say,)

Shares may  
be sold.

‘ I [or We] of in consideration of  
 ‘ I paid to me [or us] by of do hereby bargain,  
 ‘ sell, assign, and transfer to the said the Sum of  
 ‘ Capital Stock of and in the *Clarence* Railway, being Share  
 ‘ [or Shares] in the said Undertaking, to hold unto the said  
 ‘ his [or their] Executors, Administrators, and Assigns, subject to  
 ‘ the same Rules, Orders, and Regulations, and on the same Condi-  
 ‘ tions that I [or we] held the same immediately before the Execu-  
 ‘ tion

Form of  
Conveyance.

[Local.]

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tion hereof; and I [*or we*] the said do hereby agree  
 to take and accept the said Capital Stock or Share of  
 subject to the same Rules, Orders, Restrictions, and Conditions.  
 As witness my [*or our*] Hand and Seal [*or Hands and Seals*], the  
 Day of

Memorial of  
 Sale to be  
 entered by  
 the Clerk.

And on every such Sale the said Deed or Conveyance (being executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares) shall be produced to the Clerk to the said Company, who shall enter, in a proper Book or Books to be kept for that Purpose, a Memorial of such Transfer and Sale, and shall indorse a Certificate of the Entry of such Memorial on the said Deed, for which no more than Two Shillings and Sixpence shall be paid; and the said Clerk is hereby required to make such Entry and give such Certificate accordingly; and until such Entry shall have been made as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Vote or Votes as a Proprietor or Proprietors in respect thereof.

After a Call,  
 no Share to  
 be sold until  
 Call shall be  
 paid.

LVII. And be it further enacted, That after any such Call for Money shall have been made by the Committee as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall then possess in the said Undertaking, until he, she, or they shall have paid and discharged to the Treasurer of the said Company the full Sum of Money which shall have been called for in respect of every Share so to be sold or transferred.

Names of  
 Proprietors  
 to be entered,  
 and Certifi-  
 cates of their  
 Shares to be  
 delivered to  
 them.

LVIII. And for the better securing to the several Proprietors of the said Undertaking their respective Shares therein, be it further enacted, That the said Company of Proprietors, or their Committee, shall, so soon as the same can or may be done, cause the Names and Additions of the several Persons who shall then be entitled to any Share or Shares in the said Undertaking, and the Number of Shares to which they shall respectively be entitled, and also the proper Number by which every such Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk to the said Company, and after such Entry to cause the Common Seal of the said Company of Proprietors to be affixed thereto, and they shall also cause a Certificate under the Common Seal of the said Company of Proprietors to be delivered to every Proprietor, upon Demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking; and every such Proprietor shall pay to the Clerk to the said Company Two Shillings and Sixpence, and no more, for every such Certificate; and every such Certificate shall be admitted in all Courts whatsoever as Evidence of the Title of such Proprietor, his or her Executors, Administrators, or Assigns, to the Share or Shares therein specified; but the Want of such Certificate shall not hinder or prevent the Owner of any of such Shares from selling or disposing thereof, or from receiving his Share of the Profits of the said Undertaking in respect thereof.

Acquisition  
 of Shares by  
 Marriage, &c.

LVIII. And be it further enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking

Undertaking in right of Marriage shall be entitled to receive the same, an Affidavit, containing a Copy of the Register of such Marriage, shall be made and sworn to by some credible Person before a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry of Transfers and Sales of Shares in the said Undertaking; and before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking, by virtue of any Devise, Bequest, or Will, or under any Administration, shall be entitled to receive the same, the Will, or the Probate thereof, or the Letters of Administration, shall be produced and shown to the said Clerk, or a Copy of so much of such Will as shall relate to the Share or Shares of the Testator shall be made and sworn to by the Executor or Executors, Devisee or Legatee, Devisees or Legatees, before a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall also be transmitted to the said Clerk, who shall enter the same in the Manner herein-before mentioned; and in all Cases other than as herein-before mentioned where the Right and Property in any Share or Shares in the said Undertaking shall pass from the original Proprietor thereof to any Person or Persons by any other legal Means than a Transfer or Conveyance thereof, an Affidavit shall be made and sworn by some credible Person before a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, and such Affidavit shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name or Names of such new Proprietor or Proprietors in the said Register Book or List of Proprietors in the said Undertaking; and that for each and every of such Entries the said Clerk shall be entitled to receive the Sum of Two Shillings and Sixpence, and no more.

LIX. And be it further enacted, That the Bodies Politic and Corporate, and all and every Person and Persons whose Names shall at any Time hereafter stand in the said Register Book or List of Proprietors of the said Company, as possessing any Share or Shares in the said Undertaking, shall be deemed and taken to be the Proprietors and Owners of the Share and Shares standing in the said Book in their respective Names, and shall be subject and liable to the Payment of all and every Call and Calls made and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties to which Proprietors of Shares in the said Undertaking are made subject and liable by this Act; and all Notices by this Act required to be given previous to the Forfeitures of Shares to the Proprietors thereof, shall, if given to the Person or Persons appearing by the Register Book of the said Company to be such Proprietor or Proprietors, or their Representatives, be in all respects good, sufficient, and conclusive; and all Payments of Interest and Dividends due and to grow due on any such Shares shall be made to such Persons as by the said Book shall so appear to be Proprietors thereof; and no Assignment, Transfer, or Bargain and Sale of any Share or Shares, or other Instrument

Persons whose Names stand in the Register Book shall be deemed the Proprietors until Transfers enrolled.

ment giving Title to any such Share or Shares, which shall not have been brought to the said Clerk to be enrolled or registered as directed by this Act, shall be given or admitted as Evidence, either to defeat any Action or Suit brought or to be brought by the said Company of Proprietors to recover any Call or Calls, or to entitle any Person or Persons to recover any Share or Shares forfeited to the said Company of Proprietors, or to make the said Company of Proprietors liable to the Payment of Interest or Dividends to any other Person or Persons than such as shall appear upon the said Book to be Proprietors of the said Shares; but in all such Cases, unless where it shall be expressly proved that the said Book is defective, by reason of some Neglect or Default of the said Clerk, the said Book shall be considered as sufficient and conclusive Evidence of the Proprietorship of the said Shares.

Company  
may take  
Tonnage  
Tolls for the  
Conveyance  
of Goods.

LX. And in consideration of the great Charge and Expence which the said Company of Proprietors will be at in making and maintaining the said Railways or Tramroads and other the Works hereby authorized to be made, erected, and maintained, be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time and at all Times for ever hereafter, to ask, demand, take, recover, and receive, to and for their own Use and Behoof, for the Tonnage of all Goods, Wares, Merchandize, and Commodities whatsoever which shall be carried or conveyed upon the said Railways or Tramroads, or any Part thereof, the respective Rates, Tolls, and Duties herein-after mentioned; (that is to say,)

Tolls.

For all Coal, Culm, Coke, and Cinders which shall be carried or conveyed upon the said Railways or Tramroads for Exportation, such Sum as the said Company of Proprietors shall from Time to Time direct or appoint, not exceeding Three Farthings *per Ton per Mile*:

For all Coal, Culm, Coke, and Cinders which shall be carried or conveyed upon the said Railways or Tramroads for Home Consumption, such Sum as the said Company of Proprietors shall from Time to Time direct or appoint, not exceeding One Penny Halfpenny *per Ton per Mile*:

For all Lime which shall be carried or conveyed upon the said Railways or Tramroads, such Sum as the said Company of Proprietors shall from Time to Time direct or appoint, not exceeding Three Farthings *per Ton per Mile*:

For all alluvial Soil, Sea Weed, Dung, Compost, and all other Sorts of Manure and Materials for the Repairs of Turnpike Roads or Highways, Stone, Marl, Sand, and Clay which shall be carried or conveyed upon the said Railways or Tramroads, such Sum as the said Company of Proprietors shall from Time to Time direct or appoint, not exceeding One Halfpenny *per Ton per Mile*:

For all Lead, Iron, Timber, Staves, and Deals, and all other Goods, Commodities, Wares, Merchandizes, and Articles whatsoever, which shall be carried or conveyed upon the said Railways or Tramroads, such Sum as the said Company of Proprietors shall from Time to Time direct or appoint, not exceeding Three-pence *per Ton per Mile*:

For

For all Coal, Coke, Culm, and Cinders which shall pass the Inclined Plane upon the said Railways or Tramroads, such Sum as the said Company of Proprietors shall from Time to Time appoint, not exceeding the Sum of Three-pence *per* Ton for passing such Inclined Plane:

And for all the other Articles, Matters, and Things for which a Tonnage is herein-before directed to be paid, which shall pass the Inclined Plane upon the said Railways or Tramroads, such Sum as the said Company of Proprietors shall from Time to Time appoint, not exceeding the Sum of Sixpence *per* Ton for passing such Inclined Plane.

LXI. Provided always, and be it further enacted, That the said Company shall from Time to Time cause to be painted on Boards, and affixed and stuck up, and continued and renewed as often as the same shall be obliterated or defaced, upon every public Wharf, and upon every Stop Gate or Toll House on the said Railways or Tramroads, in some conspicuous Place, in large and legible Characters, an Account or List of the several Rates, Tolls, and Duties which the said Company shall from Time to Time so direct and appoint to be taken; and in case any Owner or Master, or other Person belonging to any Waggon or other Carriage passing upon the said Railways or Tramroads, or any Part thereof respectively, or any Collector of the Rates, Tolls, or Duties aforesaid, shall, after such Account or List shall be affixed and stuck up as aforesaid, demand or take more than the Price or Sum or Sums of Money therein specified and ascertained, such Owner, Master, Collector, or other Person as aforesaid, shall forfeit and pay any Sum not exceeding Five Pounds.

List of Tolls to be affixed in conspicuous Places.

Persons demanding more than the proper Rate of Carriage subject to Penalty.

LXII. Provided always, and be it further enacted, That it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any of the said Rates or Duties, but for and during such Time as the Board so painted as aforesaid shall remain affixed at such Toll Gate.

Tolls only payable while Board remains affixed.

LXIII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously pull down, deface, or destroy any Board whereon any Rules, Orders, Bye Laws, Tolls, or Rates shall be painted, or any Stone or other conspicuous Mark set up for ascertaining Distances as herein-after mentioned, he, she, or they shall, on Conviction, forfeit and pay to the said Company any Sum not exceeding Five Pounds, to be levied and applied as other Penalties are by this Act directed to be levied and applied.

Penalty on Persons defacing Boards.

LXIV. And be it further enacted, That in all Cases where there shall be a Fraction of a Ton a Proportion of the said Rates shall be demanded and taken for such Fraction according to the Number of Quarters of a Ton contained therein, and where there shall be a Fraction of a Quarter of a Ton such Fraction shall be deemed and considered a full Quarter of a Ton; and in any Case where there shall be a Fraction of a Mile such Fraction shall be deemed and taken to be a whole Quarter of a Mile; and in order to ascertain and calculate with greater Certainty and Facility the Distance which any

Regulations as to fractional Parts of a Ton or Mile.

Regulations for ascertaining Distances.

[*Local.*]

15 X

Waggon

Waggon or other Carriage shall pass upon the said Railways or Tramroads, the said Company of Proprietors shall cause the same to be measured, and Stones or other conspicuous Marks to be set up, and for ever afterwards maintained, on the Side or Sides thereof, at the Distance of One Quarter of a Mile from each other, with proper and legible Marks thereon, denoting their Distance from such Places, as shall be thought proper; and whenever any Waggon or other Carriage shall pass any such Stone or Mark, or the Place where the same shall be set up, the said Rates, Tolls, and Duties shall be paid for a full Quarter of a Mile, although such Waggon or other Carriage shall not have actually passed a full Quarter of a Mile.

Weight of  
Tonnage as-  
certained.

LXV. And be it further enacted, That in charging the Tonnage of all Goods, Wares, Merchandize, and other Things whatsoever to be conveyed upon and along the said Railways or Tramroads, One hundred and twelve Pounds Weight Avoirdupois shall be deemed, taken, and charged as and for One Hundred Weight, and Twenty of such Hundred Weights shall be deemed a Ton Weight, according to the true Intent and Meaning of this Act.

Power to  
reduce the  
Tolls.

LXVI. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors from Time to Time to lower or reduce all or any of the Rates, Tolls, and Duties by this Act authorized to be taken, and afterwards from Time to Time again to raise and advance all or any of the said Rates, Tolls, and Duties which shall have been so lowered or reduced: Provided always, that the Rates, Tolls, and Duties so to be raised or advanced as aforesaid shall not in any Case exceed the respective Sums herein limited or appointed for that Purpose.

Penalty for  
evading  
Tolls.

LXVII. And be it further enacted, That in case any Person or Persons passing with or having the Care of any Waggon or other Carriage upon the said Railways or Tramroads, or any Part thereof, shall, with Intent to avoid or evade the due Payment of any of the Tolls, Rates, or Duties hereby made payable, load or unload, or take into or upon any such Waggon or other Carriage, any Goods, Wares, Merchandize, or Commodities whatsoever liable to the Payment of any of the Tolls, Rates, or Duties herein-before mentioned, at any other Place or Places than the public or private Wharfs, Staiths, or Quays upon or belonging to the said Railways or Tramroads, without having previously obtained Permission in Writing for that Purpose from some one of the Agents or Collectors of the Tolls to the said Company of Proprietors, or in case any Person or Persons shall do any other Act with Intent to evade the Payment of any of the said Tolls, Rates, or Duties, every such Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors the Sum of Five Pounds.

For Recovery  
of Rates.

LXVIII. And be it further enacted, That the Rates, Tolls, and Duties herein authorized to be demanded and taken by the said Company of Proprietors shall be paid to such Person or Persons, at such Place or Places upon or near to the said Railways or Tramroads, and in such Manner and under such Regulations as the said Company of

of Proprietors or their Committee shall from Time to Time direct or appoint; and in case of Refusal or Neglect of Payment of any such Rates, Tolls, or Duties, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, it shall be lawful for the Person or Persons to whom such Rates, Tolls, or Duties ought to have been paid, and he and they is and are hereby authorized and empowered, to seize and distrain the Goods or other Things for or in respect whereof any such Rates, Tolls, or Duties ought to have been paid, or any Part thereof, and the Waggon or other Carriage laden therewith, or any other Waggon or other Carriage, Goods or other Commodities, belonging to the Owner of such Waggon or other Carriage, and lying or being upon the said Railways or Tramroads hereby authorized to be made, or upon any Wharf or in any Warehouse adjoining thereto, and to detain the same respectively until full Payment shall be made of such Tolls, Rates, or Duties, and also of all Arrears of the same which may be then due from the Owner or Owners of such Waggon or other Carriage to the said Company of Proprietors, together with the reasonable Costs and Charges of such Seizure and Distress; and if such Distress shall not be redeemed within Five Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent.

LXIX. And be it further enacted, That all and every Person and Persons shall have free Liberty to use, with Horses, Cattle, and Carriages, the private Roads, Ways, and Passages belonging to the said Company of Proprietors, for the Purpose of conveying any Goods, Wares, Merchandize, or other Things to and from the said Railways or Tramroads, and the Wharfs, Quays, and Staiths belonging thereto, and also with Waggons and other Carriages properly constructed to pass and repass upon and use the said Railways or Tramroads, for the Purpose of conveying any Goods, Wares, Merchandize, or other Things whatsoever thereon, and also to use the said Wharfs, Quays, and Staiths for the loading and unloading such Goods and other Things, upon Payment of such Rates, Tolls, and Duties for the same respectively as shall be demanded by the said Company of Proprietors, not exceeding the Rates, Tolls, and Duties herein-before mentioned, and subject always to the Rules, Orders, Bye Laws, and Regulations which shall from Time to Time be made by the said Company of Proprietors under and by virtue of the Powers in this Act contained.

Passage upon Railway to be free on Payment of Tonnage.

LXX. And for better ascertaining and more easily collecting the said Rates, Tolls, and Duties, be it further enacted, That the Master, Owner, or other Person having the Care of any Waggon or other Carriage passing upon the said Railways or Tramroads, or any Part thereof, shall from Time to Time give a just and true Account in Writing, signed by him, to the Collector or Collectors of the said Rates, Tolls, and Duties at the Place or Places where they shall attend for that Purpose, of the several Quantities, Qualities, and Weight of the Goods, Wares, Merchandize, and Commodities contained in or upon every Waggon or other Carriage, and of the Place from whence brought, and where intended to be unloaded or left, and also

Owners of Waggons to give an Account in Writing of Lading.

also of the Quantities, Qualities, and Weight of such Goods, Wares, Merchandize, or Commodities as shall have been taken out of or from such Waggon or other Carriage within the Limits of the said Railways or Tramroads, before their Arrival at the Place where such Account is to be given; and if such Goods, Wares, Merchandize, or Commodities shall be liable to the Payment of different Rates, then such Master, Owner, or other Person shall specify the Quantities liable to the Payment of each Rate, and shall produce his Invoice or Bill of Lading to the Collector or Collectors, on Demand; and in case any such Master, Owner, or other Person shall neglect or refuse to give such Account, or to produce his Invoice or Bill of Lading, to any Collector demanding the same, or shall give a false Account thereof, or shall deliver any Part of his Lading or Goods at any other Place or Places than what shall be mentioned in such Account, every Person so offending shall forfeit and pay to the said Company of Proprietors any Sum not exceeding the Sum of Ten Shillings for every such Offence.

If any Difference concerning Weight, Collectors may weigh or measure Waggon.

LXXI. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, Tolls, and Duties, and the Master, Owner, or Person having the Charge of any Waggon or other Carriage, or the Owner of any Goods, Wares, Merchandize, or other Things therein or thereon conveyed, concerning the Weight or Quantity of any such Goods, Wares, Merchandize, or other Things, it shall be lawful for any such Collector to stop and detain any such Waggon or other Carriage, and to weigh, measure, and gauge, or cause to be weighed, measured, and gauged, such Goods, Wares, Merchandize, and other Things as shall be therein contained; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than such Master, Owner, or other Person having the Care of such Waggon or other Carriage affirmed or stated the same to be, then the said Master, Owner, or Person having the Care of such Waggon or other Carriage, shall pay the Costs and Charges of such weighing, measuring, and gauging; all which Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied in the same Manner as the said Rates, Tolls, and Duties are hereby appointed to be recovered and levied; but if such Goods, Wares, Merchandize, and other Things shall appear to be of the same or less Weight and Quantity than the said Master, Owner, or other Person declared the same to be, then the said Company of Proprietors shall pay the Costs and Charges of such weighing, measuring, and gauging, and shall also pay to such Master, Owner, or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, or other Things, such Damages as shall appear to any One or more of His Majesty's Justices of the Peace acting in and for the said County Palatine of *Durham*, on the Oath of any credible Witness or Witnesses, to have arisen from such Detention; but in case it shall be made to appear to the said Justice or Justices, upon the Complaint of the said Company of Proprietors or any of their Officers, and upon the like Oath of any credible Witness or Witnesses, that such Stoppage and Detention, and weighing, measuring, and gauging, were without reasonable Ground, or vexatious on the Part of such Collector, then such



Collector shall himself pay the Costs and Charges of such weighing, measuring, and gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, and other Things, such Damages as shall appear to such Justice or Justices, on the Oath of any credible Witness or Witnesses, to have arisen from such Detention; and in default of immediate Payment thereof by the said Company of Proprietors, or by such Collector, (as the Case may be,) the same may be recovered from the said Company of Proprietors, or the said Collector, (as the Case may be,) by Distress and Sale of their or his Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, or otherwise by Action of Debt or upon the Case in any of His Majesty's Courts of Record at *Westminster*.

LXXII. Provided always, and be it further enacted, That if any Dispute shall arise between the Collectors of the Tolls, Rates, or Duties, and the Masters, Owners, or other Persons having the Charge or Care of any Waggon or other Carriage liable to the Payment of any such Tolls, Rates, or Duties, respecting the Distance which any such Waggon or other Carriage shall have passed upon the said intended Railways or Tramroads, or concerning the Amount or Proportion of the Tolls, Rates, or Duties due, or the Charges occasioned by the taking, keeping, or selling any Distress, such Dispute or Disputes shall and may be heard and determined by One or more Justice or Justices of the Peace for the said County Palatine of *Durham*, who, upon Application made to him or them for that Purpose, shall examine the Matter upon Oath of the Parties or other Witness or Witnesses (which Oath every such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Rates, Tolls, or Duties due, and other Matter as aforesaid in dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice or Justices shall seem just and reasonable; all which Costs, in case of Nonpayment thereof on Demand, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice or Justices (which Warrant every such Justice is empowered to issue); and the Overplus (if any), after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned, upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained.

Disputes respecting Tolls to be settled by Justices.

LXXIII. And be it further enacted, That it shall be lawful for the said Committee, or any Three or more of them, by any Instrument in Writing under their Hands and Seals, at any Time or Times to lease or demise the Rates, Tolls, and Duties hereby made payable, or any Part or Parts thereof, to any Person or Persons, for any Term which they shall think proper, not exceeding Three Years at any one Time, provided that Ten Days previous Notice be given by public Advertisement in some Newspaper or Newspapers usually circulated in the County Palatine of *Durham*, of the Intention of the said Committee to lease or demise the said Rates, Tolls, and Duties, and so that the Person or Persons renting the same shall give satis-

Committee empowered to lease the Rates.

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factory

factory Security to the said Committee, by Articles in Writing, for the well and true Performance of his, her, or their Bargain, Contract, or Agreement with them; and every such Lease shall be valid and effectual, and the Lessee or Lessees therein, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates, Tolls, and Duties so let, shall, during the Continuance of any such Lease, have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company of Proprietors: Provided always, that in case any such Lessee or Lessees shall at any Time neglect or refuse to perform and fulfil all or any of the Conditions and Stipulations contained in any such Lease or Instrument, it shall be lawful for the said Company to enter into and take Possession of all and every the Houses, Toll Houses, Offices, Warehouses, or other Buildings, Wharfs, Quays, Staiths, Cranes, Weighbeams, and other Conveniences whatsoever belonging to the said Undertaking, which may be in the Possession of such Lessee or Lessees under or by virtue of such Lease or Instrument as aforesaid; and if such Lessee or Lessees, or any Person or Persons employed by or under them, shall refuse to deliver up the Possession of such Houses, Toll Houses, Offices, Warehouses, or other Buildings, Wharfs, Quays, Staiths, Cranes, Weighbeams, and other Conveniences, or any of them, then and in every such Case such Lessee or Lessees, and Person or Persons as aforesaid, shall be turned out of Possession in the same Manner as herein directed with respect to any Agent, Toll Collector, Wharfinger, or other Servant of the said Company.

Lords of  
Manors and  
Owners may  
erect Wharfs  
on their own  
Lands.

LXXIV. And be it further enacted, That at any Time or Times after the said Company of Proprietors shall have selected, taken, or marked out such Pieces of Land for public Wharfs, Quays, and Staiths, along the Lines of the said Railways or Tramroads, which they the said Company of Proprietors, at the Time of marking or setting out the Ground for the Line of the said Railways or Tramroads, shall deem it expedient to take or mark out for that Purpose, it shall be lawful for the Owner or Owners of any Lands or Grounds through which the said intended Railways or Tramroads shall be made, to make, erect, and set up, either for his, her, or their own private Use, or for the Use of the Public, any Wharfs, Quays, Staiths, Cranes, Weighbeams, or Warehouses, in or upon his, her, or their respective Lands or Grounds adjoining or near to the said Railways or Tramroads, and to make and lay out proper Ways and Roads to the same, across any Lands belonging to the said Company of Proprietors, and to unload any Goods or other Things upon such Wharfs, Quays, or Staiths, or upon the Lands lying between the same and the said Railways or Tramroads; and also to make and use proper and convenient Places for Waggon, Carts, and other Carriages to stand and turn in and pass each other, so that the making or using thereof respectively do not obstruct or prejudice the Passage of the said Railways or Tramroads; and that all Rates or Tolls which shall be demanded and paid for the Use of such of the said Wharfs, Quays, Staiths, Cranes, Weighbeams, and Warehouses respectively, as shall be made, erected, and set up by such Owner or Owners, for the Use of the Public, not exceeding the Rates herein-after limited for Wharfage, shall be and

the same are hereby accordingly vested in the Owner or Owners of such Lands or Grounds, who shall make, erect, and set up such Wharfs, Quays, Staiths, Cranes, Weighbeams, and Warehouses as aforesaid, and his, her, or their Representatives.

LXXV. And be it further enacted, That if any such Owner or Owners shall not, within the Space of Three Calendar Months next after Notice in Writing shall be given to him, her, or them, or left at his, her, or their usual Place or Places of Abode, by or on behalf of the said Company of Proprietors, stating that any Part or Parts of his, her, or their Lands or Grounds is or are necessary or proper to be used for the Purpose of erecting and making any public Wharfs, Quays, Staiths, Cranes, Weighbeams, or Warehouses, or for making and laying out any Roads for the Conveyance of Goods to and from the said Railways or Tramroads, give Notice in Writing to the Clerk of the said Company of his, her, or their Intention to make, erect, and lay out, and shall not forthwith proceed to make and erect, and within Three Calendar Months from the Date of such last-mentioned Notice make, erect, and lay out, and afterwards from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Quays, Staiths, Cranes, Weighbeams, Warehouses, and Roads for the Use of the Public, on the respective Part or Parts of the Lands or Grounds described in such Notice, then and in every or any such Case the said Company of Proprietors shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to take and make use of such Part or Parts of such Lands or Grounds, for erecting and building proper and sufficient Wharfs, Quays, Staiths, Cranes, Weighbeams, and Warehouses, and for making and laying out necessary and convenient Roads to and from the said Railways or Tramroads, agreeably to such Notice so given by or on behalf of the said Company of Proprietors as aforesaid, they the said Company of Proprietors first making Satisfaction for the same, in such Manner as is herein-before directed with respect to any Lands or Grounds which shall be taken or used by the said Company for the Purposes of this Act.

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

LXXVI. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any other Person or Persons, to make use of any Wharfs, Quays, Staiths, Cranes, Weighbeams, or Warehouses which shall be made, erected, and set up by the Owner or Owners of any Lands or Grounds adjoining or near to the said Railways or Tramroads, for his, her, or their Use only, or to set up, erect, or use any Cranes or Weighing Machines in or upon any such private Wharfs, Quays, or Staiths, without the Consent in Writing of such Owner or Owners.

Regulations respecting private Wharfs.

LXXVII. And be it further enacted, That no more than the Sum of One Penny *per* Ton shall be demanded and taken by the said Company of Proprietors, or by any such Owner or Owners who shall make, erect, or build any such Wharfs, Quays, or Staiths, and make or lay out any such Roads for the Use of the Public as aforesaid, for the Wharfage of any Coal, Lime, Coke, Stone, Culm, or Cinders; and

Limiting the Wharfage to be taken by Individuals who may erect Wharfs.

and no more than the Sum of Three-pence *per* Ton shall be demanded and taken by the said Company of Proprietors, or by any such Owner or Owners, for the Wharfage of Iron, Iron Stone, Lead Ore, or any other Ores, Timber, Stone, Bricks, Tiles, Slates, Gravel, or other Things, which shall be placed upon any of the Wharfs, Quays, or Staiths upon or adjoining to any Part of the said Railways or Tramroads, and continue thereupon for any Time not exceeding Two Days; but if any of the said Articles shall be left and remain upon such Wharfs, Quays, or Staiths for any Time over and above the Time hereby limited for the same, then the Owner or Owners thereof shall pay to the said Company, or other the Proprietors of such Wharfs, Quays, or Staiths respectively, any further Sum not exceeding One Penny *per* Ton for every Day which the same shall remain upon such Wharfs, Quays, or Staiths after the Time before limited for the same respectively; and for every Package which shall be respectively placed in any Warehouse to be made or erected by the said Company of Proprietors, or by any Lord or Lords, Owner or Owners, for the Use of the Public as aforesaid, and shall remain therein for any Space of Time not exceeding Forty-eight Hours, no more than the following Sums shall be demanded; (that is to say,) no more than Two-pence shall be demanded for the warehousing of every Package not exceeding Fifty-six Pounds Weight; nor more than Four-pence for the warehousing of every Package above Fifty-six Pounds Weight, and not exceeding Three hundred Pounds Weight; nor more than Five-pence for the warehousing of every Package above Three hundred Pounds Weight, and not exceeding Six hundred Pounds Weight; nor more than Sixpence for the warehousing of every Package above Six hundred Pounds Weight, and not exceeding One thousand Pounds Weight; nor more than Seven-pence for the warehousing of every Package above One thousand Pounds Weight, and not exceeding One Ton in Weight; nor more than Seven-pence *per* Ton for the warehousing of any Package exceeding One Ton in Weight; and if any such Package shall weigh a Ton or Tons, and a Pound or some Pounds over and above such Ton or Tons, then such Pound or Pounds over shall be charged according to the Rates before mentioned, in addition to the Charge for such Ton or Tons; but if any of the said Articles shall remain in any such Warehouses over and above the Time hereby limited for the same respectively, then the Owner or Owners of such Articles shall pay to the said Company, or other the Proprietors of such Warehouses respectively, any further Sum not exceeding One Penny *per* Package, or Two-pence *per* Ton respectively, for every Four Days which the same shall remain in any such Warehouse after the Expiration of the Time before limited for the same respectively; and the said Company of Proprietors, or other the Proprietors of such Wharfs, Quays, and Warehouses as aforesaid, shall erect and provide at all Times proper and sufficient Cranes or Weighing Beams at their respective Wharfs, Quays, and Warehouses, for the more convenient loading, unloading, and weighing of such Minerals and other Goods, Wares, Merchandize, or Commodities.

Goods not  
to be re-  
moved till  
Wharfage is  
paid.

LXXVIII. Provided always, and be it further enacted, That in no Case shall any Person or Persons whomsoever remove or take away any Goods, Wares, Merchandize, or other Things for which any  
Money

Money for Wharfage or Warehouse-room shall have become due as aforesaid, from any Wharf, Quay, or Warehouse, without the Consent of the Owner or Owners of such Wharf, Quay, or Warehouse, or the Person chiefly entrusted with the Care thereof, without Payment of such Rate or Sum for Wharfage and Warehouse-room as shall be due for the same under the Provisions of this Act.

LXXIX. And be it further enacted, That the said Company of Proprietors shall, at their own proper Costs and Charges, immediately after any Part of the said Railways or Tramroads and other Works to be made by virtue of this Act shall be dug out, embanked, and formed, divide and separate, and keep constantly divided and separated, such Part of the said Railways or Tramroads and other Works, or such Part or Parts thereof respectively (in case there shall be any Dispute about the same) as shall by any One or more Justices of the Peace for the said County Palatine of *Durham* be declared necessary to be divided and separated from the adjoining Lands or Grounds, by good and sufficient Posts and Rails, Hedges, Walls, Ditches, Trenches, Banks, or other Fences, to be set up and made on the Lands or Grounds which shall be purchased by virtue of this Act, and from Time to Time maintain and support the said Posts and Rails, Hedges, Ditches, Trenches, Banks, and other Fences so to be made and set up as aforesaid; and the said Company of Proprietors shall also, at their like Costs and Charges, make, erect, and set up, and from Time to Time maintain and support, such and so many convenient Gates and Stiles in and through the Hedges and Fences to be by them so made on the Sides of such Railways or Tramroads and other Works as aforesaid, and also such and so many convenient Roads, Ways, and Passages over, under, across, or by the Side of the said Railways or Tramroads and other Works, at such Places, of such Dimensions, within such Time, and in such Manner (in case of any Dispute about the same) as any One or more Justices of the Peace of the said County shall from Time to Time judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands, Grounds, or Hereditaments adjoining to such Railways or Tramroads and other Works, and of all Persons having a Right of Way over or through the Lands or Grounds which shall be used for making the said Railways or Tramroads and other Works or any of them respectively; and in case the said Company of Proprietors or their Agents shall refuse or neglect to divide and separate, and keep divided and separated, the said Railways or Tramroads and other Works, in manner herein-before directed, or to make, erect, or set up such Gates and Stiles in and through the Fences and the Sides thereof, or such Roads, Ways, or Passages as herein-before directed, or after the same shall be made and completed shall refuse or neglect to maintain and support the same or any of them, within the Time and in manner aforesaid, or for the Space of Ten Days next after Notice in Writing shall have been given to the Clerk of the said Company, by or on behalf of the Owners or Occupiers of such Lands, Grounds, or Hereditaments who shall find themselves aggrieved by any such Fences, Gates, Stiles, Roads, Ways, or Passages not being made, erected, or set up, or not being kept in good Repair and Condition, it shall be lawful for every or any such Owners or Occupiers to make, erect, and set up, or repair, all such Fences, Gates, Stiles, Roads, Ways,

Company to fence off the Railway, &c. and make Gates and Roads for the Use of the Owners of adjoining Lands.

Remedy in case of Neglect.

Ways, Passages, or other Conveniences as shall be necessary, and shall have been before directed and appointed by the said Justices to be made, erected, and set up by the said Company as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining such Fences, Gates, Stiles, Roads, Ways, and Passages as aforesaid, the said Railways or Tramroads and other Things hereby authorized to be made or erected 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 to the respective Owners or Occupiers of the said Lands, Grounds, or other Hereditaments, who shall have so erected and made, repaired or maintained, such Fences, Gates, Stiles, Roads, Ways, or Passages as aforesaid, by the said Company of Proprietors; and upon Refusal or Neglect of the said Company to pay the said Costs and Charges for the Space of Ten Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof to and upon the said Company of Proprietors, such Costs and Charges shall or may be levied or recovered by Distress and Sale of the Goods and Chattels of the said Company or their Treasurer, by Warrant under the Hands and Seals of the said Justices, rendering to the said Company of Proprietors or their Treasurer (as the Case may be) the Overplus (if any), after the Payment of such Costs and Charges, and the reasonable Expences of such Warrant, Distress, and Sale, and which Warrant, such Justices are hereby empowered and required to grant.

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

LXXX. And be it further enacted, That the said Company of Proprietors shall and they are hereby required, at their own proper Costs and Charges, to make or cause to be made such Arches, Tunnels, Culverts, Drains, or other Passages, over, under, or by the Side of the said Railways or Tramroads, and the Fences on the Sides thereof respectively, of such Depth, Breadth, and Dimensions as shall be sufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the said Railways or Tramroads, without obstructing or impounding the same to the Prejudice of any of the said Lands or Grounds; and also to make proper Watering Places for Cattle, in all Cases where by means of the said Railways or Tramroads the Cattle, of any Person or Persons occupying Lands adjacent thereto shall be deprived of their ancient Watering Place, and to supply the same at all Times with Water from such Rivers, Brooks, Streams, or Springs of Water as would have supplied the Cattle of such Person or Persons if the said Railways or Tramroads had not been made, or from any other Source or Feeder which can readily be obtained for that Purpose; and that it shall be lawful for the said Company of Proprietors from Time to Time to make such and so many Watercourses and Drains by the Side of, along, or under the said Railways or Tramroads, or in, through, over, and across any Lands or Grounds thereto adjoining, of such Dimensions, and in such Manner, and with such proper and convenient Bridges over the same respectively, as any Two or more Justices of the Peace for the said County Palatine of *Durham* shall from Time to Time judge necessary and appoint (in case there shall

be any Dispute about the same), for the Purpose of conveying Water from such Rivers, Brooks, or Springs, or other Sources or Feeders, to the said Watering Places respectively; and all such Arches, Tunnels, Culverts, Watercourses, Drains, and other Passages shall from Time to Time be supported, maintained, cleansed, scoured, and kept in good and sufficient Repair by the said Company of Proprietors; and if at any Time after Ten Days Notice in Writing shall, by or on behalf of any Owner or Occupier of Land adjoining or lying near to the said Railways or Tramroads, be given to the said Company of Proprietors, that the said Arches, Tunnels, Culverts, Drains, Watercourses, or other Passages, or any of them, is or are not made, or being made, is or are not cleansed, maintained, and repaired according to the true Intent and Meaning of this Act, it shall be lawful for any Person or Persons to apply for and obtain an Order in Writing from any Two or more of the Justices of the Peace for the said County Palatine of *Durham*, from Time to Time, as often as there shall be Occasion, (and the said Justices are hereby authorized and empowered at their Discretion to make and grant such Orders as aforesaid,) enabling such Person or Persons to make or to cleanse and repair such Arches, Tunnels, Culverts, Watercourses, Drains, or other Passages accordingly, and the reasonable Expences thereof (to be ascertained by such Justices) shall be defrayed by the said Company of Proprietors; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Ten Days after Demand thereof made upon the said Company of Proprietors, or upon their Clerk, such Expences shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, or their Treasurer, in the same Manner as any other Costs and Charges may by virtue of this Act be levied and recovered from the said Company of Proprietors, or their Treasurer: Provided always, that such Owner or Occupier of the said contiguous Lands shall, at the Time of giving such Notice as aforesaid, have his or her own Ditches, Drains, and Watercourses leading to or from the Arches, Tunnels, Culverts, Watercourses, Drains, or other Passages herein directed to be made as aforesaid, and each and every of them, sufficiently cleansed and opened to convey the Water to and from the same.

Remedy in  
case of  
Neglect.

LXXXI. Provided always, and be it further enacted, That it shall and may be lawful to and for the Owners or Occupiers of any Lands or Grounds through which the said Railways or Tramroads, or any Trenches, Drains, or Watercourses shall be made as aforesaid, (with the Consent and Approbation of the said Company of Proprietors or their Committee,) upon Request made to them for that Purpose, (or in case of their Refusal to consent thereto for the Space of Twenty Days next after such Request, then with the Consent and Approbation of any One or more Justices of the Peace for the said County,) to make, fix, and erect, at their own proper Costs and Charges, such Gates, Stiles, Bridges, Arches, Culverts, Ditches, Fences, Drains, Passages, Watering Places, or other Conveniences, in, over, under, or near to the said Railways or Tramroads, and the Trenches, Drains, and Watercourses and Fences herein authorized to be made by the said Company of Proprietors, in such Places and in such Manner as shall be found and adjudged most necessary and convenient

Owners of  
Lands em-  
powered to  
erect Gates,  
&c. on In-  
sufficiency  
of those  
erected by  
the Company.

convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands or Grounds, over and besides any such Gates, Stiles, Bridges, Arches, Culverts, Ditches, Fences, Drains, Passages, Watering Places, or other Conveniences, as shall have been made or erected by the said Company, and to repair and support the same at their own like Costs and Charges, as Occasion shall require, so that the Passage of or along the said Railways and Tramroads be not thereby prevented or obstructed for any longer Space of Time or in any other Manner than the same would necessarily have been if such Gates, Stiles, Bridges, Arches, Culverts, Ditches, Fences, Drains, Passages, Watering Places, or other Conveniences, had been made or erected by the said Company of Proprietors, and so that no Damage or Injury, otherwise than by such Obstructions as aforesaid, be thereby done to any of the Works belonging to the said Company of Proprietors.

New Roads to be made where any present Roads are diverted or taken for the Purpose of the Railway.

Old Road may be sold, first Offer being made to the Owner of Land taken for new Road.

LXXXII. And be it further enacted, That in all Cases where it shall be found necessary, for the Purposes of this Act, to take or use any Carriage Road or Horse Road, or Footway, either public or private, or any Part thereof, so as to render the same impassable, unsafe, or inconvenient for Travellers or Carriages or the Persons entitled to the Use thereof, or to divert or turn any such Road or Way, the said Company of Proprietors shall at their own Expence make and complete and put in good Repair a new Road or Way of a Width not less than the former; and when such new Road or Way shall be so made or completed and put in good Repair, and certified to be so by Writing signed by any Two or more Justices of the Peace, the same shall be for ever thereafter repaired and kept in repair by such Person or Persons as ought by Law to repair the old Road or Way in case such Alteration or Diversion was not made; and the Part of the old Road or Way so to be altered or diverted, taken or used, shall thereupon be and become the Property of the said Company of Proprietors, and such Part thereof as shall not be wanted for the Purposes of this Act shall or may be sold or disposed of as any other Land purchased by virtue of this Act, and not wanted for the Purposes thereof, may, under the Provisions of this Act, be sold or disposed of; but the first Offer of the Purchase of such Piece of old Road or Way shall be made to the Owner of the Land which shall be taken and used for the Purpose of making such new Road or Way, in case he shall be the Owner of adjoining Land; and in case of his, her, or their Refusal to purchase the same, or not being the Owner of adjoining Land, then an Offer thereof shall be made to the next adjoining Owner or Owners; and in case such Owner or next adjoining Owner or Owners, as the Case may be, shall be desirous of becoming the Purchaser of such old Road or Way, and shall not agree with the said Company or their Committee for the Price to be paid for the Purchase of the same, then and in such Case the Value thereof shall be settled and ascertained in such and the like Manner as the Price for any Land to be taken in pursuance of this Act is herein directed to be settled and ascertained, and such Owner or next adjoining Owner, as the Case may be, shall be deemed the Purchaser thereof at the Sum to be ascertained by the Jury; and in case such Owner or next adjoining Owner, as the Case may be, shall refuse to pay such Money



Money, upon Demand made thereof by the Clerk of the said Company, and Tender of the Conveyance of such old Road or Way, the same shall and may be recovered by the said Company by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*; and in case any such Owner shall not agree, or shall refuse to purchase any such old Road or Way, it shall and may be lawful for any Person or Persons not interested in the Premises to make an Affidavit, to be sworn before a Master or Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County Palatine of *Durham*, stating that such Offer has been made by or on behalf of the said Company, and that such Owner has not agreed or has refused to purchase such old Road (as the Case may be); and such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to, or refused by such Owner: Provided nevertheless, that if the Lands of One or more Person or Persons shall be taken for any such new Road or Way as aforesaid, each and every such Owner shall be entitled to the first Offer of so much of the old Road or Way as shall lie immediately adjoining to his, her, or their Land respectively in manner aforesaid.

LXXXIII. Provided always, and be it further enacted, That in all Cases where it shall be found necessary, in making the said Railways or Tramroads, to raise and embank, or to cut through and lower, any Carriageway or Horse Road, either public or private, so as to render the same impassable or inconvenient for Travellers or Carriages or the Persons entitled to the Use thereof, the said Company of Proprietors shall, at their own Expence, before such Road or Way shall be cut through or injured as aforesaid, cause a good and sufficient temporary Carriageway or Horse Road (as the Case may require) to be set out and made instead thereof, as convenient for Passengers and Carriages as the Road to be cut through or injured as aforesaid, or as nearly so as Circumstances will permit, and shall keep the same in good and sufficient Repair until the Carriageway or Horse Road so to be cut through or injured as aforesaid shall be reinstated and put into good and substantial Order and Condition, to the Satisfaction of any Two or more of the Justices of the Peace for the said County Palatine of *Durham*.

Where Roads are injured, temporary Roads to be made.

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

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

LXXXV. And be it further enacted, That from Time to Time, as and when the said Company of Proprietors, their Agents or Servants, shall, by virtue of the Powers in this Act contained, dig, cut, take, or carry away any Soil, Sand, Clay, Gravel, or Stone, for making, carrying on, and completing, maintaining, or keeping in repair the said Railways or Tramroads, Drains, Bridges, Arches, and other Works

If the Company take an Soil, Sand, Clay, Gravel, or Stone, Satisfaction to be made.

[*Local.*]

16 A

hereby

hereby authorized to be made, in or from the Lands or Grounds of any Person or Persons whomsoever adjoining or contiguous thereto, the said Company of Proprietors shall make a reasonable Satisfaction for the same within Fourteen Days after such Materials shall be got or dug, taken or carried away; and the Damages done to such Lands or Grounds, in case of any Difference about the same, shall be ascertained (on Application being made by the respective Owners for that Purpose to the said Company of Proprietors) by any Two or more Justices of the Peace, in such a Manner as is by this Act directed in respect of any other Satisfaction to be made by the said Company of Proprietors.

Places to be made for Carriages to pass each other.

LXXXVI. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby required, to make and maintain proper Side Slips or Communications at convenient Distances from each other, to enable Waggon and other Carriages using the said Railways or Tramroads to pass each other; and that all such Waggon and other Carriages shall stop at or go back to such Side Slips or Communications, and make use thereof in such Manner as the said Company of Proprietors or their Committee shall from Time to Time direct and appoint.

Company may contract for the Works.

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

Wharfingers not to give an undue Preference.

LXXXVIII. And be it further enacted, That if any Wharfinger, or other Servant belonging to the said Company of Proprietors, shall give an undue Preference or show any Partiality to any Waggon or other Carriage in passing up or down any Inclined Plane upon the said Railways or Tramroads, or in loading or unloading any Goods or other Things at any of the Wharfs, Warehouses, Weighbeams, Cranes, or other Machines belonging to the said Company of Proprietors, every Person so offending shall, on Conviction, forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

No Waggon, &c. to pass unless constructed as directed by the Company.

LXXXIX. And be it further enacted, That no Person or Persons whomsoever shall pass along any Part of the said Railways or Tramroads with any Waggon or other Carriage whatsoever, unless the same shall be constructed agreeably to and in conformity with the Orders and Regulations of the said Company of Proprietors, which

Orders and Regulations shall be affixed in some conspicuous Place upon or nearly adjoining to every Toll House to be erected upon or near to such Railways or Tramroads, for the Purpose of collecting the Rates, Tolls, and Duties by this Act granted; and if any Person or Persons whomsoever shall pass or attempt to pass along any Part of the said Railways or Tramroads, with any Waggon or other Carriage not constructed according to such Orders and Regulations as aforesaid, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Five Pounds.

XC. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to enable any Person or Persons to keep or use any Waggon or other Carriage for the Conveyance of Passengers along the said Railways or Tramroads, for Hire or Reward, without the Licence and Consent of the said Company of Proprietors; and if any Person or Persons shall convey any Passenger upon the said Railways or Tramroads for Hire or Reward, in any Waggon or other Carriage, without such Licence, every Person so offending shall forfeit and pay to the said Company of Proprietors, for every Passenger so conveyed, any Sum not exceeding Five Pounds.

No Person shall keep a Carriage for the Conveyance of Passengers upon the Railway without Licence of the Company.

XCI. And for the better regulating of the Masters or Owners of Waggons and other Carriages upon the said Railways or Tramroads, and the Drivers and others employed by or under them respectively; and for the more easy detecting of any thing to be done by them contrary to the Directions of this Act; be it further enacted, That the Owner or Owners of every Waggon or other Carriage passing upon or along the said Railways or Tramroads shall cause his, her, or their Name or Names, and Place or Places of Abode, and the Number of his, her, or their Waggon or other Carriage, to be entered with the Clerk or Clerks of the said Company of Proprietors, and shall also cause such Name or Names and Number to be painted on a Black Ground in large White Capital Letters and Figures Three Inches high at the least, and of a proportionate Breadth, on some conspicuous Part of the Outside of every such Waggon or other Carriage; and every Owner, Master, or other Person having the Charge or Command of any such Waggon or other Carriage, shall from Time to Time, when thereto required, permit and suffer the same to be gauged, weighed, and measured by such Person or Persons as shall be appointed for that Purpose by the said Company of Proprietors or their Committee; and every Owner, Master, or other Person having the Care of any Waggon or other Carriage, or who shall conduct the same upon the said Railways or Tramroads, or any Part thereof, without having such Names, Marks, and Figures thereon as herein-before directed, or shall refuse or neglect to put and renew the same as often as may be thought necessary by the said Committee, or shall alter, erase, or deface the same, or any Part thereof, or shall fix thereon any false Names, Marks, or Figures, or shall refuse to permit and suffer, or shall not permit or suffer, such Waggon or other Carriage to be gauged, weighed, and measured as aforesaid, shall for every such Offence respectively forfeit and pay any Sum not exceeding Five Pounds.

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

XCII. And

Penalty on  
Persons ob-  
structing the  
Passage of  
Waggons.

XCII. And be it further enacted, That if any Person or Persons shall suffer the Loading of any Waggon or other Carriage passing on the said Railways or Tramroads to lie over the Sides thereof, or shall overload any Waggon or other Carriage passing on the said Railways or Tramroads, or shall leave, place, or suffer any Waggon, Engine, or Carriage to be left or remain on any Part of the said Railways or Tramroads, so as to obstruct the Passage of any other Waggon, Engine, or Carriage, and shall not immediately remove the same, or alter the Position thereof, upon Request made for that Purpose by any Collector, Agent, or Servant of the said Company of Proprietors, or by any other Person or Persons, so as to make a free Passage for other Waggons, Engines, or Carriages passing thereon, every such Master, Owner or Owners, or other Person or Persons having the Care of such Waggon, Engine, or Carriage, so obstructing the Passage as aforesaid, shall forfeit and pay for every such Offence any Sum not exceeding Five Shillings, and shall moreover forfeit and pay a Sum not exceeding Five Shillings for every Hour during which such Obstruction shall continue after such Request for Removal thereof shall be made as aforesaid; and it shall be lawful for any of the Collectors, Agents, or Servants of the said Company of Proprietors, to cause any such Waggon or other Carriage to be unladen, if necessary, and to be removed in such Manner as shall be requisite for preventing any further Obstruction therefrom, and to seize and detain such Waggon, Engine, or Carriage, and the Lading thereof, or any Part of such Lading, until the said Penalty or Penalties, and the Charges of such unloading or Removal shall be paid; and if any Person shall wilfully throw or place any Gravel, Stones, or Rubbish, or any other Matter or Thing, upon any Part of the said Railways or Tramroads to be made by virtue of this Act, or shall do any other Matter or Thing to obstruct the free Passage thereon, or any Part thereof, or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, every Person so offending in any of the Cases aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on  
destroying  
Works.

XCIII. And be it further enacted, That if any Person or Persons shall wilfully and maliciously, and to the Prejudice of the said Undertaking, break, take up, throw down, or destroy any Part of the said Railways or Tramroads, or any Bridge or Bridges, Bank or Banks, Engines or other Machines, Erections or Buildings, or other Works to be erected and made by virtue of this Act, every Person so offending, and being thereof lawfully convicted, shall be subject and liable to the like Penalties and Penalties as in Cases of Felony, and the Court by and before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person to be transported for a Term not exceeding Seven Years, or in mitigation of such Punishment, such Court may (if they think fit) award such other Penalty or Punishment as the Law directs in Cases of Petit Larceny.

Gates to be  
shut and fas-  
tened after  
Waggons  
have passed.

XCIV. And be it further enacted, That if any Gate or Gates shall be erected and set up across the said Railways or Tramroads, for the Purpose of dividing and separating any Lands which may not be fenced off and separated from the said Railways or Tramroads, or at or near

near to any public or private Road or Roads, or in any other Situation or Situations where the said Company of Proprietors or their Committee shall think necessary; all and every Person and Persons opening any such Gate for the Passage of any Waggon or other Carriage shall from Time to Time, as soon as such Waggon or other Carriage shall have passed through such Gate, shut and fasten the same, and every Person neglecting so to do shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings; and if any Person or Persons shall wilfully open any such Gate when no Waggon or other Carriage is to pass through the same, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings; all which said Penalties and Forfeitures shall go and be applied, one Moiety to the Informer, and the other Moiety to the Poor of the Parish, Township, or Place where such Offence shall be committed.

XCV. And be it further enacted, That if any Person or Persons having the Care of or being in or upon any Waggon or other Carriage upon the said Railways or Tramroads, shall carry with him or them, or have in or upon any Waggon or other Carriage, any Net, Gun, Engine, or other Instrument for taking or destroying Game, (not being qualified by Law so to do,) such Person or Persons shall for every such Offence, being convicted thereof before any Justice of the Peace, on the Confession of the Party offending, or on the Oath of One or more credible Witness or Witnesses, forfeit and pay any Sum not exceeding Five Pounds; and in case any Master, Owner, or other Person having the Rule or Command of any Waggon or other Carriage, shall knowingly suffer or permit any Person or Persons (not being duly qualified so to do) to have or carry in or upon any such Waggon or other Carriage, or make use of, any Net, Gun, Engine, or other Instrument for taking or destroying any Game, every such Master, Owner, or Person shall for every such Offence, being in manner aforesaid convicted thereof, forfeit and pay any Sum not exceeding Five Pounds.

Penalty for Waggoners, &c. carrying Nets, Guns, &c. for killing Game.

XCVI. And be it further enacted, That in case any Person or Persons employed in the hauling of any Waggon or other Carriage upon the said Railways or Tramroads shall permit or suffer any Horse or Horses used in hauling any such Waggon or other Carriage to trespass upon the Lands or Grounds adjoining or near to the same, or if any such Person or Persons shall, after having hauled such Waggon or other Carriage, return back with the Horse or Horses employed therein, along, across, or over the Lands or Grounds adjoining to such Railways or Tramroads, not being the public Highway, or shall permit or suffer any Horse to be loose upon the said Railways or Tramroads, without some Person being with such Horse to take care of the same, or shall commit any wilful Trespass or Damage in or upon the Lands adjoining or near to the said Railways or Tramroads, every such Person shall for every such Act, Default, or Neglect, upon Conviction before any Justice of the Peace for the said County of *Durham*, either by Confession of the Party offending, or upon the Oath of One or more credible Witness or Witnesses, pay to the Person or Persons injured the Damages, to be ascertained by such

To prevent Horses, &c. trespassing on Lands adjoining Railway.

[*Local.*]

16 B

Justice,

Justice, and shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Forty Shillings, and all Costs, Charges, and Expences attending the Conviction; which Damages, Penalties, and Costs shall be levied in like Manner as any Penalties are herein-after directed to be levied.

Owners of Waggon to be accountable for Damage done by their Servants.

XCVII. And be it further enacted, That the Master, Owner or Owners of any Waggon, Engine, or Carriage passing upon the said Railways or Tramroads, shall be, and he, she, and they is, and are hereby respectively made answerable for all Damage, Spoil, or Mischief that shall be done by his, her, or their Waggon, Engine, or Carriage, or the Horses used in drawing the same, or by any Person or Persons belonging to or employed in or about the same respectively, to the said Railways or Tramroads, or to the Bridges, Engines, or other Works or Conveniences thereunto belonging, either by the loading, unloading, or conducting of any such Waggon, Engine, or other Carriage, or by any other Means whatsoever, and also for any Trespass or Damage that shall or may be committed or done to the Owners or Occupiers of any Buildings or other Erections, Lands, Tenements, or Hereditaments adjoining or lying near the said Railways or Tramroads, by opening or leaving open Gates or otherwise, and for any Trespass whatsoever, contrary to the Directions and Provisions in this Act contained, or any of them; and every such Master, Owner or Owners of such Waggon, Engine, or Carriage, shall, upon Conviction before any Justice of the Peace, either by the Confession of the Party or Parties offending, or upon the Oath or Oaths of One or more credible Witness or Witnesses (which Oath or Oaths such Justice is hereby empowered and required to administer), pay the Person or Persons injured the Damages to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Twenty Pounds, and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Forty Shillings, and all Costs, Charges, and Expences attending such Conviction; which Damages, Penalties, and Costs, upon Nonpayment on Demand, shall be levied by Distress and Sale of the Goods and Chattels of such Master, Owner or Owners, in like Manner as any other Penalties or Forfeitures are by this Act directed to be levied; or if the Damages shall exceed the Sum of Twenty Pounds, then the same may be sued for and recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*.

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

XCVIII. And be it further enacted, That if the Master, Owner or Owners of any Waggon, Engine, or other Carriage passing on the said Railways or Tramroads, shall be compelled to pay any Penalty, or to make Satisfaction for any Damages, by reason of any wilful Act, Neglect, or Default of his or their Servant or Servants, or Waggoners, or any of them, 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 Master, Owner or Owners; and in case of Nonpayment thereof on Demand, and Oath made by such Master, Owner or Owners, of the Payment made by him or them of such Penalty or Satisfaction for Damages, and that the same and the Costs thereof have not been repaid to him or them

by such Servants or Waggoners, or any of them, although demanded, (such Oath to be made before any One or more Justices of the Peace,) the same shall be recovered in like Manner as any Penalty can or may by virtue of this Act be recovered.

XCIX. And be it further enacted, That in case any Person or Persons shall break down, destroy, carry away, or damage any Gate, Stile, Post, Rail, or other Fence to be erected, put, or placed under the Authority of this Act, (such Offence or Offences not amounting to Felony,) every Person so offending, and being thereof convicted before any Justice of the Peace (not interested in the Premises) of the said County Palatine of *Durham*, on the Confession of the Offender or Offenders, or on Proof of the Offence on the Oath of One or more credible Witness or Witnesses (which Oath such Justice is hereby empowered to administer), shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and no Person or Persons shall be deemed incompetent to give Evidence upon the Hearing and Examination of such Offence, by reason of his or her being a Proprietor in the said Undertaking, or interested in the said Railways or Tramroads, or the Owner of such Gate, Stile, Post, Rail, or other Fence; and in case any such Offender or Offenders shall not immediately pay such Penalty or Penalties, or find Sureties to the Satisfaction of such Justice for the Payment thereof at such future Day as he shall think proper to appoint, it shall be lawful for such Justice to commit such Offender or Offenders to the Common Gaol, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months, unless the said Penalty or Penalties shall be sooner paid; or otherwise such Justice shall or may cause the said Penalty or Penalties to be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under his Hand and Seal, returning the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of such Distress and Sale; and one Moiety of such Penalty or Penalties shall be paid to the Owner or Owners of such Gate, Stile, Post, Rail, or Fence so broken, destroyed, or carried away, and the other Moiety thereof shall go and be paid to the Informer or Informers; but if the Owner of such Gate, Stile, Post, Rail, or Fence shall be the Informer, and give Evidence of the Offence, then the whole of such Penalty or Penalties shall be paid to the Overseers of the Poor of the Parish, Township, or Place where such Offence shall be committed, for the Benefit of such Poor; and in that Case the Offender or Offenders shall, over and above the Payment of such Penalty last-mentioned, make such Recompence and Satisfaction to the Owner or Owners of such Gate, Stile, Post, Rail, or Fence, for the Damage done thereby by such Offender or Offenders, as the Justice before whom he or they shall be convicted of such Offence shall think fit to allow in respect thereof, such Allowance for Damages to be added to such Penalty or Penalties, and levied therewith in manner above mentioned; and for Want of such Distress such Justice or Justices shall and may commit the Offender or Offenders to the Common Gaol for the said County Palatine, there to be kept to hard Labour for any Time not exceeding Three Calendar Months.

Punishment  
of Persons  
damaging  
Fences.

C. And

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

C. And be it further enacted, That if any Person or Persons (save and except the said Company of Proprietors, and the Agents or Servants employed by them,) shall ride, lead, or drive, or cause to be rode, led, or driven, any Horse, Mule, or Ass, or shall lead or drive, or cause to be led or driven, any Cow or other Neat Cattle, Sheep, Swine, or any other Beast or Animal, along the said Railways or Tramroads, or any Part thereof, except for the necessary Occupation of the respective Farms through which the said Railways or Tramroads shall be made, every Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors any Sum not exceeding Forty Shillings: Provided always, that nothing herein contained shall extend or be construed to extend to subject any Person or Persons having any Goods or Merchandize hauled along the said Railways or Tramroads, to any Penalty for riding or passing along the same for the *bona fide* Purpose of superintending the Carriage and Delivery thereof.

Owners of Land adjoining the Railway may make Branches to communicate therewith.

CI. And be it further enacted, That nothing herein contained shall extend to prevent the Owners and Occupiers of the respective Lands or Grounds adjoining the said Railways or Tramroads from constructing and laying down, either upon their own Lands or Grounds, or upon the Lands or Grounds of other Persons, with the Consent of such other Persons, any collateral Branch or Branches from their respective Lands or Grounds to communicate with the said Railways or Tramroads, nor from making at their own Expence such Openings in the Ledges or Flanches of the said Railways or Tramroads as may be necessary and proper for effecting such Communication; and the said Company of Proprietors shall not be entitled to receive any Tonnage for the passing of any Goods or other Things along such Branch or Branches.

To compel Payment of Subscriptions.

CII. And be it further enacted, That the several Persons who have subscribed or who shall hereafter subscribe or advance any Money for or towards making and maintaining the said Railways or Tramroads, and other Works hereby authorized to be made, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Committee under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Company of Proprietors, or the said Committee, in manner before mentioned; and in case any Person or Persons shall refuse or neglect to pay the same at the Time and in the Manner required for that Purpose, it shall and may be lawful for the said Company of Proprietors to sue for and recover the same in any Court of Law or Equity.

Recovery and Application of Penalties.

CIII. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or by any Rule, Order, or Bye Law made in pursuance thereof, (the Manner of levying and recovering whereof is not otherwise particularly directed,) may, in case of Non-payment thereof, be recovered in a summary Way by the Order and Adjudication of any One Justice of the Peace for the said County Palatine of *Durham*, on Complaint to him for that Purpose exhibited by



by the Oath or Affirmation of any Person or Persons, or on the Confession of the Party offending, (which Oath or Affirmation such Justice is hereby authorized to administer); and in default of Payment of such Penalties or Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted); and one Moiety of the Penalties and Forfeitures when recovered shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer of the said Company, for the Use and Benefit of the said Company; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice, or before some other Justice of the Peace for the said County Palatine of *Durham*, on such Day or Days as shall be appointed for the Return of such Warrant of Distress (such Day or Days not being more than Ten Days from the taking of any such Security), and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice, upon the Confession of the Offender or Offenders or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied, if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or Prison for the County or Place where such Offence shall be committed, there to remain for any Time not exceeding Six Calendar Months, unless such Penalty or Forfeiture shall be sooner paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, or shall otherwise be discharged by due Course of Law.

CIV. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods

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

[*Local.*]

16 C

and

and Chattels in manner directed by this Act for the levying of any Penalties or Forfeitures.

Justices may proceed by Summons in the Recovery of Penalties.

CV. And be it further enacted, That in all Cases in which any Penalty or Forfeiture imposed is made recoverable by Information before a Justice of the Peace, it shall and may be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act, to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was exhibited.

In case of Nonpayment of Compensation for Damages, the same to be levied by Distress of the Goods vested in the Company or their Treasurer.

CVI. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by such Company of Proprietors, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made from the Clerk to the said Company or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices 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 such Company, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Company, or to their Treasurer for the Time being, (as the Case may be): Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

CVII. And

CVII. And whereas Offences against this Act may be committed by transient Persons unknown to the Agents, Collectors, Surveyors, and other Officers and Servants employed by the said Company of Proprietors; be it therefore further enacted, That it shall and may be lawful to and for the said Agents, Collectors, Surveyors, and other Officers respectively, to seize and detain any such unknown Person or Persons who shall or may commit any Offence against this Act, and to convey him, her, or them before any One or more of the Justices of the Peace for the said County of *Durham*, without any other Warrant or Authority than this Act for so doing; and such Justice or Justices is and are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders.

For securing  
transient  
Offenders.

CVIII. And for the more easy Conviction of Offenders against this Act, be it further enacted, That every Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words, or any other Form of Words to the same Effect; (that is to say,)

Form of Con-  
viction.

‘ to wit. } **BE** it remembered, That on [*Time of Conviction*], at  
‘ [*Place of Conviction and Name of Offender*], of [*Addi-*  
‘ *tion of Offender*], was duly convicted before me [*or us, Name and*  
‘ *Title of convicting Justice or Justices*], for that the said [*Name of*  
‘ *Offender,*] on [*Time of committing Offence,*] at [*Place of committing*  
‘ *Offence,*] did [*here state the Offence against the Act according to the*  
‘ *Fact,*] contrary to the Form of the Statute made in the Ninth Year  
‘ of the Reign of His Majesty King *George* the Fourth, intituled  
‘ [*here set forth the Title of this Act*]; and I [*or we*] do therefore  
‘ declare and adjudge that the said [*Name of Offender*] has forfeited  
‘ for the said Offence the Sum of [*Fine*], or shall be committed to  
‘ [*Place of Imprisonment*] for the Space of [*Time of Imprisonment*].  
‘ Given under my Hand and Seal, [*or our Hands and Seals,*] the Day  
‘ and Year first above written.’

CIX. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same, be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages in an Action upon the Case.

Persons dis-  
training not  
to be deemed  
Trespassers  
*ab initio*.

CX. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall refuse or neglect to appear at the

For com-  
pelling Wit-  
nesses to  
attend.

the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his, her, or their Costs and Charges, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath (or in case of a Quaker or Quakers, on solemn Affirmation) and to give Evidence before such Justice of the Peace, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered in like Manner as any Penalty imposed by this Act may be recovered.

Persons ag-  
grieved may  
appeal to the  
Quarter  
Sessions.

CXI. Provided always, and be it further enacted, That any Person or Persons, thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, Order, or Determination of the said Company of Proprietors or their Committee, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace relating to any Matter or Thing in this Act mentioned or contained, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, complain to the Justices of the Peace at the General or Quarter Sessions of the Peace to be held in and for the said County Palatine of *Durham*, the Person or Persons appealing having first given at least Fourteen Days Notice of such Appeal, and of the Nature or Matter thereof, to the Person or Persons appealed against, or to the Clerk of the said Company of Proprietors, and forthwith after such Notice entering into Recognizance before some Justice of the Peace of the said County, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereupon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace held for the said County, or, if they think proper, adjourn the Hearing thereof until the next General Quarter Sessions of the Peace to be held for the said County, and if they see Cause may mitigate any Forfeitures or Fines, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, or Determination, and shall and may also order and award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall adjudge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Proceedings  
not to be  
quashed for  
Want of  
Form, nor  
removed by  
Certiorari.

CXII. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Limitation of  
Actions.

CXIII. And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced by any Person or Persons for any thing done or to be done in pursuance of this Act, or in the Execution of the Powers or Authorities, or of the Orders and Direc-  
tions

tions herein-before given or granted, every such Action, Suit, or Information shall be brought or commenced within Four Calendar Months next after the Fact shall have been committed, or in case there shall be a Continuation of Damages, then within Four Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards; and the Defendant or Defendants in such Action, Suit, or Information shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County than that in which such Cause of Action shall arise, then and in every such Case the Jury shall find for the Defendant or Defendants.

CXIV. And be it further enacted, That in all Cases wherein it may be necessary or requisite for any Person or Persons, or Party or Parties, to serve any Notice or Notices, Writ or Writs, or other legal Proceedings, in Law or Equity, upon the said Company of Proprietors, the Service upon any One Member of the said Committee, or left at his or their last or usual Place or Places of Abode, or upon the Clerk of the said Company, or left at the Office or usual Place of Abode of such Clerk, or upon any Agent or Officer of the said Company, 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.

Declaring what shall be good Service of Notices on the Company.

CXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to defeat, prejudice, or affect the Right of any Lord or Lords, Lady or Ladies of any Manor or Manors, or of any Owner or Owners of Lands or Grounds in, upon, or through which the said Railways or Tramroads or other Works aforesaid shall be made, to the Mines and Minerals lying and being within or under the said Lands or Grounds; but all such Mines and Minerals are hereby reserved to such Lord or Lords, Lady or Ladies of such Manor or Manors, and to such Owner or Owners of such Lands or Grounds respectively; and it shall and may be lawful for the Lord or Lords, Lady or Ladies of such Manor or Manors, and the Owner or Owners of such Lands or Grounds respectively, to work, get, drain, take, and carry away, to his, her, or their own Use, such Mines and Minerals, not thereby injuring, prejudicing, or obstructing the said intended Railways or Tramroads or other Works aforesaid, or any of them; any thing herein contained to the contrary notwithstanding.

Mines, &c. reserved to Lords of Manors or other Proprietors.

CXVI. Provided always, and be it further enacted, That in case the said intended Railways or Tramroads shall not have been completed and made, so that Waggons and other Carriages may pass along the whole Lines thereof, within the Space of Six Years to be computed from the passing of this Act, then, from and immediately after the Expiration of the said Term of Six Years, all the Powers, Authorities, and Privileges given by this Act shall cease and determine.

If Railway is not completed in Six Years, Powers to cease.

[*Local.*]

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CXVII. Pro-

Branch from Sim Pasture Farm to the Deanery not to be made without the Consent of the Earl of Eldon.

For preserving the Rights of the Bishop of Durham and others.

Public Act.

CXVII. Provided always, and be it further enacted, That the Branch Railway herein-before mentioned, commencing at or within *Sim Pasture Farm* aforesaid, and running to or near to the *Deanery* aforesaid, shall not be made and constructed without the Consent in Writing, of the Right Honourable *John Earl of Eldon*, his Heirs or Assigns, first had and obtained.

CXVIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, impeach, abridge, restrain, alter, prejudice, or affect any Rights of Estates, Anchorage, Plankage, or other Duties, Tolls, Customs, Powers, Jurisdictions, Privileges, or Advantages whatsoever of or belonging to the Lord Bishop of *Durham* or his Successors, or any Person or Persons claiming under him, them, or any of them, or of or belonging to the Mayor, Aldermen, and Burgesses of the Borough of *Stockton* aforesaid, or of any Person or Persons claiming under them, or of or belonging to the *Tees Navigation Company*, or of any Person or Persons claiming under them; but saving and reserving to the several Parties herein-before mentioned all such Rights, Titles, and Interests as they or any of them had exercised and enjoyed before the passing of this Act, or as they could or might have had, exercised, or enjoyed if this Act had not been passed.

CXIX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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The SCHEDULE to which the foregoing Act refers.

| Landowners Names.                               | Occupiers Names.         | Description. | Parishes.   |
|---|--------------------------|--------------|-------------|
| John Evelyn Denison and<br>Edward Wilkinson - } | Ralph and Robert Johnson | Garden -     | Aycliffe.   |
| <i>Branch to Broom Hill.</i>                    |                          |              |             |
| Bryan Salvin - -                                | Bryan Salvin - -         | Plantation - | Merrington. |

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Printers to the King's most Excellent Majesty. 1828.

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THE STATE OF TEXAS

Know all men by these presents, that I, the undersigned, do hereby certify that the following is a true and correct copy of the original as the same appears in the records of the County Clerk of the County of [ ] State of Texas.

| Name      | Address | City | County |
|-----------|---------|------|--------|
| A. J. [ ] | [ ]     | [ ]  | [ ]    |
| [ ]       | [ ]     | [ ]  | [ ]    |
| [ ]       | [ ]     | [ ]  | [ ]    |

Witness my hand and seal of office this [ ] day of [ ] A.D. 19[ ]

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