



ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

Cap. lxxi.

An Act for incorporating certain Persons for the making and maintaining a Railway from the Township of *Crook* and *Billy Row* to the *Byers Green* Branch of the *Clarence* Railway in the Parish of *Saint Andrew Auckland*, all in the County of *Durham*, to be called “The *West Durham* Railway.” [4th July 1839.]

WHEREAS several Persons are desirous of being incorporated for the Purpose of making and maintaining a Railway to commence from a certain Field in the Occupation of *John Richardson*, and belonging to Colonel *Spearman*, situate in the Township of *Crook* and *Billy Row* in the Parish of *Brancepeth* in the County of *Durham*, and to terminate in and communicate with the *Byers Green* Branch of the *Clarence* Railway in or near to a certain Field in the Occupation of *Elizabeth Turnbull*, and belonging to *William Russell* Esquire, in the Parish of *Saint Andrew Auckland* in the said County of *Durham*, and of erecting Warehouses and other Works necessary for the Use of such Railway: And whereas the making and maintaining the said Railway and other Works would materially benefit the Towns and other Places on and adjoining the

[Local.]

21 0

Line

Proprietors
incorporated.

Line of the said Railway, and would also be of great public Utility: And whereas for the Purposes of the said Undertaking it will be necessary that Lands should be purchased, and Contracts made and entered into, all which may be accomplished, and the beneficial Objects carried into effect, without any Infringement upon private Property or Rights: And whereas the Objects aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 *Thomas Eastoe Abbott, George Allison, John Blacket, John Botcherby, Thomas Brown, Andrew Brown, John Buckton, Thomas Bulmer, Ralph Darling, George Faith, John Archer Foster, Thomas Cummings Gibson, Hunter Gordon, Thomas Hankey, Thomson Hankey, Thomas Jennett, Henry Garrett Key, William Kirk, John Labouchere, William Ludley, Michael Middleton, Adam Murray, John Charles Ord, Hugh Panton, Thomas William Panton, James Ralph, Bernard Spindler, Foliott Scott Stokes, George William Todd, and John Wade*, and all and every such other Person or Persons as from Time to Time shall become a Subscriber or Subscribers and be duly admitted a Proprietor or Proprietors as herein-after mentioned, and their respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby declared to be one Body Politic and Corporate, by the Name of "*The West Durham Railway Company*," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall sue and be sued, plead and be impleaded, at Law or in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment against any Person or Persons who shall commit any Felony, Misdemeanor, or other Offence indictable by the Laws of this Realm; and the said Company shall be established for the Purpose of making, maintaining, and using the Railway herein-before mentioned, and herein-after more particularly described, that is to say, a Railway from a certain Field in the Occupation of *John Richardson*, and belonging to Colonel *Spearman*, situated in the Township of *Crook and Billy Row* in the Parish of *Brancepeth*, to the *Byers Green* Branch of the *Clarence* Railway in or near to a certain Field in the Occupation of *Elizabeth Turnbull*, and belonging to *William Russell* Esquire, in the Parish of *Saint Andrew Auckland*, all in the County of *Durham*, to be called "*The West Durham Railway*," together with such Engines, Machines, Inclined Planes, Roads, Works, Accommodations, and Conveniences as may be necessary and proper for making, effecting, preserving, improving, completing, maintaining, and using the said Railway and other Works hereby intended or authorized to be made, subject to the Provisions in this Act contained; which said Railway is proposed to be made and will pass through or into the several Parishes or Parochial Chapelries of *Brancepeth, Saint Andrew Auckland* aforesaid, and *Whitworth*, and also in, from, through, or into the several Townships, Chapelries, Constabularies, Hamlets, Extra-parochial or other Places following; that is to say, *Crook and Billy Row, Helmington Row, Willington, Byers Green, Old Park, and Whitworth*, some or one of them, all in the said County of *Durham*.

II. And

II. And be it further enacted, That where in this Act any Word shall be used importing the Singular Number or the Masculine Gender only, such Word shall be understood to include several Matters as well as one Matter; several Persons as well as one Person, and Females as well as Males; and where the Word "Lands" shall be used, the same shall be understood to include as well Lands and Grounds as Buildings, Erections, and other Hereditaments; and where the Word "Corporation" shall be used, the same shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and where the Word "Company" is used, the same shall be understood to mean "The *West Durham Railway Company*;" unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Rules for the Interpretation of this Act.

III. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower, or be deemed, construed, or taken to authorize or empower, the said Company to enter into or upon, or to take, use, damage, or prejudice, the Messuages, Lands, Tenements, Estate, Property, or Effects of any Person or Persons, Body or Bodies Politic or Corporate whomsoever, without the Licence or Authority in Writing of the Owner and Occupier, or other Person or Persons by this Act or otherwise entitled to give or grant such Licence or Authority, first had and obtained.

Company not to interfere with private Property without Consent.

IV. And whereas a Map or Plan and Section, describing the Line of the said Railway, and the Lands upon or through which the same is intended to be carried or made, together with a Book of Reference thereto, containing the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the County of *Durham*: And whereas the said Map or Plan and Section have been approved of by Parliament as the Map or Plan and Section according to which such Railway is to be made; be it therefore enacted, That the said Railway shall be made according to the Map or Plan and Section, with such Power of Alteration and Deviation as is herein mentioned, and that the said Map or Plan and Section and Book of Reference so deposited shall remain with and be kept by the said Clerk of the Peace, and all Persons interested in any Manner in such Lands shall have Liberty at all reasonable Times to inspect and to make Extracts from or Copies of the said Plan and Book of Reference respectively, paying to the said Clerk of the Peace for every Inspection the Sum of One Shilling, and for Copies of or Extracts from the said Book of Reference after the Rate of Sixpence for every One hundred Words; and the said Plan and Book of Reference, or true Copies thereof respectively, or of so much thereof respectively as shall relate to any Matter in question, certified by the said Clerk of the Peace, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

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

V. Provided always, and be it further enacted, That it shall be lawful for the said Company to construct the said Railway and other Works in the Line or Course, and upon, across, under, or over the

Unintentional Errors in Plan or Book of Reference not

Lands

to prevent
the Execu-
tion of the
Act.

Lands delineated on the said Plan, although such Lands or any of them, or the Situation thereof respectively, or the Names of the Owners or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in the said Book of Reference, if it shall appear to any Justice of the Peace for the said County of *Durham* (in case of Dispute about the same), to be certified by Writing under his Hand, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake or Inadvertence; and the Certificate of the said Justice shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County.

Company
empowered
to deviate
from the
Plan.

VI. And be it further enacted, That the said Company, in constructing the said Railway and other Works by this Act authorized, shall have full Power and Authority to deviate from the Line and Levels delineated on the Plan and Section deposited with the Clerk of the Peace as herein-before mentioned; provided always, that no such Deviation shall extend to a greater Distance than One hundred Yards, and in passing through any Town such Deviation shall not extend to a greater Distance than Ten Yards, nor shall such Deviation extend into any Lands which are not delineated upon the said Plan or described in the said Book of Reference, or into the Lands or Property of any Person whose Name is not mentioned in the said Book of Reference, unless such Lands or the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner in this Act provided for in Cases of unintentional Errors in the said Book of Reference, or unless such Person shall have become possessed of any Lands mentioned in the said Book of Reference subsequently to the Thirtieth Day of *November* One thousand eight hundred and thirty-eight: Provided also, that it shall not be lawful for the said Company to make any such Deviation as aforesaid after the Expiration of Three Years from the passing of this Act.

Limiting
Deviations
from Datum
Line de-
scribed on
the Section.

VII. And be it further enacted, That in making the said Railway it shall not be lawful for the said Company to deviate from the Levels of the said Railway as referred to the common Datum Line on the Section so approved of by Parliament, and as marked on the same, to any Extent exceeding in any Place Five Feet, or in passing through Towns Two Feet, without the Consent of the Owners, Lessees, and Occupiers of the Land in, through, or over which such Deviation is intended to be made, or in case any Street or public Carriage Road shall be affected by such Deviation, then the same shall not be made without the Consent of the Trustees or Commissioners, or if there be no such Trustees or Commissioners, without the Consent of Two or more Justices of the Peace in Petty Sessions assembled for that Purpose, and acting for the District in which such Street or public Carriage Road may be situate, or without the Consent of the Commissioners for any public Sewers, or of the Proprietors of any Canal or Navigation affected by such Deviation; and that no Increase in the Inclination or Gradients of the said Railway as denoted by the said Section shall be made in any Place to an Extent exceeding the Rate of Three Feet *per* Mile; and where in any Case it is intended to carry the Railway on an Arch or Arches, as marked on the said
Plan

Plan or Section, the same shall be made accordingly: Provided always, that Notice of every Petty Sessions to be holden for the Purpose of obtaining such Consent as aforesaid shall, Fourteen Days previous to the holding of such Petty Sessions, be given in some Newspaper circulated in the said County of *Durham*, and also be affixed upon the Church Door of the Parish in which such Deviation or Alteration is intended to be made, or if there be no Church, on some other Place to which Notices are usually affixed: Provided also, that for the Purpose of consenting to any such Deviation from the Sections, and to any Arching as aforesaid, the Word "Owners" shall be deemed and taken to mean such Persons as are herein capacitated to agree for the Sale of and to convey Land for the making of the said Railway; and the Consent of such Persons, with or without the Consent of any other Persons interested as Owners in the said Lands, shall be deemed and taken to be sufficient for such Purposes.

VIII. And be it further enacted, That it shall not be lawful to diminish the Radius of any Curve from what it is shown to be on the Plan deposited with the Clerk of the Peace, unless such Radius exceed One Mile, nor to diminish it in any such Case so that it shall become less than One Mile, nor to diminish any greater Radius by more than a Quarter of a Mile, unless where it exceeds Two Miles, or by more than Half a Mile, unless where it exceeds Three Miles on the said Plan.

As to how
the Radius
of any Curve
may be
diminished.

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

Company
may contract
for the
Works.

X. And whereas by reason of the Exercise of the Powers by this Act granted there may be Deficiencies in the Assessments for Land Tax in the several and respective Parishes or Townships through or in which the several Works hereby authorized may pass or be situate; be it therefore enacted, That the said Company shall, when and so soon as they shall have become seised and possessed by virtue of this Act of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, unless the said Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax, be subject and liable from Time to Time to pay and make good to or in aid of the said several Parishes or Townships, out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient

Provision for
Deficiencies
of Land Tax.

in the said several Assessments for Land Tax within the said several Parishes or Townships by reason or means of taking or using for the Purposes of this Act any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer for the Time being of the said Company is hereby required to pay all such Deficiencies, on Demand thereof, to the Collector or Collectors of the said Assessments.

Restriction
as to break-
ing up of
Pavements,
Roads, &c.

XI. And be it further enacted, That it shall not be lawful for the said Company to break or take up or disturb the Pavement or Ground in any Street, Square, Way, Lane, or other public Passage or Place, for the Purpose of making and constructing the said Railway and other Works respectively, without the Consent in Writing of the Commissioners, Surveyors, Trustees, or other Persons having the Control of such Pavement, Ground, Road, Street, Way, Lane, or other public Passage or Place respectively first had and obtained.

Providing
for Injury to
Roads.

XII. And be it further enacted, That in all Cases wherein, in the Exercise of any of the Powers granted by this Act, any Part of any Carriage or Horse Road, Railway or Tramroad, either public or private, shall be found necessary to be cut through, raised, sunk, taken, or so much injured as to be impassable or inconvenient for Passengers or Carriages, or the Persons entitled to the Use thereof, the said Company shall, at their own Expence, before any such Road shall be so cut through, raised, sunk, taken, or injured as aforesaid, cause another good and sufficient Road (as the Case may require) to be set out and made instead thereof, as convenient for Passengers and Carriages as the said Road so to be cut through, raised, sunk, taken, or injured as aforesaid, or as nearly so as may be; and where the Road cut through, raised, sunk, or injured shall be a Turnpike Road, the substituted Road, if temporary, shall be set out and made, and the principal Road shall be restored, within Six Calendar Months after the Commencement of the Operation: Provided always, that if the said Company shall not in manner aforesaid cause a good and sufficient Road to be set out and made before any such Road shall be injured or prejudiced as aforesaid, or in case any Turnpike Road shall not be restored within Six Calendar Months after the Commencement of the Operation herein-before mentioned, then and in either of such Cases the said Company shall forfeit for each and every Day during which such good and sufficient Road shall be neglected to be made as herein-before directed, or during which such Turnpike Road shall not be restored after the Expiration of the said Six Calendar Months, the Sum of Twenty Pounds; which Penalty shall be recoverable from the said Company in such and the same Manner as any other Penalty incurred by the said Company for which no special Provision is made by this Act.

Railway not
to cross
Turnpike
Roads on a
Level.

XIII. And be it further enacted, That where the said Railway shall cross any Turnpike Road, or where the Site of any other Railway or Railways across any Turnpike Road shall be altered or used for the Purposes of this Act, either such Turnpike Road shall be carried over the said Railway, or the said Railway shall be carried over the said Turnpike Road, at the Expence of the said Company,
4 by

by means of a Bridge of such Construction as is herein-after mentioned; and where the said Railway shall cross any public Highway, either the same shall be carried over the said Railway, or the said Railway shall be carried over the said public Highway, at the Expence of the said Company, by means of a Bridge.

XIV. And be it further enacted, That where the said Railway shall cross any public Footpath the said Company shall make and maintain convenient Ascents and Descents, as the Case may be, to such Footpath.

Regulations
as to crossing
Footpaths.

XV. And be it further enacted, That in all Cases where a Turnpike Road shall be carried over the said Railway, such Turnpike Road shall be efficiently supported and defended by and with proper Walls and other sufficient Fences for the Protection of Passengers using the same, and as well where a Turnpike Road shall be carried over the said Railway as where the said Railway shall be carried over a Turnpike Road, the several Works so to be made, constructed, executed, and completed as aforesaid, with the Inclinations of such Turnpike Road, and the Approaches to or towards the said Railway, shall be so made, constructed, executed, and completed in manner aforesaid, together with proper Drains, Sinks, Sewers, or Underdrains for the conveying and carrying the Water off from such Turnpike Road, and also sufficient Fences and Batteries and other Erections in order to prevent any Water from flooding any Part thereof, by and at the Expence of the said Company, in a proper and workmanlike Manner, to the Satisfaction of an uninterested competent Road Surveyor, to be appointed by the Trustees of such Turnpike Road; and the said Company shall at all Times and on all Occasions thereafter well and sufficiently maintain, uphold, amend, and keep in repair the Bridges, Tunnels, Arches, Drains, Sinks, Sewers, Underdrains, Parapet Walls, Fences, and the Walls, Banks, Mounds, Batteries, Erections, and other Works for the Support of such Bridges, Tunnels, Arches, Turnpike Roads, and Approaches thereto respectively, and for the Protection of all Persons, Horses, and Cattle using such Turnpike Road; and after any such Turnpike Road shall have been so made, constructed, executed, and completed by and at the Expence of the said Company in manner as aforesaid the same shall be deemed a Part of such Turnpike Road.

Regulations
respecting
Turnpike
Roads car-
ried over the
Railway.

XVI. And be it further enacted, That where any Bridge shall be erected by the said Company for the Purpose of carrying the said Railway over or across any Turnpike Road, the Span of the Arch of such Bridge shall be formed, and shall at all Times be and be continued, of such Width as to leave a clear and open Space under every such Arch of not less than Thirty Feet, and of a Height from the Surface of such Turnpike Road to the Centre of such Arch of not less than Eighteen Feet, and the Descent under any such Bridge shall not exceed One Foot in Thirty Feet; and where any Bridge shall be erected by the said Company for the Purpose of carrying the said Railway over or across any public Carriage Road, not being a Turnpike Road, the Span of the Arch of such last-mentioned Bridge shall be formed, and shall at all Times be and be continued, of such Width as to leave a clear and open Space under every such last-mentioned Arch

Regulations
as to Width
and Height
of Bridges
for carrying
Railway over
Roads.

Arch of not less than Twenty Feet, and of a Height from the Surface of such public Carriage Road, not being a Turnpike Road, to the Centre of such Arch, of not less than Sixteen Feet, and the Descent under any such last-mentioned Bridge shall not exceed One Foot in Twenty Feet; and where any Bridge shall be erected by the said Company for the Purpose of carrying the said Railway over or across any private Carriage Road or Occupation Way, the Span of the Arch of such last-mentioned Bridge shall be formed, and shall at all Times be and be continued, of such Width as to leave a clear and open Space under every such Arch of not less than Fifteen Feet, and of a Height from the Surface of such private Carriage Road or Occupation Way to the Centre of such Arch of not less than Sixteen Feet, and the Descent under any such last-mentioned Bridge shall not exceed One Foot in Fifteen Feet, and a good and sufficient Parapet Wall or Fence shall be made on each Side of every such Bridge, which Wall or Fence shall not be less than Four Feet above the Surface of such Bridge.

Regulating
Bridges for
carrying
public Roads
over Rail-
way.

XVII. And be it further enacted, That where any Bridge shall be erected for carrying any Turnpike Road over the said Railway, the Road over such Bridge shall be formed, and shall at all Times be continued, of such Width as to leave a clear and open Space between the Fences of such Road of not less than Thirty Feet; and where any public Carriage Road, not being a Turnpike Road, shall be carried over the said Railway, such Space shall not be less than Twenty Feet, and the Ascent of every such Bridge, for the Purpose of such Turnpike Road, shall not be more than One Foot in Thirty Feet; and with respect to any public Carriage Road, not being a Turnpike Road, not more than One Foot in Twenty Feet; and with respect to any Occupation Road or private Carriage Road, not more than One Foot in Fifteen Feet; and a good and sufficient Fence shall be made, and at all Times thereafter continued and repaired, by and at the Expence of the said Company, on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of the Road over such Bridge: Provided nevertheless, that the Regulations hereinbefore contained respecting the Ascent or Descent of Roads over or under the said Railway shall not apply where the Level of such Roads shall not be altered by the making of the said Railway.

Company
to keep
Bridges, &c.
in repair.

XVIII. Provided also, and be it further enacted, That during the Construction of the said Bridges over or under any Turnpike Roads and the Works connected therewith, and after such Bridges and Works shall have been constructed pursuant to the Directions herein contained, the said Company shall and they are hereby required, at all Times thereafter, to keep in repair the said Bridges and Works, and the retaining Walls (if any shall be required for the Approaches to such Bridges), and such Approaches, and the Road over such Bridges shall in the first instance be properly formed of good and sufficient Road Materials, by and at the Expence of the said Company, to the Satisfaction of the general Surveyor for the Time being to the Trustees of the several Turnpike Roads under or over which such Bridges shall be made, but the said Company shall not thereafter be required to repair or keep in repair such Road when once properly formed; and in case of any Want of Repair to the said Bridges and other Works or any of them, and Notice thereof be given to the said Company

pany by or on behalf of the Trustees of any such Turnpike Roads respectively, if the said Company shall not, for the Space of Twenty-one Days after the Service of such Notice, commence such Repair and proceed therein with all reasonable Expedition until the same shall have been completed, it shall be lawful for the said Trustees to proceed to repair and make good the same, so that no Obstruction be caused to the said Railway in the Progress of such Repairs, and all the Costs, Charges, and Expences incurred by the said Trustees shall be paid, on Demand, by the said Company.

XIX. And be it further enacted, That in case the said intended Railway shall at any Time hereafter, from its near Approach to any Turnpike Road, occasion Danger to the Travellers on such Road, in consequence of Horses being frightened by the Sight of the Engines and Carriages travelling upon the said Railway, it shall be lawful for any Person or Persons to make Complaint thereof to any Two Justices of the Peace acting for the Limit where such Turnpike Road shall lie, who shall summon the Clerk or Treasurer for the Time being of the said Company, or One of the Directors thereof, before them, to answer such Complaint; and if it shall appear to such Justices that the said Complaint is reasonable, then the said Company shall, within such Time as shall be ordered by the said Justices in that Behalf, and after Notice of such Order served upon them, or their principal Engineer, Clerk, or other Officer, and within such Time as shall be appointed by the said Justices, commence, and within such Time as shall be appointed by the said Justices complete, such Works in the Nature of a Screen near to or adjoining the Sides of the said Turnpike Road or of the said intended Railway as shall be directed by the said Justices, so as to prevent such Danger to Travellers upon the said Turnpike Road; and in case such Company shall neglect within the Time appointed in that Behalf to commence, or shall not continue to execute such Works until the due Completion thereof, or shall not complete the same within the Time in that Behalf appointed, the said Company shall forfeit and pay, for every Day during which the said Company shall not commence or shall not proceed in the Completion of such Works, or during which the said Works shall not be completed, after the Time appointed for the Completion thereof, the Sum of Twenty-five Pounds, to be recoverable by the Commissioners or Trustees of the said Turnpike Road from the said Company in such and the same Manner as any other Penalties incurred by the said Company for which no special Provision is made by this Act.

Company to erect Screen on the Side of Railway in case of Danger to Passengers on Turnpike Roads.

XX. And be it further enacted, That the said Company shall at their own Expence, after any Part of the said Railway shall have been laid out and formed, forthwith make, erect, and set up, and from Time to Time maintain and support, such and so many convenient Gates in and upon or adjoining the said Railway, and also all such Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages over or under or by the Side of or leading to or from the said Railway, of such Dimensions and in such Manner as Two or more Justices of the Peace acting within their Jurisdiction shall, upon the Application of the Owner or Occupier of any Lands, Mines, or Minerals, judge necessary and appoint (in case there shall be any

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

Dispute about the same), for the Use of the Owners or Occupiers of Lands, Mines, and Minerals through which such Railway shall be made, or for protecting the said Lands from Trespass, or from being flooded or damaged by Water, or the Drainings thereof being impeded or prejudiced further or in any greater Degree than would have been the Case if the said Railway and Works had not been made, or the Cattle or other Property of the Owners or Occupiers thereof from straying or escaping thereout by reason of such Railway, or any other Matter or Thing to be done in pursuance of this Act; and all such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages so to be made as aforesaid shall from Time to Time and at all Times thereafter be supported, maintained, and kept in sufficient Repair and Condition by the said Company; and for the Purpose of enabling the said Company to form, make, erect, and set up such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, and from Time to Time to maintain and support the same, the said Company, their Agents, Deputies, Contractors, Surveyors, and Workmen are hereby authorized and empowered to enter into and upon all Lands adjoining the said Railway, and to load and carry the Materials for making and repairing such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, in Carts or other Carriages, across or along such Lands, doing as little Damage as may be to the same, and making Compensation to the Owner or Occupier of such Lands for such Damage as may be thereby occasioned; and in case the said Company shall refuse or neglect to make, erect, or set up such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as herein-before directed, or to maintain or support the same or any of them when erected, set up, and made, in manner aforesaid, for the Space of Thirty Days next after the Time to be appointed for those Purposes respectively by such Justices, then and in every such Case it shall be lawful for the Owners or Occupiers of the said Lands, Mines, or Minerals who shall find themselves aggrieved by such Neglect or Refusal to make, erect, and set up such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as the said Justices shall have before directed or appointed to be made, erected, and set up as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as aforesaid the said Railway, or any of the Works hereby authorized to be made or constructed by the said Company, shall not be obstructed or injured for any longer Space of Time or in any other Manner than shall be absolutely necessary for the doing thereof; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Justices (in case of Dispute), shall be repaid to the respective Owners or Occupiers of the said Lands, Mines, or Minerals who shall have so erected and made, repaired or maintained, such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, by the said Company, within the Space of Fourteen 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; and in default of Payment of the said Costs and

Charges within the Time aforesaid, the said Justices shall and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company, for the Use of the Party to whom such Costs and Charges shall have been allowed, rendering to the said Company the Overplus (if any), on Demand, after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices; or the said Owners or Occupiers, upon Refusal or Neglect by the said Company to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against them for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is by this Act directed: Provided always, that no such Gate, Bridge, Arch, Hollow, Culvert, Fence, Ditch, Drain, or Passage shall be required to be erected or made over or under the said Railway or any Part thereof at or in any Place or Manner at or in which the same would, if so erected or made, prevent, hinder, or obstruct the working or using of the said Railway.

XXI. And be it further enacted, That if the Owners or Occupiers of any Lands through which the said Railway shall be made, or of the Mines or Minerals under or near to such Lands, shall at any Time apprehend that any of the Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages respectively which the said Justices shall have so directed or appointed to be made or erected by the said Company are insufficient, either in Number or Situation, for the commodious Use and Occupation of the respective Lands through which the said Railway shall pass, or of the Mines or Minerals under or near to such Lands, it shall be lawful for any such Owner or Occupier, with the Consent of the said Company, upon Request in Writing made to them, or in case of their Refusal for the Space of Ten Days next after such Request, then with the Consent of the said Justices given after Summons to the said Company, and due hearing of their Objections, to make, fix, and erect, at the Costs and Charges of such Owner or Occupier, any other Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, or Passages, of the same or the like Construction or Form with those made and erected by the said Company, in, upon, along, over, under, or near to the said Railway, in such Places as shall be found and adjudged most necessary and convenient, for the better Use, Cultivation, Improvement, or Occupation of such Lands, and to repair and support the same at the Costs and Charges of such Owners or Occupiers, as Occasion shall require, so that the Passage through or along the said Railway be not prevented or obstructed thereby.

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

XXII. And be it further enacted, That the said Company shall and they are hereby required, at their own proper Charges, after any Land shall be taken for the Use of the Railway and other Works, to divide and separate the same, and keep the same constantly divided and separated, from the Land adjoining to such Railway or other Works, with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, in case the Owners of such Lands adjoining to such Railway or other Works, or any of them respectively, shall

For fencing off Railway through private Lands.

shall at any Time in Writing require the same to be fenced off, or in case the said Company shall think proper to fence off the same instead of Gates being erected as aforesaid; and the said Company shall also make and maintain all necessary Gates and Stiles in all such Fences to be made as aforesaid, all such Gates being made to open towards such Lands, and not towards the said Railway; and in every such Case the Powers, Provisions, Directions, Limitations, and Regulations herein-before contained with respect to the Gates and other Works aforesaid shall extend and apply to the making and maintaining such Fences, and the Gates and Stiles in such Fences, as fully and effectually, to all Intents and Purposes, as if the said Powers, Provisions, Directions, Limitations, and Regulations were here repeated and re-enacted with respect to such Fences, Gates, and Stiles.

Company to
make suffi-
cient Drains,
&c. to carry
Water off
the Lands.

XXIII. And be it further enacted, That the said Company 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 Railway, and the Fences on the Sides thereof respectively, of such Breadth, Depth, and Dimensions as shall be sufficient at all Times to convey the Water as clearly from the Lands adjoining or lying near to the said Railway as before making the said Railway, without obstructing or impounding the same to the Prejudice of any of the said Lands, and also to make proper Watering Places for Cattle in all Cases where by means of the said Railway the Cattle of any Person occupying Lands adjacent thereto shall be deprived of as easy Access as before to their ancient Watering Places, and to supply the same at all Times with Water from such Rivers, Brooks, or Springs of Water as would have supplied the Cattle of such Person if the said Railway had not been made, or from any other Source or Feeder which can readily and lawfully be obtained for that Purpose; and it shall be lawful for the said Company and they are hereby required, from Time to Time, to make such and so many Watercourses and Drains by the Side of, along, or under the said Railway, or in, through, over, and across any Lands thereto adjoining, of such Dimensions and in such Manner, and with such proper and convenient Bridges over and Tunnels under the same respectively, as any Two or more Justices of the Peace acting within their Jurisdiction 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; and if at any Time after Twenty Days Notice in Writing shall have been given by or on behalf of any Owner or Occupier of any Land adjoining or lying near to the said Railway to the said Company, that the said Arches, Tunnels, Culverts, Drains, Watercourses, or other Passages, or any of them, are not made, or, being made, are not cleansed, maintained, and repaired according to the true Intent and Meaning of this Act, the said Company shall not proceed to make or cleanse, maintain and repair, as the Case may be, such Arches, Culverts, Drains, Water-
courses,

courses, or other Passages, it shall be lawful for any Person to apply for an Order in Writing from any Two or more Justices of the Peace acting within their Jurisdiction 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 to make or 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; 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, or upon their Clerk or Treasurer, and Service of a Copy of such Order, such Expences shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, in the same Manner as any other Costs and Charges may, by virtue of this Act, be levied and recovered upon or from the said Company.

XXIV. And be it further enacted, That nothing in this Act contained shall prevent the respective Owners and Occupiers of Lands, or Mines or Minerals, next or adjoining the said Railway, or any other Persons, from laying down, either upon their own Lands or the Lands of the said Company, on the Side of the said Railway not built upon, or upon the Lands of other Persons, with the Consent of such other Persons, and not otherwise, any collateral Branches from their respective Lands or Mines, to communicate with the said Railway; and the said Company shall be bound to make, at the Expence of such Owners and Occupiers and other Persons as aforesaid, Openings in the Ledges or Flanches of the said Railway for effecting such Communication in such Places as may be most convenient for that Purpose, and as may least interfere with the Passage of the said Railway; and the said Company shall not receive any Rate, Toll, or Sum for the passing of any Goods or other Things along such Branches so to be made by such Owners or Occupiers or Persons as aforesaid; provided always, that the said Company shall not be bound to make any such Openings in the Ledges or Flanches of the said Railway, for the Purpose of effecting such Communication, in any Places where they shall have erected or set up any Building, Steam Engine, Works, Machinery, or Yard, or in any Places which they shall have appropriated or set apart for any specific Purpose with which such Communication would interfere, nor upon any Inclined Plane the Gradient of which exceeds One in Two hundred, nor upon any Bridge or Archway; and in case any Disagreement or Difference shall arise between any such Owners or Occupiers or other Persons and the said Company as to the proper Places for making any such Opening in the Ledges or Flanches of the said Railway for the Purpose of such Communication, then the same shall be left to the Decision of any Two Justices of the Peace within their Jurisdiction, whose Determination shall be binding; and such Justices are hereby authorized and empowered to take cognizance of all such References, and to act therein accordingly.

Allowing the Owners of adjoining Lands to make Branches to communicate with the Railway.

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

XXV. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent any Owner or Occupier of any Lands, Mines, or Minerals, near or adjoining the said Railway, or any other Person, from making, either upon their own Lands or the Lands of the said Company, or upon the Lands of other Persons with the Consent of such other Persons, and not otherwise, any Railway, common Road, Watercourse, Bridge, or Culvert to, from, over, or under the Railway hereby authorized to be made by the said Company, and from using such Railway, common Road, Watercourse, Bridge, or Culvert so to be made, for the Benefit of himself and for all other Persons to whom he may from Time to Time give Leave, so that such Railway, common Road, Watercourse, Bridge, or Culvert do no Injury to and do not prevent the free Passage upon the Railway hereby authorized to be made by the said Company; and all such Railways, common Roads, Watercourses, Bridges, and Culverts shall be made and erected under the Superintendence of the Engineer of the said Company, and according to a Plan and Specification to be submitted to and approved of by such Engineer previously to the commencing of such Railways, common Roads, Watercourses, Bridges, and Culverts respectively: Provided always, that if such Engineer shall refuse or neglect for the Space of Fourteen Days after such Plan and Specification shall have been submitted to him to approve of the same, then it shall be left to any Two of Her Majesty's Justices of the Peace for the County or Riding where the said Land shall lie to determine whether or not any such Plan and Specification shall be adopted, or whether any and what Alteration shall be made therein, and such Justices are hereby required to take cognizance of the Matters so referred to them: Provided nevertheless, that in case any Damage or Obstruction shall be thereby done or occur to or in the Railway or Works by this Act authorized to be made by the said Company, the same shall be forthwith repaired or removed (as the Case may be) by and at the Expence of the respective Owners or Occupiers of the Land for whose Benefit any such other Railway, common Road, Watercourse, Bridge, or Culvert may be made or continued; and if the same shall not be forthwith done it shall be lawful for the said Company to repair such Damage or to remove such Obstruction, and to recover the Expences attending the same, in case of Refusal or Neglect to pay the same within Fourteen Days after Demand thereof, by Distress and Sale of the Goods and Chattels of such respective Owners or Occupiers, in case the same shall not exceed Twenty Pounds; or in case the same shall exceed Twenty Pounds, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*.

Gates set up across the Railway to be shut and fastened after Carriages have passed through.

XXVI. And be it further enacted, That all Persons opening any Gate set up across the said Railway or any Part thereof shall and they are hereby respectively required, as soon as they, and the Waggon or other Carriage, Animal or Thing, under the Care of such Persons, or which they may accompany, shall have passed through the same, to shut and fasten the said Gate; and every Person so neglecting so to do shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

XXVII. And

XXVII. And be it further enacted, That every Person who shall open any Gate communicating with and giving Access to the said Railway from adjoining Lands shall and he is hereby directed to shut and fasten every such Gate as soon as he and the other Persons, Cattle or other Animals, or Things, for the Passage of which such Gate was opened, shall have passed through; and every Person neglecting to do so shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be levied and recovered in like Manner as other Penalties and Forfeitures are by this Act directed to be levied and recovered.

Gates opening upon the Railway to be shut and fastened after Persons have passed through them.

XXVIII. And be it further enacted, That the Lands to be purchased or taken for the Line of the said Railway shall not exceed Twenty Yards in Breadth, except in those Places where a greater Breadth shall be judged necessary for Carriages to wait, load, or unload, and to turn or pass each other, or for Cuttings, or for the Erection and Establishment of any fixed or permanent Machinery, Toll Houses, Warehouses, Wharfs, or other such Erections and Buildings as may be necessary for executing or conducting the Business of the Railway, and not above One hundred Yards in any Place, except at or near the Terminations of the said Railway, where the Quantity of Land to be taken shall not exceed Five Acres.

Breadth of Land to be taken for the Railway.

XXIX. And be it further enacted, That if any Person shall pull up or remove any Stakes that may have been driven into the Ground for the Purpose of setting out the Line of the said Railway, he shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Penalty on Persons pulling up Stakes for setting out Railway.

XXX. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered to treat, contract, and agree with any Corporation, or any Tenant for Life or Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life, or with any Feoffees in Trust, Trustees, Executors, Administrators, Husbands, Guardians, or Committees thereof, or for Lunatics or Idiots, or other Trustees whomsoever, or with any Femes Covert who are or shall be seised, possessed, or interested in their own Right, or with any other Person whomsoever who shall be willing to sell the same, or his Right and Interest in the same, for the Uses and Purposes of this Act, for the Purchase of an Estate of Inheritance in Fee Simple of any Lands within the several Townships, Chapelries, Parishes, and Places aforesaid, for the Purpose of making and maintaining the said Railway and other the Purposes of this Act, and upon Payment of the Purchase Money for any such Lands to the Party or Persons respectively entitled thereto, or upon Payment thereof into the Bank of *England* in manner by this Act directed (as the Case may be), such Lands may be taken and used for the Purposes of this Act, and from thenceforth all Parties and Persons whose Interests shall be paid for or compensated by such Payment by Deposit shall be divested of all Right and Title, Claim, Remainder, or Reversion to such Lands, and the same Lands shall vest in the said Company; and it shall be lawful for the said

Company authorized to purchase Lands.

Company

Company to hold any such Lands; and any Term, Right, and Interest therein so purchased, without incurring or being subject or liable to any of the Penalties or Forfeitures of the Statutes of Mortmain or of any other Law or Statute whatsoever.

Company empowered to purchase Thirty Acres of Land for Wharfs, Stations, &c.

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

Company authorized to sell any of such Lands, and afterwards to purchase other Lands for the same Purposes.

XXXII. And be it further enacted, That it shall be lawful for the said Company from Time to Time to sell and dispose of such additional Lands as they are by this Act empowered to purchase and shall have actually purchased for Stations, Yards, Wharfs, Staiths, waiting, loading, and unloading Places, Warehouses, and other Buildings and Conveniences, as herein-before authorized, or such Parts of such Lands as the said Company shall think proper, and either together or in Parcels, by public Auction or private Contract, and in such Manner and for such Considerations, and to such Persons, as the said Company shall think proper, and by Deed under their Common Seal to convey such Lands to the Purchaser thereof, and again from Time to Time to purchase other Lands which the said Company shall deem more eligible for the Purposes aforesaid, and afterwards to sell and dispose of the same in manner herein-before mentioned, and so from Time to Time as the said Company shall deem proper, so that the total Number or Quantity of Acres to be purchased and held by the said Company for any of such Purposes shall not exceed at any one Time the Number or Quantity of Acres for those Purposes expressly specified or allowed in and by this Act.

Bodies Politic, &c. empowered to sell and convey to the Company.

XXXIII. And be it further enacted, That it shall be lawful for all Corporations, and all Tenants for Life or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators,

trators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatic, Idiot, Feme Covert, or other Person under any Disability of acting for himself, and for and on behalf of any Person entitled in Remainder or Reversion; and also to and for all Femmes Covert who are or shall be seised, possessed, or interested in their own Right, and for all and every other Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any Lands which the said Company are herein-before enabled to purchase as aforesaid for the Purposes of this Act, and they are hereby authorized and empowered (but not required) to treat, contract, and agree with the said Company for the Sale thereof or of any Part thereof, and to sell and convey all or any Part thereof, and all their, his, or her Estate, Right, Title, and Interest of, in, and to the same, to the said Company, for the Purposes of this Act; and all Contracts, Bargains, Sales, and Conveyances which shall be so made by virtue of this Act in the Form and Manner herein prescribed, or to the same Effect, shall be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Person conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of the said several Cestuique Trusts, and of all Persons whomsoever claiming or to claim by, from, or under them, and of all Persons entitled in Remainder or Reversion expectant on such particular Estate, and the same shall be deemed and considered to bar the Dower and Dowers of the Wives of such Person or Persons, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person or Persons claiming under them, and that as effectually as any Conveyance or Assurance substituted for Fines and Recoveries would do, any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding, and all Corporations, and all Tenants for Life or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all and every other Person and Persons, is and are and shall be hereby indemnified for what he, she, or they shall do by virtue and in pursuance of this Act.

XXXIV. And be it further enacted, That if any Money shall be contracted or agreed to be paid for any Lands to be purchased by virtue of the Powers of this Act, or for any Interest therein, or for any Compensation under this Act, which any Corporation, Tenant in Tail or for Life, Husband, Guardian, Trustee, or Feoffee in Trust, Committee, Executor, or Administrator, Feme Covert, or any Person whomsoever, for or on behalf of any Wife, Ward, Lunatic, Idiot, or Cestuique Trust, whether Infants, Issue unborn, Femmes Covert, or any Person whomsoever whose Lands are limited in strict or other Settlement, or any Person under any Disability or Incapacity, shall be entitled unto, interested in, or hereby capacitated to convey, such Money shall, in case the same shall amount to or exceed the Sum of

Application
of Purchase
Money when
amounting to
Two hun-
dred Pounds.

[Local.]

21 S

Bank

1 G. 4. c. 35. Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* "The *West Durham* Railway Company," pursuant to the Directions of an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, 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 who would have been entitled to the Rents and Profits of the said Lands, in the Purchase of the Land Tax, or towards the Discharge of any Debt or other Incumbrance affecting the same Lands, or affecting other Lands standing and being settled to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, which shall be conveyed and settled to, for, and upon such and the same or the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands so as aforesaid purchased for the Purposes of this Act stood and were settled and limited at the Time of such Purchase, or such and the same Uses, Trusts, Intents, and Purposes 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 Money shall be so laid out the same 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 such 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 who would for the Time being have been entitled to the Rents and Profits of the Lands to be purchased with the said Monies in case such Purchase or Settlement were made.

When less than Two hundred Pounds and exceeding Twenty Pounds.

XXXV. And be it further enacted, That if any Money contracted or so agreed to be paid for any Lands to be purchased for the Purposes aforesaid, and belonging to any Corporation, Tenant for Life or in Fee Tail, Trustee, Feme Covert, Infant, Lunatic, or any Person under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person for the Time being entitled to the Rents and Profits of the Lands so purchased, or of his Guardian or Committee, 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 Accountant General of the Court of Exchequer, and be placed to the Account aforesaid, and in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like

Option,

Option, to Two Trustees, to be named by the Person making such Option and approved of by Three or more of the Directors of the said Company (such Nomination and Approbation to be signified by Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising therefrom, may be applied in manner herein-before directed, as far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

XXXVI. And be it further enacted, That where such Money so contracted and agreed to be paid as before mentioned shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person who would for the Time being have been entitled to the Rents and Profits of the Lands so to be purchased for the Purposes of this Act, or in case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity, then to the Husband, Guardian, Committee, or Trustee, to and for the Use and Benefit of such Person so entitled.

When not exceeding Twenty Pounds.

XXXVII. And be it further enacted, That where any Money so contracted or agreed to be paid for the Purchase of any Houses taken or used under the Powers of this Act, or for any Compensation or Satisfaction under this Act, shall have been paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* "The *West Durham* Railway Company," pursuant to the Directions herein-before contained, it shall be lawful for the said Court of Exchequer, upon Petition for that Purpose by the Party who would have been entitled to or in the Receipt of the Rents and Profits of the Houses in respect of which such Money shall have been so paid in, from Time to Time to order such Part (if any) of the said Purchase or Compensation Monies as the said Court shall think fit to be laid out and applied in the repairing or rebuilding of any such Houses or other Buildings taken down or injured in the Construction of the said Railway and Works in such Manner as to the said Court shall seem fit.

Power for Court of Exchequer to order Compensation to be applied in rebuilding Houses, &c.

XXXVIII. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of any Party entitled to any Lands to be purchased, taken, or used, or in respect of which any Satisfaction, Recompence, or Compensation shall be payable, under the Authority of this Act, the Purchase Money for the same, or the Money paid for such Compensation, shall be required to be paid into the Bank of *England*, it shall be lawful for the said Court to order all the Costs, Charges, and Expences of all which may be incurred in consequence of the Purchase or taking or using of such Lands by the said Company under and by virtue of this Act, and also of the Investment of the Purchase and Compensation Money in Consolidated or Reduced Bank Annuities or other Government Securities, or in the Reinvestment of such Purchase and Compensation Money in Land, or so much of such several Costs, Charges, and Expences occasioned only by the passing of this Act, and not by Litigation between the Claimants or otherwise, of any Proceedings had as herein-before authorized,

The Court may order reasonable Expences of Purchase and of Investments to be paid by the Company.

authorized, as the said Court shall deem reasonable, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders for such Purposes, and for the Payment of the Dividends, Interest, and annual Produce of such Consolidated or Reduced Bank Annuities or other Government Securities, to be paid by the said Company out of the Monies to be received by virtue of this Act; and the said Company shall from Time to Time pay such Sums of Money for such Costs, Charges, and Expences as the said Court shall direct.

Costs and
Expences of
Title to be
paid by the
Company.

XXXIX. And be it further enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as the Purchaser, of all Conveyances and Assurances of any Lands which shall be purchased or taken by the said Company for the Purposes of this Act, or any Terms or Interests therein, and of deducing, evidencing, and verifying such Title as the said Company may require to the said Lands, or any Term or Interest therein, and of making out, and furnishing such Abstract and such attested Copies as the said Company may require, and all Expences whatsoever incident to the Investigation, Deduction, and Verification of such Title, shall be exclusively borne and paid by the said Company; and the said Company, before entering into Possession of the Lands so purchased or taken, shall pay the Amount of such Costs, Charges, and Expences, or in case there shall be any Dispute about the same shall obtain such Order as hereinafter mentioned, and shall deposit, for the Purpose of paying the same in such Manner as herein-after mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party from whom the Lands shall be purchased or taken: Provided always, that the said Company shall not be prevented from entering into the Possession of the Lands so purchased by reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason of the Order herein-before mentioned not having been obtained, or the Deposit herein mentioned not having been made, unless the Party from whom such Lands shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to them by the said Company, deliver a Bill of the said Costs, Charges, and Expences to the said Company.

In case of
Dispute the
Costs to be
taxed by the
Exchequer.

XL. And be it further enacted, That if the said Company and the said Party cannot agree as to the Amount of such Costs, Charges, and Expences, the same shall be ascertained by the said Court of Exchequer, and it shall be lawful for the said Court, on Petition to be presented by the said Company, to order and direct that such Costs, Charges, and Expences shall be referred to one of the Masters of the said Court, to be taxed in the usual Manner, and such Order shall be served on the Party aforesaid, who shall be at liberty to proceed under the same; and after Taxation of such Costs, Charges, and Expences it shall be lawful for the said Court to order and direct that the Amount at which the same shall be so taxed, together with the Costs, Charges, and Expences attending the Taxation thereof, or so much of the same as shall be payable by the said Company to the Person from whom such Lands shall have been so purchased or taken, as herein-after mentioned, shall be paid to the Person aforesaid; and the said Money so deposited as aforesaid shall be applied, under the

Direction

Direction of the said Court, towards the Payment thereof, so far as the same will extend: Provided always, that the said Company shall not be at liberty to enter into the Possession of the Lands so purchased or taken until an Order shall have been made for the Taxation of the said Costs, Charges, and Expences, and the said Company shall have deposited the Sums claimed in respect of the same in the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there *ex parte* "The *West Durham* Railway Company," pursuant to the Method prescribed by the herein-before mentioned Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, which Sums shall be applied, under the Order of the said Court, in Payment of the said Costs, Charges, and Expences: Provided always, that the Expence of determining such Costs, Charges, and Expences as aforesaid, and of obtaining the Order or Orders referring the same to be taxed, shall be paid and borne by the said Company, unless One Sixth of the said Costs, Charges, and Expences shall be disallowed, in which Case the said Expences shall be paid and borne by the Person from whom the said Lands were purchased or taken, and the Amount thereof may then be paid to the said Company out of the said Sum so deposited by them as aforesaid.

XLI. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands to be made to the said Company and their Successors, in pursuance of this Act, shall or may be made in the Form or to the Effect following; (that is to say,) Form of Conveyance.

‘ I [or We, as the Case may be,] in consideration of
 ‘ the Sum of paid to me [or us, or into the Bank of
 ‘ *England*, as the Case may be,] by "The *West Durham* Railway
 ‘ Company," established under or by virtue of an Act passed in the
 ‘ Second Year of the Reign of Queen *Victoria*, intituled [*here set forth*
 ‘ the Title of this Act], do hereby grant and release [or assign, as the
 ‘ Case may be,] to the said Company and their Successors all [*here*
 ‘ describe the Premises to be conveyed], and all my [or our] Right,
 ‘ Title, and Interest in and to the same and every Part thereof, save
 ‘ and except all Seam and Seams of Coal, Mines, and Minerals, and
 ‘ Quarries, [*as the Case may be*,] to hold to the said Company and
 ‘ their Successors for ever [or, as the Case may be,] during all the
 ‘ Remainder of my [or our] Term, Estate, and Interest in the said
 ‘ Premises. 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 One thousand eight hundred

‘ [Or in such other Form or to such other Effect as the Circum-
 ‘ stances of the Case may require.]’

XLII. And be it further enacted, That it shall and may be lawful Company authorized to take Leases.
 for the said Company to treat, contract, and agree with any Corpora-
 tion, or any Tenant for Life or in Fee Tail, General or Special, or for
 any Term or Terms of Years absolute or determinable upon any Life
 or Lives, or with any Feoffees in Trust, Executors, or Administrators,
 Husbands, Guardians, or Committees of or for Lunatics or Idiots, or
 other Trustees whomsoever, or with any Femes Covert who are or
 shall

shall be seised, possessed, or interested in their own Right, or with any other Person whomsoever who shall be willing so to treat, contract, and agree, for granting, demising, or leasing to the said Company, for any Term or Number of Years not exceeding Ninety-nine Years, any Lands within the several Parishes and Places aforesaid, or any Waggonway or Waggonways, or other Right or Rights of Way and Passage, or other Rights, Liberties, Privileges, or Easements whatsoever which it shall seem expedient to the said Company to acquire for the Purposes of this Act, in, upon, through, over, and along any Lands within the several Parishes and Places aforesaid; and it shall be lawful for the said Company to hold any such Lands, Rights, Liberties, Privileges, Easements, and Premises as last aforesaid without incurring or being subject to any of the Penalties of the Statute of Mortmain; and it shall be lawful for all Corporations, Tenants for Life or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable upon any Life or Lives, and all Feoffees in Trust, Executors, or Administrators, Husbands, Guardians, or Committees of or for Lunatics and Idiots, and all other Trustees whomsoever, and all Femes Covert who are or shall be seised, possessed, or interested in their own Right, and all other Person and Persons whomsoever, but they are not hereby required, to grant, demise, and lease to the said Company for any Term or Number of Years not exceeding Ninety-nine Years, to take effect in Possession and not in Reversion, as well any Lands within the several Parishes and Places aforesaid, as also full and free Liberty, Licence, Power, and Authority, in, upon, through, and over any Lands within the several Parishes and Places aforesaid, to erect, make, lay, and place One or more Waggonway or Waggonways, Byeway or Byeways, Sideway or Sideways, Branch or Branches, Bridge or Bridges, Mounds, Batteries, or Cuts, with all necessary Engines, Inclined Planes, and other Machinery, for the Conveyance of Passengers, Coals, Goods, Wares, Merchandize, and other Commodities, and any other Liberties, Privileges, or Easements whatsoever, so that upon any such Lease there be reserved and made payable during the Continuance thereof the best and most improved yearly Rent or Rents, or Sum or Sums of Money, and Reservation, that can under the Circumstances of the Case be reasonably had or gotten for the same, without taking any Fine or Foregift for the same, and so as in every such Demise, Lease, and Grant so to be made as aforesaid there be contained a Condition or Power of Re-entry, or a Power to make void or determine the same, in case the Rent or Rents, Sum or Sums of Money, or Reservations, thereby respectively reserved and made payable, shall be unpaid for the Space of Forty Days, and so as the said Company do execute Counterparts of all such Demises, Leases, or Grants, and enter into such Covenants and Agreements for the due and punctual rendering and paying the Rent and Rents and Reservations to be thereby respectively reserved, and for regulating the Use and Enjoyment of the Liberties and Privileges thereby to be granted and demised, as the Person and Persons making such Demises, Leases, and Grants shall deem expedient.

Enabling the Company to sell Lands not wanted.

XLIII. And whereas by means of the Purchases which the said Company are empowered to make by virtue of this Act they may happen to be seised of more Lands than are or will be necessary for effecting

effecting the Purposes of this Act, or of Lands not applicable to the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Company and they are hereby required, within Seven Years from the passing of this Act, to sell, and by any Deed under their Common Seal to convey to the Purchasers thereof, any Part of such superfluous Lands, or any Estate or Interest purchased by the said Company in such Lands or any Part thereof, in such Manner as they shall deem most advantageous, and such Conveyances from the said Company shall be valid and effectual to all Intents and Purposes: Provided always, that the said Company, before they shall dispose of any such superfluous Lands, shall first offer to sell the same to the Person from whom such Lands were purchased, and in case of his or her Refusal to purchase the same, then to offer to sell the same to the several Persons whose Lands or Premises shall immediately adjoin the Lands so proposed to be sold, such Persons being at the Time when such Lands shall be sold in *England*, and conveniently to be found, and capable of entering into a Contract for the Purchase of such Lands; and such respective Persons, in case they shall be desirous of purchasing the same, shall signify such their Desire and Intention in that Behalf to the said Company within Thirty Days after such Offer of Sale shall have been made; and in case such Persons shall decline to avail themselves of such Offer, or shall neglect to signify their Desire and Intention to purchase such Lands for the Space of Thirty Days, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer of Sale shall cease; and a Declaration pursuant to an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the entire Suppression of voluntary and extra-judicial Oaths and Affidavits; and to make other Provisions for the Abolition of unnecessary Oaths,* made before a Master or Masters Extraordinary in the High Court of Chancery, or before any Justice of the Peace for the County or Place where such Lands may be situate, by some Person not interested in such Lands, stating that at the Time when such Lands shall have been sold the Person entitled to such Right of Pre-emption was not in *England*, or was not found, or was not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made by or on behalf of the said Company, and that such Offer was refused, or was not accepted by the Person to whom the same was made within the Space of Thirty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence and Proof of the Fact or Facts therein stated; and in case any such Person as last aforesaid shall be desirous of purchasing any such Lands, and he and the said Company shall not agree with respect to the Price thereof, then the Price thereof shall be ascertained, settled, and determined by Two competent and disinterested Persons, one to be appointed by the said Company, and the other by such last-mentioned Person, and such Arbitrators shall and they are hereby required, before entering upon the Matter referred to them, to appoint a Third competent and disinterested

terested Person to be an Umpire, to whom, in case there shall be any Difference of Opinion between the said Two Persons so appointed, the Matter in dispute shall be referred, and the Decision of such Arbitrators or of such Umpire (as the Case may be) shall be binding upon all Parties: Provided always, that in case the Party whose Lands or Premises adjoin the Lands so proposed to be sold as aforesaid shall refuse, or for the Space of Twenty-one Days next after Notice signed by the Clerk for the Time being of the said Company requiring him so to do shall neglect, to appoint such competent and disinterested Person on his Behalf, then and in every such Case the Person chosen Arbitrator by the said Company shall and he is hereby authorized and required, by any Writing under his Hand, to choose some competent and disinterested Person to act as an Arbitrator on behalf of the Party so refusing or neglecting as aforesaid; and that the Two Persons chosen Arbitrators as lastly herein-before is mentioned shall and they are hereby required to appoint an Umpire, at the Time, in Manner, and for the Purposes aforesaid; and the Arbitrement or the Umpirage (as the Case may be) of the Persons or Person appointed as lastly herein-before is mentioned shall be binding upon all Parties; provided also, that the said Company shall defray all the Expences attending such Reference; and the Money produced by the Sale which may be made by the said Company of such Lands as aforesaid shall be applied to the Purposes of this Act.

Company restrained from purchasing more than Thirty Acres of Lands for additional Stations, &c. from incapacitated Persons.

XLIV. And whereas the said Company, in addition to the Lands hereby authorized to be purchased or taken for making the said Railway and other Works, are enabled to purchase, of Persons and Corporations willing to sell the same, Thirty Acres of Land, by virtue of this Act, for the Purpose of providing additional Stations, Yards, Wharfs, Staiths, waiting, loading, and unloading Places, Warehouses, and other Buildings and Conveniences, and all Persons and Corporations whomsoever are empowered to sell such Number of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling Lands so purchased from Persons and Corporations being under legal Disability or Incapacity, and again purchasing other Lands from the same or from other Persons or Corporations being under legal Disability or Incapacity, in lieu of the Lands so sold; be it therefore enacted, That it shall not be lawful for the said Company to purchase from any Corporation, Trustee, or Feoffee in Trust for charitable or any other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, or Cestuique Trust, or from any Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Persons, being under legal Disability or Incapacity, more than such Thirty Acres; and in case the said Company shall purchase such Thirty Acres from any Person or Corporation under such legal Disability or Incapacity as aforesaid, and shall afterwards sell the Whole or any Part of such Thirty Acres so purchased, it shall not be lawful for the said Company to purchase of or from the same, or of or from any other Person or Corporation, being under legal Disability or Incapacity, nor for the same nor for any other Person or Corporation, being under legal Disability

Disability or Incapacity, to sell to the said Company any other Lands in lieu of such Thirty Acres of Land, or any Part thereof, so sold or disposed of by the said Company.

XLV. And be it further enacted, That if the said Company shall not, within the Time herein-before limited for that Purpose, have sold such Parts of the Lands purchased by them as shall not be wanted for the Purposes of this Act, then and in such Case such last-mentioned Lands shall vest in the Owners for the Time being in the Land adjoining that which shall not have been then sold, in manner following; that is to say, one Moiety in the Owners of the Land on the one Side, and the Remainder in the Owners of the Land on the other Side thereof.

Lands remaining unsold or not wanted to be vested equally in Owners on both Sides.

XLVI. And be it further enacted, That upon Payment of the Money which shall arise from the Sale of any Lands, or of any Interest therein belonging to the said Company, which shall be sold by the said Company, under the Authority of this Act, as aforesaid, or upon Payment of any Money under this Act, it shall be lawful for the Treasurer for the Time being of the said Company to sign and give a Receipt for the Money so paid in manner herein-before mentioned, which Receipt shall be a sufficient Discharge to all Persons for the Purchase Money for such Lands or Interests as shall be sold, or for such other Money as in such Receipt shall be expressed to be received, and such Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money or other Money, or of any Part thereof, nor shall such Persons be concerned or required to know or to ascertain whether the Offer or Notice of Sale herein-before required to be given by the said Company has been made or given, or whether the Proceedings connected therewith have been regular or otherwise.

Treasurer upon Payment of Money to give Receipt.

XLVII. And be it further enacted, That in all Conveyances to be made by the said Company under or in pursuance of this Act the Word "grant" shall operate as and be construed and adjudged in all Courts of Judicature to be express Covenants, to or with the respective Grantees therein named, and their Successors, Heirs, Executors, Administrators, or Assigns, and such Grantees Interest therein, and the Estate or Interest therein expressed to be thereby conveyed by or from the said Company, for themselves and their Successors, that they the said Company, notwithstanding any Act or Default done by them, were at the Time of the Execution of such Conveyances seised or possessed of the Lands thereby granted for an indefeasible Estate of Inheritance in Fee Simple, and that they the said Company, notwithstanding as aforesaid, have good Right and full Power to convey and assure the same, free from all Incumbrances done or occasioned by them, and that the Purchaser thereof, his Heirs and Assigns, Successors and Assigns, or Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the said Company and their Successors, and all claiming under them, and be indemnified and saved harmless by the said Company, and also for further Assurance, at the Expence of such Grantees respectively, their Heirs, Successors, Executors, Administrators, or Assigns, of such Lands, by

The Word "grant" in Conveyances from the Company to amount to certain Covenants.

the said Company or their Successors, and all claiming under them, unless except and so far as the same shall be restrained and limited by express particular Words contained in such Conveyances; and all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest expressed to be conveyed, shall and may in all Actions to be brought assign Breach or Breaches of Covenants, as they might do in case such Covenants were expressly inserted in such Conveyances.

The whole
Expence
to be sub-
scribed
before the
Powers of
the Act are
put in force.

XLVIII. And whereas the Expence of making the said Railway and other Works hereby authorized is estimated at the Sum of Thirty-three thousand nine hundred and twenty-three Pounds; be it therefore enacted, That the whole of the said Sum of Thirty-three thousand nine hundred and twenty-three Pounds shall be subscribed for by Persons, under a Contract, binding themselves, their Heirs, Successors, Administrators, or Assigns, for the Payment of the several Sums by them respectively subscribed for, before any of the Powers given by this Act shall be put in force.

Proprietors
to raise
Money
amongst
themselves
for the Un-
dertaking
not exceed-
ing 33,923*l.*,
to be divided
into Shares
of 10*l.* each.

XLIX. And be it further enacted, That it shall be lawful for the said Company to raise amongst themselves any Sum of Money for purchasing and taking on Lease the Lands, and for making and maintaining the Railway and other Works by this Act authorized, not exceeding in the whole the Sum of Thirty-three thousand nine hundred and twenty-three Pounds, the same to be divided into Shares of Ten Pounds each, and such Shares to be numbered, beginning at Number "One," in Arithmetical Progression, and every such Share to be distinguished by the Number to be applied to the same; and the said Shares shall be and are hereby vested in the several Parties taking the same, and their several and respective Successors, Executors, Administrators, and Assigns, to their proper Use and Benefit; and all Persons, and their several and respective Executors, Administrators, and Assigns, who have subscribed or shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards the said Undertaking and other the Purposes of the said Subscription, shall be entitled to receive, in proportionate Parts according to the respective Sums so by them respectively paid for, the net Profits or Advantages which shall arise or accrue from or by the Rates, Tolls, and other Sums of Money to be received by the said Company, as and when the same shall be divided by the Authority of this Act.

Shares to be
Personal
Estate.

L. And be it further enacted, That the Shares in the said Undertaking, and the net Profits and Advantages thereof, shall be deemed Personal Estate, and shall be transmissible accordingly.

Proprietors
Names to be
registered.

LI. And be it further enacted, That the said Company of Proprietors, or the Court of Directors for the Time being, shall cause the Names and Designations of the several Persons who are at present and shall be hereafter Subscribers to or Proprietors of the said Undertaking, with the Number of Shares possessed by each of the Subscribers and Proprietors, and also the proper Number by which every

every Share is to be distinguished, to be distinctly entered in a Register Book to be kept by the Clerk of the said Company to be appointed as herein mentioned.

LII. And be it further enacted, That all and every Persons and Person by or for whom any Subscription shall be made or accepted, or any Payment made, pursuant to the Orders of any General Meeting or Meetings to be held by the said Company for that Purpose, for or towards raising the said Capital Sum of Thirty-three thousand nine hundred and twenty-three Pounds as aforesaid, his, her, or their Executors, Administrators, and Assigns respectively, no such Subscription being less than Ten Pounds, shall have and be entitled to a Share of and in the said Capital Joint Stock of the said Company in proportion to the Monies which he, she, or they shall have so contributed towards making up the same, and shall have and be entitled to a proportionable Share of the Profits and Advantages attending the Capital Stock of the said Company, and shall be admitted to be a Proprietor or Proprietors of and in the same.

Subscribers to share the Stock in proportion to their Subscriptions.

LIII. And be it further enacted, That the several Persons comprising the said Company shall severally and respectively stand responsible and answerable for all just Debts and Demands of the Creditors of the said Company, to the full Amount of their several and respective Shares in the Capital of the said Joint Stock, but no further or otherwise: Provided always, that whenever Two or more Persons shall have jointly subscribed for or shall be jointly possessed of any One Share in the said Undertaking, such Persons shall severally and respectively be answerable for the whole Amount of such Share, but no further.

Subscribers liable to the Debts of the Company in proportion to their Share of the Stock.

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

For granting Certificates when old ones worn out or lost.

LV. And whereas, in case any original Holder or Proprietor of One or more Share or Shares in the said Undertaking shall die, become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his or her Right and Interest to some other Person, and no Register shall have been made of the Transfer thereof with the Clerk or Clerks of the said Company, it may not be in the Power of the said Company, or any Officer acting for the said Company, to learn

For ascertaining the Proprietorship of Shares in certain Cases.

learn who is or are the Owner or Proprietor or Owners or Proprietors of such Share or Shares, in order to give him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, Notice or Notices of Calls to be made on such Share or Shares, and to maintain any Action or Actions, Suit, or other Proceeding against him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, for the Recovery of the same, or for the Purpose of safely paying to him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, the Interest or Dividends to which he, she, or they may be entitled by virtue thereof; be it therefore enacted, That in all Cases where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from the original Share or Shares, or any Proprietor or Proprietors thereof, to any other Person or Persons, by any other legal Means than a Transfer or Conveyance thereof in the Form and Manner herein specified, an Affidavit shall be made and sworn to by Two credible Persons before One of Her 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, his, her, or their Executors, Administrators, Successors, or Assigns; and such Affidavit shall be transmitted to the Clerk or Clerks of the said Company, to the Intent that he or they may enter and register the Name or Names of every such other Proprietor or Proprietors in the Register Book or List of Subscribers and Proprietors to the said Undertaking to be kept in the Office of the Clerk or Clerks of the said Company.

Directors
may make
Calls.

LVI. And be it further enacted, That the Directors for the Time being of the said Company shall have full Power and Authority to make such Call or Calls for Money from the several Proprietors or Subscribers of Shares in the said Undertaking, their Executors, Administrators, Successors, and Assigns, as the said Directors shall from Time to Time find expedient for the Purposes of the said Undertaking, so that no One such Call do exceed Three Pounds upon each Share of Ten Pounds, and so that no Calls shall be made but at the Interval of Three Calendar Months at least from each other, and so that the total Amount of such Call shall not exceed the Sum subscribed for by the several Proprietors; and the several Sums of Money which shall be so called for shall be paid into the Hands of the Treasurer of the said Company for the Time being, at such Times and Places as shall be appointed by the said Directors, of which Times and Places Twenty Days Notice at the least in Writing shall be given by the Clerk of the said Company to the several Persons liable to pay such Call, which Notice may be sent by the Post or in such other Manner as the said Directors shall direct in that behalf; and in case such Notice shall be sent by Post, Proof of such Fact shall be deemed conclusive against the Person to whom such Notice shall be addressed.

For enforcing
the Pay-
ment thereof.

LVII. And be it further enacted, That the several Persons who have already subscribed for and towards the said Undertaking, and who shall at any Time hereafter have or hold any Share or Shares in the same, shall and they are hereby respectively required to pay the Sum or Sums of Money by them respectively subscribed and to be

be subscribed for, or such Parts or Proportions thereof as shall from Time to Time be called for, pursuant to the Powers and Directions of this Act, at such Times and Places, to such Person or Persons, and in such Manner as shall be ordered and directed by the said Directors for the Time being; and in case any Person or Persons shall neglect or refuse to pay any such Money at such Time or Times and in such Manner as shall be ordered and directed by the said Directors as aforesaid, it shall be lawful for the said Company to sue for and recover the same, by Action of Debt or otherwise, in any of Her Majesty's Courts of Record at *Westminster*, together with lawful Interest for the same from the Time or Times of Payment, and full Costs of Suit, from such Person or Persons respectively; and in like Cases of Neglect or Refusal, where Two or more Persons shall have jointly subscribed for or be jointly possessed of One or more Share or Shares in the said Undertaking, then in like Manner to sue for and recover the same for all or any of such joint Subscribers; and that Execution shall and may issue upon the Judgments to be obtained by virtue of such Proceedings against the Goods and Chattels of the Persons so making default as aforesaid.

LVIII. Provided always, and be it further enacted, That if any Person or Persons shall neglect or refuse to pay his, her, or their Proportion of any Money to be called for by virtue of the Powers of this Act during the Space of Four Calendar Months next after the Time appointed for Payment thereof, then and in every such Case such Person or Persons so neglecting or refusing shall absolutely forfeit all his, her, or their Share, Part, or Interest in the said Undertaking and Capital Stock, and all Profit and Advantage thereof, and all Money theretofore advanced by him, her, or them on account thereof, to and for the Use and Benefit of the rest of the said Company; and all Shares which shall be so forfeited shall or may be sold at a public Sale for the most Money that can be gotten for the same, and the Produce thereof shall be applied and disposed of in manner by this Act directed.

Shares to be forfeited on Non-payment of Calls.

LIX. Provided also, and be it further enacted, That no Advantage shall be taken of any such Forfeiture of any Share or Shares until Fourteen Days Notice in Writing shall have been given by the Clerk of the said Company to the Proprietor or Proprietors thereof, or left at his, her, or their last or usual Place of Abode, and in case such Proprietor or Proprietors shall have no fixed Place of Residence, then public Notice shall be given by Advertisement Twice at least in the *London Gazette* and in some public Newspaper or Newspapers published in the said County of *Durham*; nor unless the same Share or Shares shall be declared to be forfeited at some Special Meeting of the said Directors; and every such Forfeiture, when so declared, shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors who shall have incurred such Forfeiture, and his, her, or their Executors, Administrators, Successors, and Assigns, against all Actions, Suits, and Proceedings whatsoever in Law or in Equity, for any Breach of Contract between such Proprietor so forfeiting and the said Company, in regard to the future Proceedings of the said Undertaking.

No Advantage to be taken of Forfeiture of Shares until after Fourteen Days Notice in Writing.

If the Purchase Money shall be more than sufficient to pay the Calls and Interest and Expences thereon, the Surplus to be paid to the Owner.

LX. Provided always, and be it further enacted, That in case the Money produced by the Sale of any such Share or Shares shall be more than sufficient to pay all such Arrears of Calls as aforesaid, and legal Interest thereon, and the Expences attending the Sale or Sales thereof, the Surplus of such Money shall be paid, on Demand, to the Person or Persons to whom such Share or Shares shall have belonged: Provided also, that the said Company or the Court of Directors shall not by virtue of this Act sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be deemed sufficient as near as may be at the Time of such Sale 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 such Calls, and the Interest and Expences attending the same, 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 shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

Directors not answerable for Acts legally done as Directors.

LXI. And be it further enacted, That none of the Directors of the said Company heretofore appointed or hereafter to be appointed under the Authority of this Act shall, by reason or means or on account of his being Party to, or making, signing, or executing, in his Capacity of Director to the said Company, pursuant to this Act, any Contract, Agreement, or other Instrument for or on behalf of the said Company, or otherwise lawfully executing any of the Powers and Authorities given to the said Directors by this Act, be subject or liable to be sued, prosecuted, or impleaded, either collectively or individually, by any Person whomsoever, in any Court of Law or Equity or elsewhere, and that the Bodies, Goods, Chattels, Lands, or Tenements of the said Directors or any of them shall not, by reason, on account, or in consequence of any such Contract, Agreement, or other Instrument so entered into, or made, signed, or executed by them or any of them as aforesaid, or any other lawful Act which shall be done by them or any of them in the Execution of any of the Powers and Authorities given to them or any of them by this Act, be liable to be arrested, seized, detained, or taken in Execution, but that in every such Case any Person making any Claim or Demand upon the said Company, or upon any Directors thereof, under or by virtue of any such Contract or Instrument or other lawful Act, may sue and implead the said Company in like Manner as if such Contract, Instrument, or other Act had been entered into and executed and done under the Common Seal of the said Company.

For the Indemnity of the Directors.

LXII. And be it further enacted, That the Directors of the said Company, their Heirs, Executors, and Administrators, shall be indemnified and saved harmless from and against all Payments made or Liabilities incurred, and all Acts, Deeds, Matters, and Things executed, done, or ordered, and all Sums of Money, Losses, Costs, Charges, and Damages which they shall incur in the Execution of the Powers and Authorities granted to them by this Act, and they shall be so indemnified out of the Assets for the Time being of the said Company, and;

if

if necessary, by Calls for that Purpose of the Capital which may remain unpaid; and the Directors for the Time being of the said Company shall apply the then existing Funds, Assets, Real Estate, and Capital of the said Company for the Purpose of such Indemnity and Reimbursement.

LXIII. And be it further enacted, That the said Company of Proprietors shall meet together at some convenient House or Place in *Darlington* or elsewhere in the said County of *Durham*, within Three Calendar Months next after the passing of this Act, or as soon thereafter as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Three of the Clock in the Afternoon, and shall then and there proceed in the Execution of this Act, and shall and may adjourn such Meeting from Time to Time, either to the same House or Place, or such other convenient House or Place in *Darlington* aforesaid or elsewhere in the said County of *Durham*, or in the City of *London*, as the said Proprietors shall think proper; and the Second General Meeting of the said Company of Proprietors shall be held at such Time and in such Place as the Directors for the Time being of the said Company shall appoint; and a like General Meeting shall be held in the Month of *August* in every Year for the future, at which yearly General Meetings the Accounts of the said Company shall be produced for the Inspection of the Meeting; and also such and so many Special General Meetings of the said Proprietors shall be held as shall be called by the Directors or Proprietors as herein-after provided, of which several General Meetings and Special General Meetings Fourteen Days public Notice at the least shall be given in One or more public Newspaper or Newspapers published in the said County of *Durham*, and by a circular Letter addressed to each of the Proprietors, (which said Notice shall, in the Case of Special General Meetings, specify the Purposes for which such Special General Meetings are called,) and all such General Meetings and Special General Meetings may be adjourned from Time to Time and from Place to Place as shall be found expedient; and at all such Meetings of the said Proprietors to be held as aforesaid the Proprietors then present, not being fewer than Three in Number, shall and may proceed to Business, and act in the Execution of the several Powers hereby given to the said Company of Proprietors; and if it shall happen that there shall not appear at any of the aforesaid Meetings of the said Proprietors a sufficient Number of the said Proprietors to act, or to adjourn, (Three Proprietors being hereby declared sufficient in all Cases to proceed to Business, and Two Proprietors being hereby declared sufficient for the Purpose of Adjournment only,) then and so often as the Case may happen such Meeting shall stand over and be deemed to be adjourned to the same Day in the following Week, and at the same Place and Hour at which the same ought to have been held as aforesaid.

First and other General Meetings of Proprietors.

LXIV. And be it further enacted, That in case any Five or more of the said Proprietors, being jointly possessed of or entitled to One hundred or more Shares in the said Undertaking, and who shall each of them have been a Proprietor of the said Company for at least Six Calendar Months, shall think fit that a Special General Meeting of

A certain Number of Proprietors may call a Special Meeting.
the

the said Proprietors shall be holden, then it shall be lawful for them to call a Special General Meeting of the said Proprietors, to be held at such Hour and Place within the said County of *Durham* as they shall think fit, provided Fourteen Days Notice of the Time and Place and Purport of such Special Meeting be given by the Persons calling the same by Advertisement in One or more public Newspaper or Newspapers published in the said County of *Durham*, and by leaving Notice thereof in Writing at the Office of the said Company for the like Number of Days, such Notice to specify the Reason and Intention of requesting such Special General Meeting, and the Time when and the Place where the said Meeting shall be held; and at each such Special General Meeting it shall be lawful for the Proprietors then present, or the Majority of them, to proceed to transact the Business specified in the Notice for which such Special Meeting shall have been called, and no other.

Regulations
as to General
Meetings and
Manner of
voting, &c.

LXV. And be it further enacted, That at every General Meeting and at every Special General Meeting of the Proprietors of the said Undertaking One of the Directors of the said Company then present, and in case no Director shall be present then One of the Proprietors, to be elected by the Meeting, shall preside as Chairman; and all Questions shall be decided by a Majority of Votes of the Proprietors present, according to the respective Number of Shares; (that is to say,) every Proprietor holding Five Shares and less than Fifteen Shares shall be entitled to One Vote; Fifteen, and less than Thirty Shares, to Two Votes; Thirty, and less than Fifty Shares, to Three Votes; Fifty, and less than One hundred Shares, to Five Votes; One hundred, and less than Two hundred Shares, to Ten Votes; Two hundred Shares and upwards to Fifteen Votes, and no more; and no Proprietor shall have more than Fifteen Votes; but nevertheless it is hereby provided, that no Proprietor shall be entitled to vote at any Meeting of the said Company in respect of any Share or Shares which he or she may possess in the said Undertaking, unless such Person shall have fully paid all Arrears due in pursuance of any Call or Calls which shall have been made upon or in respect of such Share or Shares by the said Directors for the Time being, nor shall any Person vote at any Meeting of the said Company upon any Question in which such Person shall be interested in any other Way than as being a Proprietor in the said Undertaking.

Chairman of
Meetings to
have the
Casting Vote.

LXVI. And be it further enacted, That if at any Meeting of the said Company the Number of Votes, including the Vote of the Chairman, shall be equal, then and in every such Case the Chairman for the Time being shall have an additional or casting Vote.

Regulations
as to joint
Proprietors.

LXVII. And be it further enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to any Share or Shares in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company shall be deemed to be the Proprietor of such Share or Shares for the Purpose next herein-after mentioned, (that is to say,) such Persons shall have the sole and entire Right of voting at all Meetings and at all Ballots of the said Company in respect of such joint Share or Shares; and when any Notice in pursuance of
this

this Act shall be given to such Person, the same shall be considered as a Notice given to all the Proprietors of such joint Share or Shares.

LXVIII. Provided always, and be it further enacted, That in case any of the Proprietors entitled to vote as aforesaid shall be a Lunatic or Lunatics or a Minor or Minors, such Lunatic or Lunatics may vote by his, her, or their Committee, and such Minor or Minors shall or may vote by his, her, or their Guardians or any One of such Guardians.

Lunatics and Minors to vote by their Committees and Guardians.

LXIX. And be it further enacted, That any Person, being a Proprietor of any Share or Shares in the said Company's Stock, entitled to vote in respect of such Share or Shares at any General or Special General Meeting of the said Company, shall have full Power and Authority to give his or her Vote or Votes at such General or Special General Meetings or at such Ballots as aforesaid either in Person or by Proxy (every such Proxy being a Proprietor in the said Undertaking, and entitled to vote in respect of his, her, or their own Share or Shares,) duly constituted under his, her, or their Hand or Hands, or in Cases of Infancy or Lunacy under the Hand or Hands of his, her, or their Guardian or Guardians, Committee or Committees; and the Appointment of such Proxies may be made in the Form or to the Effect following; (that is to say,)

Proprietors may vote by Proxy.

‘ I *A.B.* of , One of the Proprietors of
 ‘ Shares of and in the *West Durham* Railway Company, do
 ‘ hereby nominate, constitute, and appoint *C.D.* of
 ‘ to be my Proxy, in my Name and in my Absence to vote and give
 ‘ my Assent to or Dissent from any Business, Matter, or Thing relating
 ‘ to the said Undertaking that shall be mentioned or proposed at any
 ‘ General or Special General Meeting of the said Company, or at any
 ‘ Ballot or Ballots, in such Manner as the said *C.D.* shall
 ‘ think proper, according to his Opinion and Judgment, for the Benefit
 ‘ of the said Undertaking, or any thing relating thereto. In witness
 ‘ whereof I have hereunto set my Hand the Day of
 ‘ in the Year of our Lord One thousand eight hundred and .’

Form of Appointment of Proxy.

LXX. Provided also, and be it further enacted, That all Notices hereby directed to be given of any General or Special General Meetings or Adjournments respectively, or of any Ballot or Ballots, or to any of the said Proprietors, upon any particular Occasion, and not herein-before otherwise provided for, shall be given to the said several Proprietors or such individual Proprietors respectively by Letters from the Clerk or Clerks to the said Company sent by Post to each and every of the said Proprietors entitled to vote at such Meetings or Ballots respectively, or to the individual Proprietor entitled to such Notice (as the Case may be); and such Notice shall be deemed and considered the same as personal Notice: Provided also, that if at any such General Meeting or Special Meeting of the said Company of Proprietors to be held under the Powers herein contained there shall not be Persons present, either as Principals or Proxies, who shall be possessed of or entitled unto at least Two hundred Shares in the said Undertaking, no Business shall be transacted at any such Meeting, except adjourning the same.

How Notices of Meetings, &c., are to be given to the Proprietors.

Proviso as to General Meeting.

Determina-
tion of every
General and
Special
General
Meeting to
be the De-
cision of the
Company.

LXXI. And be it further enacted, That all and every Question, Matter, or Thing which shall be proposed in any General or Special General Meeting of the said Company to be called and holden as in this Act is directed shall be determined by the Majority of Votes of the Proprietors of the said Company then present (personally or by Proxy), and at every such Meeting the Chairman thereof shall and may not only vote as a Principal and also as a Proxy, but in case of any Equality of Votes shall and may also have an additional or casting Vote; and the Determination of every General or Special General Meeting upon any Question, Matter, or Thing shall be and be deemed, construed, and taken to be the Decision of the said Company, and shall be and be also deemed conclusive and binding on all and every the Proprietors of the said Undertaking, notwithstanding any Irregularity which may have occurred in the giving or taking of any Vote or Votes at such General or Special General Meetings.

Shares may
be trans-
ferred.

LXXII. And be it further enacted, That it shall be lawful for the several Proprietors of any Share or Shares in the said Undertaking, their Executors, Administrators, Successors, and Assigns, to sell and transfer any Share or Shares of which they shall respectively be possessed; and every such Transfer shall be by Writing duly stamped, in which the Consideration Money shall be truly stated, in the Form or to the Effect following; (that is to say,)

Form of
Transfer:

‘ I [or We] of in
‘ consideration of paid to me [or us]
‘ do hereby bargain, sell, and transfer to the said the
‘ Sum of Capital Stock of and in the Undertaking called
‘ “The *West Durham* Railway Company,” being my [or our] Share
‘ [or Shares], Number in the said Undertaking, to hold to
‘ the said Executors, Administrators, and Assigns, sub-
‘ ject to the same Rules, Orders, and Restrictions, and on the same
‘ Conditions, that I [or we] held the same immediately before the
‘ Execution hereof, and I [or we] the said do hereby
‘ agree to take and accept the said Share [or Shares] subject to the
‘ same Rules, Orders, Restrictions, and Conditions. As witness my
‘ Hand and Seal [or our Hands and Seals] this Day of
‘ in the Year of our Lord One thousand eight hundred
‘ and

Transfers
to be regis-
tered.

And every such Transfer shall be produced and notified to the Clerk of the said Company, and shall be entered and registered in the Books of the said Company, and the Entry or Registry thereof shall specify the Dates, Names of the Parties, and the Number of Shares transferred; and until such Transfer shall be entered or registered in the Books of the said Company as aforesaid, no Purchaser of any Share or Shares, their Executors, Administrators, Successors, or Assigns, shall have any Part or Share in the said Undertaking, or in the Profits and Advantages thereof, nor shall receive any Interest or Dividend for or in respect of such Share or Shares so purchased, nor be entitled to any Vote at any Meeting or Meetings as Proprietor or Proprietors of Shares in the said Undertaking.

No Shares to
be sold after
a Call, until

LXXIII. Provided always, and be it further enacted, That after a Call for Money shall be made by virtue of this Act no Person or Persons

Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, after the Day appointed for Payment of the said Call, until the Money so called for in respect of his, her, or their Share or Shares intended to be sold shall be paid; and until such Money so called for shall be paid, any such Sale or Transfer of any Share or Shares shall be void; and all and every Person or Persons making default therein shall be subject and liable to forfeit such his, her, or their Share or Shares in the said Undertaking, unless he, she, or they shall, at the Time of such Sale or Sales or Transfer, pay to the Treasurer of the said Company the full Sum of Money called for upon every Share so to be sold or transferred, such Forfeitures nevertheless to be first notified and declared in manner directed by this Act with respect to the Forfeiture of Shares for not answering the Calls to be made thereon.

LXXIV. And be it further enacted, That on every Sale of any of the Shares in the said Undertaking created by this Act, the Deed or Conveyance, being executed by the Seller and Purchaser of such Share or Shares, shall be kept by the Clerk of the said Company, who shall enter into a Book to be kept for that Purpose a Memorial of such Transfer and Sale, and shall indorse the Entry of such Memorial on the said Deed of Sale or Transfer, for which Entry and Indorsement the Sum of Two Shillings and Sixpence and no more shall be paid to the said Clerk; and the said Clerk is hereby required to make such Entry accordingly, and shall make an Indorsement of such Transfer on the Back of the Certificate of each Share so sold, and deliver the same to the Purchaser for his or her Security, and for which Indorsement on each Share no more than Two Shillings and Sixpence shall be paid to the said Clerk; and until such Entry shall have been made as herein-before directed such Purchaser shall not be entitled to any Share of the Profits of the said Undertaking, or of the Interest in respect of such Share, or to any Vote in respect thereof as a Proprietor of the said Undertaking.

LXXV. And be it further enacted, That for more effectually enabling the said Company to proceed in the Execution of the several Works by this Act authorized it shall be lawful for the said Company, when and so soon as One Half of the aforesaid Capital of Thirty-three thousand nine hundred and twenty-three Pounds authorized to be raised by Subscription shall have been actually raised and paid up and applied and disposed of for the Purposes of this Act, from Time to Time, by an Order of any General or Special General Meeting of the said Company to be for that Purpose made, to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the whole the Sum of Eleven thousand three hundred and seven Pounds, on the Credit of the said Undertaking; and the said Company, after such Order so made for such Purpose as aforesaid at any General or Special General Meeting of the said Company, are hereby empowered to mortgage, assign, and charge the Property of the said Undertaking, or any Part thereof, and the Rates, Tolls, and other Sums arising or to arise by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Rates, Tolls, or Sums,) as a Security for any Sum or Sums of Money

the Money
is paid.

Respecting
Entry of
Shares sold.

Proprietors
may raise the
Sum of
11,307*l.* by
Mortgage.

‘ securing the Sum of _____ and Interest, and all my Right,
 ‘ Estate, and Interest in and to the Money thereby secured, and in
 ‘ and to the Rates, Tolls, Sums of Money, and Property thereby
 ‘ assigned. Dated this _____ Day of _____ in the Year
 ‘ of our Lord One thousand eight hundred and _____’

And every such Transfer shall, within Twenty-one Days after the Date thereof if executed in *England*, or otherwise within Twenty-eight Days after the Arrival thereof in *England* if executed elsewhere, be produced to the Clerk of the said Company, who shall cause an Entry or Memorial to be made thereof in the same Manner as of the original Mortgage or Assignment, for which the said Clerk of the said Company shall be paid the Sum of Two Shillings and Sixpence; and after such Entry or Memorial made every Transfer shall entitle such Assignee, his Successors, Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Party who shall have made such Transfer to make void, release, or discharge the Mortgage so transferred, or any Money thereon due or thereby secured, or any Part thereof: Provided always, that no Interest shall be paid upon such Securities, unless to the *bonâ fide* Holders thereof, or to the Parties to whom the same may have been lawfully assigned, under an Instrument duly stamped, or to the Agents of such Holders or Parties duly authorized to receive the same.

Transfers to be produced to the Clerk and Entry made thereof.

LXXVI. And be it further enacted, That the Interest of the Money which shall be raised by any Mortgage or Assignment or Bond as aforesaid shall be paid half-yearly to the several Parties entitled thereto, or at such other Times as shall be agreed on, and in preference to any Dividends payable by virtue of this Act to the Proprietors of the said Company or any of them; and in case such Interest or any Part thereof shall be unpaid by the Space of Thirty Days next after the same shall have become due and payable as aforesaid, and the same shall not be paid within Thirty Days next after Demand thereof in Writing shall have been made to the said Company, it shall be lawful for Two or more Justices of the Peace acting for the said County of *Durham*, not being interested in the Matter in question, and they are hereby respectively required, on Request to them made by or on behalf of any Mortgagee or Obligee whose Interest shall be so in arrear, by an Order under their Hands, to appoint some Person to receive the Whole or such Part of the said Rates, Proceeds, Profits, or Sums as are liable to pay such Interest so remaining unpaid as aforesaid; and the Money so to be received by such Person is hereby declared to be so much Money received by or to the Use of the Person to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the Rates, Proceeds, Profits, or Sums, shall be fully paid and satisfied; and after such Interest and Costs shall have been paid and satisfied the Power and Authority of such Receiver for the Purposes aforesaid shall cease and determine, or otherwise the said Interest so remaining unpaid as aforesaid may be sued for and recovered from the said Company, with Costs, by an Action of Debt in any of Her Majesty's Courts of Record at *Westminster*.

Interest of Money borrowed to be paid in preference to Dividends.

[*Local.*]

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LXXVII. Pro-

Creditors not
to vote.

LXXVII. Provided always, and be it further enacted, That no Person to whom any such Mortgage, Assignment, or Bond shall be made, granted, or transferred, shall by reason thereof be deemed a Proprietor of any Share, or shall be capable of acting or voting as such at or taking any Part in the Proceedings of any Meeting of the said Company, by reason or on account of his having advanced any Money on such Mortgage, Assignment, or Bond.

Directors
empowered
to stipulate
Periods for
Redemption
of Money to
be borrowed
on Security
of Rates.

LXXVIII. And be it further enacted, That when any Sum of Money shall be borrowed at Interest, pursuant to the Powers in that Behalf contained in this Act, it shall be lawful for the said Company, in case they shall in their Discretion think proper so to do, to fix a Period for the Repayment of the Principal Sum of Money so to be borrowed, with the Interest thereof, and in that Case the said Company shall cause to be inserted in such Mortgage or Assignment the Time which shall be fixed or agreed upon for the Repayment of the Principal Money thereby to be secured; and such Sum of Money, with all Arrears of Interest thereon, shall accordingly be paid at the Time so to be fixed to the Party who shall, upon the Expiration of such Period, be the Holder of and entitled to such Mortgage or Assignment.

Holder of
Mortgages
or Assign-
ments for
Money bor-
rowed for
unlimited
Periods may
demand Pay-
ment after 12
Months from
their Date ;
but Direc-
tors may pay
off such
Mortgages
on giving
Six Months
Notice.

LXXIX. And be it further enacted, That where no Time shall be fixed for the Repayment of any Sum of Money borrowed under the Authority of this Act, the Party entitled to any such Mortgage or Assignment may and he is hereby authorized to demand Payment of the Principal Monies thereby secured, with all Arrears of Interest, at the Expiration or at any Time after the Expiration of Twelve Calendar Months from the Date of such Mortgage or Assignment, upon giving Six Calendar Months Notice in Writing to the Clerk of the said Company for the Time being: Provided nevertheless, that the said Company may at all Times pay off and discharge all such Mortgages or Assignments in which no Time shall be fixed for the Payment thereof or any Part of the Money thereby secured, on giving Six Calendar Months Notice in the *London Gazette* and in Two or more Newspapers circulated in the said County of *Durham*, and at the Expiration of the said Six Calendar Months all Interest shall cease to be paid on the said Principal Money, unless the said Company shall, on Demand, make default in Payment thereof in pursuance of such Notice.

For securing
Repayment
of Principal.

LXXX. And be it further enacted, That in case of Nonpayment of any Principal Sum of Money which shall be secured by any such Mortgage or Assignment or Bond as aforesaid, by virtue of this Act, or of any Part of such Principal Money, at the Time when the same ought to be paid, and in case the same shall not be paid within Six Calendar Months next after the same shall be so payable as aforesaid, and after Demand thereof in Writing shall have been made to the said Company, it shall be lawful for Two or more Justices of the Peace acting for the said County of *Durham*, not being interested in the Matter in question, and they are hereby respectively required, on Request to them made by or on behalf of any One or more of the Parties entitled to any such Mortgages, Assignments, or Bonds as aforesaid, and to whom any Principal Sums of Money shall be then

due thereon and unpaid, amounting together to the Sum of Ten thousand Pounds, by an Order under their Hands, to appoint some Person to receive the whole or such Part of the said Rates, Proceeds, Profits, or Sums as are liable to pay such Principal Sums so due and unpaid as aforesaid; and the Money so to be received by such Person is hereby declared to be so much Money received by or to the Use of the Corporations or Persons to whom such Principal Money shall be due, and on whose Behalf such Receiver shall have been so appointed, until the same, together with the Costs and Charges of recovering and receiving the Rates, Proceeds, Profits, or Sums, and all Interest then due thereon, shall be fully paid and satisfied; and after such Principal, Interest, and Costs shall have been paid and satisfied the Power and Authority of such Receiver for the Purposes aforesaid shall cease and determine; or otherwise the said Principal Money so due and unpaid as aforesaid may be sued for and recovered from the said Company, with Costs, by an Action of Debt in any of Her Majesty's Courts of Record at *Westminster*.

LXXXI. And be it further enacted, That in case the said Company shall raise the whole or any Part of the Money herein-before authorized to be raised by Mortgage or Assignment as aforesaid, and shall afterwards pay off all or any Part thereof, then and in every such Case it shall be lawful for the said Company immediately or at any Time thereafter again to raise, in lieu of the Principal Money so paid off by them, such Sum of Money as they shall from Time to Time have paid off, or any Part thereof, and so from Time to Time as often as the same shall happen, but so nevertheless that the said Company shall not in any event owe at the same Time more than the Sum of Eleven thousand three hundred and seven Pounds in the whole.

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

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

Application of Money to be raised.

LXXXIII. And be it further enacted, That *Folliott Scott Stokes, George Faith, John Charles Ord, Hunter Gordon, John Botcherby, Thomas Brown, Adam Murray, John Blacket, Thomas Eastoe Abbott, and John Buckton*, shall be the first and present Directors of the Company, and that at no future Time shall there be more than Ten Directors of the said Company; and that *George William Todd* and *Michael Middleton* shall be the first and present Auditors of the Company, and that at no future Time shall there be more than Two Auditors of the said Company; and that the said present Directors and Auditors shall continue in Office until the General Annual

Appointment of Directors and Auditors.

Annual Meeting be held in the Month of *August* One thousand eight hundred and forty.

Meetings of
Directors.

LXXXIV. And be it further enacted, That the said Directors shall or may hold their First Meeting within Thirty Days after the passing of this Act at such Time and Place within the said County of *Durham*, and in the City of *London*, as they shall think proper, and shall have full Power and Authority to adjourn such First Meeting, and again to meet and adjourn from Time to Time and from Place to Place within the said County of *Durham* and the said City of *London* as they shall think fit; and the said Directors shall appoint One of the Directors to preside as Chairman; and all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Directors at any of their Meetings shall be decided and determined by a Majority in Number of the Members present (the Number present not being less than Three), and in case of an equal Number of Votes upon any Question, including the Vote of the Chairman for the Time being, such Chairman shall have the decisive and casting Vote; and if on the Day appointed for any Meeting of the said Directors Three Members qualified to vote shall not attend, then and in every such Case the Meeting shall be adjourned till such Time as the Members or Member then present, or if none be present, as the Clerk or Clerks of the said Company, or such other Person as shall attend in his or their Place, shall appoint; and any or either of the Directors may, at any Time when they or he shall think fit, call a Meeting of the Directors by Notice in Writing signed by such Directors or Director, to be sent by the Post or otherwise to the Residence or Address of every Director.

Powers of
Directors.

LXXXV. And be it further enacted, That the Court of Directors for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Power to use the same on behalf of the Company, and shall have full Power and Authority to meet and adjourn from Time to Time and from Place to Place within the said County of *Durham* and the City of *London*, and also at any Time to call Special General Meetings of the said Company for any Purpose they may think proper, and to appoint the Time and Places in the said County of *Durham* and the said City of *London* of holding General and Special General Meetings, and to direct the Affairs and Business of the said Company, as well in issuing, receiving, and laying out and disposing of all Sums of Money to be issued or received, laid out, or disposed of for the Purposes of the same Company, as in contracting for, purchasing, and taking Demises or Leases of Messuages, Lands, Tenements, Hereditaments, Wayleaves, Easements, Privileges, Materials, Goods, and Chattels, for the Use of the said Undertaking, and otherwise carrying into execution the Objects and Purposes of the said Company, and in nominating, electing, appointing, placing; or displacing any Officer, Agent, or Servant of the said Company, (not being an Auditor, Treasurer, or Clerk of the said Company, who are to be elected and appointed at a General Meeting of the Company as herein-after mentioned,) and with such Salaries, Gratuities, or other Recompence as to the said Court of Directors shall seem proper, and in ordering, directing, and employing the Works and
Workmen,

Workmen, and in making, enforcing, and rescinding, compounding, and compromising, all Contracts and Bargains touching or in anywise concerning the same, subject nevertheless to such Orders, Bye Laws, Rules, and Regulations as shall at any Time be duly made by the said Company in Restraint, Control, or Regulation of the Powers and Authorities by this Act granted to the said Directors; and the said Court of Directors may require such Security to be given to the said Company of Proprietors from any Officer or Officers (not being an Auditor, Treasurer, or Clerk of the said Company) or other Person, for the faithful Execution of their respective Offices or Duties as they may think proper or reasonable.

LXXXVI. And be it further enacted, That all Orders and Proceedings of the said Company, and of the Court of Directors for the Time being, shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings shall be signed by the Chairman for the Time being of each respective Meeting, or for the Purposes of Adjournment only by the Clerk of the said Company, and shall be deemed and taken to be original Orders and Proceedings, and allowed to be read in Evidence in all Courts and Places whatsoever. Orders to be entered in a Book.

LXXXVII. And be it further enacted, That on the said General Meeting which will be held in the Month of *August* One thousand eight hundred and forty, or at some Adjournment thereof, Two of the present Directors, to be determined by Agreement amongst themselves, and if they cannot agree, then by Lot, shall go out of Office; and on the next following General Annual Meeting in the said Month of *August*, or at some Adjournment thereof, Two more of the said present Directors (to be also determined by Agreement amongst themselves, and if they cannot agree, then by Lot) shall go out of Office; and at every subsequent General Annual Meeting which shall be held in the said Month of *August*, or at some Adjournment thereof, such Two of the Directors as shall have been then longest in Office shall go out. Retirement of Directors.

LXXXVIII. And be it further enacted, That at the General Annual Meeting which will be held in the Month of *August* One thousand eight hundred and forty, or at some Adjournment thereof, and at every General Annual Meeting which shall be held afterwards in the said Month of *August*, or at some Adjournment thereof, Two new Directors (being Proprietors of Shares in the said Undertaking) may be elected in the Place of Two of the former Directors, nevertheless the said former Directors whose Office shall then have expired, or any of them, may (if otherwise eligible) be again immediately re-chosen; and in case the Directors, by Death, Resignation, or Disqualification, shall be reduced to the Number of Six, such Vacancy shall from Time to Time be filled up at a Special General Meeting to be called for that Purpose within Thirty Days next after such Reduction in Number shall happen; and the Persons so to be chosen to fill such Vacancy or Vacancies shall, being duly qualified, continue in Office upon the same Terms, and only for the same Period, as the Persons whose Places they shall supply would have continued Annual Election of Directors.

if their Office had not been vacated before the Time at which they must, according to the Provisions herein-before contained in this Act, have gone out of Office.

Retirement
of Auditors.

LXXXIX. And be it further enacted, That at the said General Annual Meeting which will be held in the Month of *August* One thousand eight hundred and forty, or at some Adjournment thereof, One of the present Auditors, to be determined by Agreement between themselves, or if they cannot agree, then by Lot, shall go out of Office; and on the Day on which the next following General Annual Meeting in the said Month of *August* shall be held, or at some Adjournment thereof, another of the said present Auditors, to be also determined among themselves, shall go out of Office; and at every subsequent General Annual Meeting which shall be held in the Month of *August*, or at some Adjournment thereof, the Auditor who shall then have been longest in Office shall go out.

Annual Elec-
tion of One
Auditor.

XC. And be it further enacted, That at the said General Annual Meeting which will be held in the Month of *August* One thousand eight hundred and forty, or at some Adjournment thereof, and at every General Annual Meeting which shall be held afterwards in the said Month of *August*, or at some Adjournment thereof, One new Auditor (being a Proprietor of Shares in the said Undertaking) may be elected in the Place of the Auditor so retiring from Office, nevertheless the said former Auditor whose Office shall then have expired may (if otherwise eligible) be again immediately re-chosen; and in case of the Death, Resignation, or Disqualification of any one of the Auditors, the Vacancy shall from Time to Time be filled up, at a Special General Meeting to be called for that Purpose within Three Calendar Months next after such Vacancy shall happen; and the Person so to be chosen to fill such Vacancy shall (being duly qualified) continue in Office upon the same Terms, and only for the same Period, as the Person whose Place he shall supply would have continued if his Office had not been vacated before the Time at which he must, according to the Provisions herein-before contained, have gone out of Office.

Qualification
of Directors
and Auditors.

XCI. Provided always, and be it further enacted, That no Person to be hereafter elected one of the Directors or Auditors of the said Company shall be eligible to be elected one of the Directors or Auditors of the said Company, unless at the Time of his Election, being a Director, he shall be entitled to Twenty Shares, and being an Auditor he shall be entitled to Five Shares at the least in the said Undertaking.

Directors
interested
not to vote.

XCII. Provided always, and be it further enacted, That if any Proprietor who shall be elected a Director as aforesaid shall be in Treaty with the said Company for the Carriage or Conveyance of Coals, Goods, Merchandizes, or Commodities upon or by means of the said Railways, or shall supply or offer to supply any Goods, Wares, or Merchandizes, or shall offer to take, or shall take or participate in any Work to be done for the said Company; every such Proprietor shall be disqualified to vote in any Matters or Questions to be discussed or argued by the said Directors respecting the same.

XCIII. And

XCIII. And be it further enacted, That it shall be lawful for the Proprietors of the said Company, at any General Meeting specially summoned for that Purpose in manner aforesaid, to remove from his Office any Director for Misconduct in Office, or any other reasonable Cause: Provided always, that the Resolution for any such Removal shall be carried in the Affirmative by Three Fourths at least in Number and Value of the Proprietors who shall, either in Person or by Proxy, vote at such Meeting: Provided also, that if at such Meeting there shall not be Persons present, either as Principals or Proxies, who shall be possessed of or entitled unto at least One hundred Shares in the said Undertaking, no Business shall be done at such Meeting, but the Meeting shall be adjourned for the same particular Purpose to the same Place, from Time to Time, until there shall be present, either as Principals or Proxies, Proprietors who shall be possessed of at least One hundred Shares as aforesaid; and the same Rules, Regulations, and Provisions as are herein prescribed with respect to the General Meetings for choosing Directors shall be applicable to the Meetings to be held for removing them.

Proprietors
may remove
Directors for
Misconduct.

XCIV. And be it further enacted, That it shall be lawful for the said Directors from Time to Time to nominate and appoint, out of their own Body, a Committee or Committees, who shall have full Power and Authority to enter into and make any Contracts or Agreements on behalf of the said Company, and to hire and employ any Agents, Surveyors, Workmen, or Servants in or about the said Undertaking, and to do, execute, and perform all other Matters and Things whatsoever in or about the said Undertaking which the said Directors are themselves herein-before authorized to do, and which the said Directors shall from Time to Time think proper to entrust to the Care and Management of such Committees respectively (save and except nevertheless the making of Calls for Money upon the Proprietors of the said Undertaking); and it shall be lawful for the said Directors, by an Order or Resolution for that Purpose, to break up and dissolve any such Committee, or to remove or displace any of the Members thereof respectively, and to appoint others in their Place and Stead, when and as often as such Directors shall think expedient; and such Committees respectively shall have Power to meet from Time to Time, and to adjourn from Place to Place, as they shall think proper and as Occasion shall require, for effecting the Purposes aforesaid; and all Powers and Authorities hereby vested in, or which shall by the said Directors be confided to, any such Committee, within the Intent and Meaning of this Act, shall and may be executed by Three of the Members present at the respective Meetings of the said Committee; and at all Meetings of the said Committees one of the Members present shall be appointed Chairman, and all Questions shall be determined by a Majority of the Members present; and the Chairman shall be entitled to vote on all Questions, and, in case of an equal Division of Votes upon any Subject entertained by the said Committee, shall have an additional or casting Vote.

Directors to
choose Com-
mittees.

XCV. And be it further enacted, That the said Company of Proprietors shall, at their said First General Meeting, or at some Adjournment thereof,

General
Meetings
may appoint
thereof,

a Treasurer
and Clerk.

thereof, elect and choose a fit and proper Person to act as Treasurer, and a Clerk, for transacting the Business of the said Company; and it shall be lawful for the said Company, at any subsequent General or Special General Meeting to be holden as herein-before directed, from Time to Time to remove and displace such Treasurer and Clerk, or either of them, or any other Person or Persons who shall be hereafter directed and appointed to their respective Offices, and shall also from Time to Time elect, choose, and appoint in manner aforesaid any other Person or Persons to act as Treasurer or Clerk of the said Company in the Room of such of the said Officers who shall happen to die or resign or be removed from their respective Offices; and it shall be lawful for the said Company to allow such Salaries or other Emoluments to the said Officers, or any of them, as at any such General or Special General Meeting shall from Time to Time be fixed upon and determined: Provided always, that the said Company of Proprietors shall and they are hereby required to take sufficient Security from every Person who shall hereafter be appointed Treasurer of the said Company, for the faithful Execution of his Office, before he shall enter thereupon.

Directors
may appoint
a temporary
Treasurer or
Clerk.

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

No Person
to hold the
Office of
Clerk and
Treasurer at
the same
Time.

XCVII. Provided always, and be it further enacted, That it shall not be lawful for the said Company or the said Directors to appoint any Person who may be appointed the Clerk of the said Company, or who may be the Partner of such Clerk, or any Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or any Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk of the said Company; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or being in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place of Profit or Trust under the said Company other than that of Treasurer, every
Person

Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*.

XCVIII. And be it further enacted, That no Sum or Sums of Money shall be issued by the Treasurer or Treasurers or other Person or Persons to be appointed by the said Company, on account of the said Company, without an Order or Orders in Writing signed by Two at least of the said Directors. Treasurer, &c. not to issue Money without an Order.

XCIX. And be it further enacted, That every Officer and Person who shall be appointed or employed by virtue of this Act shall from Time to Time, when thereunto required by the said Company, make and deliver to the said Company, or to such Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him received by virtue of this Act; and such Accounts shall state how, and to whom, and for what Purpose the same shall have been disposed of, together with the Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balances of such Accounts shall appear to be owing from him to the Treasurer of the said Company, or to such Persons as the said Company shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof, when thereunto required in the Manner aforesaid, shall refuse or neglect to deliver up to the said Company, or to such Persons as they shall respectively appoint, within Three Days after being thereunto required by the said Company, or by such other Persons as last aforesaid, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Company, or by any other Person on their Behalf, to any Justice of the Peace acting within his Jurisdiction, such Justice may and he is hereby required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Company might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, or by the solemn Affirmation of any Person being a Quaker or Separatist, it shall appear to such Justice that any of the Monies which shall have been collected and received shall be in the Hands of or be owing from such Officer or Person, such Justice may and he is hereby empowered, by Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if his Goods and Chattels shall not be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress and of selling the same, or if such Officer or Person shall not appear before

such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Account in his Possession or Power, or to deliver up such Books, Papers, and Writings, or to pay the Balance due as aforesaid, then and in every of the Cases aforesaid the said Justice may and he is hereby required, by Warrant under his Hand and Seal, to commit such Officer or Person to some Common Gaol or House of Correction within his Jurisdiction, there to remain without Bail or Mainprize till he shall have made and delivered such Account, and have delivered up the Vouchers and Receipts (if any) relating thereto in his Possession or Power, and have delivered up such Books, Papers, and Writings (if any) as aforesaid, and shall have paid all the Money which shall appear to be in the Hand of or owing from him, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he shall have compounded with the said Company for such Money and Charges, and have paid the Composition Money to the said Company (and which Composition the said Company are hereby respectively empowered to make), or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings to the said Company: Provided always, that no Persons who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Three Calendar Months.

Accounts to
be kept of
Receipts
and Dis-
bursements.

C. And be it further enacted, That the said Company, or the Directors thereof, shall and they are hereby required, from Time to Time and at all Times, to order and direct a Book or Books to be provided and kept by their Clerk or Treasurer for the Time being, in which Book or Books such Clerk or Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for and on account of this Act, and of the several Articles, Matters, and Things for which any Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all reasonable Times be open to the Inspection of the said Proprietors in the said Undertaking, and all and every the Person or Bodies respectively possessing or entitled to any Debentures and other Securities affecting or charged upon the Estates and Effects, Rents and Profits of the said Company by virtue of this Act who may take Copies thereof or Extracts therefrom, without Fee or Reward, having first obtained from the said Directors an Order in Writing for that Purpose.

Company to
send annual
Accounts of
Receipts, &c.
to Clerk of
the Peace.

CI. And be it further enacted, That the said Company, or the Directors thereof, shall and they are hereby required to transmit, free of Expence, on or before the First Day of *January* in each Year, to the Clerk of the Peace for the County of *Durham*, a Copy of their annual Account in Abstract, showing the total Receipts and Expenditure of all Funds levied under the Provisions of this Act for the Year ending the Thirtieth Day of *June*, or some other convenient Day in each Year, under the several distinct Heads of Receipts and Expenditure, together with a Statement of the Balance of the said Account, duly audited and certified by the Directors or Auditors of

the said Company; and in case they shall refuse or neglect to transmit the same as aforesaid, they shall forfeit and pay the Sum of Five Pounds for each Offence, which Copy of their said Account, when so transmitted to the said Clerk of the Peace, shall be open to the Inspection of any Person interested therein, upon Payment of the Sum of Two Shillings and Sixpence, upon Application at the Office of the said Clerk of the Peace at any reasonable Hour of the Day.

CII. And be it further enacted, That any General Meeting, or any General Meeting specially called for the Purpose, shall have full Power to call for and examine and settle the Accounts of the said Company and of the said Court of Directors; and at one of the said General Meetings, or some Adjournment thereof, in each Year, a Dividend or Dividends shall be made out of the Interest, Profits, or Advantages of the said Undertaking, unless such Meeting shall declare otherwise; and such Dividend or Dividends shall be at and after the Rate of so much *per Centum* for every Share upon all and every the Sum and Sums of Money paid to the said Company by the said Subscribers, their Executors, Administrators, Successors, or Assigns, as such Meeting shall think fit to appoint and determine: Provided always, that no Dividend shall be made whereby the Capital of the said Company shall in any Degree be reduced or impaired, nor within Twelve Calendar Months next after the passing of this Act; nor shall any Dividend be paid in respect of any Share or Shares after a Day appointed for the Payment of any Call for Money in respect thereof, until such Call shall have been paid.

General Meetings to settle Accounts and declare Dividends.

CIII. And be it further enacted, That the said Company shall have full Power and Authority, from Time to Time, at any of their General Meetings to be held as aforesaid, to make such Rules, Orders, and Bye Laws as to them shall seem right and proper, for the good Government of the said Undertaking, and for regulating the Proceedings of the Court of Directors, and for the Regulation of all Officers, Workmen, and Servants to be employed in or about the Affairs and Business of the said Company, and for the Superintendence and Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Rules, Orders, and Bye Laws, or any of them, and to make others; but no such Rules, Orders, or Bye Laws shall be valid or binding unless the same shall be allowed by some Judge of one of Her Majesty's Courts of Record at *Westminster*, or by the Justices assembled at some General or Quarter Sessions of the Peace of the County of *Durham*, which said Justices are hereby authorized and required, on the Request of the said Company, to examine into the Bye Laws which may be tendered to them for that Purpose by the said Company, and to allow of or disallow the same, as to them may seem meet; and all Penalties which may be imposed by virtue of any such Bye Laws shall be framed as to allow the Justice or Justices before whom the same may be sought to be recovered to order the Whole or any Part of such Penalties to be paid.

General Meetings may make Bye Laws, to be approved by a Judge or by Justices at Quarter Session.

CIV. And be it further enacted, That it shall be lawful for the said Company from Time to Time to make such Orders and Regulations

Company to regulate Passage on the Railway.
as

as they shall think proper for regulating the travelling upon and Use of the said Railway, and for or relating to Travellers and Carriages passing upon the said Railway, and for or relating to the Mode or Means by which, and the Speed at which, such Carriages shall from Time to Time be moved or propelled, and the Times of their Departure and Arrival, and the loading or unloading thereof respectively, and the Weight which they shall respectively carry, and the Delivery of Goods and other Things which shall be conveyed in or upon such Carriages, and also for preventing the smoking of Tobacco, and the Commission of any other Nuisance, in or upon such Carriages, or in any of the Stations or Premises occupied by or belonging to the said Company, and generally for regulating the passing upon, using, or working the said Railway and other Works by this Act authorized, or in anywise relating thereto respectively; and such Orders and Regulations shall be submitted to Two or more Justices of the Peace for the said County of *Durham*, and, when ratified by such Justices, shall be binding upon and be conformed to by the said Company, and by all Owners of and Persons having the Care or Conduct of such Carriages, and by all Persons using or working the said Railway and other Works used by all Travellers and Passengers passing upon the said Railway, upon pain of forfeiting and paying a Sum not exceeding Five Pounds, which the said Company may attach to any such Default: Provided always, that in every Case of Infraction or Non-observance of any such Rules or Regulations, which shall be attended with Danger to the Public or Annoyance to Travellers, or which shall obstruct or hinder the said Company in their due and lawful Use and working of the said Railway and Works, it shall be lawful for the said Company and their Agents summarily to interfere to obviate such Danger, or to remove or prevent such Obstruction, Nuisance, or Hindrance.

Company may carry Passengers, &c. upon the Railway, or contract with other Persons for that Purpose.

CV. And be it further enacted, That it shall and be lawful for the said Company, with Waggons, Wains, locomotive Engines, or otherwise, to carry and convey Passengers, Goods, Commodities, Wares, Merchandizes, Articles, Matters, and Things upon or along the said Railway, or upon or along any Part or Parts thereof, and from Time to Time to contract and agree with any Person or Persons for the carrying and conveying in like Manner of Passengers, Goods, Commodities, Wares, Merchandizes, Articles, and Things, upon the Payment of such Sum or Sums of Money (not exceeding the Rates by this Act authorized to be taken) as shall from Time to Time be agreed upon between the said Company and the Person or Persons with whom the said Company shall so contract and agree.

Railway to be free on Payment of Rates.

CVI. And be it further enacted, That all Persons shall have free Liberty to pass along and upon, and to use and employ, the said Railway, either in Carriages employed by the said Company, or to carry thereupon all Goods and Merchandize whatsoever in Carriages properly constructed, as by this Act directed, upon Payment only of such Rates, Tolls, Tonnages, and Duties as shall be demanded by the said Company, not exceeding the respective Rates, Tolls, Tonnages, or Duties by this Act authorized, and subject to the Provisions of this Act, and to the Rules and Regulations which shall from
Time

Time to Time be made by the said Company or by the said Directors by virtue of the Power to them respectively by this Act granted.

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

For all Coal, Culm, Coke, and Cinders, for Exportation, the Sum of Three Farthings *per Ton per Mile* for all or any of them :

For all Coal, Culm, Coke, and Cinders, for Home Consumption, the Sum of Two-pence *per Ton per Mile* for all or any of them :

For all Coal which has passed through a Screen the Bars of which do not exceed in Width from each other the Distance of Five Eighths of an Inch, the Sum of One Halfpenny *per Ton per Mile* :

For all Dung, Compost, and all Sorts of Limestone, Salt, all undressed Materials for the Repair of public Roads and Highways, Clay, Sand, Ironstone, and Metal Ores, the Sum of Three Farthings *per Ton per Mile* for all or any of them :

For all Lime and Manure, the Sum of One Halfpenny *per Ton per Mile* :

For all Charcoal, Building, Pitching, and Paving Stones, dressed, Flags, Bricks, Tiles, Slates, Bark, Pigs of Iron and Lead and of other Metals, and rough Timber, the Sum of One Penny *per Ton per Mile* for all or any of them :

For all Iron Rods, Bars, Hoop, Sheet, and all other Description of wrought Iron and Lead, and also all other Articles of Merchandize not manufactured into Utensils, also all Grain, Corn, Flour, Dye-wood, Earthenware, hewn Timber, Staves, and Deals, Nails, Anvils, Vices, and Chains, Cotton and other Wools, Flax, Hemp, Hides, Tallow, Sugar, and Drugs, the Sum of Three-pence *per Ton per Mile* for all or any of them :

For all manufactured Goods, and all other Wares, Merchandize, Articles, Matters, or Things not before enumerated, the Sum of Four-pence *per Ton per Mile* for all or any of them :

For all Coal, Coke, Culm, and Cinders, which shall pass over or on any Inclined Plane, worked by a stationary Engine, upon the said Railway, the Sum of Four-pence *per Ton* for passing over or on each of such Inclined Planes :

For all Coal which has passed through a Screen the Bars of which do not exceed in Width from each other the Distance of Five Eighths of an Inch, the Sum of Two-pence *per Ton* for passing over or on each of such stationary Engine Planes :

And for all the other Articles, Matters, and Things for which a Tonnage is herein-before directed to be paid, which shall pass over or on the Inclined Planes, worked by a stationary Engine, the Sum of Sixpence *per Ton* for passing over or on each of such Inclined Planes :

Provided always, that a Certificate from the Collector of the Custom House at *Stockton*, or other Officer by him authorized, and which

Certificate he is hereby required to give, on Demand, shall be deemed and taken to be sufficient Proof that any Coal therein named shall have been exported.

Tolls allowed to be taken for Carriages conveying Passengers or Cattle.

CVIII. And be it further enacted, That it shall be lawful for the said Company to demand, receive, and recover, to and for the Use and Benefit of the said Company, for or in respect of Passengers, Beast, Cattle, and Animals conveyed in Carriages upon the said Railway, any Tolls not exceeding the following; (that is to say,)

For every Person conveyed in or upon any such Carriage, the Sum of Two-pence *per* Mile:

For every Person passing over the Bridge across the River *Wear* on Horseback, not exceeding the Sum of Three-pence, and if on Foot not exceeding the Sum of One Penny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any such Carriage, the Sum of Three-pence *per* Mile:

For every Calf or Pig conveyed in or upon any such Carriage, the Sum of One Penny *per* Mile:

For every Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, the Sum of One Penny *per* Mile:

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

Company empowered to provide and charge for locomotive or other propelling Power.

CIX. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to provide locomotive Engines or other Power for the drawing or propelling of any Articles, Matters, or Things, Persons, Cattle; or Animals, upon the said Railway, and also along and upon any other Railway communicating therewith, and to receive, demand, and recover such Sum of Money, for the Use of such Engines or other Power, as the said Company shall think proper, in addition to the several other Rates, Tolls, or Sums by this Act authorized to be taken: Provided always, that it shall not be lawful for the said Company to receive, demand, and recover, for the Use of any Inclined Plane not worked by a stationary Engine, for and in respect of Coals carried upon the said Railway, any greater Sum than One Penny *per* Ton for each of such Planes, and for all Coal which has passed through a Screen the Bars of which do not exceed in Width from each other the Distance of Five Eighths of an Inch, the Sum of One Halfpenny *per* Ton for each of such Planes.

Company authorized to carry Passengers, Cattle, and Goods, and to charge for the same.

CX. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized, if they shall think proper, to use and employ locomotive Engines or other moving Power, and, in Carriages or Waggon drawn or propelled thereby, to convey upon the said Railway, and also along and upon any other Railway, all such Passengers, Cattle and other Animals, Goods, Wares, and Merchandize, Articles, Matters, and Things, as shall be offered to them for that Purpose, and to make such reasonable Charges for such Conveyance as they may from Time to Time determine upon, in addition to the several

several Rates or Tolls by this Act authorized to be taken; and the said Company shall and may have and exercise all the same Remedies for Recovery of the Charges for such Conveyance as are given to them by this Act in reference to the Rates and Tolls hereby made payable by Persons using the said Railway, or the said Company may, at their Option, sue for and recover such Charges, or any Part thereof, in any Court of Law or Equity: Provided always, that nothing in this Clause contained shall extend to take away or interfere with the Rights of the Proprietors of any other Railway upon which the said "*West Durham Railway Company*" may carry by virtue thereof.

CXI. And be it further enacted, That in all Cases in which the said Company shall carry, for their own Profit, any Passengers, Cattle or other Animals, Goods, Wares, or Merchandize, Articles, Matters, or Things, a separate Account shall be duly kept, showing the Amount of Rates and Tolls which would have been received by the said Company in respect of such Passengers, Cattle or other Animals, Matters or Things, if carried by any other Party or Parties, and the said Company shall also keep a separate Account of the Amount of the Rates or Tolls which shall from Time to Time be received by the said Company for the Use of the said Railway in respect of any Passengers, Cattle or other Animals, Goods, Wares, Merchandizes, Articles, Matters, or Things, carried by any other Party or Parties, and shall add up and state such Accounts half-yearly to the Thirtieth Day of *June* and the Thirty-first Day of *December* in every Year; and the Overseers of the Poor of the several Parishes and Townships through which the said Railway shall pass shall have Access to and Liberty to inspect the same, at all reasonable Times in the Day-time, and to take Extracts therefrom; and in case the said Company shall refuse to keep such separate Accounts as aforesaid the said Company shall be liable to pay the Sum of Three hundred Pounds; and in case the said Company shall refuse to permit any Overseer of the Parish through which the said Railway shall pass to inspect the said Accounts as aforesaid, so far as relates to their own respective Parishes, the said Company of Proprietors shall forfeit and pay the Sum of Fifty Pounds for each and every Day the said Company shall refuse such Inspection; and such Penalties shall be recovered, by Action at Law, by all or any of the Overseers of the Parish through which the Railway passes, in any of Her Majesty's Courts at *Westminster* or elsewhere.

Company to keep an Account of Tolls, and permit Overseers of the Poor to inspect the same.

CXII. And for the better preventing of Accidents or Injury which might arise on the said Railway and Works from the unsafe and improper Carriage of certain Goods and Merchandize upon the same, be it further enacted, That every Person who shall send or cause to be sent by the said Railway any Aquafortis, Oil of Vitriol, Gunpowder, or any other Goods whatsoever of a dangerous Quality, shall distinctly mark or state the Nature of such Goods on the Outside of the Package containing the same, or shall otherwise give Notice in Writing to the Book-keeper or other Servant of the said Company with whom the same shall be left at the Time of so sending or causing the said Goods to be sent, on pain of forfeiting for every Default herein

Packages containing Goods of a dangerous Quality to be marked.

herein the Sum of Ten Pounds : Provided always, that the said Company shall not be compelled or compellable to carry upon the said Railway any Gunpowder or other Goods which, in the Judgment of the said Company, shall be of a dangerous Character, and it shall be lawful also for the said Company to restrain any other Persons from carrying thereon Gunpowder or such other Goods as aforesaid.

Passengers
may carry
Luggage
without extra
Charge.

CXIII. And be it further enacted, That, without extra Charge, it shall be lawful for every Passenger travelling upon or along the said Railway to take with him his Articles of Clothing, not exceeding Forty Pounds in Weight, or Four Cubic Feet in Dimensions ; and the said Company shall in no Case be in any way liable or responsible for the safe Carriage or Custody of, or for any Loss of or Injury to, any Articles, Matters, or Things whatsoever carried upon or along the said Railway with or accompanying the Person of or belonging to any Passenger, or delivered for the Purpose of being carried : Provided always, that nothing herein contained shall in any Case extend to charge or make liable the said Company further or in any other Case than where, according to the Laws of this Realm for the Time being, Stage Coach Proprietors and Common Carriers would be liable, nor shall any thing herein contained extend in any Degree to deprive the said Company of any Protection or Privilege which either now or at any Time hereafter Common Carriers or Stage Coach Proprietors have or may have, but the said Company shall from Time to Time and at all Times have and be entitled to the Benefit of every such Protection and Privilege.

Company
authorized
to fix the
Prices for
small Par-
cels.

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

Regulating
the Charge
for short
Distances.

CXV. Provided always, and be it further enacted, That in all Cases in which any of the above-mentioned Articles, Matters, and Things, or Persons, shall be conveyed on the said Railway for a less Distance than One Mile, the said Company are hereby empowered to demand and receive the afore-mentioned Rates, Tolls, and Charges for Conveyance (as the Case may be) for One Mile, exclusive of a reasonable Charge for the Expence of loading and unloading such Articles, Matters, and Things, in Cases where the loading and unloading shall be done by the said Company, and which Charge the said Company are hereby authorized to make.

Regulating
the Charge
in Cases of
fractional

CXVI. And be it further enacted, That (without Prejudice to any of the Provisions herein-before contained) in all Cases in which there shall be a Fraction of a Ton a Proportion of the said Rates or Tolls may

may 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 as a Quarter of a Ton; and in all Cases in which there shall be a Fraction of a Mile in the Distance which any Carriage shall pass upon the said Railway beyond One Mile, or any greater Number of Miles, the Proportion of the Rates or Tolls which shall be demanded or taken for such Fraction shall be after the Rate of the Number of Quarters of a Mile contained therein, and where there shall be a Fraction of a Quarter of a Mile such Fraction shall be deemed and considered as a Quarter of a Mile; and in order to ascertain and calculate with greater Precision and Facility the Distance for which such Rates or Tolls shall be demanded and taken upon the said Railway, the said Company shall cause the said Railway to be measured, and Posts or Stones, or other conspicuous Marks, with proper Inscriptions thereon, to be set up and maintained along the whole Line thereof, at the Distance of One Quarter of a Mile from each other; but such Rates and Tolls shall be demanded only so long as such Distances are marked.

Parts of a
Ton or of a
Mile.

CXVII. Provided always, and be it further enacted, That in all Cases where any of the before-mentioned Articles, Matters, or Things shall be carried or conveyed along or upon the said Railway for so short a Distance that the before-mentioned Tonnage Rates shall not amount to Three-pence *per* Ton, Package, Parcel, or other Subject Matter of Charge, upon the entire Distance over which such Ton, Package, Parcel, or other Subject Matter of Charge shall have been carried or conveyed, the said Company shall be at liberty, and they are hereby authorized and empowered, to demand and receive the Sum of Three-pence *per* Ton, Package, Parcel, or other Subject Matter of Charge, in respect thereof, any thing in this Act contained to the contrary notwithstanding.

Rate of Ton-
nage when in
consequence
of short Dis-
tances the
Rate would
not amount
to 3*d.* per
Ton.

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

Power to
vary the
Rates.

CXIX. Provided always, and be it further enacted, That the Rates or Tolls and Charges to be taken and made for the Use of the said Railway, or for the Carriage of any Passengers, Goods, Animals, or other Matters or Things to be conveyed by the said Company, or for the Use of any Steam Power to be supplied by the said Company, shall be at all Times charged equally to all Persons, and after the same Rate *per* Mile, or *per* Ton *per* Mile, or after any other Manner in which such Rates and Charges are herein directed or authorized to be taken or charged, throughout the whole of the said Railway, in respect of all Passengers, and of all Goods, Animals, or Carriages of a like Description, and conveyed or propelled by a like Carriage or Engine; and no Reduction or Advance in any of the Rates or Tolls

Rates to be
charged
equally.

herein-before allowed, or in any Charge for Conveyance by the said Company, or for the Use of any locomotive Power to be supplied by them, shall be made, either directly or indirectly, in favour of or against any particular Company or Person, or be confined to any particular Part of the said Railway, but every Reduction or Advance in any Rate, Toll, or Charge to be taken by the said Company in respect of Passengers, or any Description of Goods, Carriages, or Animals carried on the Railway, or for the Use of any locomotive Power, shall extend to and take place at the same Time throughout the Whole and every Part of the said Railway in respect of such Passengers, Goods, Carriages, Animals, or locomotive Power, as the Case may be.

A List of the Rates, Tolls, &c. to be affixed on Boards in conspicuous Places.

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

Rates or Tolls only payable whilst the Boards remain.

CXXI. Provided always, and be it further enacted, That it shall not be lawful for the said Company to demand or take any Rates or Tolls for or in respect of any Article, Matter, or Thing, or any Carriage, Passenger, or Cattle, carried or conveyed upon or along the said Railway, except during the Time that the said Board shall be so affixed as aforesaid, and for and during such Time only as the Stones or other conspicuous Marks, with proper Inscriptions thereon, by this Act directed to be set up, for ascertaining the Distance for which such Rates or Tolls shall be taken, shall remain so set up.

Penalty on Persons defacing the Boards.

CXXII. And be it further enacted, That if any Person shall wilfully pull down, deface, or destroy any Board which shall have been set or put up or affixed by virtue or in pursuance hereof, or any Stone or Mark set up to denote Distances on the said Railway, or shall actually or constructively concur or aid therein, he shall, on Conviction, forfeit and pay a Sum not exceeding Ten Pounds for every such Offence.

For preventing Toll Collectors misbehaving.

CXXIII. And be it further enacted, That every Collector of the Rates or Tolls by this Act granted shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or other Building whereat he shall be on Duty, immediately on his coming on Duty, each of the Letters of such Names

to be at least Two Inches in Height and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon Duty; and if any Collector of the said Rates or Tolls shall not place such Board as aforesaid, and keep the same there during the whole Time he shall be on Duty as aforesaid, or shall demand or take a greater or less Rate or Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, and of the Order of the said Company made in pursuance thereof, or shall refuse to permit or shall not permit any Person to read, or shall in any way hinder any Person from reading, the Inscriptions on the Board to be affixed as aforesaid, or shall refuse to tell his Christian Name or his Surname to any Person who shall demand the same, and who shall have paid the legal Rates or Tolls, or shall, in answer to such Demand, give a false Name or Names, or upon the legal Rate or Toll being paid or tendered shall unnecessarily detain or wilfully obstruct or hinder any Carriage or any Person from passing upon the said Railway, or shall make use of any scurrilous or abusive Language to any Officer or Servant of the said Company, or to any Passenger upon or to any Person lawfully using the said Railway, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

CXXIV. And be it further enacted, That the Rates or Tolls hereby authorized to be taken shall be paid to such Persons, at such Places upon or near the said Railway, and in such Manner, and under such Regulations, as the said Company or as the said Directors shall, by Notice to be annexed to the Account or List of Rates or Tolls, direct or appoint; and in case of Refusal or Neglect, on Demand, to pay such Rates or Tolls as may have accrued due, unto the respective Persons appointed to receive the same as aforesaid, the said Company may, in case such Rates or Tolls shall amount to or exceed the Sum of Twenty Pounds, sue for and recover the same, by an Action of Debt or upon the Case, in any of Her Majesty's Courts of Record, or the Person to whom such Rates or Tolls ought to have been paid may and he is hereby empowered, whether such Rates or Tolls shall amount to the Sum of Twenty Pounds or not, to seize the Goods, Articles, and other Things for or in respect whereof any such Rates or Tolls ought to be or ought to have been paid, or any Part thereof, and the Carriage laden therewith, or any other Goods, Articles, or Things belonging to the Person liable to pay such Rates or Tolls, and detain the same until such Payment shall be made, together with all reasonable Charges for such Seizure and Detention; and if such Goods, Articles, and Things shall not be redeemed within Twenty-one Days next after the taking thereof, the same shall be appraised and sold, and such Rates, Tolls, and Charges satisfied thereout, as the Law directs in Cases of Distress for Rent: Provided always, that in case such Rates or Tolls so due as aforesaid shall not amount to the Sum of Twenty Pounds, it shall not be lawful for the said Company to sue for the same by Action of Debt or on the Case, but the same shall and may be recovered by Distress and Sale only, as herein-before mentioned.

Recovery
of Rates or
Tolls.

CXXV. And

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

CXXV. And be it further enacted, That no Carriage shall be permitted to pass upon the said Railway, unless such Carriage shall be constructed agreeably to the Orders and Regulations of the said Company; and if any Person shall pass upon the said Railway with any Carriage not constructed in the Manner herein-before directed, he shall forfeit and pay any Sum not exceeding Ten Pounds nor less than Forty Shillings for every such Offence, and which Penalty shall be imposed from Time to Time and as often as such Person shall forfeit the same.

Engines used on Railway to be approved by the Company.

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

Owners to put their Names, &c. on the Outside of their Carriages.

CXXVII. And be it further enacted, That the respective Owners of Carriages passing or being upon the said Railway, and carrying Passengers or Goods for Pay, Hire, or Reward, shall cause their Names and Places of Abode, and the Numbers, Weights, and Gauges of their respective Carriages, to be entered with the Clerk or other Officer of the said Company appointed for that Purpose, and also shall

shall cause such Names, Places of Abode, Numbers, Weights, and Gauges to be painted and continued in large White Capital Letters and Figures, on a Black Ground, Two Inches in Height at least, and of a proportionate Breadth, on some conspicuous Part of the Outside of every Carriage, so as to be always open to View, and shall permit every such Carriage to be weighed, measured, and gauged, at the Expence of the said Company, whenever it shall be required by the said Company or by any Person by them appointed for that Purpose; and every Owner of or other Person having the Care of any Carriage, or who shall conduct the same upon the said Railway, without having such Carriage previously weighed, measured, and gauged, and the Weight, Measure, and Gauge thereof, together with the Number thereof, and also the Name and Place of Abode of the Owner thereof, entered with the Clerk or other Officer of the said Company appointed for that Purpose, or without having such Name, Place of Abode, Number, Weight, and Gauge marked upon such Carriage as herein-before directed, or who shall alter, deface, erase, or hide such Name, Place of Abode, Number, Weight, or Gauge, or any of them, or any Part thereof, or shall fix thereon any false Name, Place of Abode, Number, Weight, or Gauge, or shall refuse to permit or shall not permit any such Carriage to be weighed, measured, or gauged as aforesaid, shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence: Provided always, that in case any such Carriage shall belong to One or more Persons in Copartnership together, it shall not be necessary to paint thereon the Name and Place of Abode of more than One of the Firm of the said Copartnership.

CXXVIII. And be it further enacted, That the respective Owners of Engines and Carriages passing on or being upon the said Railway and Works, or any Part thereof, shall be and they are hereby respectively made answerable for any Trespass, Damage, or Mischief which may be done by their Engines or Carriages, or by any of the Servants or other Persons belonging to or employed by them, to or upon the said Railway, Machinery, Apparatus, or other Works made by virtue of this Act, or to or upon the Property of any other Person, either by loading or unloading such Carriages, or by any Means whatsoever; and every such Owner shall, for every such Trespass, Damage, or Mischief, upon Conviction of any such Servant or other Person before some Justice of the Peace, either by Confession of the Party offending, or upon the Oath of some credible Witness, pay to the said Company or the Persons injured, as the Case may be, the Damages, to be ascertained by such Justice, so that the same do not exceed the Sum of Twenty Pounds, and all Costs, Charges, and Expences attending such Conviction; all which Damages, Penalties, Costs, Charges, and Expences shall be levied by Distress and Sale of the Goods and Chattels, if any can be conveniently found, of the Owner of such Carriage, by Warrant under the Hand and Seal of such Justice; and the Overplus (if any) of the Proceeds of such Sale, after Deduction of such Damages, Penalties, Costs, Charges, and Expences, together with the Costs and Charges of such Distress and Sale, shall be returned, upon Demand, to the Owner of such Goods and Chattels; but if the

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

Value or Amount of such Trespass, Damage, or Mischief shall exceed the Sum of Twenty Pounds, the Owner of such Carriage, his Executors or Administrators, may, at the Option of the said Company or the Person injured (as the Case may be), be sued and prosecuted for the same in any of Her Majesty's Courts of Record.

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

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

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

CXXX. Provided always, and be it further enacted, That if any Person (save and except the said Company and their Agents, and other Persons authorized by them, and by them authorized for the Purpose only of the said Undertaking,) shall ride, lead, or drive, or cause to be ridden, led, or driven, or shall aid or assist in leading or driving, or shall permit or suffer to be upon such Railway or any Part thereof, any Horse, Mule, or Ass, or any Cow or other Neat Cattle, Sheep, Swine, or any other Beast or Animal, (except only in directly crossing the same at Places appointed for that Purpose, or in crossing Highways or Roads, or for the necessary Occupation as aforesaid of the respective Lands through which the said Railway shall pass,) every Person so offending shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Penalty on Persons on Foot using the Railway.

CXXXI. And whereas it might be attended with very great Danger to the Public if the said Railway, or any Part thereof, should be used by Persons on Foot; be it thereupon enacted, That if any Person shall be or travel or pass upon Foot upon the said Railway
5. without

without the Licence and Consent of the said Company, (unless on a Highway or public Footpath or Road running along or crossing the said Railway, or for the Purpose of attending any Carriage under his Care, and except the respective Owners or Occupiers of Lands through which the said Railway shall pass, and their respective Servants, in passing across or over the same, as herein-before authorized,) every Person so offending shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

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

Penalty on Persons obstructing the free Course of Railway.

CXXXIII. And be it further enacted, That if any Person shall wilfully injure, break, throw down, destroy, steal, and maliciously or feloniously take away any Part of the said Railway or other Works erected or made by virtue of this Act, or any Part of the Materials of any such Works, every Person, being lawfully convicted of any such Offence, shall be subject and liable to the Pains and Penalties to which Persons shall be liable in Cases of Simple Larceny.

Penalty for destroying the Works.

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

Penalty for obstructing Railway by leaving Carriages, &c.

CXXXV. And

Company
empowered
to lease the
Rates.

CXXXV. And be it further enacted, That it shall be lawful for the said Company from Time to Time to let, by public Auction, the Rates, Profits, and Proceeds, or any Part thereof, to be received, become due, and payable upon the Whole or upon any Part of the said Railway respectively, to any Corporation or Person for any Term which they shall think proper, not exceeding Three Years from the Commencement of any such Lease, and to commence in Possession upon or within Three Calendar Months next after granting the same; and every such Lease shall be valid, and the respective Lessees thereof, and also such Persons as such Lessees shall appoint to collect and receive the Rates, Profits, or Proceeds so let, shall, during the Continuance of such Lease, be deemed Collectors of the Rates, Profits, or Proceeds so let, but for the proper Use of the Lessees thereof, and shall have the same Power and Authority to collect and recover the same, and be subject to the same Rules, Duties, and Penalties as if they had been appointed for that Purpose by the said Company.

Power of Re-
entry in case
of Nonper-
formance of
Conditions
of Leases of
Rates.

CXXXVI. And be it further enacted, That in case any of the Rates, Profits, or Proceeds as aforesaid shall be demised or let to farm in any Manner whatsoever, and the Lessee or Farmer thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or any of them, or in case all or any Part of any Rent agreed to be paid by any such Lessee or Farmer shall be in arrear and unpaid for the Space of Seven Days next after any of the Days on which the same ought to be paid, pursuant to the Lease, Agreement, or Contract for demising or letting the same Rates, Profits, or Proceeds, or in case any temporary or other Collector of any of the said Rates, Profits, or Proceeds shall be discharged from his Office, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family, or any Representative of any such Collector who shall die, abscond, absent himself, or be discharged, or in case any Person being in Possession thereof shall refuse to deliver up or shall not deliver up Possession of any House, Office, Weighing Machine, or other Building, with the Appurtenances thereto respectively belonging, to be erected or provided under the Powers or used for any of the Purposes of this Act, for or within the Space of Seven Days after Demand thereof made in Writing given to him, or left at such House, Office, Weighing Machine, or Building which shall be or have been in the Possession or Occupation of such Collector or Person, such Demand in Writing to be signed by any Two or more of the said Directors or by the Clerk or Treasurer for the Time being of the said Company, or in case any such Lease, Agreement, or Contract shall in any Manner become void or voidable, then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace acting within their Jurisdiction, upon Application made by the said Directors or by the Clerk or Treasurer for the Time being of the said Company, by Warrant under the Hands and Seals of such Justices respectively, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take possession of every or any such House, Office, Weighing Machine, or other Building, with the Appurtenances thereunto belonging, and to remove and put such Lessee, Farmer, or Collector, or other Person
who

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

CXXXVII. And be it further enacted, That if the said Railway, or any Part thereof, shall at any Time hereafter be abandoned or given up by the said Company, or, after the same shall have been completed, shall for the Space of Three Years cease to be used and employed as a Railway, then and in such Case the Lands so purchased or taken by the said Company for the Purposes of this Act, or the Parts thereof over which the said Railway or any Part thereof which shall be so abandoned or given up by the said Company shall pass, shall vest in the Owners for the Time being of the Land adjoining that which shall be so abandoned or given up, in manner following; (that is to say,) one Moiety thereof in the Owners of the Land on the one Side, and the Remainder thereof in the Owners of the Land on the other Side thereof.

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

CXXXVIII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person or Persons from proceeding, by Indictment or otherwise, against any of the Officers, Servants, or Workmen of the said Company, in respect of any of the said Works, as a public or private Nuisance, or from bringing any Action or Actions against the said Company, or any of their Officers, Servants, or Workmen, for any Injury sustained by reason of any such Works.

The Company may be proceeded against for any Nuisance notwithstanding this Act.

CXXXIX. And be it further enacted, That it shall not be lawful for the said Company at any Time hereafter to sell or dispose of any of the Powers and Authorities vested in them by this Act to any other Company or to any other Person or Persons whomsoever.

Power vested in the Company not to be alienable.

CXL. And be it further enacted, That where in this Act a Declaration is directed to be used for the Purpose of Confirmation of written Instruments or Allegations, or of the Execution of Deeds or other Matters, the same shall be made in the Form prescribed in the Schedule to an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and*

Persons making false Declarations to be guilty of Misdemeanor. 5 & 6 W. 4. c. 62.

[Local.]

[22 F]

' made

made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits; and to make other Provisions for the Abolition of unnecessary Oaths, or as near thereto as the Circumstances of the Case will admit, and shall be of the like Force and Effect as if an Affidavit or Affirmation in Writing had been made; and if any Declaration so made shall be false or untrue in any material Particular, the Person wilfully making such false Declaration shall be deemed guilty of a Misdemeanor.

Indictments,
Informations, &c.
how to be
preferred or
instituted.

CXLI. And be it further enacted, That in all Indictments, Informations, or legal Proceedings whatsoever to be preferred, instituted, or carried on against any Person for feloniously taking, stealing, or embezzling, or for destroying, damaging, or injuring, removing or carrying away, any Goods, Chattels, or Property of or belonging to the said Company, or any Goods, Chattels, or Property in their Custody or Possession, or in the Custody or Possession of any Officer or Servant of the said Company, or for and on behalf of any other Corporation or Person having deposited such Goods, Chattels, or Property in the Care or Custody of the said Company or other Officers or Servants, or any Goods, Chattels, or Property in or on the said Railway, or any of the Yards, Stations, Works, Warehouses, or Premises belonging to the said Company, and in all other Indictments, Informations, or legal Proceedings whatsoever of or concerning such Goods, Chattels, or Property respectively it shall be sufficient to describe and refer to such Goods, Chattels, and Property respectively as the Goods, Chattels, and Property of the said Company, and in case the same shall have been so as aforesaid feloniously taken, stolen, or embezzled, or removed or carried away, to allege that the same were so feloniously taken, stolen, embezzled, removed, or carried away (as the Case may be) from the said Company; and it shall be sufficient, on the Trial or Hearing of any such Indictment, Information, or other legal Proceeding to prove that at the Time when such Goods, Chattels, and Property respectively were so feloniously stolen, taken, or embezzled, or so damaged, destroyed, or injured, or removed or carried away, or when other the Matter or Thing complained of in such Indictment, Information, or other legal Proceeding took place, such Goods, Chattels, and Property were in or on the said Railway, or some of the Yards, Stations, Works, Warehouses, or Premises belonging to the said Company, or in the Custody or Possession of some Officer or Servant of the said Company for and on behalf of the said Company, or for and on behalf of some Corporation or Person having deposited the same with the said Company, without any other Proof of Property.

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

CXLII. And be it further enacted, That in all Cases wherein Damages or Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by some Justice of the Peace for the County or Place wherein such Damages or Charges shall be incurred or be directed to be paid; and where by this Act any Damages or Charges are directed

to be paid, in addition to any Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be settled and determined by the Justice by or before whom such Offender shall be convicted of such Offence; and such Justices respectively are hereby authorized and required, on Nonpayment of the Damages in any of the Cases aforesaid, to levy such Damages and Charges by Distress and Sale of the Offender's Goods and Chattels, in manner by this Act directed for the levying of any Penalties or Forfeitures.

CXLIII. And be it further enacted, That whenever any Money shall by any Justice of the Peace be ordered to be paid in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage or Injury, of any Nature or Kind soever, done or committed by the said Company, or by any Person acting by or under their Authority, or for any Penalty, and such Money shall not be paid by the said Company to the Party entitled to receive the same within One Calendar Month after Demand in Writing shall have been made upon the said Company in pursuance of the Direction or Order made by such Justice (and in which Demand the Order of such Justice shall be stated), then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Company or of their Treasurer, under a Warrant to be issued for that Purpose by such Justice, which Warrant any such Justice is hereby authorized and required to grant under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Money; and in case any Overplus shall remain after Payment of such Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then such Overplus shall be returned, on Demand, to the said Company.

In case of Nonpayment of Compensation for Damages, &c. the same to be levied by Distress of the Goods of the Company.

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

Recovery and Application of Penalties.

or

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

Persons aggrieved may appeal to Quarter Sessions.

CXLV. And be it further enacted, That all Persons and Corporations who may think themselves aggrieved by any Bye Law, Rule, or Order of the said Company or of the said Directors, or any Order or Judgment given in pursuance thereof, other than such as affect the said Company, and also the said Company, and all other Corporations and Persons who may think themselves aggrieved 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, and for which no Power of Appeal is by this Act specifically given, may, within Four Calendar Months next after any such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the County, Riding, Town, Borough, or Place where the alleged Cause of Appeal shall arise, first giving Twenty-one Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Corporation or Person against whom such Complaint is intended to be made, or to the said Company, (as the Case may be,) and forthwith after such Notice, and in the Case of an Individual appealing, entering into Recognizance before some Justice or Justices of the Peace, conditioned to try such Appeal, and to appear and abide the Order and Award of the said Court thereon, the said Justices shall, in a summary Way, either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think

think proper, adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County, Riding, Town, Borough, or Place; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, or summary Conviction, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing, as they in their Judgment shall think just and reasonable, and may levy, raise, and pay over the same, with reasonable Costs, by Order of Court, as is usual in like Cases or Orders of Justices in Sessions.

CXLVI. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act, or against any Bye Law, Order, or Rule made in pursuance hereof, to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons without Information in Writing or in Print shall be as valid and effectual, to all Intents and Purposes, as if an Information in Writing or in Print had been exhibited.

Justices may proceed by Summons in the Recovery of Penalties.

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

For securing Offenders whose Names and Residences are unknown.

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

Forms of Information and Conviction:

‘ } BE it remembered, That on the Day of Form of In-
 ‘ to wit. } A.B. of informeth me C.D.; One of Her formation.
 ‘ Majesty’s Justices of the Peace for the County [or, as the Case may
 ‘ be], that E.F. of [here describe the Offence, and the Time
 ‘ and Place when and where committed], contrary to an Act passed in
 ‘ the Second Year of the Reign of Her Majesty Queen Victoria, inti-
 [Local.] [22 G] tuled

‘ tuled [*here set forth the Title of this Act*], which hath imposed a
 ‘ Forfeiture of for the said Offence. Taken the
 ‘ Day of before me *C.D.*’

Form of Conviction.

‘ } BE it remembered, That on the Day of in
 ‘ to wit. } the Year of our Lord *A.B.* of is
 ‘ convicted before me *C.D.*, Her Majesty’s Justices of the Peace for
 ‘ the County of [*here describe the Offence, and Time and*
 ‘ *Place when and where committed*], contrary to an Act passed in
 ‘ the Second Year of the Reign of Her Majesty Queen *Victoria*,
 ‘ intituled [*here inset the Title of this Act*]. Given under my Hand
 ‘ and Seal the Day and Year first above written. *C.D.*’

General Power to Justices to administer Oaths.

CXLIX. And be it further enacted, That in all Cases in which any Justice of the Peace is by this Act authorized to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer on Oath or to receive the legal Affirmation of any Person, before he shall be examined by or before such Justice.

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

CL. And be it further enacted, That in all Cases, from and after the passing of this Act, in which it may be necessary for any Corporation or Person to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding, at Law or in Equity, upon the said Company, personal Service thereof upon the Clerk or Secretary of the said Company, or leaving the same at the Office of the said Company or of such Clerk or Secretary, or delivering the same to some Inmate of the Office of the said Company, or at the last or usual Place of Abode of such Clerk or Secretary, or in case the same respectively shall not be found or known, then personal Service thereof upon any other Agent of or Officer employed by the said Company, or on any One Director of the said Company, or delivering the same to some Inmate of the last or usual Place of Abode of such Agent or Officer or Director, shall be deemed good and sufficient Service of the same respectively on the said Company.

Declaring what shall be good Service of Notice by the Company.

CLI. And be it further enacted, That in all Cases in which it may be necessary for the said Company to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding, at Law or in Equity, upon any Person or Corporation, under the Provisions of this Act, personal Service thereof respectively upon such Person, or upon some Member or upon the Clerk or Secretary of such Corporation, or delivering the same to some Inmate of the last or usual Place of Abode of such Person, or of such Member, Clerk, or Secretary of such Corporation, or at the Office of such Clerk or Secretary, or in case the same respectively shall not be found or known, then personal Service thereof upon any other Agent of or Officer employed by such Corporation, shall be deemed good and sufficient Service of the same respectively upon such Person or Corporation (as the Case may be); provided always, that every Summons, Demand, or Notice, or other Document requiring Authentication by the said Company, be signed by One Director, or by the Clerk or Secretary of the said Company, and

and need not be under the Common Seal of the said Company, and may be in Writing or in Print, or partly in Writing and partly in Print.

CLII. And be it further enacted, That in case any Person against whom the said Company may have any Claim or Demand shall become bankrupt or insolvent, the Clerk or Treasurer for the Time being of the said Company may do all the same Acts, and have and exercise all the same Powers and Privileges, as to the Establishment or Proof of Debts, voting in Choice of Assignees, signing Certificates, and other Matters and Things in respect of or relating to the Claim or Demand of the said Company, as any Person, being a Creditor of such Bankrupt or Insolvent, or a Claimant against his Estate, could have or exercise in respect of his Debt or Claim.

How Debts may be proved in Cases of Bankruptcy.

CLIII. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act, or otherwise, against or by or on behalf of the said Company, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for the Clerk of the said Company to make, sign, seal, execute, and deliver such general or other Releases as may be or be deemed necessary for the Purpose of qualifying any Person to give Evidence as a Witness in any such Action, Suit, Arbitration, Reference, or other Proceeding as aforesaid, and also to do any other Act, Matter, or Thing in any such Action, Suit, Arbitration, Reference, or other Proceeding which any Plaintiff or Defendant may do in any Action, Suit, Arbitration, Reference, or other Proceeding; and every such Release, Act, Matter, and Thing shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were made under the Seal of the said Company.

Directors empowered to grant Releases to Witnesses.

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

Distress not unlawful for Want of Form.

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

Proceedings not to be quashed for Want of Form.

CLVI. And be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or in, under,

Plaintiff not to recover after Tender of Amends.

under, or by virtue of any Power or Authority by this Act given or supposed to be given, if Tender of sufficient Amends shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made, it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Mails may
be conveyed
on Railway.

CLVII. And be it further enacted, That nothing in this Act contained shall prevent Her Majesty's Postmaster General from conveying the Mails upon the said Railway, or any Part thereof, any thing in this Act to the contrary notwithstanding.

Railway to
be subject to
Provisions of
any General
Act.

CLVIII. And be it further enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorized to be made from the Provisions of any General Act relating to Railways which may pass during the present or any future Session of Parliament.

If Railway
not com-
pleted within
Two Years,
this Act to
cease.

CLIX. And be it further enacted, That if the said Railway hereby authorized to be made shall not be made or completed within Two Years from the passing of this Act, all the Provisions in this Act contained enabling the said Company to use the said Railway, or to demand, sue for, recover, or receive any of the Tolls hereby authorized to be taken, shall thenceforth cease and determine.

Public Act.

CLX. 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.

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