



ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

Cap. xcvi.

An Act for incorporating certain Persons for the Carriage of Goods and Commodities by means of a Railway from the City of *Durham* to *Sunderland near the Sea*, with a Branch to join the *Hartlepool* Railway in the Township of *Haswell*, all in the County of *Durham*.

[13th *August* 1834.]

WHEREAS several Persons have agreed together to make and maintain a Railway from the City of *Durham* to the Port and Haven of *Sunderland near the Sea*, with a Branch to join the *Hartlepool* Railway in the Township of *Haswell*, all in the County of *Durham*, and have entered into a Subscription to raise, and have actually raised and agreed to pay, the Sum of Eighty-one thousand six hundred Pounds towards a Joint Stock or Fund for that Purpose, and have come to conditional Agreements with several Proprietors of Lands on the Line of the said Railway for Permission to make the same through and over their respective Lands, with proper Staiths, Wharfs, and Shipping Places at the Termination of the Railway at *Sunderland*: And whereas the making and maintaining the said Railway and Works would be of great Public Utility, and would materially benefit the said City of *Durham* and the Town of *Sunderland*: And whereas, for the Purposes of the said Undertaking, it will be necessary that Lands should be purchased, and Leases taken, for giving effect to the aforesaid Agreements, all which may be accomplished, and the said beneficial Objects carried into effect, without any Infringement of private Property or Rights: And whereas

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it is expedient that the several Subscribers towards the said Undertaking should be united into a Joint Stock Company for carrying the same into execution: And whereas the Objects aforesaid cannot be effected without the Aid of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Austin, William Adamson, Alexander Adamson, Thomas Aviolet, William Bell, Christopher Bramwell, Edward Backhouse, George Benkhausen, James Bentley, Richard Bradley, James Barkes, William Beckwith, John Barry junior, Richard Brown, Thomas Brown, Thomas Brown junior, Richard Barnes, George Borrodaile, William Borrodaile, Henry Chaytor, John William Cook, Bartholomew Dowell, John Dickinson, George Davison, William Dornforth, Robert Dixon, Robert Davies, Peter Davey junior, Henry Davies, Charleton Elliott, Addison Fenwick, Ralph Fenwick, Robert Fenwick, George Townsend Fox, William Henry Forman, John Gregson (of Durham), John Gregson (of Bedford Row), William Gales, John Hubbard, Thomas Hunter, John Hartforth, Thomas Hudson, Nathan Horn, John Hutchinson, David Jonassohn, William Kirk, George William Longridge, William Lilburn, Philip Laing, Michael Longridge, Thomas Longstaff, Richard Metcalf, Martin Moore, William Morgan, Edward Lloyd Morgan, John Monro and William Isaac Barker, William Nicholson, Bernard Ogden, Frederick Otley, Thomas Pemberton, Richard Pemberton, Ralph Stephen Pemberton, Thomas Parker junior, Thomas Pratt, William Potts, Charles Page, John Pirie, John Diston Powles, Thomas Robson, Thomas Reed, Thomas Reed junior, Edward Capper Robson, John Ritson, Caleb Richardson, George Blakiston Robinson, John Robson, Robert Richardson, Robert Scurfield, George Smith, John Scott, Jeremiah Sowerby, Benjamin Sacker, George Sandeman, Edward Stewart, George Spark, James Vint, Henry Tanner, John Thompson, Thomas Wood, George Wilson, Stephen Watson, Joseph John Wright, Michael Willey, Andrew White, Richard White, James Wilkinson, Caleb Wilson, George Wood, John Wolstenholm, Rowland Webster, Edward Wrench, John Wilkin, and William Walker, and all and every such other Person or Persons, and Body or Bodies Politic, Corporate, or Collegiate, as from Time to Time shall become a Subscriber or Subscribers, and be duly admitted a Proprietor or Proprietors, as hereinafter 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 *Durham and Sunderland 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, Misdemeanour, 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 said Railway, with such Branch as aforesaid, and the said Staiths, Wharfs, and Shipping Places in, within, or through the several Townships, Parishes, or Places following, all in the said County of *Durham*; (that is to say,)*

Proprietors
incorporated
into a
Company.

Their Style.

the several Townships, Hamlets, or Places of *Gilligate* otherwise *Saint Giles*, *Sherburn*, *Pittington* otherwise *Pittington-Hallgarth*, *Moorsley*, *Moor House*, *West Rainton*, *East Rainton*, *Hetton-le-Hole*, *Little Eppleton*, *Great Eppleton*, *Murton* otherwise *Murton in the Whins* otherwise *East Murton*, *Haswell*, *Dalton-le-Dale*, *Seaham*, *Seaton* otherwise *Seaton cum Slingley*, *Houghton le Spring*, *Wardenlaw*, *Burdon*, *Silksworth*, *Tunstall*, *Ryhope*, *Bishop Wearmouth*, and *Sunderland near the Sea*, and the several Parishes of *Saint Giles*, *Pittington*, *Houghton le Spring*, *Dalton-le-Dale*, *Seaham*, *Easington*, *Bishop Wearmouth*, and *Sunderland near the Sea*, all in the said County of *Durham*.

II. 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 Body Politic, Corporate, Collegiate, or Ecclesiastic, Corporation Aggregate or Sole, or any Tenant or 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, or with any Feoffees in Trust, Trustees, Executors, Administrators, Husbands, Guardians, or Committees of 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 or Persons whomsoever who shall be willing to sell the same, or his, her, or their 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, Tenements, or Hereditaments within the said several Townships, Parishes, and Places, for the Purpose of making, maintaining, and using the said Railway and Branch, and the said Wharfs, Staiths, and Shipping Places, and other the Purposes of this Act, so as the Lands to be purchased for the Purpose of making the said Railway shall not in any Place exceed Sixty Yards in Breadth, and so as the Lands to be purchased for the Purpose of making the said Staiths, Wharfs, and Shipping Places, and other Purposes of this Act, shall not exceed Thirty Acres in the whole; and upon Payment of the Purchase Money for any such Lands, Tenements, and Hereditaments, to the Parties 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, Tenements, and Hereditaments may be taken and used for the Purposes of this Act, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title, Claim, Remainder, or Reversion to such Lands, Tenements, or Hereditaments, and the same Lands, Tenements, and Hereditaments shall vest in the said Company, and it shall be lawful for the said Company to hold any such Lands, Tenements, and Hereditaments, 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, and also at any Time or Times hereafter to sell or dispose of the said Lands, Tenements, or Hereditaments, or any of them, as they shall think proper, and from Time to Time to purchase and hold other Lands, Tenements, or Hereditaments more suitable for the Uses and

Company
authorized
to purchase
Lands, &c.

and Purposes of this Act, and again to sell the same in like Manner, so that such Lands and Grounds do not at any Time exceed the Quantity of Land which the said Company is herein-before authorized originally to purchase.

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

III. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, Collegiate, or Ecclesiastic, Corporations Aggregate or Sole, 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 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 Trust respectively, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons under any Disability of acting for himself, herself, or themselves, and for and on behalf of any Person or Persons entitled in Remainder or Reversion, and also to and for all Femes 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, Tenements, or Hereditaments 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, shall be good, valid, and effectual, to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of their said several Cestuique Trusts, and 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 and Persons claiming under them, and that as effectually as Fines or Common Recoveries would have done if levied or suffered by the proper Parties in due Form of Law, or 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 Bodies Politic, Corporate, Collegiate, or Ecclesiastic, Corporations Aggregate or Sole, 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.

IV. And

IV. And be it further enacted, That if any Money shall be contracted or agreed to be paid for any Lands, Tenements, or Hereditaments to be purchased by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Politic, Corporate, Collegiate, or Ecclesiastic, or any Trustee or Trustees or Person or Persons who have no Power to give a valid Receipt for the same, or to sell and convey the same Premises otherwise than by virtue of this Act, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there, *ex parte* the *Durham and Sunderland 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 or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments), in the Purchase of the Land Tax, or towards the Discharge of any Debt or other Incumbrance affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments 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 Messuages, Lands, Tenements, and Hereditaments, 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 Messuages, Lands, Tenements, and Hereditaments 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 or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments to be purchased with the same Monies in case such Purchase or Settlement were made.

Application
of Purchase
Money
when
amounting
to 200*l.*

1 G. 4. c. 35.

When less than 200%. and exceeding 20%.

V. And be it further enacted, That if any Money so contracted or agreed to be paid for any Lands, Tenements, or Hereditaments to be purchased for the Purposes aforesaid, and belonging to any Body Politic, Corporate, or Collegiate, or Ecclesiastical, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or any Person or Persons 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 or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, or of his, her, or their Guardian or Guardians, Committee or Committees, in Cases 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, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be named by the Person or Persons 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 or 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.

When not exceeding 20%.

VI. 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 or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased for the Purposes of this Act, in such Manner as the said Directors or any Three or more of them shall think fit, or in case of Infancy, Idiocy, or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of doubtful Title the Person in Possession to be deemed the Owner.

VII. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court, and the Dividends or Interest of the Bank Annuities to be purchased with

‘ [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 and .’

Power to re-
 sell Lands
 not wanted.

XI. And be it further enacted, That it shall be lawful for the said Company from Time to Time to sell and dispose of, and by Indenture or Indentures under their Common Seal to grant and convey by way of absolute Sale in Fee Simple, for a competent Consideration in Money, all or any Part or Parts of the Lands, Tenements, or Hereditaments which may have been purchased and which shall not be wanted for the Purposes of this Act; and upon Payment of the Money which shall arise by or from the Sale or Sales of such Lands, Tenements, or Hereditaments, or of any Part or Parts thereof, it shall be lawful for the Treasurer (if only One, or, if more than One, for the Treasurers, who, if engaged in Partnership together, may sign in their Style or Firm by any One of such Firm), for the Time being to the said Company, to sign and give a Receipt or Receipts for the Money for which the same shall be sold, which Receipt or Receipts shall be a sufficient Discharge to any Purchaser or Purchasers for the Money therein and thereby expressed or acknowledged to be received; and such Purchaser or Purchasers, having *bonâ fide* paid the same, and obtained such Receipt or Receipts for the same, shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof.

Restraining
 the Com-
 pany from
 purchasing
 more than
 a certain
 Quantity of
 Land from
 incapaci-
 tated Per-
 sons, &c.

XII. And whereas the said Company are enabled to purchase Thirty Acres of Land, by virtue of this Act, for the Purposes thereof, in addition to the Lands and Grounds required for the said Railway and Branch, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons whomsoever, are empowered to sell such Quantity or Number of Thirty Acres to the said Company: And whereas it is expedient to restrain the said Company from selling such Lands so to be purchased from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for Charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for and on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, and again purchasing other Lands from the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for Charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, or other Persons being under legal Disability or Incapacity, in lieu or stead of the Lands so sold; be it therefore enacted, That it shall not be lawful for the said Company of Proprietors to purchase from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for Charitable

Charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, more than such Thirty Acres, over and above and in addition to the Lands and Grounds authorized to be purchased for the making the said Railway and Branch as aforesaid; and in case the said Company should 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 any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for Charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, or Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, to sell to the said Company any other Lands in lieu or stead of those Thirty Acres, or any Part thereof, so sold or disposed of by the said Company.

XIII. And be it further enacted, That it shall and may be lawful for the said Company to treat, contract, and agree with any Body Politic, Corporate, Collegiate, or Ecclesiastical, Corporation Aggregate or Sole, or any Tenant or 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, 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 be seised, possessed, or interested in their own Right, or with any other Person or Persons whomsoever, for granting, demising, or leasing to the said Company for any Term or Number of Years not exceeding Ninety-nine Years any Messuages, Lands, or Tenements within the several Parishes and Places aforesaid, or any Waggon Way or Waggon Ways, 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, Tenements, or Hereditaments within the several Parishes and Places aforesaid; and it shall be lawful for the said Company to hold any such Messuages, Lands, Tenements, Rights, Liberties, Privileges, Easements, and Premises as last mentioned without incurring or being subject to any of the Penalties of the Statute of Mortmain; and it shall be lawful for all Bodies Politic, Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, Tenant and 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

Company
authorized
to take
Leases.

[*Local.*]

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whomsoever, 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 Messuages, Lands, or Tenements within the several Parishes and Places aforesaid, as also full and free Liberty, Licence, Power, and Authority, in, upon, through, and over any Lands, Tenements, or Hereditaments within the several Parishes and Places aforesaid, to erect, make, lay, and place One or more Waggon Way or Waggon Ways, Bye Way or Bye Ways, Side Way or Side Ways, 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 every 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 Reservations 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 by 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.

Whole Ex-
pence of
Undertaking
to be sub-
scribed be-
fore Works
are com-
menced.

XIV. And whereas the probable Expence of making the said Railway and Branch, and other the Works by this Act authorized, will amount to the Sum of One hundred and two thousand Pounds, and the Sum of Eighty-one thousand six hundred Pounds, being Fourth-fifth Parts thereof, has already been subscribed for by several Persons under a Contract, binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them respectively subscribed for; be it therefore enacted, That the whole of the said Sum of One hundred and two thousand Pounds shall be subscribed for in like Manner before any of the Powers granted by this Act shall be put in force: Provided always, that a Certificate under the Hand and Seal of any Justice of the Peace for the County of *Durham*, that the whole of the said Sum of One hundred and two thousand Pounds hath been subscribed as aforesaid, (and which Certificate such Justice is hereby authorized and required to grant on Application made to him by the said Company,) shall for all Purposes whatsoever be conclusive Evidence that the whole of the said Sum of One hundred and two thousand Pounds has been subscribed.

XV. And

XV. And be it further enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute amongst themselves, in such Proportions as shall seem meet and convenient, such Sum or Sums of Money as they shall think necessary for the making and maintaining the said Railway, Staiths, Wharfs, and Shipping Places, not exceeding in the whole, including the said Sum already subscribed, the Sum of One hundred and two thousand Pounds, which shall be divided into Shares of Fifty Pounds each; and such Shares shall be numbered, and each Share shall for ever afterwards be distinguished by the Number appointed for the same.

Proprietors to contribute amongst themselves for making the Railway.

XVI. 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.

Shares to be Personal Estate.

XVII. 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 One hundred and two thousand Pounds as aforesaid, his, her, or their Executors, Administrators, and Assigns respectively, no such Subscription being less than Fifty 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.

XVIII. And be it further enacted, That the several Persons constituting 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 or otherwise, as aforesaid.

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

XIX. 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

Account to be kept of Receipts and Disbursements.

Deben-

Debentures or 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.

First and other General Meetings of Proprietors.

XX. And be it further enacted, That the said Company of Proprietors shall meet together at some convenient House or Place in *Sunderland near the Sea*, or elsewhere in the said County of *Durham*, within Ten Weeks next after the passing of this Act, or as soon thereafter as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and Four 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 *Sunderland near the Sea* aforesaid, or elsewhere, 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 said Company of Proprietors at their First General Meeting shall appoint; and the like General Meetings shall be held in the Month of *March* and in the Month of *September* in every Year for the future, at which Half-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 Ten 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, (Ten Proprietors being hereby declared sufficient in all Cases to proceed to Business, and Five 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.

A certain Number of Proprietors may call a Special Meeting.

XXI. And be it further enacted, That in case any Ten or more of the said Proprietors, being jointly possessed of or entitled to Fifty 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,

Months, shall think that a Special General Meeting of 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.

XXII. And be it further enacted, That upon any Difference of Opinion at any General Meeting or Special General Meeting concerning any Business, Matter, or Thing that may be lawfully transacted or agitated at the same, any Four Proprietors or more who shall be present at the Meeting, qualified to vote as herein-after provided, and who shall be Holders in their own Right of not less than Twenty Shares in the Aggregate in the Capital of the Company, may, by Writing under their Hands, demand a Ballot, if they think proper, and the same, if demanded at the Meeting by Writing under their Hands, but not otherwise, shall be granted, and the Day for taking the same shall be then fixed by the Chairman of the Meeting, and such a Day shall be fixed as will allow sufficient Time for giving Notice of the same in the Manner herein-after provided; and every Ballot shall commence at Twelve of the Clock at Noon, and shall be kept open for Four Hours.

In case of Difference of Opinion at any General Meeting, a Ballot may be demanded.

XXIII. 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,) the Holder of One Share and under Five Shares, One Vote; Five Shares and under Ten Shares, Two Votes; Ten Shares and under Fifteen Shares, Four Votes; Fifteen Shares and under Twenty Shares, Six Votes; Twenty Shares and under Twenty-five Shares, Eight Votes; Twenty-five Shares and under Thirty Shares, Ten Votes; Thirty Shares and under Thirty-five Shares, Twelve Votes; Thirty-five Shares and under Forty Shares, Fourteen Votes; Forty Shares and under Forty-five Shares, Sixteen Votes; Forty-five Shares and under Fifty Shares, Eighteen Votes; Fifty Shares and under Fifty-five Shares, Twenty Votes; Fifty-five Shares and under Sixty Shares, Twenty-two Votes; Sixty Shares and upwards, Twenty-four Votes; but no Proprietor shall be entitled to more than Twenty-four Votes, notwithstanding such Proprietor may be possessed of a greater Number of Shares than Sixty; and no Proprietor shall be entitled to

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

General or Special 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 One thousand eight hundred and

Provided always, that no Person shall vote by Proxy or Proxies for more than Five Proprietors, or be entitled to more than Fifty Votes in respect of such Proxy or Proxies upon any one Occasion, but such Person may also vote in right of his own Shares on the same Occasion; and provided that the Person applying to vote as Proxy do always at the Time of voting produce his Appointment or Appointments.

Regulation as to voting by Proxy.

XXVIII. 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 General 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 are to be given.

Proviso as to General or Special Meetings.

XXIX. And be it further enacted, That the said Company of Proprietors shall at their First General Meeting for putting this Act into execution, or at some Adjournment thereof, elect Fifteen Persons, being Proprietors of Shares in the said Undertaking, to be the first Directors of the said Company, and that at no future Time there shall be more than Fifteen Directors of the said Company; and that the said Company of Proprietors shall also at their said First General Meeting, or some Adjournment thereof, elect Three Persons, being Proprietors of Shares in the said Undertaking, to be the first Auditors of the said Company, and that at no future Time there shall be more than Three Auditors of the said Company; and that the Directors and Auditors to be so first elected shall continue in Office until the General Meeting to be held in the Month of *September* One thousand eight hundred and thirty-five.

Appointment of Directors and Auditors.

XXX. And be it further enacted, That at the said General Meeting which will be held in the Month of *September* One thousand eight hundred and thirty-five, or at some Adjournment thereof, Three 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 Day on which each of the Four next following General Meetings in the said Month of *September* shall be held, or at some

Retirement of Directors.

some Adjournment thereof, Three 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 Meeting which shall be held in the Month of *September*, or at some Adjournment thereof, such Three of the Directors as shall have been then longest in Office shall go out.

Annual
Election of
Directors.

XXXI. And be it further enacted, That at the said General Meeting which will be held in the Month of *September* One thousand eight hundred and thirty-five, or at some Adjournment thereof, and at every General Meeting which shall be held afterwards in the said Month of *September*, or at some Adjournment thereof, Three new Directors (being Proprietors of Shares in the said Undertaking) may be elected in the Place of Three 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 Seven, 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 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.

XXXII. And be it further enacted, That at the said General Meeting which will be held in the Month of *September* One thousand eight hundred and thirty-five, or at some Adjournment thereof, One of the Auditors to be so first elected as aforesaid (to be determined by Agreement among themselves, or, if they cannot agree, then by Lot,) shall go out of Office; and on the Day on which the next following General Meeting in the said Month of *September* shall be held, or at some Adjournment thereof, one other of the said present Auditors, to be also determined among themselves, shall go out of Office; and at every subsequent Meeting which shall be held in the Month of *September*, or at some Adjournment thereof, the Auditor who shall then have been longest in Office shall go out.

Annual
Election of
an Auditor.

XXXIII. And be it further enacted, That at the said General Meeting which will be held in the Month of *September* One thousand eight hundred and thirty-five, or at some Adjournment thereof, and at every General Meeting which shall be held afterwards in the said Month of *September*, or at some Adjournment thereof, an Auditor (being a Proprietor of Shares in the said Undertaking) may be elected in the Place of the former Auditor; 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 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

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 in this Act) have gone out of Office.

XXXIV. Provided always, and be it further enacted, That no Person shall be eligible to be elected or to act as One of the Directors or Auditors of the said Company unless he shall be entitled to Ten Shares at the least in the said Undertaking.

Qualification of Directors and Auditors.

XXXV. 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 Railway, 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.

Directors interested not to vote.

XXXVI. And be it further enacted, That it shall be lawful for the Proprietors of the said Company, at any General Meeting specially summoned for such 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 thousand 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 thousand 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.

XXXVII. And be it further enacted, That the said Company of Proprietors shall at their said First General Meeting, or at some Adjournment thereof, elect and choose a fit and proper Person or Persons 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 elected 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

General Meetings may appoint a Treasurer and Clerk.

[*Local.*]

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Treasurer

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.

Same Person
not to be
Clerk and
Treasurer.

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

Treasurer,
&c. not to
issue Money
without an
Order.

XXXIX. 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 Three at least of the said Directors.

General
Meetings to
settle Ac-
counts and

XL. 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

Company and of the said Court of Directors; and at One of the said ^{declare} General Meetings, or some Adjournment thereof, in each Year, a ^{Dividends.} Dividend or Dividends shall be made out of the Interest, Profits, or Advantage 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.

XLI. And be it further enacted, That the said Company shall have ^{General} full Power and Authority from Time to Time, at any of their ^{Meetings} General Meetings to be held as aforesaid, to make such Rules, Orders, and ^{may make} Bye Laws as to them shall seem right and proper for the good ^{Bye Laws.} 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 Superintendance 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, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons who shall offend against such Rules, Orders, or Bye Laws, or any of them, as they shall think fit, not exceeding the Sum of Five Pounds for any One Offence; and all Rules, Orders, and Bye Laws so made as aforesaid, (being reduced into Writing, and the Common Seal of the said Company affixed thereto,) shall be binding upon all such Persons, and shall be sufficient in a Court of Law or Equity to justify all Persons who shall act under the same: Provided always, that such Rules, Orders, and Bye Laws shall not be repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or any of the Directions or Provisions of this Act; provided also, that Copies thereof shall be fixed and continued in the Office of the said Company; and all such Rules, Orders, and Bye Laws shall be subject to Appeal in manner by this Act directed.

XLII. And be it further enacted, That the said Directors shall or may ^{Meetings of} hold their First Meeting within One Calendar Month next after they ^{Directors.} shall have been elected at such Time and Place 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, 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 Members present (the

(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 Two 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.

Power of
Directors.

XLIII. 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, and also at any Time to call Special General Meetings of the said Company for any Purpose they may think proper, and to appoint the Times and Places of holding General 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 contracting for the Conveyance and Shipment of Coals, and the Conveyance and Landing and Shipment of Goods, Wares, and Commodities, 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 a Treasurer or Clerk of the said Company, who are to be elected and appointed at a General Meeting of the Company as herein-before 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, 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, controul, 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 a 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.

Orders to be
entered in a
Book.

XLIV. 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,

pose, 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.

XLV. 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 Five Pounds upon each Share of Fifty Pounds, and so that no Call shall be made but at the Interval of Two Calendar Months at least from each other, and so that the Total Amount of such Calls 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 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.

Directors
may make
Calls.

XLVI. 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 subscribed for, or such Parts or Portions 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 His Majesty's Courts of Record at *Westminster*, together with lawful Interest for the same from the appointed 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 from all or any of such joint Subscribers.

For en-
forcing the
Payment
of Calls.

XLVII. 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 Two Calendar Months next after the Time

On Nonpay-
ment of
Calls within
Two Months
after Notice,

[Local.]

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appointed

the Shares to be forfeited, and may be sold.

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.

No Advantage to be taken of Forfeiture of Shares until Fourteen Days Notice in Writing has been given.

XLVIII. 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.

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

XLIX. 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 same 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.

Proprietors Names to be registered.

L. And be it further enacted, That the said Company of Proprietors, or the Court of Directors for the Time being, shall cause the

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 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, and shall also cause a Certificate under the Common Seal of the said Company to be delivered to every Proprietor, on Demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking; and every such Certificate shall be admitted in all Courts whatsoever as Evidence of the Title of such Proprietor, his or her Executors, Administrators, or Assigns, to the Share or Shares therein specified.

LI. 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 in the Form or to the Effect following; (that is to say,)

Shares may be transferred.

‘ 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 *Durham and Sunderland* Railway Company, being my [or our]
 ‘ Share [or Shares] Number in the said Undertaking,
 ‘ to hold to the said Executors, Administrators, and
 ‘ Assigns, subject 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

Form of Transfer.

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, and 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.

Transfers to be registered.

LII. 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 shall sell or transfer any Share or Shares which he, she, or they shall

No Shares to be sold after a Call, until the Money is paid.

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 herein 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.

For ascer-
taining the
Proprietor-
ship of
Shares in
certain
Cases.

LIII. 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 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 or any subsequent 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 His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, 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.

Company
not to
interfere
with private
Property.

LIV. 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 Law entitled to give or grant such Licence or Authority, first had and obtained.

LV. 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 Road, Street, Square, Way, Lane, or other Public Passage or Place, for the Purpose of making and constructing the said Railway and other Works, without the Consent in Writing of the Commissioners, Surveyors, Trustees, or other Persons having the Controul of such Pavement, Ground, Road, Street, Way, Lane, or other Public Passage or Place respectively first had and obtained; but nothing in this Act contained shall be deemed or construed to prevent the said Company from taking up or removing any of the Ground, Stones, Soil, or Pavement, or otherwise, in or of any Road, Street, Way, Lane, or other Public Passage or Place whatsoever, for the Purposes aforesaid, after having obtained such Consent as aforesaid.

Restrictions as to breaking up of Pavements, Roads, &c.

LVI. And be it further enacted, That in case any locomotive or other Engine, to be worked by the Power of Steam, or any other Power than that of Horses or other Cattle, shall be used on the said Railway, then and in such Case the same shall be carried either over or under any such Turnpike Road by means of a Bridge or Tunnel, at the Expence of the said Company; and that in all Places where it may be necessary to erect, build, or make any Bridge or Bridges for carrying any Public Carriage Road over the said Railway, the Ascent of every such Bridge for the Purpose of such Road shall not be more than One Foot in Thirteen, and a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge; and that where any Bridge shall be erected by the said Company for the Purpose of carrying the said Railway over or across any Turnpike Road or Public Carriage 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 Fifteen Feet, and of a Height from the Surface of such Turnpike Road or Public Carriage Road to the Centre of such Arch, of not less than Sixteen Feet; and the Descent under any such Bridge shall not exceed One Foot in Thirteen Feet.

If Locomotive Engines are used on the Railway, Turnpike Roads to be crossed by a Bridge, &c.

LVII. And be it further enacted, That it shall and may be lawful for the said Company, and all and every other Person and Persons by them in that Behalf authorized, 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 and Branch, or upon or along any Part or Parts thereof, and to land and ship Goods, Commodities, Wares, Merchandizes, Articles, and Things at the said Quays, Wharfs, and Shipping Places, upon the Payment of such Sum or Sums of Money, and upon such other Terms and Conditions, as shall from Time to Time be agreed upon.

Company may use the Railway, &c.

LVIII. And be it further enacted, That it shall and may be lawful for the Directors of the said Company from Time to Time to make

Directors to regulate the Use of the Railway.

[*Local.*]

32 M

such

such Rules and Orders as they shall think proper for regulating Carriages, locomotive Engines, and Travellers passing upon the said Railway and Branch, and also for regulating the Mode or Means by which and the Speed at which such Carriages and locomotive Engines shall from Time to Time be moved, and the Times of their Departure and Arrival, and the loading and unloading of such Carriages respectively, and the Delivery of Articles, Matters, and Things, and Cattle and Animals, which shall be conveyed in or upon such Carriages, and also for preventing the Commission of any Nuisances in or upon any such Carriages, or upon and about the said Railway, and generally for passing upon and using the said Railway or other Works by this Act authorized, or in anywise relating thereto; and all such Rules and Orders shall be submitted to Two or more Justices of the Peace for the said County Palatine of *Durham*, (not being Proprietors of the said Company, nor Lessors under whom the said Company hold,) and when ratified by such Justices shall be binding upon and be conformed to by the said Company, and all Owners of and Persons having the Care or Conduct of such Carriages, and the Persons passing upon or using the said Railway or other Works, upon pain of forfeiting and paying a Sum not exceeding Five Pounds for every Default.

Nothing herein to prevent the Company from being indicted for a Nuisance or Injury.

LIX. 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.

Powers vested in the Company not to be alienable.

LX. 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.

Directing what shall be deemed Service of Notices, &c. on the Company.

LXI. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons or Party or Parties to serve any Notice or Notices upon the said Company, or any Writ or Writs, or other Proceedings, either at Law or in Equity, the Service thereof upon the Clerk of the said Company, or at any of the Offices of the said Company, or left at the last or usual Place of Abode of the Clerk of the said Company, or Service upon any Agent or other Officer employed by the said Company, or upon any One of the said Directors, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Recovery and Application of Penalties.

LXII. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in this Act mentioned, or by any Rule, Order, or Bye Law inflicted or imposed in relation to which the Manner of convicting the Offenders or applying the Penalties is not particularly mentioned or directed, shall be adjudged by and be recovered before any Justice of the Peace for the said County of

Durham on and by the Oath or Affirmation of any Person or Persons, or on the Confession of the Party offending (which Oath the said Justice is hereby authorized to administer); and in default of Payment of such Penalties or Forfeitures the same shall be levied by Distress and Sale of the Offender's Goods and Chattels by Warrant under the Hand and Seal of such Justice; and one Half of the Penalties and Forfeitures, when recovered, after rendering the Overplus, (if any,) on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained, the reasonable Charges of such Distress and Sale being deducted, shall be paid to the Informer, and the other Half thereof to the Overseers of the Poor of the Parish, Hamlet, or Place where the Offence, upon which any Conviction shall take place shall have been committed, for the Use and Benefit thereof; and in case sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Ten Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no such Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders; or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, and Charges can be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction for the County, District, or Place wherein such Offence shall arise, for any Time not exceeding Six Calendar Months.

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

Justices may proceed by Summons in the Recovery of Penalties.

LXIV. And

Compelling
Attendance
of Witnesses.

LXIV. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses before any Justice or Justices of the Peace touching any Matter contained in any Information or Complaint for any Offence against this Act, either on behalf of the Prosecutor or on behalf of the Person or Persons accused, and shall refuse or neglect (without a reasonable Excuse) to appear, from Time to Time, at the Place to be for that Purpose appointed, and after having been paid or tendered a reasonable Sum of Money for his, her, or their Costs and Expences, or appearing shall refuse to be examined upon Oath, or, in case of a Quaker or Quakers, on solemn Affirmation, (which Oath or Affirmation such Justice or Justices is and are hereby authorized and required to administer,) and to give Evidence before such Justice or Justices of the Peace, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on
corruptly
swearing.

LXV. And be it further enacted, That if any Witness or Witnesses who shall be examined by or before any Justice or Justices of the Peace or otherwise under this Act upon Oath (or in case of a Quaker or Quakers on solemn Affirmation), shall wilfully and corruptly give false Evidence, and shall be thereof lawfully convicted, he, she, or they so giving false Evidence shall be subject to the same Penalty as Persons guilty of Perjury are by the Laws in being subject or liable to.

Form of
Conviction.

LXVI. And for the more easy Conviction of Offenders against this Act, be it further enacted, That a Conviction in the Form or to the Effect following shall be good without alleging more than the Substance of the Offence; (that is to say,)

‘ to wit. } **BE** it remembered, That on the
‘ Lord Day of in the Year of our
‘ before me [or us, as the Case may be,] is [or are] convicted
‘ Justices of the Peace for of His Majesty’s
‘ passed in the Year of the Reign of King *William*
‘ the Fourth, intituled [here insert the Title of this Act], of having
‘ [specifying the Offence and the Time and Place where the same was
‘ committed, as the Case may be,] contrary to the said Act; and for
‘ which Offence I [or we, as the Case shall be,] do adjudge the said
‘ to have forfeited the Sum of
‘ Given under my Hand and Seal [or, as the Case may be, our Hands
‘ and Seals] the Day and Year first above written.’

Distress not
unlawful for
Want of
Form.

LXVII. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied under the Authority of this Act, or any Order or Bye Law made in pursuance thereof, the Distress itself shall not be deemed unlawful, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in any Proceeding relating thereto, nor a Trespasser or Trespassers *ab initio* on account of any subsequent Irregularity in the prosecuting of such Distress, but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for special Damages in any Action on the Case.

LXVIII. And

LXVIII. And be it further enacted, That no Person or Persons, Body or Bodies Politic or Corporate, shall be subject or liable to the Payment of any Penalty, Fine, or Forfeiture imposed by this Act for any Offence or Offences against the same, or any Order or Bye Law made in pursuance thereof, herein-before made cognizable before a Justice or Justices of the Peace, unless Information respecting such Offence or Offences shall have been lodged before such Justice or Justices within Six Calendar Months next after committing such Offence or Offences.

Information to be lodged within Six Months.

LXIX. Provided always, and be it further enacted, That any Body or Bodies Politic or Corporate or Collegiate, or any Person or Persons whomsoever, thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may, within Six Calendar Months next after Cause of Complaint shall have arisen, appeal to the Justices of the Peace at their next General or Quarter Sessions to be holden for the County in which such Conviction shall have taken place, or any Adjournment thereof, the Person or Persons appealing having first given at least Ten Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Clerk or Clerks of the said Company, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, shall, in a summary Way, hear and determine such Complaint at such General or Quarter Sessions of the Peace, or Adjournment thereof, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for the said County, and if they see Cause may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the Justices at such Sessions shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Power of Appeal.

LXX. And be it further enacted, That no Proceeding to be had touching the Conviction of any Offender against this Act, or against any Order or Bye Law made in pursuance thereof, nor any Judgment or Determination to be made or any other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form only, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding.

Proceeding not to be quashed for Want of Form, or removed by Certiorari.

Expences of
the Act.

LXXI. And be it further enacted, That all the Costs, Charges, and Expences attending the applying for, obtaining, and passing this Act shall be paid and discharged by the said Company out of the Monies already subscribed by virtue of this Act, in preference to all other Payments whatsoever.

Public Act.

LXXII. 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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