



ANNO PRIMO

# VICTORIÆ REGINÆ.

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## Cap. xcv.

An Act for making and maintaining a Railway to connect the Great North of *England, Clarence,* and *Hartlepool* Railways in the County of *Durham.* [3d July 1837.]

**W**HEREAS the making a Railway to connect the Great North of *England, Clarence,* and *Hartlepool* Railways in the County of *Durham* would be of great Advantage to the trading, manufacturing, and shipping Interests in the County of *Durham* and to the Public in general: And whereas the several Persons herein-after named are willing, at their own Expence, to carry into execution the said Undertaking; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That *Thomas R. G. Braddyll, Edward R. G. Braddyll, John Wood, Robert Henry Allan, Edward Wylam, Thomas Rawsthorne, John Burrell, P. Forster, William Green, George Townsend Fox, Robert Burrell, George Appleby, Thomas Haswell, A. W. Hutchinson, Thomas Inman, R. M. Arthington, Thomas White, Elizabeth Evans, Ann Bradfield, George Burrow, Thomas H. Higgins, Henry Green, William Robinson, R. Patterson, M. Forster, John Gully, and Henry Turner,* and all other

[Local.] Proprietors incorporated.

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other Corporations and Persons who have subscribed or shall hereafter subscribe towards the said Undertaking, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for making and maintaining the said Railway and other Works by this Act authorized, and for other the Purposes herein declared, according to the Provisions and Restrictions herein-after mentioned, and for that Purpose shall be One Body Corporate by the Name and Style of "The Great North of *England, Clarence, and Hartlepool* Junction Railway Company," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and also shall have Power and Authority to purchase, hold, and sell Lands for the Use and Benefit of the said Undertaking, without incurring any Penalties or Forfeitures, and shall have and exercise all other Powers and Authorities which are herein-after given or mentioned.

Rules for the Interpretation of this Act.

II. And be it further enacted, That where in this Act any Word shall be used importing the Singular Number only, such Word shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person; and where the Word "Lands" shall be used, the same shall be understood to include Tenements and 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 any Word importing the Masculine Gender only shall be understood to include Females as well as Males, 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.

Company empowered to make the Railway.

III. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to construct and maintain the Railway herein-after mentioned, with all proper Works and Conveniences connected therewith, in the Line or Course, and upon, across, under, or over the Lands delineated on the Plan and described in the Book of Reference which have been deposited with the Clerk of the Peace for the County of *Durham*; (that is to say,) to commence at, in, or near to a certain Field in the Township of *Castle Eden* in the Parish of *Castle Eden* in the County of *Durham*, in the Occupation of *Thomas Kay*, and which forms Part of the *Wingate* Branch of the *Hartlepool* Railway, and extending from thence and to terminate at or near a certain other Railway called or known by the Name of the *Byer's Green* Branch of the *Clarence* Railway in or near to a certain other Field in the Occupation of *William Rudd* which is situate in the Parish of *Merrington* in the said County of *Durham*; and also to make a Junction or Junctions with a certain other intended Railway called "The Great North of *England* Railway," in One or more of certain Fields or Parcels of Ground in the Occupation of *Anthony Cairns, John Smith, and Robert Parker*, or some or one of them, situate in the said Parish of *Merrington*, and extending or passing from, through, or into the several Parishes or Parochial Chapelries following, all in the said County of *Durham*; (that is to say,) *Castle Eden, Monk Hesledon* otherwise *Hesledon, Kelloe, Trimdon, Bishop Middleham, and Merrington*, or some of them,

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or some Part or Parts of them; and also from, through, or into the several Townships, Hamlets, and Places following, in the said County of *Durham*; (that is to say,) *Castle Eden, Hutton Henry, Wingate, Trimdon, Garmondsway* otherwise *Garmondsway Moor* (which latter Place is extra-parochial), *Coxhoe, Cornforth, Thrislington, and Ferryhill*, or some of them, or some Parts thereof, all in the said County of *Durham*.

IV. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower the said Company to enter into or upon, or to take, use, damage, or prejudice, the Lands, Estate, Property, or Effects of any Corporation or Person whomsoever, without the Consent in Writing of the Owner and Occupier thereof, or other Party by this Act or otherwise entitled to give such Consent, first had and obtained.

Company not to interfere with private Property without Consent.

V. And be it further enacted, That if any Person shall wilfully and maliciously obstruct or prevent any Person employed by the said Company in setting out the Line of the said Railway or engaged in the Construction thereof or of any Part thereof, or 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 nor less than Five Pounds for every such Offence.

Penalty on obstructing Persons employed in the Construction of the Railway.

VI. And whereas a Plan and Section describing the Line and Levels of the said Railway and the Lands upon or through which the said Railway and the Works connected therewith are intended to be carried or made, together with a Book of Reference thereto containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the County of *Durham*; be it therefore enacted, That the said Plan, 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, Section, 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, Section, 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 to remain in Custody of the Clerk of the Peace, and to be open to Inspection.

VII. 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 Lands delineated on the said Plan or Section, although such Lands or any of them, or the Situation thereof respectively, or the Names of the Owners, Lessees, or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in

Unintentional Errors in Act or Plan, or in Book of Reference, not to prevent the Execution of the Act.

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) and 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 Plan to an Extent not exceeding 100 Yards.

VIII. 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 delineated on the Plan 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-six: Provided also, that it shall not be lawful for the said Company to make any such Deviation as aforesaid after the Expiration of Two Years from the passing of this Act.

Railway not to be proceeded with till certain Plans, &c. deposited.

IX. And be it further enacted, That it shall not be lawful for the said Company to proceed in the Execution of the said Railway herein-before authorized to be made, unless the said Company shall have previously to the Commencement of such Work deposited with the Clerk of the Peace of the several Counties through which the said Railway hereby authorized to be made is intended to pass a Plan and Section of all such Alterations from the original Plan and Section as shall have been approved of by Parliament, on the same Scale and containing the same Particulars as the original Plan and Section of the Railway, and also with the Clerks of the several Parishes in or through which such Alterations shall have been authorized to be made, Copies or Extracts of or from such Plans and Sections as shall relate to such Parishes respectively; and all Persons interested shall have Liberty to inspect and make Extracts from or Copies of the said Plans and Sections or Extracts or Copies thereof, paying to the Clerk of the Peace, or the Clerk of the Parish, having the Custody of such Plan and Section or of such Extract or Copy, the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words copied therefrom.

Limiting Deviations from Datum

X. 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  
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the said Railway as referred to the common Datum Line described 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 Place it is intended to carry the Railway on an Arch or Arches as marked on the said Plan or Section the same shall be made accordingly, and where a Tunnel is marked on the said Plan or Section as intended to be made at any Place the same shall be made accordingly, unless the Owners, Lessees, and Occupiers of the Land in or through which such Tunnel is intended to be made shall consent that the same shall not be so made: Provided nevertheless, that it shall be lawful for the said Company, with such Consent as aforesaid, and not otherwise, to make a Tunnel or an Arch or Arches as aforesaid not marked on the said Plan or Section, so that no such Tunnel shall be of a greater Length than Two hundred Yards, and that no Two Tunnels be at a less Distance from each other than One hundred Yards, measured on the Line of the Railway: 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 circulating in the County, and also be affixed on the Church Door of the Parish in which such Deviation or Alteration is intended to be made, or, if there be no Church, some other Place to which Notices are usually affixed: Provided also, that for the Purpose of consenting to any such Deviation from the said Sections, and to any Tunnelling or 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.

Line described on the Section, &c.

XI. 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.

Not to diminish the Radius of any Curve beyond a certain Extent.

[*Local.*]

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XII. And

Bridge to be  
built over  
Great North  
of England  
Railway.  
6 & 7 W. 4.  
c. 105.

XII. And whereas an Act was passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from near the River Tyne to or near the River Tees, to be called "The Great North of England Railway,"* in the County of Durham: And whereas the Railway by this Act authorized to be made is intended to be carried over the Line of the said Great North of *England* Railway; be it therefore enacted, That in carrying the said Railway over the Line of the said Great North of *England* Railway the said Company hereby incorporated shall and they are hereby required, at their own Expence, to make and at all Times hereafter to keep in repair a good and substantial Bridge of Brick, Stone, Iron, or Wood over the said Great North of *England* Railway, the Span of the Arch of which between the Abutment Walls shall not be less than Fifty-two Feet, and the clear Height whereof, from the Surface of the Rails of the said Great North of *England* Railway to the Intrados of the said Arch, shall not be less than Sixteen Feet and Six Inches: Provided always, that the said Bridge shall be constructed under the Direction and Superintendence of the respective Engineers for the Time being of the said Great North of *England* Railway Company and of the Company hereby incorporated; and in case any Dispute shall arise between the said Two Engineers, the same shall be settled by some Third Engineer, to be appointed by such Two respective Engineers, and the Decision of such Third Engineer shall be binding and conclusive in all respects.

Saving the  
Rights of the  
Great North  
of England  
Railway.

XIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the said Great North of *England* Railway Company, but saving and reserving to the said Great North of *England* Railway Company all such Rights, Privileges, Powers, and Authorities in the same Manner to all Intents and Purposes as if this Act had not been passed.

Saving the  
Rights of the  
Clarence  
Railway  
Company.

XIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the said *Clarence* Railway Company, but saving and reserving to the said *Clarence* Railway Company all such Rights, Privileges, Powers, and Authorities in the same Manner to all Intents and Purposes as if this Act had not been passed.

Company  
may con-  
tract for the  
Works.

XV. 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, or any other of the Works by this Act authorized to be made or done, 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 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

Damages

Damages and Costs recovered by or against the said Company or any of the Parties failing in the Execution thereof.

XVI. 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 Ecclesiastical, Corporation Aggregate or Sole, or any Tenant for Life or in Fee Tail, General or Special, or for any Term of Years absolute or determinable upon any Life or Lives, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Committees of or for Lunatics or Idiots, Executors or Administrators, or other Trustees whomsoever, or with any Femes Covert who are or shall be seised, possessed, or interested in their own Right or for their separate Use, or with any other Person or Persons whomsoever who shall be willing to sell the same or his Right or Interest in the same for the Purposes of this Act, for the Purchase of an Estate of Inheritance in Fee Simple of any Lands within the said several Townships, Parishes, and Places, for the Purpose of making, maintaining, and using the said Railway, and all necessary Conveniences connected therewith, and for other the Purposes of this Act; and upon Payment of the Purchase Money for any such Lands to the Party 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 whomsoever 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 to hold any such Lands, and any Term, Right, and Interest therein, so purchased, without incurring any Penalties or Forfeitures, and also at any Time hereafter to sell or dispose of the said Lands or any of them as they shall think proper, and from Time to Time to purchase and hold other Lands more suitable for the Purposes of this Act, and again to sell the same in like Manner, so that such Lands do not at any one Time exceed the Quantity of Land which the said Company is by this Act authorized to purchase.

Company authorized to purchase Lands.

XVII. And be it further enacted, That it shall and may be lawful for the said Company and they are hereby authorized and empowered from Time to Time to treat, contract, and agree, and to employ any Person 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 for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees for charitable or other Purposes, Committees of or for Lunatics or Idiots, Executors or Administrators, or other Trustees whomsoever, or with any Femes Covert who are or shall be seised, possessed, or interested in their own Right or for their separate Use, 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 Waggonway or Waggonways, or other Right or

Power to take Way-leaves, &c.

Rights

Rights of Way and Passage; 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, or any of them, and it shall be lawful for the said Company to hold such Waggonways or Wayleaves and Premises as last mentioned without incurring or being subject to any of the Penalties of the Statutes 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, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Committees of or for Lunatics or Idiots, Executors and Administrators, and all other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy after them (if incapacitated or not to be found), and for and on behalf of their Wives, Wards, Idiots, and Lunatics respectively, and in the same Manner and to the same Extent as such Wives, Wards, Idiots, and Lunatics respectively could have done by Law under the Powers of this Act in case they had been sole, of full Age, and of sound Mind, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, and to and for all Femes Covert seised, possessed of, or interested in their own Right or for their separate Use or entitled to Dower or other Interest, and for all other Persons 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, full and free Liberty, Licence, Power, and Authority of Way and Passage in, upon, through, and over any Freehold, Copyhold, Customary, or Leasehold Lands, Tenements, or Hereditaments within the several Parishes and Places aforesaid, and to erect, make, lay, and place any 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, 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 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



ment of the Liberties and Privileges thereby to be granted and demised, as the Person or Persons making such Demises, Leases, and Grants shall deem expedient: Provided always, that every such Lease or Demise of, or any Rights or Easements to be had or exercised in or over any Lands or Tenements of Copyhold or Customary Tenure shall (if any Custom or Customs applicable thereto shall so require) be granted by and with the Licence or Consent of the Lord or Lords, Lady or Ladies for the Time being of the Manor or Manors of which such Lands or Tenements shall be holden, and shall be in all other respects conformable to the Custom or Customs of such Manor or Manors; and every such Lease or Demise, or any such Rights or Easements as aforesaid to be had or exercised in or over any such Lands or Tenements, shall be so made and granted as to leave a Reversion of One Day or more in the Lessor or Lessors.

XVIII. Provided always, and be it further enacted, That in case any Person who is hereby authorized and empowered, and who shall be willing to grant, demise, or lease any Waggonway or Wayleave, or any other such Rights, Privileges, or Easements as aforesaid, to the said Company, under the Provision last herein-before contained, for the Purposes of this Act, cannot agree with the said Company as to the Amount of the Rent or Reservation or Sum of Money to be reserved or made payable by the said Company in or by any such Grant, Demise, or Lease, then the Amount of the Rent, Reservation, or Sum of Money to be reserved and made payable in and by such Grant, Demise, or Lease in respect of the Land, Waggonway, or Wayleave, Right, Privilege, or Easement, thereby to be granted, demised, or leased, shall be settled and ascertained by Two able practical Land Surveyors, one of whom shall be nominated by the said Company and the other by the Person empowered and willing to make such Grant, Demise, or Lease, and if such Two Land Surveyors shall not agree as to the Amount of such Rent, Reservation, or Sum of Money, then by such Third Land Surveyor as such Two first-named Land Surveyors shall nominate previously to entering upon such Reference; and the Amount of the Rent, Reservation, or Sum of Money which shall be so ascertained and settled by such Two Surveyors, or by the Surveyor so to be nominated by them as aforesaid, shall be binding and conclusive upon all Parties; and each of the said Two Land Surveyors, if they shall agree and make their Valuation, or if not, then the Land Surveyor to be nominated by them as aforesaid, shall annex to their or his Survey, Estimate, or Valuation, when completed, a Declaration of the Correctness thereof, conformable to an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, 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 more entire Suppression of voluntary and extra-judicial Oaths.*

Provision for determining Amount of Rent, &c. in Lands leased, demised, &c.

5 & 6 W. 4. c. 8.

XIX. 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 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, from and after they shall

Provision for Deficiencies of Land Tax.

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have

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 Land Tax), be subject and liable from Time to Time to pay and make good, to or in aid of such several Parishes or Townships as aforesaid, out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said several Parishes or Townships, by reason of taking down or using for the Purposes of this Act any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer, or Collector or Receiver, to be appointed under this Act, is hereby required to pay all such Deficiencies, on Demand thereof, to the Collector of the said Assessments.

Breadth of Land to be taken for the Railway.

XX. And be it further enacted, That the Lands to be 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 raising Embankments for crossing Valleys or low Grounds, or for Cuttings, or for the Erection and Establishment of any fixed or permanent Machinery, Toll Houses, Warehouses, Wharfs, or other Erections and Buildings, 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.

Providing for Injury to Roads.

XXI. And be it further enacted, That in all Cases in which in the Exercise of any of the Powers hereby granted any Part of any Carriage or Horse Road, Railway or Tramroad, either public or private, shall be found necessary to be cut through, raised, sunk, taken, or so much injured as to be impassable or inconvenient for Passengers or Carriages, or to the Persons entitled to the Use thereof, the said Company shall at their own Expence, before any such Road shall be so cut through, raised, sunk, taken, or injured as aforesaid, cause another good and sufficient Road (as the Case may require) to be set out and made instead thereof, and such new Road shall be as convenient for Passengers and Carriages as the said Road so to be cut through, raised, sunk, taken, or injured as aforesaid, or as nearly so as may be; and where the Road cut through, raised, sunk, or injured shall be a Turnpike Road, the substituted Road (if temporary) shall be set out and made, and the principal Road shall be restored, within Six Calendar Months after the Commencement of the Operation; and the Railway, where it shall cross such Turnpike Road, shall be made and kept in repair so as to prevent Inconvenience or Obstruction to the Passage along such Turnpike Road; and in case 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 so 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 and pay for each and every Day during which

which a 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 Penalties incurred by the said Company for which no special Provision is made by this Act.

XXII. And be it further enacted, That in case the said intended Railway shall at any Time or Times 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, or upon any Director, 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 Skreen 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.

If Danger is occasioned to Passengers on Turnpike Roads, the Company to erect Skreens.

XXIII. 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 with 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, 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, or in

For Protection of Turnpike Roads where they are crossed by Railway.

case

case they shall disagree about the same by the Clerk of the Peace for the County of *Durham*, 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, Parapet Walls, and Fences, and the Walls, Banks, Mounds, Batteries, 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 Trustees of such Turnpike Road shall have a perpetual Right of Way along the same, but all Mines, Minerals, and Fossils lying under the same shall be the Property of the Person or Persons who would from Time to Time have been entitled to the same if this Act had not been passed, and the subsequent Surface Repairs of such Turnpike Road shall from thenceforth be made and performed by the Trustees of such Turnpike Road out of the Funds of the Turnpike Trust and the Rates or Assessments levied under or by virtue of an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of Great Britain called England*, on the Inhabitants of the respective Parishes, Townships or Places in or through which such Turnpike Road shall lie or pass.

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c. 50.

Railway not  
to cross  
Turnpike  
Road on a  
Level.

XXIV. And be it further enacted, That where the said Railway shall cross any Turnpike Road or public Highway, either such Turnpike Road or public Highway (except such as are herein-after mentioned) shall be carried over the said Railway, or the said Railway shall be carried over the said Turnpike Road or public Highway, at the Expence of the said Company, by means of a Bridge, where not otherwise provided for by this Act, of such Construction as is in this Act mentioned: Provided always, that nothing herein contained shall prevent the said Company from carrying the said Railway across a certain Highway leading from *Wingate* to *Hutton Henry*, and across a certain Highway leading from *Wingate* to *Trimdon*, on the Level of such Highways respectively.

Where the  
Railway  
crosses pub-  
lic Highways  
on a Level,  
Company to  
erect Gates.

XXV. And be it further enacted, That in all Cases in which the said Railway shall cross any public Highway or any Railway or Tramroad on a Level, the said Company shall erect and at all Times maintain good and sufficient Gates across the said Railway, at the Point where it shall cross such public Highway, Railway or Tramroad, all which Gates shall be constantly kept shut by some Person to be appointed by the said Company (and which Person the said Company are hereby required to appoint, under the Penalty of Twenty Pounds for every Default therein,) except during the Times when Carriages passing along the said Railway shall have to cross such public Highway, and then such Gates shall be opened for the Purpose only of letting such Carriages pass through; and the Person entrusted with the Care of such Gates shall cause every such Gate to be shut as soon as such Carriages shall have passed through the same, under the Penalty of Forty Shillings for every Default therein.

XXVI. And

XXVI. And be it further enacted, That where the said Railway shall cross any public Highway on a Level, the Edge or Flank of such Railway, for the Purpose of guiding the Wheels of the Carriages thereupon, shall not rise above nor sink below the Level of such Road more than One Inch.

Height and Depth of Edge of Railway in crossing public Roads.

XXVII. 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 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 Thirty Feet in the Case of a Turnpike Road, and of not less than Twenty Feet in all other Cases, and of a Height from the Surface of such Road to the Centre of such Arch of not less than Eighteen Feet in the Case of a Turnpike Road, and Sixteen Feet in all other Cases, and the Descent under any such Bridge shall in the Case of a Turnpike Road not exceed One Foot in Thirty Feet, and in the Case of any other public Carriage Road shall not exceed One Foot in Twenty Feet, and in the Case of any private Carriage Road shall not exceed One Foot in Sixteen Feet.

Regulations as to Bridges for carrying Railway over public Roads.

XXVIII. And be it further enacted, That where any Bridge shall be erected for carrying any public Carriage 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 in the Case of a Turnpike Road, and not less than Twenty Feet in all other Cases, and the Ascent of every such Bridge for the Purpose of such public Carriage Road shall not in the Case of a Turnpike Road exceed One Foot in Thirty Feet, and in the Case of any other public Carriage Road shall not exceed One Foot in Twenty Feet, and in the Case of any private Carriage Road shall not exceed One Foot in Sixteen Feet; and a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Regulating Ascent to Bridges for carrying public Roads over Railway.

XXIX. And be it further enacted, That wherever the Level of any Turnpike Road or public Carriage Road shall be altered by means of the said Railway the Inclination of such Road, if Turnpike, shall not exceed One Foot in Thirty Feet, and if Highway shall not exceed One Foot in Twenty Feet.

Regulations as to Alterations in Turnpike Roads.

XXX. And be it further enacted, That nothing in this Act contained shall extend to prevent any Corporation or Person whomsoever, being the Owner or Occupier of any Land, Railway, Tramroad, or Mine adjoining or near to the Railway, or any other Person, from laying down, either upon, through, under, or over the Lands of such Corporation or Person, or upon, through, under, or over the Lands of any other Corporations or Persons, with the Consent of such Corporations or Persons, any collateral Branches from such Land, Railway, Tramroad, or Mine to communicate with the said Railway; and the said Company shall be bound to make, at the Expence of such Corporation or Person, Openings in the Ledges or Flanches of the said

Owners of Land may make Branches to communicate with the Railway.

Railway for effecting such Communication in such Places as may be most convenient for that Purpose, and as may the 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 Passengers, Cattle, Goods, or other Things along any such Branch so made by such Corporation or Person 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 Place 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 nor in any Tunnel; 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 Openings 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 acting within their Jurisdiction, whose Determination, after the Examination of such competent Witnesses as may be produced before them, shall be binding; and such Justices are hereby authorized and empowered to take cognizance of all such References, and to act therein accordingly.

Owners of  
Lands may  
make Com-  
munications  
across the  
Railway.

XXXI. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent any Owner of any Lands adjoining the said Railway from making any Railway, Bridge, or Culvert to, from, across, over, under, or into the said Railway hereby authorized to be made by the said Company, and from using such Railway, Bridge, or Culvert so made by him for the Benefit of himself and of all other Persons to whom he may from Time to Time give Leave, so that such Railway, 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, Bridges, and Culverts shall be made and erected, and from Time to Time repaired or renewed, under the Superintendence of the Engineer of the said Company, and according to Plans and Specifications to be submitted to and approved of by such Engineer previously to the commencing of such Railways, Bridges, and Culverts respectively: Provided always, that in case such Engineer shall neglect or refuse to give his Opinion upon such Plan and Specification within the Space of One Calendar Month, then such Plan and Specification shall be submitted to Two of Her Majesty's Justices of the Peace acting within their Jurisdiction, who shall make such Order therein as they shall think proper: Provided nevertheless, that in case any Damage or Obstruction shall be thereby or by the Want of Repair thereof 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 for the Time being of the Land for whose Benefit any such other Railway, 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 Twenty-one Days after Demand thereof, by Distress and Sale of the Goods and Chattels of such respective Owners, or by Action of Debt or on the Case, together with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*.

XXXII. And be it further enacted, That all Persons opening any Gate set up across the said Railway, or any Gate set up at either Side of the said Railway, shall and they are hereby respectively required, as soon as they, and the Carriages, Cattle, or other Animals or Things under their Care or which they may accompany, shall have passed through the same, to shut and fasten the said Gate; and every Person neglecting so to do shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

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

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

Company may purchase additional Lands not exceeding Twenty Acres.

XXXIV. And be it further enacted, That it shall be lawful for the said Company to sell and dispose of such additional Lands as they are by this Act empowered to purchase and shall have actually purchased for the Purposes of additional Stations, Yards, Wharfs, Staiths, Shipping Places, 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 in such Manner and for such Considerations and to such Persons as the said Company shall think proper, and again 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

Company authorized to sell Lands not required for additional Stations, &c., and afterwards to purchase other Lands for the same Purposes.

said

said Company shall deem proper, so that the total Number of Acres to be purchased and held by the said Company for the Purposes herein-before mentioned shall not exceed at any one Time the Number of Acres for those Purposes expressly specified or allowed in this Act.

Restraining the Company from purchasing more than Twenty Statute Acres of Land for additional Stations from incapacitated Persons.

XXXV. And whereas the said Company, in addition to the Lands hereby authorized to be taken for making the said Railway and other Works, are enabled to purchase, by virtue of this Act, of Corporations and Persons willing to sell the same, Twenty Statute Acres of Land for the Purpose of providing additional Stations, Yards, Wharfs, Staiths, Shipping Places, waiting, loading, and unloading Places, Warehouses, and other Buildings and Conveniences: And whereas it is expedient to restrain the said Company from selling Lands so purchased from Corporations or from Persons being under legal Disability or Incapacity, and again purchasing other Lands from the same or from any other Corporations or Persons 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 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 Person being under legal Disability or Incapacity, more than such Twenty Statute Acres; and in case the said Company shall purchase such Twenty Statute Acres from any Corporation or Person, Corporations or Persons, under such legal Disability or Incapacity as aforesaid, and shall afterwards sell the Whole or any Part of such Lands so purchased, it shall not be lawful for the said Company to purchase of or from the same or of or from any other Corporation or Person being under legal Disability or Incapacity, nor for the same nor for any other Corporation or Person being under legal Disability or Incapacity to sell to the said Company, any other Lands in lieu of such Twenty Statute Acres of Land, or any Part thereof, so sold or disposed of by the said Company.

Persons under legal Disability empowered to sell and convey Land.

XXXVI. And be it further enacted, That it shall be lawful for all Corporations, Tenants in Tail or for Life or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all Trustees and all other Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy after them (if incapacitated or not to be found), and for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and in the same Manner and to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have done by Law under the Powers of this Act in case they had been sole, of full Age, and of sound Mind, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, and for all Femes Covert seised, possessed of, or interested in their own Right, or entitled



entitled to Dower or other Interest in, and for all other Persons whomsoever seised or possessed of or interested in any such Lands, to contract for, sell, and convey the same or any Part thereof unto the said Company; and all such Contracts, Sales, and Conveyances, including the reasonable Costs, Charges, and Expences of furnishing such Title as the said Company require, shall be made at the Expence of the said Company, and unless where the said Company may be advised that the same is not applicable to the Circumstances of the Case, or where it may be necessary or desirable to insert particular Provisions, may be according to the Form herein-after mentioned, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit; (namely,)

‘ I                        of                        in consideration of the Sum Form of  
‘ of                        to me, [or (as the Case may be) into the Bank of Conveyance.  
‘ *England*, in the Name and with the Privy of the Accountant  
‘ General of the Court of Exchequer, *ex parte* “The Great North of  
‘ *England, Clarence, and Hartlepool Junction Railway Company,*” or  
‘ to *A. B.* of                        and *C. D.* of                       , their  
‘ Heirs and Assigns, Two Trustees appointed to receive the same,]  
‘ pursuant to the Act after mentioned paid by “The Great North of  
‘ *England, Clarence, and Hartlepool Junction Railway* [or the said]  
‘ Company,” established and incorporated by an Act of Parliament  
‘ passed in the                        Year of the Reign of Her Majesty Queen  
‘ *Victoria*, intituled [*here set forth the Title of this Act*], do hereby  
‘ convey [or, in Cases of Copyhold or Customary Lands requiring  
‘ Surrender, do hereby agree to surrender] to the said Company, their  
‘ Successors and Assigns, all [*describing the Premises to be conveyed*  
‘ *or agreed to be surrendered*], together with all Ways, Rights, and  
‘ Appurtenances thereunto belonging, and all such Estate, Right,  
‘ Title, and Interest in and to the same and every Part thereof as  
‘ I am or shall become seised or possessed of, or am by the said Act  
‘ capacitated or empowered to convey or surrender, to hold the  
‘ Premises to the said Company, their Successors and Assigns for ever,  
‘ according to the true Intent and Meaning of the said Act. In  
‘ witness whereof I have hereunto set my Hand and Seal the  
‘ Day of                        in the Year of our Lord                        .’

And all such Conveyances and Agreements to surrender as aforesaid shall be valid and effectual in Law to all Intents and Purposes, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed or aliened, and to bar and destroy all such Estates Tail and all Titles to Dower, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the same; but although Terms shall be merged they shall in Equity afford the same or the like Protection and Priority as if they were assigned and kept on Foot in Trust for the Company, and to attend the Reversion and Inheritance.

XXXVII. And be it further enacted, That if any Money shall be contracted or agreed to be paid for the Purchase of any Lands to be taken or used by virtue of the Powers of this Act, or of any Interest therein, or for the Release of any such Lands from any Rent Application of Compensation Money when amounting or to 200l.

[Local.]

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1 G. 4. c. 35.

or other Incumbrance charged thereon, or for the Enfranchisement of any such Lands being of Copyhold or Customary Tenure, 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 whosoever 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 other 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 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 Great North of *England*, *Clarence*, and *Hartlepool* Junction Railway Company," pursuant to the Method prescribed by 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; and shall when so paid in there remain until the same shall, by Order of the said Court made in a summary Way upon Petition to be presented to the said Court by the Party who would have been entitled to the Rents and Profits of the said Lands, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the said Lands, or affecting other Lands standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out, by Order of the said Court made in a summary Way as aforesaid, in the Purchase of other Lands which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands which shall be so purchased, taken, or used as aforesaid, or in respect of which such Compensation or Satisfaction shall be paid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Purchase can be made the said Money may, 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, or in other Government or Real Securities; and in the meantime and until such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, or shall be called in or cancelled, the Dividends or Interest and annual Produce thereof shall from Time to Time, by Order of the said Court, be paid to the Party who would for the Time being have been entitled to the Rents and Profits of such Lands so to be purchased and settled.

XXXVIII. And

XXXVIII. Provided always, and be it further enacted, That if any Money contracted or agreed to be paid as last herein-before mentioned shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then the same shall, at the Option of the respective Parties for the Time being entitled to the Rents and Profits of the Lands so taken or used, or of such Interest therein, or of their respective Husbands, Guardians, or Committees, in case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Company signified in Writing under their Common Seal, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid (at the like Option and with the like Approbation) to Two Trustees, to be nominated by the respective Parties exercising such Option, such Nomination to be approved of by the said Company, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating Parties, and under the Common Seal of the said Company; and the Money so paid to such Trustees, and the Dividends and Produce so arising thereon and therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without its being necessary to obtain any Order of the said Court touching the Application thereof.

Application when Money is less than 200*l.* and exceeding 20*l.*

XXXIX. Provided also, and be it further enacted, That where any Money so contracted or agreed to be paid as last herein-before mentioned shall not exceed the Sum of Twenty Pounds, the same shall be paid to the respective Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so taken or used for the Purposes of this Act, or in respect of which such Compensation shall be paid, for their own Use and Benefit; or in case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid for their Use to their respective Husbands, Guardians, Committees, or Trustees.

Application when Money is less than 20*l.*

XL. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Party to any Money to be paid into the Bank of *England* for the Purchase of any Lands, or of an Estate, Right, Title, or Interest in any Lands to be taken or used in pursuance of this Act, or for Compensation as aforesaid, or to any Annuities or Securities to be purchased with any such Money as herein mentioned, or to the Dividends or Interest of any such Annuities or Securities, the Parties respectively who shall have been in Possession or Receipt of the Rents or Profits of such Lands at the Time of such Purchase, and all Corporations and Persons claiming under such Parties, or under or consistently with the Possession of such Parties, shall be deemed to have been lawfully entitled to such Lands, or such Interest therein, or to such Money as aforesaid, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Annuities or Securities to be purchased with such Money, and also the Capital of such Annuities or Securities, shall be paid, applied, and disposed

Persons in Possession presumptively entitled.

disposed of accordingly, unless it shall be made to appear to the Satisfaction of the said Court that such Possession was a wrongful Possession, and that some other Party was lawfully entitled to the Whole or some Part of such Lands, or to some Estate or Interest therein, in which Case the said Court shall make such Orders respecting the said Capital, Dividends, and Interest, as the Circumstances of the Case may require.

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

XLI. And be it further enacted, That where, by reason of any Disability or Incapacity of any Corporation or Person entitled to any Lands to be purchased, taken, or used under the Authority of this Act, or from any other Cause, the Purchase Money for any Lands, or any Money to be paid by way of Recompence or Compensation for any Damage or Injury done to the same, shall be required to be paid into the Bank of *England*, it shall be lawful for the said Court of Exchequer to order the reasonable Costs, Charges, and Expences attending any such Purchase, taking, or using of Land, or which may be incurred in consequence thereof, and also all the Costs, Charges, and Expences of the Investment of such Purchase or Compensation Money in Government or Real Securities, and of the Re-investment of the same, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders, and of all other Proceedings for such Purposes, and for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Purchase or Compensation Money may be invested, and for the Payment out of Court of the Principal of such Purchase or Compensation Money, or of the Government or Real Securities aforesaid, to be paid by the said Company, and the said Company shall from Time to Time pay such Sums of Money for the Costs, Charges, and Expences herein-before mentioned as the said Court shall direct.

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

XLII. And be it further enacted, That upon Payment or legal Tender of such Sums of Money as shall have been agreed upon between the Parties for the Purchase of any Lands, Rent, or other Charge, or as a Compensation for any Loss or Injury as aforesaid, to the respective Proprietors of such Lands, or other Persons respectively interested therein and entitled to receive such Money or Compensation respectively, or if the Parties so respectively interested and entitled as aforesaid cannot be found, or shall be absent from *England*, or shall refuse to receive such Money as aforesaid, or shall refuse, neglect, or be unable to make a good Title to such Lands (to the Satisfaction of the said Company), or if any Party entitled unto or to convey such Lands shall not be known, or shall be absent from *England*, or shall refuse, neglect, or be unable to convey the same, then, upon Payment of such Money into the Bank of *England*, as herein-before directed, to the Credit of the Parties interested in such Lands, or in case such Money shall have been agreed to be paid for the Purchase of any such Lands or such Compensation as aforesaid, which any Corporation, Trustee, or Person under Disability is hereby capacitated to convey, upon Payment of such Money into the Bank of *England* as herein-before directed, to an Account *ex parte* "The Great North of *England*, *Clarence*, and *Hartlepool*

*Hartlepool Junction Railway Company,*" then and in every of such Cases it shall be lawful for the said Company immediately to enter upon such Lands, and thereupon such Lands, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of all Parties therein, which shall have been purchased by the said Company, shall thenceforth be vested in and become the sole Property of the said Company to and for the Purposes of this Act; and such Payment or Tender and Conveyance, or such Deposit in the Bank of *England* as aforesaid, shall operate to merge all outstanding or other Terms of Years, and to bar and destroy all Dower and Curtesy, and all Estates Tail and other Estates in Reversion and Remainder, and all Rights, Titles, Limitations, and Trusts whatsoever of and in the said Lands: Provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *England* as aforesaid it shall not be lawful for the said Company, or for any Person acting under their Authority, to bore under, dig, or cut into or enter upon such Lands for any of the Purposes of this Act, save for the Purpose of ascertaining and setting out the same for the Purposes of this Act, without the previous Consent of the Owners and Occupiers thereof respectively.

XLIII. And be it further enacted, That in every Case in which the said Railway by this Act authorized to be constructed shall cross any other Railway, whether public or private, the Communication between the Railway by this Act authorized to be constructed and such other Railway, and all Openings in the Ledges or Flanches of the Rails of such other Railway (if the same shall be crossed upon a Level), or (if the same be not crossed upon a Level) then all Bridges over or Tunnels under the Railway so to be crossed for the Purpose of such Crossing, shall, if the said Company and the Parties to whom such other Railway shall belong do not agree about the same, be made in such Manner as shall be directed by Two Engineers or other competent Persons, one to be appointed by the said Company, and the other by the Party to whom the Railway so to be crossed shall belong; and such Engineers or other Persons shall and they are hereby required, before entering upon the Matter referred to them, to appoint a Third Engineer or other Person to be an Umpire, to whom, in case there shall be any Difference of Opinion between the said Engineers or other Persons so appointed, the Matter in dispute shall be referred, and the Decision of such Engineers or other Persons, or of such Umpire, (as the Case may be,) shall be binding upon all Parties: Provided always, that in case the Party to whom any Railway so to be crossed shall belong 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 Engineer or other Person on his Behalf, the Engineer for the Time being of the said Company shall have full Power to make such Communications with, and such Openings in the Ledges or Flanches of the Rails of, or such Bridges over or Arches under, the Railway so to be crossed (as the Case may require), as he shall think proper: Provided also, that the said Company shall defray all the Expence attending such Reference, and the making such Communications and Openings, Bridges and Tunnels, and the keeping the same respectively,

Regulating  
Communication with  
other Rail-  
ways.

tively in repair from Time to Time, and shall also make Satisfaction for any temporary or permanent or recurring Injury which may be thereby occasioned to such Railway so to be crossed, the Amount of such Satisfaction to be ascertained (in case of Dispute about the same) in the same Manner as Disputes as to Damages to a small Amount are by this Act directed to be ascertained, and to be recovered in the same Manner as Penalties and Forfeitures are by this Act directed to be recovered; and the said Company shall have full Power at all Times to cross every such Railway by means of such Communications with any Engines and Carriages, without being liable to the Payment of any Toll or Rate for so crossing.

Enabling the  
Company to  
sell Lands  
not wanted.

XLIV. 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 will be necessary for effecting the Purposes of this Act, or of Lands not applicable to the Purposes hereof; be it therefore enacted, That it shall be lawful for the said Company and they are hereby required, within Ten Years after 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 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 Lands, shall first offer to sell the same to the Person or to the several Persons whose Lands or Premises shall immediately adjoin the Lands so proposed to be sold, such Persons being in *England*, and conveniently to be found, and being 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 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 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 solemn Declaration made before a Master or Master Extraordinary in the High Court of Chancery, or before any Justice of the Peace for the said County of *Durham*, by some Person not interested in such Lands, stating that 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 that such Offer was made, and was refused or was not accepted within the Time aforesaid (as the Case may be) by the Person to whom such Offer was made; and in case any such Person as aforesaid shall be desirous of purchasing any such Lands, and such Person and the said Company shall not agree with respect to the Price thereof, then the

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Price

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 the Party desiring to purchase such Lands: Provided always, that in case the Party whose Land shall 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 or disinterested Person on his Behalf, it shall be lawful for the Person chosen Arbitrator by the said Company, by any Writing under his Hand, to choose some competent and disinterested Person to act as Arbitrator on behalf of the Party so refusing or neglecting as aforesaid, and the Two Persons so chosen Arbitrators shall and they are hereby required, before entering upon the Matters referred to them, to nominate and appoint some Third competent and indifferent Person to act as Umpire in case of Difference between them, and the Decision of such Persons or Person (as the Case may be) shall be binding upon all Parties: Provided also, that the said Company shall defray all the Expence attending such Reference, and the Money produced by the Sale of such Lands by the said Company as aforesaid shall be applied to the Purposes of this Act: Provided also, that if the said Company shall not at the Expiration of Ten Years from the Time of the passing of this Act have sold or disposed of all such Lands purchased by them under the Authority of this Act, as may be unnecessary or inapplicable to the Purposes of the said Undertaking, then so much and such Parts of such Lands as shall remain unsold or undisposed of shall vest in the Owners for the Time being of the Lands adjoining thereto in the Manner following; (that is to say,) One Moiety thereof in the Owner of the Lands on the one Side, and the Remainder thereof in the Owner of the Lands on the other Side thereof.

XLV. 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, or upon Payment of any Money under this Act, it shall be lawful for the Treasurer for the Time being of the said Company to sign and give a Receipt for the Money so paid, which Receipt shall be a sufficient Discharge to all Persons for the Purchase Money 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 Non-application of such Purchase Money or other Money, or of any Part thereof.

Treasurer, upon Payment of Money, to give Receipts.

XLVI. 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 the Successors, Heirs, Executors, Administrators, or Assigns of such Grantees, according to the Quality or Nature of such Grantees Interest therein, and the Estate or Interest therein expressed to be thereby conveyed by or from the said Company,

The Word "grant" in Conveyances to amount to certain Covenants.

pany, 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, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from 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 their Successors from all Incumbrances committed 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 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 Covenant, as they might do in case such Covenants were expressly inserted in such Conveyances.

If Railway is not finished within Five Years, the Powers of the Act to cease.

XLVII. And be it further enacted, That in case the said Railway and Works shall not have been made and completed within the Space of Five Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Five Years all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much (if any) of the said Railway and Works as shall be declared and certified to have been completed within the said Term by the Justices of the Peace of the said County of *Durham* assembled at any General or Quarter Sessions of the Peace to be held in and for the said County of *Durham*, at any Time before the Expiration of the said Term of Five Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of Two or more Witnesses upon Oath, to be produced before such Justices for that Purpose.

If Railway is abandoned, the Lands to vest in the Owners of adjoining Lands.

XLVIII. 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 otherwise the Parts thereof over which the said Railway or any Part of such Railway 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.

XLIX. And



XLIX. And whereas the Expence of making the Railway and the other Works hereby authorized is estimated at the Sum of Fifty-one thousand and ninety-nine Pounds Ten Shillings and Three-pence, and the Sum of Thirty-nine thousand nine hundred and seventy-five Pounds, being more than Three Fourth Parts thereof, has been already subscribed for by several Persons under a Contract binding themselves, their Heirs, Successors, 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 Fifty-one thousand and ninety-nine Pounds Ten Shillings and Three-pence shall be subscribed for in the like Manner before any of the Powers granted by this Act in relation to the taking of Land for the Purposes of the said Railway shall be put in force.

The whole of the Expence to be subscribed for before the Work is commenced.

L. Provided always, and be it further enacted, That a Certificate under the Hand and Seal of any Justice of the Peace for any County, Town, or Place within which the Railway and Works are proposed to be made, that the whole of the said Sum of Fifty-one thousand and ninety-nine Pounds Ten Shillings and Three-pence hath been subscribed for as aforesaid, (and which Certificate such Justice is hereby authorized and required to grant on Application made to him by the said Company,) shall be sufficient Evidence that the whole of the said Sum of Fifty-one thousand and ninety-nine Pounds Ten Shillings and Three-pence hath been subscribed for.

A Certificate under the Hand of a Justice of the Peace shall be Proof that the whole Money has been subscribed for.

LI. And be it further enacted, That it shall be lawful for the said Company to raise amongst themselves any Sum of Money for constructing and maintaining the said Railway and other Works by this Act authorized, not exceeding in the whole the Sum of Fifty-two thousand and five hundred Pounds, the whole to be divided into Shares of Twenty-five Pounds each; and such Shares shall be numbered, beginning with the Number One, in Arithmetical Progression, and every such Share shall be distinguished by the Number to be applied to the same; and the said Shares shall be and they 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, proportionably to the Sum they shall severally contribute; and all Corporations and Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who have subscribed or shall severally subscribe for any such Share or such Sum as shall be demanded in lieu thereof towards the said Undertaking and other the Purposes of the said Subscription, shall be entitled to and shall receive in proportionable Parts, according to the respective Sums so by them respectively paid, the net Profits and 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.

Proprietors to raise not exceeding 52,500*l.*, amongst themselves for the Undertaking, to be divided into Shares of 25*l.* each.

LII. And be it further enacted, That all the Shares in the said Undertaking, or the Joint Stock or Fund of the said Company, shall to all Intents and Purposes be deemed Personal Estate, and be transmissible as such, and shall not be deemed to be of the Nature of Real Property.

Shares to be deemed Personal Estate.

[*Local.*]

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LIII. And

Names of  
Proprietors  
to be entered,  
and Certifi-  
cates given.

LIII. And be it further enacted, That the said Company shall and they are hereby required, at their First or some subsequent General Meeting, and afterwards from Time to Time, as Occasion may require, to cause the Names of the several Corporations, and the Names and Additions of the several Persons, who shall then be or who shall from Time to Time thereafter become entitled to Shares in the said Undertaking, with the Number of Shares to which they are respectively entitled, and the Amount of the Subscriptions paid thereon, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk of the said Company, and after such Entry made to cause their Common Seal to be affixed thereto; and the said Company shall from Time to Time cause a Certificate or Ticket, with the Common Seal of the said Company affixed thereto, to be delivered to every such Proprietor on Demand, specifying the Share or Shares to which he is entitled in the said Undertaking, such Proprietor paying to the Clerk of the said Company the Sum of Two Shillings and Sixpence, and no more, for every such Certificate and Ticket; and such Certificate or Ticket shall be admitted in all Courts whatsoever as *primâ facie* Evidence of the Title of such respective Proprietors, their Successors, Executors, Administrators, or Assigns, to the Share or Shares therein specified, but the Want of such Certificate or Ticket shall not hinder or prevent the Proprietor of any of the said Shares from selling or disposing thereof; and such Certificate or Ticket may be in the Words or to the Effect following; (that is to say,)

‘ The Great North of *England, Clarence, and Hartlepool*  
‘ Junction Railway Company.

Form of  
Certificate.

‘ Number  
‘ THESE are to certify, That *A.B.* of \_\_\_\_\_ is the  
‘ Proprietor of the Share [*or Shares*], Number \_\_\_\_\_ of “ The  
‘ Great North of *England, Clarence, and Hartlepool* Junction Rail-  
‘ way Company,” subject to the Rules, Regulations, and Orders of  
‘ the said Company. Given under the Common Seal of the said  
‘ Company the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our  
‘ Lord \_\_\_\_\_ .  
‘ Entered \_\_\_\_\_ .

For granting  
new Certifi-  
cates when  
the old ones  
are destroyed  
or worn out.

LIV. And be it further enacted, That if any such Certificate or Ticket as aforesaid shall be worn out, damaged, lost, or destroyed, then (upon due Proof thereof to the Satisfaction of the Clerk of the said Company) a similar Certificate or Ticket shall be given to the Proprietor of the Share in respect whereof the Certificate or Ticket so worn out, damaged, lost, or destroyed was granted, the said Clerk receiving for every such Certificate or Ticket which shall be so given or exchanged the Sum of Two Shillings and Sixpence and no more.

Company to  
enter and  
keep a List of  
Proprietors  
of Shares.

LV. And be it further enacted, That the Clerk of the said Company shall, in some proper Book to be provided by the said Company for that Purpose, enter and keep a true Account of the Places of Abode of the several Proprietors of the said Undertaking, and of the several Corporations and Persons who shall from Time to Time become Proprietors thereof, or be entitled to any Share therein; and every Proprietor of the said Undertaking, (or in the Case of a Corpora-  
tion

tion the Clerk or Agent of such Corporation duly appointed,) may at all convenient Times have recourse to and peruse such Book *gratis*, and may demand and have Copies thereof or of any Part thereof, paying at and after the Rate of Sixpence for every One hundred Words so copied; and if the Clerk of the said Company shall refuse to permit or shall not permit any such Proprietor or Clerk or Agent as aforesaid to peruse such Book at all convenient Times, or shall refuse or neglect to make such Copy within a reasonable Period on being paid as aforesaid, he shall forfeit and pay the Sum of Five Pounds for every such Offence, for the Benefit of the said Undertaking.

LVI. And whereas by the Death of or by other Events happening to Proprietors, or by the Marriage of Female Proprietors of Shares in the said Undertaking, it may be difficult to ascertain to whom such Shares or the Dividends arising or becoming due upon such Shares may belong or ought to be paid; be it therefore enacted, That in all Cases where the Right of Property in any Share in the said Undertaking shall pass from any Proprietor thereof to any Corporation or Person by any other legal Means than by a Sale or Assignment thereof duly made and executed as herein-before directed, a solemn Declaration in Writing shall be made and subscribed by some credible Person before some Master or Master Extraordinary in the High Court of Chancery, or any of Her Majesty's Justices of the Peace, stating the Manner in which such Share hath been passed to such Corporation or Person, and such Declaration shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name of every such new Proprietor in the Register Book or List of Proprietors of the said Company, and the said Clerk shall be entitled to receive for each such Entry as is herein-before directed the Sum of Two Shillings and Sixpence and no more; and the said Company shall not be bound to see to the Execution of any Trust, whether express or constructive, to which any such Share shall be subject or liable; and before such Declaration shall have been transmitted and such Entry made as aforesaid no Corporation or Person to whom any such Share shall have passed as aforesaid shall be entitled to receive any Part of the Profits of the said Undertaking, or to vote or exercise any of the Privileges of a Proprietor in respect of such Share: Provided always, that before any Person who shall claim any Part of the Profits of the said Undertaking in right of Marriage with any Female Proprietor shall be entitled to receive the same, or be entitled to vote in respect of any Share, a solemn Declaration in Writing, containing a Copy of the Register of such Marriage or other Particulars of the Celebration thereof, and identifying the Wife as the Proprietor of the Share in respect whereof any such Claim may be made, shall be made by some credible Person before some Master or Master Extraordinary in the High Court of Chancery, or any of Her Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company, who shall file the same and make an Entry thereof in the Book which shall be kept for the Entry of Sales or Assignments of Shares in the said Undertaking; and before any Corporation or Person who shall claim any of the Profits of the said Undertaking by virtue of any Bequest or Will, or in the Course of Adminis-

For ascertaining the Proprietorship of Shares in certain Cases.

Administration, shall be entitled to receive the same, or be entitled to vote in respect of any Share, the said Will, or the Probate thereof, or the Letters of Administration, shall be produced and shown to the said Clerk, or a Copy of so much of such Will or of such Letters of Administration as shall relate to the Share of the Testator or Intestate (as the Case may require) shall be made and verified by solemn Declaration by the Executor of the said Will or the Administrator of the Intestate, before some Master or Master Extraordinary in Chancery, or any of Her Majesty's Justices of the Peace as aforesaid, and together with an official Extract of the Act of Court on the Grant of Probate of such Will, (or in case of Intestacy) of the Letters of Administration, shall be transmitted to the said Clerk, who shall file and enter the same as herein-before directed.

To compel  
Payment of  
Subscrip-  
tions.

LVII. And be it further enacted, That the several Parties who have subscribed or who shall hereafter subscribe for or towards the said Undertaking shall and they are hereby required to pay the Sums of Money by them respectively subscribed for, or such Parts or Proportions thereof as shall from Time to Time be called for by the Directors of the said Company under and by virtue of the Powers of this Act, at such Times and at such Places and to such Persons as shall be directed by the said Directors; and in case any Party shall neglect or refuse to pay as aforesaid the Monies by him so subscribed for, or the Part thereof so called for, it shall be lawful for the said Company to sue for and recover the same, with full Costs of Suit, in any Court of Law or Equity, together with Interest on such unpaid Sum of Money at the Rate of Five Pounds *per Centum per Annum* from the Time when the same was directed to be paid as aforesaid up to the Day of actual Payment thereof.

Power to pay  
Subscription  
in advance.

LVIII. And be it further enacted, That it shall be lawful for the several Proprietors for the Time being of the said Undertaking, and they are hereby empowered, whether before or after any Call shall have been made in respect of any Shares held by them respectively, to pay in advance, in case the Directors shall think proper to accept the same, which they are hereby authorized to do, to such Person as the said Directors shall appoint, the respective Sums of Money by them respectively subscribed for, or such Part or Proportion thereof as shall be wanting (over and above the Amount, if any, actually paid in respect of such Shares) to make up the full Sum of Twenty-five Pounds in respect of each such Share; and the said Company shall and they are hereby required to pay Interest at such Rate not exceeding the Rate of Four Pounds for every One hundred Pounds by the Year upon the Principal Monies which shall have been so paid in advance, or for so much thereof as shall from Time to Time exceed the Amount of the Calls which shall have been made upon the Shares in respect of which such Money shall have been paid in advance as aforesaid, as the Subscriber paying such Sum in advance and the Directors for the Time being of the said Company shall agree upon.

Interest to  
be paid on  
the Amount  
in advance.

Directors may  
make Calls.

LIX. And be it further enacted, That the Directors to be appointed as aforesaid shall have Power from Time to Time to make such

such Calls for Money from the Subscribers to and Proprietors of the said Undertaking for the Time being to defray the Expences of and to carry on the same, as they from Time to Time shall find necessary, so that the aggregate Amount of Calls made or Money paid for or in respect of any such Shares shall not amount to more than the Sum of Twenty-five Pounds on any such Share, and so that no such Call shall exceed the Sum of Five Pounds upon each Share which any Corporation or Person shall be possessed of or entitled unto in the said Undertaking, and an Interval of Two Calendar Months at the least shall elapse between the Day appointed for Payment of one Call and the Day appointed for Payment of another Call, and Twenty-one Days Notice at the least shall be given of every such Call by Advertisement inserted in One or more *Durham* Newspaper; and all Monies so called for shall be paid to such Persons, at such Times and Places, and in such Manner as in the said Notice shall be appointed; and the respective Proprietors of Shares in the said Undertaking shall pay their rateable Proportion of the Monies to be called for as aforesaid to such Persons and at such Times and Places and in such Manner as shall be appointed as aforesaid; and if any Proprietor for the Time being of any such Share shall not sopay such his rateable Proportion, then and in such Case and as often as the same shall happen he shall pay Interest for the same after the Rate of Five Pounds *per Centum per Annum* from the Day appointed for the Payment thereof up to the Time when the same shall be actually paid; and if any Proprietor for the Time being of any such Share shall neglect or refuse to pay such his rateable Proportion, together with Interest, (if any,) then or at any Time thereafter it shall be lawful for the said Company to sue for and recover the same in any of Her Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, or the said Directors may and they are hereby authorized to declare the Shares belonging to such Proprietor to be forfeited, and to order such Shares to be sold: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share in the said Undertaking until Notice in Writing under the Hand of the Clerk or Treasurer of the said Company that such Share hath been declared forfeited shall have been given to or sent by the Post unto or delivered to some Inmate of the last known usual Place of Abode of the Proprietor of such Share, nor until the Declaration of Forfeiture of the said Directors shall have been confirmed either at a General or Special General Meeting of the said Company, such General or Special General Meeting being held after the Expiration of Three Calendar Months at the least from the Day on which such Notice of Forfeiture shall have been given as aforesaid; and after such Declaration of Forfeiture shall have been confirmed by such General or Special General Meeting, the said Company, by an Order to be made at the same or at any subsequent General Meeting or Special General Meeting, shall have Power to direct the said Directors to dispose of the Shares so forfeited or any of them in manner by this Act directed, and the said Directors may in that Case sell and dispose of such Shares at a public Auction or by private Contract or public Tender, and together or in Lots, or in such other Manner and for such Price as they may think fit; and a solemn Declaration in Writing made by some credible Person not interested before any Justice of the Peace, or before any

If Calls are not paid the Directors may sue for them or declare the Shares to be forfeited and sell them.

[Local.]

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Master

Master or Master Extraordinary in the High Court of Chancery, stating that such Call had been made by the said Directors, and that such Notice had been given, and that such Default in payment had been made in respect of the Share so sold, and that the same Share had been declared to be forfeited, and that such Declaration of Forfeiture had been confirmed in manner herein-before mentioned, shall be sufficient Evidence of the Facts therein stated, and the Purchaser of such Share shall not be bound to see to the Application of his Purchase Money, nor shall his Title to such Share be affected by any Irregularity of Proceeding in reference to such Sale; but such solemn Declaration in Writing, and the Receipt of the Treasurer of the said Company for the Price of such Share, shall be sufficient Evidence of Title thereto for all Purposes whatsoever.

If the Purchase Money for such Shares shall be more than sufficient to pay the Arrear of Calls, &c. the Surplus to be paid to the Owners no Demand.

LX. And be it further enacted, That in case the Money produced by the Sale of any Share which shall be forfeited by reason of the Nonpayment of any Call as aforesaid shall be more than sufficient to pay all Arrears of Calls as aforesaid, and legal Interest thereon as aforesaid, and the Expence attending the Sale thereof, the Surplus of such Purchase Money shall, on Demand, be paid to the Party to whom such forfeited Share shall have belonged: Provided always, that it shall not be lawful for the said Company or for the said Directors to sell or transfer more of the Shares of such Defaulter under the Powers last herein-before contained than shall be sufficient, as near as may be at the Time of such Sale, to pay the Arrears of Calls due from such Defaulter, and the Interest and Expences as aforesaid; and from and after Payment of such Arrears of Calls, and the Interest and Expences aforesaid, any Share vested in the said Company as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Party to whom such Share shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly paid.

Proceedings in Actions for Calls.

LXI. And be it further enacted, That in any Action to be brought by the said Company against any Proprietor for the Time being of any Share in the said Undertaking to recover any Money due and payable for or in respect of any Call, it shall be sufficient for the said Company to declare and allege that the Defendant, being a Proprietor of a Share in the said Undertaking, is indebted to the said Company in such Sum of Money as the Calls in arrear shall amount to, for a Call or so many Calls of such Sums of Money upon a Share belonging to the said Defendant, whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant at the Time of making such respective Calls was a Proprietor of a Share in the said Undertaking, and that such Call was in fact made, and that such Notice was given as is directed by this Act, without proving the Appointment of the Directors who made such Calls, or any other Matter whatsoever; and the said Company shall thereupon be entitled to recover what shall appear due, including Interest, computed as aforesaid, on such Calls, unless it shall appear that any such Call exceeded Five Pounds *per* Share, or was made payable before the Expiration

piration of Two Calendar Months from the Day appointed for Payment of the last preceding Call, or that Notice was not given as herein-before required; and in order to prove that the Defendant was a Proprietor of such Share in the said Undertaking, as alleged, the Production of the Book in which the Clerk of the said Company is by this Act directed to enter and keep the Names and Additions of the several Proprietors from Time to Time of Shares in the said Undertaking, with the Number of Shares they are respectively entitled to, and of the Places of Abode of the several Proprietors of the said Undertaking, and of the several Corporations and Persons who shall from Time to Time become Proprietors thereof or be entitled to Shares therein, shall be *primâ facie* Evidence that such Defendant is a Proprietor, and of the Number and Amount of his Shares therein.

LXII. And whereas in Cases in which Proprietors of Shares in the said Undertaking shall die, or being Female shall marry, or shall become insolvent or bankrupt, or go out of the Kingdom, or shall transfer their Right and Interest therein to other Persons, and no Register shall have been made of the Transfer thereof with the Clerk of the said Company, it may not be in the Power of the said Company to ascertain who are the Proprietors of such Shares, in order to give to them, or to their respective Executors, Administrators, Husbands, Successors, or Assigns, Notice of Calls to be made on such Shares, or to maintain Actions, Suits, or other Proceedings against them, or against their respective Executors, Administrators, Husbands, Successors, or Assigns, for the Recovery of the same; be it therefore enacted, That in all Cases where the Right of Property in any Share in the said Undertaking shall pass from the original Proprietor thereof to any Corporation or Person by any other legal Means than by a Sale or Assignment thereof duly made and executed as herein provided, and such Declaration in Writing as is herein in that Behalf directed shall have been transmitted to the Clerk of the said Company, then and in any of the Cases aforesaid, after Ten Days Notice in Writing shall have been given, under the Hand of the Clerk or Treasurer of the said Company, to the Corporation or Person stated or claiming in such Declaration to be the then Proprietor of such Share, or delivered to some Inmate of the last or usual known Place of Abode of such Person or of the Clerk of such Corporation, or published in some One or more *Durham* Newspaper, to pay his or their Proportion of Money to be called for, and such Corporation or Person shall not have paid such his or their Proportion as aforesaid, it shall be lawful for the said Company, at any General or Special General Meeting after the Expiration of such Notice, to declare every such Share to be forfeited; and in such Case the same shall become forfeited, and shall and may be sold and disposed of in such Manner, on such Evidence of Title, and with such Powers and with such Indemnity to Purchasers, as in other Cases of Sales of Shares forfeited for the Nonpayment of Calls thereon, or such Shares may, at the Option of the said Company, be consolidated in the general Fund of the said Company; and in case there shall be no such Declaration made as aforesaid, then such Notice as is herein-before directed to be given shall be served upon or delivered to some Inmate of the last known Place of Abode of the Executors or Administrators of such Proprietor

For ascertaining the Proprietorship of Shares in case of Deaths, &c., in order to the making of Calls in respect of such Shares.

Proprietor so dying, or of the Husband of such Female Proprietor so marrying, or of the Assignee or Trustee of such Proprietor so becoming bankrupt or insolvent, or (in the event of the Share having been disposed of as aforesaid) of the last Proprietor appearing in the Books of the said Company to have been possessed of the same; and in case the last or usual Place of Abode of any such Proprietor cannot be ascertained upon Inquiry, or in case the Proprietor of the Share shall be known to be out of the Kingdom, such Notice shall be inserted in the *London Gazette*; and in all such Cases and after such Notices, on Default being made, the said Shares shall be forfeited, and may be sold or be consolidated with the general Fund of the said Company in manner aforesaid, and the like Evidence of Title shall be sufficient on any Sale, and the like Indemnity to the Purchaser shall exist, as in other Cases of Sales on account of the Nonpayment of Calls: Provided always, that in the Case of Proprietors being abroad the Shares shall not be forfeited until the Expiration of Six Calendar Months after the Day on which such Notice shall have been inserted in the *London Gazette* as aforesaid.

Persons making false Declarations to be guilty of a Misdemeanor.

LXIII. And be it further enacted, That every Person who shall wilfully and corruptly make and subscribe any Declaration required to be made and subscribed under the Authority of this Act, knowing the same to be untrue in any material Particular, shall be deemed guilty of a Misdemeanor.

In what Manner Subscribers are to vote.

LXIV. And be it further enacted, That at all General and Special General Meetings held by virtue of this Act all Corporations and Persons who shall have duly subscribed for or become entitled to any Share or Shares (not exceeding Twenty) in the said Undertaking, and their respective Successors, Executors, Administrators, and Assigns, shall have a Vote for each such Share, and all such Corporations and Persons as aforesaid as shall have subscribed for or become entitled to more than Twenty Shares in the said Undertaking, their respective Successors, Executors, Administrators, and Assigns, shall, over and above the Twenty Votes which they shall respectively have for or in respect of the first Twenty Shares, have an additional Vote for every Five Shares which they shall have subscribed for or shall have become entitled to in the said Undertaking beyond the Number of Twenty Shares; and such Vote or Votes may be given by such respective Parties, or in their Absence by their respective Proxies constituted under the Seals of such Corporations, or under the Hands of the other Proprietors appointing such Proxies, (all such Proxies being Proprietors of Shares in the said Undertaking,) and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if the Principal had voted in Person; and every Question, Matter, or Thing which shall be proposed in any General or Special General Meeting of the said Company 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 an Equality of Votes shall and may also have the deciding or casting Vote; and the Determination of every such Meeting upon any Question, Matter, or Thing shall be and be deemed



deemed and taken to be the Decision of the said Company notwithstanding any Irregularity which may have occurred in the giving or taking of any Votes at such Meeting; and the Appointment of every such Proxy may be made according to the Form following, or as near thereto as the Quality, Nature, and Number of the Appointer or Appointers of the Proxy thereby constituted, and other Circumstances, will admit; (that is to say,)

‘ *A.B.* of \_\_\_\_\_ one of the Proprietors Form of  
 ‘ of “The Great North of *England, Clarence, and Hartlepool Junction* Proxy.  
 ‘ Railway Company,” doth hereby appoint *C.D.* of  
 ‘ to be the Proxy of the said *A.B.*, to vote, or give his Assent to or  
 ‘ Dissent from any Business, Matter, or Thing relating to the said  
 ‘ Undertaking, which shall be proposed at any General or Special  
 ‘ General Meeting of the said Company, in such Manner as he the  
 ‘ said *C.D.* shall think proper. In witness whereof the said *A.B.*  
 ‘ hath hereunto set his Hand [*or Common Seal*] the  
 ‘ Day of \_\_\_\_\_ ’

LXV. And be it further enacted, That whenever several Persons shall be jointly possessed of or entitled to any Share of the said Undertaking, the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share shall for the Purposes of this Act be deemed the Proprietor of such Share; and all such Proprietors shall be entitled to give their Votes in respect thereof by the Person whose Name shall so stand first in the Books of the said Company as Proprietor of such Share, and whose Vote shall, either in Person or by Proxy, on all Occasions, be deemed and allowed to be the Vote for or in respect of the whole Property in such Share, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share; and all Notices by this Act directed to be given to the Proprietors of Shares in the said Undertaking shall and may, for or in respect of any such Share so jointly held, be given to the Person whose Name shall so stand first in the Books of the said Company, or be left at or given to some Inmate of the last or usual known Place of Abode of such Person, or be inserted in the *London Gazette* as herein mentioned (as the Case may require), and such Notice shall be deemed sufficient Notice to all the Proprietors of such Share for all the Purposes for which such Notice is intended to be given.

LXVI. And be it further enacted, That in case any Proprietor entitled to vote at any such Meeting as aforesaid shall be a Lunatic or Idiot or Minor, such Lunatic or Idiot shall or may vote at such Meeting by his Committee or by any of his Committees, and such respective Committees or any of them may vote in respect of the Interest of such Lunatics or Idiots either in Person or by Proxy, and such Minor shall or may vote by his Guardian or by any of his Guardians, and such respective Guardians or any of them may vote in respect of the Interest of such Minors either in Person or by Proxy; provided always, that every such Committee or Member of Committee or Guardian, or each of several Guardians, may also vote in right of his own Share, if he have any, as well as in the Character of Committee or Guardian.

[*Local.*]

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LXVII. And

Proprietors  
in arrear not  
to vote.

LXVII. And be it further enacted, That no Proprietor of any Share on which any Call shall have been made shall, after the Day appointed for the Payment of the same, be allowed to vote either personally or by Proxy at any Meeting of the Proprietors of the said Company, or to act or vote as a Director at any Meeting of the said Directors, until the Money called for in respect of such Share shall have been fully paid.

Shares may  
be sold.

LXVIII. And be it further enacted, That it shall be lawful for the several Proprietors of Shares in the said Undertaking, and their respective Successors, Executors, and Administrators, to sell and dispose of any Shares to which they shall be entitled therein, subject to the Rules and Conditions herein mentioned; and the Assignment of such Shares shall be by Writing, in which the Consideration for such Assignment shall be truly stated and specified, and may be in the following Words or to the like Effect, varying the Names and Descriptions of the contracting Parties, as the Case may require; (that is to say,)

Form of  
Transfer of  
Shares.

‘ I *A. B.* of \_\_\_\_\_ in consideration of the Sum of  
‘ \_\_\_\_\_ paid to me by *C. D.* of  
‘ do hereby assign and transfer to the said *C. D.*  
‘ Share numbered \_\_\_\_\_ of and in the Undertaking called “The  
‘ Great North of *England, Clarence, and Hartlepool Junction Rail-*  
‘ *way,*” to hold unto the said *C. D.*, his Executors, Administrators,  
‘ and Assigns [*or Successors and Assigns*], subject to the several  
‘ Conditions on which I held the same immediately before the Exe-  
‘ cution hereof; and I the said *C. D.* do hereby agree to accept and  
‘ take the said Share, subject to the Conditions aforesaid. As witness  
‘ our Hands and Seals the \_\_\_\_\_ Day of \_\_\_\_\_ .’

And on every such Sale the Deed or Assignment (being executed by the Seller and Purchaser) shall be kept by the Clerk of the said Company, who shall enter in some Book to be kept for that Purpose a Memorial of such Sale or Assignment, and indorse the Entry of such Memorial on the said Deed of Sale or Assignment, 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 or Memorial accordingly, and on Demand to make an Indorsement of such Sale or Assignment on the Certificate of each Share so sold, and deliver the same to the Purchaser for his Security, for which Indorsement no more than Two Shillings and Sixpence shall be paid; and such Indorsement, being signed by such Clerk shall be considered in every respect the same as a new Certificate, and until such Memorial shall have been made and entered as before directed the Seller thereof shall remain and be liable for all future Calls, and the Purchaser shall have no Part or Share of the Profits of the said Undertaking, nor any Interest in respect of such Share paid to him, nor any Vote in respect thereof as a Proprietor of the said Undertaking.

After a Call  
made, no

LXIX. And be it further enacted, That no Corporation or Person shall sell or assign any Share which they or he shall possess in the said Under-

Undertaking upon which any Call shall have been made after the Day appointed for the Payment of the same, unless at the Time of such Sale or Assignment they or he shall have paid the full Sum of Money which shall have been called for in respect of each Share.

Share to be sold until the Call is paid.

LXX. And be it further enacted, That the Receipt of the Person or of any one of the Persons in whose Name or Names any Share in the said Undertaking shall stand in the Books of the said Company, shall from Time to Time be a sufficient Discharge to the said Company for any Dividend or other Sum of Money which shall become payable and be paid for or in respect of such Share, notwithstanding any Uses or Trusts upon or to which such Share shall be then settled, conveyed, or assigned, whether or not the said Company have Notice of such Uses or Trusts; and the said Company shall not be bound to see to the Application of the Money mentioned in such Receipt.

Receipt of One Proprietor of a Share a sufficient Discharge.

LXXI. And be it further enacted, That in all Cases in which Money shall be payable under the Provisions of this Act to any Proprietor who shall be a Minor, Idiot, or Lunatic, the Receipt of the Guardian (if any, or if not, of the Parent) of such Minor, or of the Committee or of any One of the Committees of such Idiot or Lunatic, shall be a sufficient Discharge to the said Company for the same.

Receipt of the Parent or Guardian of a Minor a sufficient Discharge.

LXXII. And be it further enacted, That when and so soon as the Sum of Twenty-six thousand two hundred and fifty Pounds, in respect of the Money hereby authorized to be raised by Subscription as hereinbefore mentioned, shall have been actually raised and paid up, and not before, it shall be lawful for the said Company from Time to Time, by an Order of any General or Special General Meeting of the said Company, to borrow and take up at Interest any further or other additional Sum not exceeding in the whole the Sum of Seventeen thousand five hundred Pounds, on the Credit of the said Undertaking; and the Directors of the said Company, after an Order shall have been made for that Purpose 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, 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 such Money to be borrowed as aforesaid, with Interest, to or for the Benefit of the Party who shall advance the same, or to his Trustee; and all such Mortgages, Assignments, and Charges shall be made under the Common Seal of the said Company, in the Words or to the Effect following, or with such Variation therein as the Circumstances of the Loan may render necessary; (that is to say,)

Proprietors may raise Money by Mortgage.

‘ The Great North of *England, Clarence, and Hartlepool*  
‘ Junction Railway Company.

Form of Mortgage

‘ Number

‘ **B**Y virtue of an Act passed in the Year of the Reign of  
‘ Her Majesty Queen *Victoria*, intituled [*here set forth the Title*  
‘ of this Act], we, “The Great North of *England, Clarence, and Hartle-*  
‘ *pool*

‘ *pool* Junction Railway Company,” incorporated by and under the said  
 ‘ Act, in consideration of the Sum of  
 ‘ to us in hand paid by *A. B.* of do assign  
 ‘ unto the said *A. B.*, his Executors, Administrators, and Assigns, the  
 ‘ said Undertaking, and all and singular the Rates, Tolls, and Sums  
 ‘ of Money arising by virtue of the said Act, and all the Estate,  
 ‘ Right, Title, and Interest of the said Company in and to the same,  
 ‘ to hold unto the said *A. B.*, his Executors, Administrators, and  
 ‘ Assigns, until the said Sum of together  
 ‘ with Interest for the same after the Rate of  
 ‘ for every One hundred Pounds for a Year, shall be fully paid and  
 ‘ satisfied. Given under our Common Seal this  
 ‘ Day of in the Year of our Lord .’

And the respective Parties to whom such Mortgages or Assignments shall be made shall be entitled one with the other to their respective Proportions of the said Rates, Tolls, and Sums, and Premises, according to the respective Sums in such Mortgages or Assignments mentioned to be advanced, without any Preference by reason of Priority in the Date of any such Order of Meeting, or Priority in the Date of such Mortgage or Assignment, or on any other Account whatsoever; and an Entry or Memorial of such respective Mortgages or Assignments, containing the Numbers and Dates thereof, and the Names of the Parties, (with their proper Additions,) to whom the same shall have been made, and of the Sums borrowed, together with the Rate of Interest to be paid thereon respectively, shall, within Fourteen Days next after the Date thereof, be entered in some Book to be kept by the Clerk of the said Company, which said Book may be perused at all reasonable Times by any of the Proprietors or Mortgagees of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all Parties to whom any such Mortgage or Assignment shall have been made as aforesaid, or who shall be entitled to the Money due thereon, may from Time to Time transfer their respective Rights and Interests therein to any other Person; and every Transfer thereof shall be by Deed in Writing, in which the Consideration for such Transfer shall be truly stated and specified, and may be in the Words or to the Effect following; (that is to say,)

Form of  
Transfer of  
Mortgage.

‘ I *A. B.* of in consideration of the Sum of  
 ‘ paid by *C. D.* of do hereby transfer to the said  
 ‘ *C. D.*, his Executors, Administrators, and Assigns, a certain Mort-  
 ‘ gage, Number made by “The Great North of  
 ‘ *England, Clarence, and Hartlepool* Junction Railway Company,”  
 ‘ to bearing Date the  
 ‘ Day of for 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 .’

And every such Transfer shall, within Twenty Days after the Date thereof if executed in *England*, or otherwise within Twenty Days after the Arrival thereof in *England* if executed elsewhere, be produced

duced 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 shall be paid the Sum of Two Shillings and Sixpence; and after such Entry or Memorial made every Transfer shall entitle such Assignee, his Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon, and it shall not be in the Power of any Person 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.

LXXIII. Provided always, and be it further enacted, That when and so soon as the Sum of Twenty-six thousand two hundred and fifty Pounds in respect of the Money hereby authorized to be raised by Subscription shall have been actually raised and paid up, and not before, it shall be lawful for the said Company or for the Directors thereof, after an Order shall have been made for that Purpose by any General or Special General Meeting, and they are hereby authorized and empowered, to borrow and take up at Interest the Whole or any Part of the said Sum of Seventeen thousand five hundred Pounds as they shall think proper, and to secure the Repayment thereof with Interest at such legal Rate as may from Time to Time be agreed upon, by Bonds under the Common Seal of the said Company, payable at such Days as the said Company and the several Corporations or Persons lending the Money may mutually agree upon; and the several Corporations or Persons to whom such Bonds shall be executed shall proportionately, according to the respective Amounts of the Monies secured by the said Bonds, and without Preference among them by reason of Priority of Date or otherwise, be entitled to be paid out of the Rates or Tolls or other Effects of the said Company, according to the respective Sums in such Bonds mentioned and thereby intended to be secured; and an Entry or Memorial of every such Bond, containing the Number and Date thereof, and the Name and Description of the Corporation or Person to whom the same shall have been granted, and of the Sum thereby secured, together with the Rate of Interest to be paid thereon, shall, within Fourteen Days next after the Date thereof, be entered in a Book to be kept by the Clerk of the said Company, which Book may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Undertaking or other Persons interested therein, without Fee or Reward; and every Corporation or Person being the Obligee in any such Bond, and their and his Successors, Executors, Administrators, and Assigns, may from Time to Time transfer the same, and the Principal Money thereby secured and remaining unpaid, and all Interest due and to accrue thereon, to any Person whomsoever; which Transfer shall be by Deed duly stamped, in which the Consideration for such Transfer shall be truly stated and specified, and may be in the Words or to the Effect following; (that is to say,)

Power to borrow any Part of the 17,500l. on Bond.

‘ I [or We] of in consideration of the Sum of  
 ‘ I paid by of do hereby transfer  
 ‘ a certain Bond, numbered under the Common Seal of “ The  
 ‘ Great North of *England, Clarence, and Hartlepool* Junction Railway  
 [Local.] 37 X Company,”

Form of Transfer of Bond.

‘ Company,” unto                      of                      bearing Date the  
 ‘ Day of                      for securing the Sum of                      with Interest  
 ‘ thereon, after the Rate of                      *per Centum per Annum*, and all  
 ‘ my [*or our*] Right, Interest, and Property therein, to the said  
 ‘                      his [*or her or their*] Executors, Administrators, [*or Suc-*  
 ‘ cessors,] and Assigns. Dated the                      Day of                      in  
 ‘ the Year of our Lord                      .”

And every such Transfer shall within Twenty Days after the Date thereof if executed in *England*, or otherwise within Twenty Days after the Arrival thereof in *England*, be produced to the Clerk of the said Company, who shall cause an Entry or Memorial thereof to be made in the same Manner as of the original Bond, and also, if required, indorse a Certificate of such Entry on such Transfer, for which Entry and Certificate the said Clerk shall be paid the Sum of Two Shillings and Sixpence and no more; and after every such Entry made every Transfer shall entitle such Assignee, and his Executors, Administrators, and Assigns, to the full Benefit thereof, and to sue the said Company for Payment thereof in his own Name; and it shall not be in the Power of any Person who shall have made such Transfer to make void or release any Bond so by him transferred, or any Sum of Money thereon due or thereby secured, or any Part thereof.

Power to  
 increase the  
 Capital  
 Stock by  
 raising the  
 Amount by  
 Shares.

LXXIV. And be it further enacted, That when and so soon as the Sum of Twenty-six thousand two hundred and fifty Pounds in respect of the Money hereby authorized to be raised by Subscription as hereinbefore mentioned shall have been actually raised and paid up, it shall be lawful for the said Company at any Special Meeting to be called as in this Act is directed, instead of borrowing such further or additional Sum as aforesaid by way of Mortgage, or continuing the same on Mortgage, to raise such further or additional Sum or any Part thereof by way of Augmentation of their Capital Stock, or in case the said Company shall deem it expedient to borrow or continue at Interest only a Part of the said further or additional Sum by way of Mortgage, and to raise the Remainder thereof, or Part of the Remainder thereof, by way of Augmentation of their Capital Stock, then and in either of the said Cases it shall be lawful for the said Company by the issuing of new Shares to augment the Capital Stock of the said Company by any further Sum of Money, so as the same, together with any Sum of Money that may be borrowed and continuing at Interest by way of Mortgage as aforesaid, shall not exceed such further and additional Sum of Seventeen thousand five hundred Pounds hereby authorized to be raised as aforesaid; and all such further and additional Capital Stock, not exceeding such additional or further Sum as aforesaid, as shall be so raised, shall be considered as Part of the general Capital Stock of the said Company, and be under and subject to the same Provisions, Regulations, Directions, and Management in all respects, and to all Intents and Purposes, as if the same had been Part of the original Capital Stock of the said Company, except as to the Times of making Calls for the said additional Capital Stock, and the Amount of such Calls, which Times and the Amount of such Calls respectively shall from Time to Time be appointed by the said Company: Provided always, that all the Regulations, Provisions, and Authorities herein  
 3                      contained

contained in relation to the Calls for the Capital Stock of the said Company, and to the Recovery thereof, or of any Arrears thereof, and to the Forfeiture of any Sums advanced by reason of any Neglect or Refusal to comply with such Calls, shall be applicable to the Calls for the said further and additional Sum hereby authorized to be raised or subscribed as aforesaid, or such Part thereof as shall be required to be raised by way of additional Capital Stock as aforesaid, and to the Refusal or Neglect to comply with such last-mentioned Calls.

LXXV. And be it further enacted, That the Interest of the Money which shall be raised by any such Mortgage, Assignment, or Bond as aforesaid shall be paid half-yearly to the several Parties entitled thereto, 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, Tolls, 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, Tolls, 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.

LXXVI. 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 in the said Undertaking, 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.

Creditors not to vote.

LXXVII. 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 such 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

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

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, or his Nominee.

· Holders of Mortgages, &c. may demand Payment on giving Six Months Notice.

LXXVIII. 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 for the Time being of the said Company : 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 One 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 the Payment thereof in pursuance of such Notice.

For securing Repayment of Principal Money borrowed.

LXXIX. 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 One thousand Pounds, by an Order under their Hands to appoint some Person to receive the Whole or such Part of the said Rates, Tolls, or Sums as are liable to pay such Principal Monies 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, Tolls, 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



with Costs, by an Action of Debt in any of Her Majesty's Courts of Record at *Westminster*.

LXXX. 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, Assignment, or Bond 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 borrow more than the Sum of Seventeen thousand five hundred Pounds in the whole, over and above the Amount of the Calls for the Time being remaining unpaid and still to be called for by the said Company.

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

LXXXI. And be it further enacted, That the Money which shall be raised or received 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 preparatory or relating thereto, and the Remainder of such Money shall be applied in purchasing Lands, and constructing and maintaining the said Railway and other Works, and in otherwise carrying this Act into execution.

Application of Money to be raised.

LXXXII. And be it further enacted, That the First General Meeting of the said Company shall be held within Six Calendar Months next after the passing of this Act; and from and after such First General Meeting of the said Company there shall be an Annual General Meeting of the said Company in the Month of *July* in each and every Year, at such Place as the Directors for the Time being shall fix, and also such and so many Special General Meetings of the said Company as the said Directors for the Time being shall think proper, and such Annual General Meetings and Special General Meetings may be adjourned from Time to Time and from Place to Place.

First and other General Meetings.

LXXXIII. And be it further enacted, That Two or more Proprietors of the said Company holding in the Aggregate One hundred Shares or upwards in the said Undertaking, upon which Shares all Calls actually previously made shall have been paid and satisfied, may at any Time, by Writing under their Hands, left at the Office of the said Company, or given to the Clerk of the said Company, or left at or delivered to some Inmate of his last or usual Place of Abode, require the Directors of the said Company to call a Special General Meeting of the Proprietors of the said Company, at the City of *Durham*, so as such Requisition fully express the Object for which such Special General Meeting is required to be called; and in case of Neglect or Refusal of the said Directors to call such Meeting for the Space of Twenty-one Days next after such Notice shall have been given as aforesaid the same may be called by such Two or more Proprietors by giving Fourteen Days Notice thereof in One or more *Durham* Newspaper, and the said Company are hereby authorized to

Meetings of Proprietors may be specially convened.

meet in pursuance of such Notice ; and such of the Proprietors thereof as shall be present at such Meeting shall proceed in execution of the Powers by this Act given to the said Company with respect to the Matters so specified in such Notice, and to those only, and all Acts of the major Part in Number of Votes of the Proprietors of the said Company met together at any such Special General Meeting shall be as valid (with respect to the Matters specified in such Notice, and those only, as if the same had been done at a General Meeting held at the Time and in the Manner herein-before appointed for holding the same.

Business at  
Special and  
adjourned  
General  
Meetings.

LXXXIV. And be it further enacted, That no Business shall be transacted at any Special General Meeting other than the Business for which it shall have been called, and no Business shall be transacted at any adjourned General or adjourned Special General Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

Notice of  
Meetings how  
to be given.

LXXXV. Provided always, and be it further enacted, That all Notices in this Act directed to be given of any General or Special General Meeting of the Proprietors of the said Company or of any other Matters to any of the Proprietors of the said Company, and all other Notices which may be required to be given by or on behalf of the said Company (and which are not herein otherwise provided for), shall be signed by the Clerk of the said Company, or, in case of his Absence or Inability from Illness or any other Cause, then by the Chairman or Deputy Chairman of the Directors of the said Company, and shall be given by Advertisements inserted in One or more *Durham* Newspapers ; and such last-mentioned Notices, when so published and given, shall be deemed and considered the same as if personally served.

First General  
Meeting to  
choose Di-  
rectors.

LXXXVI. And be it further enacted, That at the First General Meeting to be held as herein-before is mentioned, or at some Meeting to be held by Adjournment therefrom, the Proprietors then present (either personally or by Proxy) shall elect Seven Persons (each of whom shall be a Proprietor, and possessed in his own Right of Five Shares in the said Undertaking,) to be the Directors, and to manage the Affairs of the said Company (in lieu of those herein-after named) and of the Directors so to be elected as aforesaid Three shall be competent to act ; and the several Persons so to be elected (unless they resign, or become disqualified or be removed,) shall continue in Office and be Directors until the General Meeting of the said Company which shall be held in the Month of *July* in the Year of our Lord One thousand eight hundred and thirty-eight, and until others shall be elected in their Stead in pursuance of this Act ; and the said Company at any General Meeting shall have Power to fix what Remuneration (if any) shall from Time to Time be allowed to the Directors of the said Company.

Directors to  
go out an-  
nually by  
Rotation.

LXXXVII. And be it further enacted, That at the General Meeting to be held in the Month of *July* which will be in the Year of our Lord One thousand eight hundred and thirty-eight Two of the Directors who shall have been so elected as aforesaid (to be determined by Ballot among themselves) shall go out of Office and cease  
to

to be Directors of the said Company, and an equal Number of Persons (each of whom shall be a Proprietor in his own Right of Five Shares at the least in the said Undertaking) shall be elected by the said Company to be Directors in their Place and Stead; and at the General Meeting to be held in the Month of *July* which will be in the Year One thousand eight hundred and thirty-nine Two of the remaining Directors who shall have been so primarily elected as aforesaid (to be determined as aforesaid) shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner; and at the General Meeting to be held in the Month of *July* which will be in the Year of our Lord One thousand eight hundred and forty the remaining Directors who shall have been so primarily elected as aforesaid shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner; and at the General Meeting to be held in the Month of *July* in every subsequent Year Two of the Directors who shall have been longest in Office shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner.

LXXXVIII. Provided always, and be it further enacted, That every Director who shall go out of Office on any annual Day of Election may be immediately or at any future Time re-elected a Director of the said Company, and after such Re-election he shall, with reference to the going out by Rotation, be considered as a new Director.

Directors going out of Office to be re-eligible.

LXXXIX. Provided always, and be it further enacted, That if at any such General Meeting there shall not, within Two Hours from the Time appointed for such Meeting, be Ten Persons present (personally or by Proxy) who shall be entitled to Two hundred Votes in the Aggregate, no Choice of Directors shall be made, nor shall any Business be transacted, but in such Case there shall be another Meeting of the said Company at the same Place at the Expiration of Seven Days from that Time; and if at such second Meeting the requisite Number of Proprietors possessing the requisite Number of Votes shall not then attend, either personally or by Proxy, such Meeting shall stand adjourned to the Seventh Day next following; and in case such Number of Persons qualified as aforesaid shall not then be present, the Directors for the Time being shall continue to act and have the same Powers as they before had, until new Directors shall be appointed at the General Meeting which shall be held in the Month of *July* of the following Year.

General Meetings for choosing Directors to consist of at least Ten Persons possessed of not less than 200 Votes.

XC. Provided nevertheless, and be it further enacted, That no Person holding any Office or Place of Trust or Profit under the said Company, or being concerned or interested in any Contract with the said Company, shall be capable of being chosen a Director of the said Company, nor shall any Director be capable of accepting any other Office or Place of Trust or Profit under the said Company, or of being concerned or interested in any Contract with the said Company, during the Time he shall be a Director of the said Company; and if any Director of the said Company shall, at any Time subsequently to his Election, accept or continue to hold any other Office or Place of Trust or Profit under the said Company, or shall (either directly or indirectly) be concerned in any Contract with the said Company, or shall

No Person holding Office shall be capable of being a Director.

shall participate in any Manner in any Work to be done for the said Company, or shall at any Time cease to be a Proprietor of Five Shares in the said Undertaking, the Office of such Director shall thereupon become vacant, and he shall thenceforth be disqualified from voting or acting as a Director, until he shall again have become qualified, and have been again chosen according to the Provisions of this Act.

For supply-  
ing Vacan-  
cies in the  
Direction.

XCI. And be it further enacted, That when and so often as any Director of the said Company shall die, or shall resign, or shall become disqualified or incompetent to act as a Director, or shall cease to be a Director by any other Cause than that of going out of Office by Ballot or Rotation as aforesaid, it shall be lawful for the remaining Directors, if they shall think proper so to do, to elect some other Proprietor duly qualified to be a Director, and every such Proprietor so elected to fill up any such Vacancy shall continue in Office as a Director so long only as the Person in whose Place or Stead he may be elected would have been entitled to continue had he lived and remained in Office.

First Direc-  
tors of the  
Company.

XCII. And be it further enacted, That *Rowland Burdon, Robert Henry Allen, John Wood, Edward Wylam, William Green, George Appleby, and Robert Burrell*, and the Survivors and Survivor of them, or such of them as shall continue to act, shall be the first Directors of the said Company, and shall continue in Office until the First General Meeting of the said Company to be held in pursuance of this Act; and the said Directors herein-before named shall and they are hereby required to fix the Time of such First General Meeting, within the Limit herein-before prescribed, and to give Notice thereof in the Manner herein-before prescribed with respect to General Meetings of the said Company, and until such First General Meeting shall be holden, and such Seven Directors shall have been duly elected as herein-before prescribed, the said Directors herein named, or the Survivors or Survivor of them, or such of them as shall continue to act, shall and lawfully may allot the Shares remaining undisposed of in the said Undertaking to such Persons as shall be desirous of taking the same, as to the said Directors shall seem fit, and shall and may exercise all other Powers and Authorities which are by this Act given to, or which may be exercised by the Directors, who may be elected in pursuance hereof at the first or any subsequent annual General Meeting of the said Company.

Chairman  
and Deputy  
Chairman to  
be appointed.

XCIII. And be it further enacted, That at the First Meeting of Directors which shall be held after the passing of this Act, and at the first Meeting of Directors which shall be held next after the first Appointment of the said Directors under the Provision herein contained, and at the first Meeting of the Directors which shall be held next after the General Meeting of the said Company in the Month of *July* in each Year, the Directors present at such Meeting of the Directors shall choose out of the Directors of the said Company a Chairman and Deputy Chairman of the said Directors: Provided always, that when and so often as the Chairman or Deputy Chairman to be chosen by virtue of this Act shall die, or resign, or become disqualified to act, or otherwise cease to be a Director, it shall be lawful for the Directors present at the Meeting next after such Vacancy shall have

have occurred, to choose some other of the said Directors to be Chairman or Deputy Chairman; and every such Chairman or Deputy Chairman to be chosen as last aforesaid to fill such Vacancy shall continue in such Office so long only as the Person in whose Place or Stead he may be so elected would have been entitled under the Provisions of this Act to continue if such Vacancy had not happened.

XCIV. And be it further enacted, That at all General or Special General Meetings of the said Company the Chairman of the said Directors, or in his Absence the Deputy Chairman of the said Directors, or in his Absence some one of the Directors of the said Company to be chosen at any such Meeting, or in the Absence of all the Directors any Proprietor to be chosen at such Meeting, shall preside as Chairman; and such Chairman, in case of an equal Division of Votes upon any Subject entertained at any such Meeting, shall, in addition to his own Votes in respect of the Shares held by him, and in respect of the Shares of any other Proprietor whose Proxy he may hold, have an additional or casting Vote as Chairman.

At Meetings of the Company the Chairman or Deputy Chairman to preside.

XCV. And be it further enacted, That the Directors for the Time being of the said Company shall superintend all the Affairs thereof, and shall have the Custody of and Power to use the Common Seal of the said Company on their Behalf, and shall have full Power and Authority to do all Acts whatsoever for carrying into effect the Purposes of this Act, and for the Management, Regulation, and Direction of the Affairs of the said Company, or relative thereto, which the said Company are by this Act authorized to do, except such as are herein required and directed to be done at some General or Special General Meeting of the said Company; and the said Directors shall appoint and displace all the Officers and Servants of the said Company (except as herein is provided), and allow to them such Salaries, Gratuities, or Recompences as to the said Directors shall seem proper; and the said Directors shall have Authority to meet and adjourn from Time to Time and from Place to Place as they shall think proper, and there shall be Three Directors at the least present in order to constitute a Meeting; and all Questions, Matters, and Things which shall be discussed or considered at any Meeting of the Directors shall be finally determined by the Majority of Votes then present; and no Director shall have more than One Vote at any such Meeting, unless he be the Chairman of such Meeting, in which Case he shall, if there shall happen to be an equal Division, always have a decisive or casting Vote as such Chairman; and the said Directors shall keep a regular Minute and Entry of their Proceedings at every Meeting of the said Directors; and the said Directors shall also keep full and true Accounts of all Monies disbursed and Payments made by the said Directors, and by all Persons employed by or under them, and of all Money which they shall receive on behalf of or in respect of such Undertaking from any Collector of the Rates, Tolls, or Sums by this Act granted, or from any other Officer or Person employed in or having any Concern, Dealing, or Transaction with the said Undertaking, or from any other Person, on any Account, for the Use of the said Company, and shall regularly enter into some Books, to be from Time to Time provided at the Expence of the said Company for

Powers and Duties of Directors.

[Local.]

37 Z

that

that Purpose, Notes, Minutes, or Copies, as the Case shall require, of such Appointments, Receipts, and Disbursements, and of all Contracts and Bargains entered into or made by them, and of other their Orders and Proceedings, and which Books shall be deposited with and kept under the Care and Direction of the said Directors: Provided always, that it shall not be lawful for the said Directors to fix or order what Remuneration shall be allowed to the Directors of the said Company: Provided also, that the said Directors shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer of the said Company, and from every Receiver, Collector, or Officer of the said Company who shall have the Custody or Control of any Money received by virtue of this Act, for the faithful Execution of his Office, before he shall enter thereupon.

Power to  
Directors to  
appoint  
Committees.

XCVI. 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 exercised by Three of the Members present at the respective Meetings of such Committee; and at all Meetings of the said Committee 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.

Contracts to  
be signed by  
Three Di-  
rectors.

XCVII. And be it further enacted, That all Contracts and Agreements in Writing relating to the Affairs of the said Company, which shall be signed by any Three of the Directors of the said Company, 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 Damages and Costs recovered, by or against the said Company or any of the other Parties thereto failing in the Execution thereof.

XCVIII. And

XCVIII. And be it further enacted, That the Orders and Proceedings of all Meetings, as well General as Special, of the said Company, and of the said Directors and Committees respectively, shall be entered in some Book to be provided and kept for that Purpose, and shall be signed by the Chairman of such respective Meetings; and such Orders and Proceedings when so entered and signed shall be deemed original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others, and that without due Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Proprietors or being Directors or Members of the Committee, or of the Signature of such Chairman, as the Case may be; all of which last-mentioned Acts shall be presumed.

Orders and Proceedings to be entered in a Book.

XCIX. And be it further enacted, That the said Directors shall cause a Book to be kept by a Book-keeper who shall be expressly appointed by the said Directors for that Purpose, and who shall enter or cause to be entered in the said Book true and regular Accounts of all Sums of Money received and expended for or on account of the said Undertaking, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Book shall at all reasonable Times be open to the Inspection of the respective Loan Creditors for Money advanced and lent for the Purposes of this Act without Fee or Reward, and the said Loan Creditors or any of them may take Copies of or Extracts from the said Book without paying any thing for the same; and in case the said Book-keeper shall refuse to permit or shall not permit such Loan Creditors or any of them to inspect such Book, or to take such Copies or Extracts as aforesaid, such Book-keeper shall forfeit and pay for every such Offence any Sum of Money not exceeding Ten Pounds, to be levied and applied in the same Manner as other Penalties are by this Act directed to be levied and applied.

Directors to cause Accounts to be kept.

C. And be it further enacted, That the said Company shall at some of their General Meetings elect a Treasurer and Clerk for transacting the Business of the said Company; and it shall be lawful for the said Company at any subsequent General Meeting or Special General Meeting from Time to Time to remove and displace any such Treasurer or Clerk, or any Person who shall be thereafter elected to their respective Offices, and to elect in manner aforesaid any other Person to act as Treasurer or Clerk of the said Company in the Place of such of the said Officers as shall 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 respectively as they shall from Time to Time think proper.

General Meeting to appoint Treasurer and Clerk.

CI. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint any Person who may be appointed their Clerk in the Execution of this Act, or 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

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

Treasurer or his Partner, to be the Clerk of the said Company for the Purposes of this Act; 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 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 such Treasurer shall hold any Place of Profit or Trust under the said Company other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*.

Officers to  
account.

CII. 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 out and deliver to the said Company, or to such Person 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 Account shall state how and to whom and for what Purpose the same shall have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him to the said Company, or to such Person 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 up the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof, when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Company, or to such Persons as they shall appoint, within Ten Days after being thereunto required by the said Company or by such other Persons as last aforesaid, all Books, Papers, and Writings in his Possession 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, 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, upon 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

2

Goods



Goods or 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 not make out and deliver to such Justice such Account in Writing as aforesaid, or produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts in his Possession or Power, or deliver up such Books, Papers, and Writings, or pay the Balance due as aforesaid, then and in any 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 until he shall have made out 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 Hands 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 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 Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Six Calendar Months.

CIII. And be it further enacted, That in case any Treasurer or Clerk of the said Company shall die, or shall 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.

Directors  
may appoint  
a temporary  
Treasurer or  
Clerk.

CIV. And be it further enacted, That the said Company at some General or Special General Meeting of the said Company shall have full Power and Authority from Time to Time to make such Bye Laws, Orders, and Rules as to them shall seem expedient for the good Government of the Affairs of the said Company, and for regulating the Proceedings and remunerating and reimbursing the Expences of the said Directors, and for the Management of the said Undertaking and of the Officers and Servants of the said Company in all respects whatsoever, and from Time to Time to alter or repeal such Bye Laws, Orders, and Rules, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons

Company  
empowered  
to make Bye  
Laws.

offending against the same as to the said Company shall seem meet, not exceeding the Sum of Five Pounds for any one Offence, such Fines and Penalties to be levied and recovered as any Penalty may by this Act be levied and recovered; which said Bye Laws, Orders, and Rules, being reduced into Writing under the Common Seal of the said Company, shall be printed and published; and such Bye Laws, Orders, and Rules (except such as shall relate solely to the Proprietors or Directors of the said Company, or to any of their Officers or Servants) shall be painted on Boards, and hung up in the Offices of the said Company, and also affixed and continued on the Front or other conspicuous Part of the several Toll Houses which may be erected on the said Railway and other Buildings or Places at which any Rates or Tolls shall be collected or paid under the Authority of this Act, and which Boards shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated or destroyed; and such Bye Laws, Orders, and Rules, when so published, and during such Time only as they shall continue so affixed, shall be binding upon and be observed by all Parties, and shall be sufficient in all Courts of Law or Equity to justify all Persons who shall act under the same, provided that such Bye Laws, Orders, or Rules be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or to any Directions in this Act contained; and such Bye Laws, Orders, and Rules shall be subject to appeal in manner herein-after mentioned.

Accounts to  
be made up  
yearly.

CV. And be it further enacted, That the said Company shall and they are hereby required to cause a true and particular Account to be kept, and to be made up Once in every Year, of the Money received by or for the Use of the said Company by virtue of this Act, and of the Charges and Expences attending the making, maintaining, and carrying on the said Undertaking, and of all other the Receipts and Expenditure of the said Company up to that Period, which Account shall be laid before the General Meeting of the said Company herein-before directed to be held in the Month of *July*: Provided always, that if the Account so to be laid before any General Meeting shall not be considered satisfactory by such Meeting, then and in such Case the said Meeting shall have Power to appoint a Committee of Inspection, to consist of Three Proprietors, each of whom shall hold at least Five Shares in the said Undertaking, who shall examine into such Account, and report thereon to a future Meeting of the said Company to be held for that Purpose by Adjournment or otherwise; and for the Purpose of such Examination the said Directors shall, on Demand, at all convenient Times cause to be produced to the said Committee all Books of Accounts, Vouchers, and Documents in the Possession or Power of the said Directors relating to the Affairs of the said Company.

Dividend to  
be declared.

CVI. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered from Time to Time, at any Annual General Meeting or at a Special General Meeting to be called for that Purpose, to declare and make a Dividend out of the clear Profits of the said Undertaking, and such Dividend shall be after the Rate of so much *per* Share upon the several Shares held by the Members of the said Company in the Joint Stock thereof: Provided always,

always, that such Dividends shall not be made oftener than Twice in each Year; and no Dividends shall be made exceeding the net Amount of clear Profit at the Time being in the Hands of the said Company, nor whereby the Capital of the said Company shall in any degree be reduced or impaired, nor shall any Dividend be paid in respect of any Share after a Day appointed for Payment of any Call of Money in respect thereof until such Call shall have been paid.

CVII. 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, with Carriages properly constructed as by this Act directed, upon Payment only of such Rates and Tolls as shall be demanded by the said Company, not exceeding the respective Rates or Tolls by this Act authorized, and subject to the Provisions of this Act, and to the Rules and Regulations which shall from Time to Time be made by the said Company or by the said Directors by virtue of the Powers to them respectively by this Act granted.

Railway to be free on Payment of Rates, &c.

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 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 to be taken.

For all Coals, Dung, Compost, and all Sorts of Manure, Lime and 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 Coke, Culm, Charcoal, Cinders, Building, Pitching and Paving Stones, dressed, Flags, Bricks, Tiles, Slates, Bark, Pigs of Iron and Lead and of other Metals, the Sum of One Penny *per Ton per Mile* for all or any of them:

For all Iron Rods, Bar, Hoop, Sheet, and all other Descriptions of wrought Iron, and Lead, and also all other Articles of Merchandize not manufactured into Utensils, also all Grain, Corn, Flour, Dyewoods, Earthenware, 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.

CIX. 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, Beasts, Cattle, and Animals conveyed in Carriages upon the said Railway, any Tolls not exceeding the following; (that is to say,)

Tolls allowed to be taken by the Company on Carriages conveying Passengers or Cattle upon the Railway.

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

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

For

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.

CX. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to provide locomotive or stationary 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 stationary Engine for and in respect of Coals carried upon the said Railway any greater Sum than Two-pence for every Ton thereof.

Company may carry Passengers, Cattle, and Goods.

CXI. 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 Waggons 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 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 "Great North of *England*, *Clarence*, and *Hartlepool* Junction Railway Company" may carry by virtue thereof.

Company to keep a separate Account of the Tolls for the Use of the Railway.

CXII. 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 or Tolls which would have been received by the said Company for the Use of the said Railway in respect of such Passengers, Cattle, or other Animals, Goods, Wares, Merchandize, Articles, Matters, or Things, if carried by any other Party ; and the said

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, and Merchandize, Articles, Matters, and Things, carried by any other Party; and the Overseers of the Poor of the several Parishes and Townships through which the said Railway shall pass shall have free Access to and Liberty to inspect the same at any Time during the Months of *February* and *August* in each Year: Provided always, that if the said Company shall refuse or neglect to keep such Account they shall forfeit and pay the Sum of Three hundred Pounds for each Default therein; and if the said Company shall at any Time during the first Fourteen Days in the Month of *February* and *August* respectively in each Year refuse to permit, or shall not permit, any of the said Overseers of the Poor to inspect such Accounts as aforesaid, the said Company shall forfeit and pay the Sum of Fifty Pounds for each Day during which such Refusal shall continue; such several Penalties to be recovered by the Overseers of the Poor of such respective Parishes or Townships, and to be applied by them for the Benefit of the Poor of such Parishes or Townships.

CXIII. 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 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.

Packages containing Goods of a dangerous Quality to be marked.

CXIV. 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 and 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,

Passengers may carry Luggage without extra Charge.

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.

Act not to prevent the Company from hiring locomotive Engines.

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

Company authorized to fix the Prices of small Parcels.

CXVI. 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.

CXVII. Provided always, and be it further enacted, That in all Cases in which any of the above-mentioned Articles, Matters, 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.

What Toll shall be demanded when Fractions of a Ton or of a Mile occur.

CXVIII. 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 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 and 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.

CXIX. 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 reduce the Rates or Tolls.

CXX. Provided always, and be it further enacted, That the aforesaid Rates and Tolls to be taken by virtue of this Act upon any Goods, Matters, or Things to be carried upon the said Railway shall at all Times be charged equally and after the same Rate *per Ton per Mile* throughout the whole of the said Railway in respect of the same Description of Articles, Matters, or Things, and that the aforesaid Rates and Tolls for every Person, Animal, or Carriage to be conveyed on the said Railway by virtue of this Act shall at all Times be charged equally and after the same Sum *per Mile* throughout the whole of the said Railway, and that no Reduction or Advance in the said Rates and Tolls shall, either directly or indirectly, be made partially or in favour of or against any particular Person or Company, or be confined to any particular Part of the said Railway, but that every such Reduction or Advance of Rates and Tolls upon any particular Kind or Description of Articles, Matters, or Things, or upon Persons, Animals, or Carriages, shall extend to and take place throughout the Whole and every Part of the said Railway, upon and in respect of the same Description of Articles, Matters, and Things so reduced or advanced, and shall extend to all Persons whomsoever using the same or carrying the same Description of Articles, Matters, and Things thereon; any thing to the contrary thereof in anywise notwithstanding.

Rates to be charged equally.

CXXI. 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 or 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.

Tables of Tolls to be set up.

CXXII. Pro.

No Tolls to be taken unless Tables are set up.

CXXII. 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 for damaging Table of Tolls.

CXXIII. 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.

CXXIV. 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 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 Orders of the said Company made in pursuance thereof, or shall refuse to permit or shall not permit any Person to read or shall in anywise 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.

Recovery of Rates or Tolls.

CXXV. 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



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.

CXXVI. And be it further enacted, That it shall be lawful for the said Company from Time to Time to let the Rates and Tolls by this Act made payable, or any Part thereof, upon the Whole or upon any Part of the said Railway, 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 or Tolls so let, shall during the Continuance of such Lease be deemed Collectors of the Rates or Tolls 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.

Company empowered to lease the Rates or Tolls.

CXXVII. And be it further enacted, That in case any of the Rates or Tolls granted by this Act 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 or 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 or Tolls, or in case any temporary or other Collector of any of the said Rates or Tolls 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, or absent himself or be discharged, or in case any Person being in

Power of Re-entry in case of Non-performance of Conditions of Lease of Rates or Tolls.

[Local.]

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Possession

Possession thereof shall refuse to deliver up or shall not deliver up Possession of any Toll 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 Toll 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 Toll 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 shall be found therein, together with his Goods, from and out of the same and the Possession thereof, and from the Collection of such Rates or Tolls, 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 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 or Tolls 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.

Owners of  
Carriages to  
give Account  
of Lading.

CXXVIII. And be it further enacted, That the respective Owners or Persons having the Care of Carriages passing or being upon the said Railway shall give an exact and true Account in Writing signed by them to the Collectors of the Rates or Tolls, at the Places where they shall attend for that Purpose, of the Quantity of Goods and other Things as aforesaid which shall be in or upon the Carriages so belonging to them or under their Care, and from whence such Carriages are brought, and where the same are intended to be unloaded or left or taken off the said Railway; and if the Goods or other Things contained in or upon any such Carriage shall be liable to the Payment of different Rates or Tolls, then such Owners or other Persons shall specify the respective Quantities liable to each or any of the said Rates or Tolls; and in case any such Owner or other Person as aforesaid shall neglect or refuse so to give and deliver such Account, or to produce his Bill of Lading to any Collector demanding the same, or shall give a false Account, or shall leave or deliver out or take off any Part of his

Lading or Goods at any other Place than may be mentioned in such Account, with an Intent to avoid the Payment of any of the said Rates or Tolls, and shall be thereof convicted before any Justice of the Peace acting within his Jurisdiction, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Forty Shillings for every Ton of Goods, or for any Parcel not exceeding Five hundred Pounds Weight, and so in proportion for any less Quantity of Goods than One Ton or Five hundred Pounds Weight (as the Case may be), which shall be in or upon such Carriage of which such Account shall be so neglected or refused to be given, or concerning which such Bill of Lading shall not be produced as aforesaid, or of which a false Account shall have been given, or which shall be fraudulently left, delivered out, or taken off as aforesaid, (as the Case shall happen to be,) over and above the Rate or Toll to which such Goods or Things may be liable.

CXXIX. And for better ascertaining the Weight of Goods and other Things to be charged with the Payment of Tonnage Rates or Tolls as aforesaid, be it further enacted, That as respects all such Goods and other Things as aforesaid (except Stone and Timber), One hundred and twelve Pounds Weight shall be deemed One hundred Weight, and Twenty such Hundred Weights shall be deemed One Ton, and as respects Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Beech, and Ash, and Fifty Cubic Feet of all other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity, any Usage to the contrary notwithstanding.

For ascertaining the Weight of Goods.

CXXX. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates or Tolls, or any other Officer or Servant of the said Company, and any Owner of or Person having the Charge of any Carriage passing upon the said Railway, or of any Goods, Articles, or Things in or on such Carriage, respecting any such Carriage, or respecting the Goods, Articles, or Things in or on such Carriage, or the Rates or Tolls due in respect thereof, it shall be lawful for such Collector or other Officer as aforesaid to detain such Carriage, and to examine, weigh, measure, and gauge, or cause to be examined, weighed, measured, and gauged, such Carriage, and all such Goods, Articles, and Things as shall be therein or thereon; and in case the same shall, upon such examining, weighing, measuring, or gauging, appear to be of greater Weight or Quantity or of different Quality than shall be stated in the Account given thereof as aforesaid, then the Person giving in such Account shall pay, and the Owner of such Carriage, and the respective Owners of such Goods and other Things, shall also, at the Option of the said Company, be liable to pay, the Costs and Charges of such examining, weighing, measuring, or gauging; all which Costs and Charges, upon Refusal or Neglect of Payment thereof on Demand, shall and may be recovered and levied by and in such Ways and Manner as the said Rates and Tolls are in this Act authorized to be recovered and levied; but if such Goods, Articles, or Things shall appear to be of the same Quantity and Quality, or of less Weight or Quantity, than shall be stated in such Account, then the said Company shall pay the Costs and Charges of such

In case of Difference respecting Weight.

such examining, weighing, measuring, or gauging, and shall also pay to such Owner of or Person having Charge of such Carriage, and to the respective Owners of such Goods, Articles, or Things, such Damage as shall appear to any Justice of the Peace acting within his Jurisdiction, on the Oath of any credible Witness, to have arisen from or by such Detention; but in case it shall at any Time be made appear to such Justice, upon the Complaint of the said Company, and upon the like Oath, that such Detention, and examining, weighing, measuring, or gauging, was without reasonable Ground or Belief, or that it was vexatious on the Part of such Collector or other Officer as aforesaid, then such Collector or other Person as aforesaid shall himself pay the Costs and Expences of such examining, weighing, measuring, or gauging, and shall also pay to such Owner or Person, or to the respective Owners of such Goods, Articles, or Things as aforesaid, such Damage as shall appear to such Justice to have arisen from such Detention; and in default of immediate Payment thereof by the said Company, or by such Collector or other Officer as aforesaid, (as the Case may be,) the same may be recovered by Distress and Sale of the Goods of the said Company or of the said Collector or other Officer as aforesaid (as the Case may be) by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), upon Demand, after deducting the Costs of such Distress and Sale, to the said Company, or to the said Collector or other Officer as aforesaid (as the Case may require).

For settling  
Disputes  
respecting  
Rates.

CXXXI. And be it further enacted, That if any Disputes shall arise concerning the Amount of the Rates or Tolls due to the said Company, or concerning the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector or Person distraining to detain such Distress, or (as the Case may require) the Proceeds of the Sale thereof, until the Amount of the Rates or Tolls due, or (as the Case may require) such Rates or Tolls, and the Amount of the Charges of seizing, distraining, keeping, or selling such Distress, shall be ascertained by some Justice of the Peace acting within his Jurisdiction, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath of the Parties or other Witnesses, and determine the Amount of the Rates or Tolls due, or (as the Case may be) such Amount, and also the Amount of the said Charges; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the said Parties to the other of them as he shall think reasonable; and in case of Nonpayment thereof on Demand such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party directed to pay the same, by Warrant under the Hand and Seal of such Justice.

Names, &c.  
of Owners of  
Carriages to  
be painted on  
the Outside  
of the Car-  
riages.

CXXXII. 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 shall also cause such Names, Places of Abode, Numbers, Weights, and Gauges to be painted and continued in large White Capital Letters  
and

and Figures on a Black Ground, Two Inches in Height at the least, and of a proportionate Breadth, on some conspicuous Part of the Outside of every such 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 each such Carriage as herein-before directed, or who shall alter, erase, deface, 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.

CXXXIII. And be it further enacted, That the respective Owners of Engines and Carriages passing 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 the Confession of the Party offending, or upon the Oath of some credible Witness, pay to the said Company or to the Person 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 also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Forty Shillings, and all Costs, Charges, and Expences attending such Conviction; 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 or of any other 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 Value or Amount of such Trespass, Damage, or Mischief shall exceed

Owners of  
Waggons  
liable for  
Damage  
caused by  
their Wag-  
gons or Ser-  
vants.

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; and if a Verdict or Judgment shall be given against him or them, either upon Proof made or by Default or upon Demurrer, the Plaintiff in any such Case shall recover his Damages sustained as aforesaid, with full Costs of Suit.

Owners may recover the Amount of Damages from their Servants.

CXXXIV. 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 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.

Regulating Weight to be carried on the Railway.

CXXXV. And be it further enacted, That no Carriage shall carry or bear at any One Time upon the said Railway, including the Weight of such Carriage, more than Four Tons Weight, except in any One Piece of Timber, Block, or Stone, Boiler, Cylinder, Bob, or single Piece of Machinery, or other single Article, which shall nevertheless not exceed the Weight of Eight Tons, including the Weight of the Carriage, and for the Tonnage of which the said Company are hereby authorized to demand, receive, and recover such Rates as they may from Time to Time direct or appoint, not exceeding One Shilling *per Ton per Mile*; and no Piece of Timber, Stone, Machinery, or other Article exceeding the Weight of Eight Tons, including the Weight of the said Carriage, shall be carried upon any Part of the said Railway without the special Licence of the said Company, and for the Tonnage of which the said Company are hereby authorized to demand, receive, and recover such Sum as they may deem proper.

CXXXVI. And

CXXXVI. And be it further enacted, That it shall be lawful for the said Company from Time to Time to make such Orders and Regulations as they shall think proper for regulating the travelling upon and Use of the said Railway, and the Times when the same shall be open for Use, 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 Weights 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 any 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 all such Orders and Regulations shall, when published and affixed in the Manner herein provided with respect to Bye Laws, 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, and 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 Nonobservance of any such Rules or Regulations which shall be attended with Danger to the Public or Annoyance to Travellers, or which shall obstruct or hinder the said Company in their due and lawful Use and working of the said Railway 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 to regulate the Passage on the Railway.

CXXXVII. 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, which Orders and Regulations shall be affixed in or upon some conspicuous Part of every Toll House or other Building at which the Rates and Tolls by this Act granted shall be payable, (except in crossing the same, as herein authorized, for the Occupation of the respective Lands through which such Railway shall pass, or in passing any public or private Carriage Road which may happen to cross the said Railway); and if any Person shall pass upon any Part of the said Railway with any Carriage not constructed in the Manner hereinbefore directed (except as aforesaid), 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.

Carriages using the Railway to be constructed according to the Regulations of the Company.

CXXXVIII. 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 should

Engines to be used on Railway to be approved by the Company.

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 the 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 and Occupiers of adjoining Lands may cross the Railway without Payment of Toll.

CXXXIX. Provided always, and be it further enacted, That it shall be lawful for the respective Owners and Occupiers of Lands through which the said Railway shall be made, and their respective Servants and Workmen, (except in Cases in which the said Company shall at their own Expence have made proper and convenient Communications from the Land on the one Side of the said Railway to the Land on the other Side thereof, according to any Agreement with any Owner or Occupier thereof, or according to the Provisions of this Act,) at all Times to pass and repass, and to lead and conduct any Horse, Mule, or Ass, Cow or other Cattle, Sheep, Swine, or other Beast, directly (but not otherwise) over and across such Part and such Part only of the said Railway as shall be made in or upon their respective Lands, for the Purpose of occupying the same Lands, without Payment of any Rate or Toll for the same, provided that by so doing or by consequence thereof the Passage upon or along the said Railway be not in any way hindered or obstructed, or the same or the Works connected therewith be not in any way damaged.

Railway not to be used as a Passage for Cattle.

CXL. 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.



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 to be 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.

CXLI. And whereas it might be attended with very great Danger to the Public if the said Railway should be used by Persons on Foot; be it therefore enacted, That if any Person shall be or travel or pass upon Foot upon the said Railway without the Licence and Consent of the said Company, (unless on a Highway 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.

Penalty on  
Persons on  
Foot using  
the Railway  
without  
Consent.

CXLII. 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 said Company), or shall wilfully obstruct or prevent any Person in the lawful Execution of this Act, or shall do any Act, Matter, or Thing to obstruct the free Passage of the said Railway or any Part thereof, he, and every Person actually or constructively aiding or assisting therein, shall respectively forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds for every such Offence.

Penalty on  
Persons ob-  
structing the  
free Course of  
the Railway.

CXLIII. 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 Flanch or Lip of each or any Wheel of such Carriage, or if any Carriage or any Goods or Things shall 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 Carriage, Goods, or Things, or any Part thereof, until the Expences occasioned by such unloading, Removal, or Detention shall be paid; and the said Company shall not, nor shall any

Penalty for  
obstructing  
the Passage  
of the Rail-  
way.

Agent or Officer of the said Company, be liable or accountable for any Damage or Loss occasioned by any 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 Carriage, 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.

Punishment of Persons in the Service of the Company for Drunkenness.

CXLIV. And whereas it is expedient for the further Security of Property and the better Conduct of the Business on the said Railway, after the same or any Part thereof shall be completed, that Punishment beyond that which is now by Law provided shall be inflicted upon any Person in the Service of the said Company who may be found in a State of Drunkenness on any Part of the said Railway, or in any of the Stations, Warehouses, or other Works connected therewith; be it therefore enacted, That if any Person in the Service for the Time being of the said Company shall be found on any Part of the said Railway, or within any of the Stations, Warehouses, or other Premises connected therewith, to be in a State of Drunkenness, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds nor less than Ten Shillings, to be recovered and applied in like Manner as Penalties imposed by this Act are directed to be recovered and applied.

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

CXLV. 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,

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.

CXLVI. 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 any 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.

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

CXLVII. 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, 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 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.

CXLVIII. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or by virtue of any Bye Law, Order, or Rule made in pursuance thereof, (the Manner of levying and recovering whereof is not herein otherwise particularly directed,)

Recovery and Application of Penalties.

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 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 or 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, 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 being not 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.

Justices may proceed by Summons in Recovery of Penalties.

CXLIX. 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

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.

CL. 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 transient Offenders.

CLI. 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:

‘ to wit. } BE it remembered, That on the Day of Form of Information.  
 ‘ A.B. of informeth me  
 ‘ C.D. one of Her Majesty’s Justices of the Peace for  
 ‘ [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 Year of the Reign of  
 ‘ Her Majesty Queen Victoria, intituled [insert the Title of this Act],  
 ‘ which hath imposed a Forfeiture of for the  
 ‘ said Offence. Taken the Day of  
 ‘ before me, C.D.’

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

CLII. 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

Distress not unlawful for Want of Form.

ceeding relating thereto ; nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall 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.

Proceedings  
not to be  
quashed for  
Want of  
Form.

CLIII. And be it further enacted, That no Proceedings 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.

Persons ag-  
grieved may  
appeal to  
Quarter Ses-  
sions.

CLIV. And be it further enacted, That all Corporations and Persons who may think themselves aggrieved by any Bye Law, Order, or Rule of the said Company or of the said Directors, or of their Engineer or Agent, except such Bye Laws, Orders, or Rules as merely affect the said Company, the Directors, Proprietors, or Servants thereof, or by any Order or Judgment given or made in pursuance of any such Bye Law, Order or Rule, 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 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 such Bye Law, Order, or Rule, 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 or Place where the alleged Cause of Appeal shall arise, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, or to the said Company (as the Case may be), and forthwith after such Notice, in the Case of an Individual appealing, entering into a Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon ; and 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 proper) may adjourn the hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County 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 Bye Law, Order, or Rule, or Determination, 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 shall think reasonable.

Justices to  
appoint  
Special Con-  
stables.

CLV. And be it further enacted, That it shall be lawful for any Two Justices of the Peace acting within their Jurisdictions, and they are hereby required, to appoint such fit and proper Persons as they shall think proper to be Special Constables within the said Railway and other Works, and every or any Part thereof ; and every Person so appointed shall make a solemn Declaration, to be administered by any

One Justice of the Peace, duly to execute the Office of a Constable for the said Premises ; and every Person so appointed, and having made such Declaration as aforesaid, shall have Power to act as a Constable for the Preservation of the Peace, and for the Security of Persons and Property against Felonies and other unlawful Acts within the Limits of the said Premises, and within Half a Mile therefrom, and shall have, use, exercise, and enjoy all such Powers, Authorities, Protections, and Privileges, for the apprehending Offenders as well by Night as by Day, and for doing all Acts, Matters, and Things for the Prevention, Discovery, and Prosecution of Felonies and other Offences, and for the Preservation of the Peace, as Constables duly appointed now have by the Laws and Statutes of this Kingdom ; and it shall be lawful for any Two Justices to dismiss or remove any such Constable from his Office of Constable, and upon every such Dismissal or Removal all Powers, Authorities, Protections, and Privileges by virtue of such Appointment as aforesaid vested in any Person so dismissed or removed shall wholly cease ; and every Person so appointed by such Justices as aforesaid shall, during such Time as he shall act as Constable for the Purposes aforesaid, receive from the said Company such Salary as the said Justices shall appoint, and such Salary shall be payable at such Times and in such Manner as the said Justices shall appoint, and shall be recoverable in the same Manner as Damages to a small Amount are by the said recited Act directed to be recovered.

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

General  
Power to  
Justices to  
administer  
Oaths.

CLVII. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace, touching any Matter or Fact contained or involved in or affecting any Information, Order, or Complaint laid in pursuance of or for any Offence committed against this Act, or any Matter which is hereby referred to any Justice of the Peace, either on the Part of the Prosecutor or on the Part of the Party summoned or accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his Costs and Expences, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath to give Evidence before such Justice, then and in either of the said Cases every such Person shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

For compelling  
Witnesses to  
attend.

CLVIII. 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 may be deemed

Directors  
empowered  
to grant  
Releases to  
Witnesses.

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.

Authenti-  
cated Bye  
Laws to be  
Evidence.

CLIX. And be it further enacted, That in all Cases of Posecution for Offences against the Bye Laws, Orders, or Rules of the said Company the Production of a written or printed Paper purporting to be the Bye Laws, Orders, or Rules of the said Company, and authenticated by having the Common Seal of the said Company affixed thereto, shall be Evidence of the Existence and of the due making of such Bye Laws, Orders, or Rules, and it shall be sufficient to prove that a printed Paper or painted Board containing a Copy of such of the Bye Laws, Orders, or Rules as shall subject any Person (not being a Proprietor of the said Company) to any Fine or Penalty hath been affixed and published in manner by this Act directed, and in case of its being afterwards displaced or damaged, hath been replaced as soon as conveniently might be, unless Proof shall be adduced by the Defendant that such printed Paper or painted Board is not a Copy of such Bye Laws, Orders, or Rules, or hath not been duly affixed and generally continued in manner by this Act directed.

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

CLX. And be it further enacted, That in all Cases 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 Treasurer of the said Company, or leaving the same at the Office of the said Company, or delivering the same to some Inmate at the Office of the Company, or at the last or usual Place of Abode of such Clerk or Treasurer; 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 known Place of Abode of such Agent or Officer, or such 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.

CLXI. 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, or otherwise upon any Corporation or Person under the Provisions of this Act, personal Service thereof respectively upon such Person or upon the Clerk or Treasurer of such Corporation, or delivering the same to some Inmate of the last or usual known Place of Abode of such Person or of such Clerk or Treasurer, or at the Office of such Clerk or Treasurer, or in case there shall be no such Clerk or Treasurer, then personal Service upon any other Agent or Officer of such Corporation or upon any Director of the same, shall be deemed good and sufficient



sufficient Service of the same respectively upon such Corporation or Person (as the Case may be), except in Cases in which any other Mode of Service is by this Act particularly directed: Provided always, that every Summons, Demand, or Notice, or other Document requiring Authentication by the said Company, may be signed by the Clerk or Treasurer of the said Company, 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.

CLXII. 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.

CLXIII. And be it further enacted, That no Action, Suit, or Information, nor any other Proceeding of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or omitted to be done in pursuance of this Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under this Act, unless Twenty Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding, to the intended Defendant, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Six Calendar Months next after the Act committed, or in case there shall be a Continuation of Damage, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, nor unless such Action, Suit, or Information shall be laid and brought in the County or Place where the Matter in dispute or Cause of Action shall arise; and the Defendant in such Action, Suit, Information, or other Proceeding may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the Acts were done or omitted to be done in pursuance of or by the Authority of this Act; and if they shall appear to have been so done, or to have been so omitted to be done, or if it shall appear that such Action, Suit, Information, or other Proceeding shall have been brought otherwise than as herein-before directed, then and in every such Case the Jury shall find for the Defendant; upon which Verdict, or if the Plaintiff shall become nonsuited, or shall suffer a Discontinuance of his Action, Suit, Information, or other Proceeding, after the Defendant shall have appeared thereto, or if a Verdict shall pass against the Plaintiff therein, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant shall have his Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in other Cases.

Limitation of  
Actions.

[*Local.*]

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CLXIV. And

Plaintiff not  
to recover  
after Tender  
of Amends.

CLXIV. 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, or by virtue of any Power or Authority hereby 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.

Directors  
not person-  
ally answer-  
able for Acts  
legally done  
as Directors.

CLXV. And be it further enacted, That none of the Directors of the said Company hereby 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 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 In-  
demnity of  
the Directors.

CLXVI. And be it further enacted, That the Directors, their Heirs, Executors, and Administrators, shall be indemnified and saved harmless from and against all Payments made or Liability 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 hereby granted to them, and they shall be so indemnified out of the Assets for the Time being of the said Company, and 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, and Capital of the said Company for the Purposes of such Indemnity and Reimbursement.

CLXVII. And

CLXVII. And be it further enacted, That this Act shall be deemed **Public Act.** 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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