ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

***

may be accomplished, and the said beneficial Objects carried into effect, without any Infringement of private Property or Rights: And whereas the Objects aforesaid cannot be effected without the Aid of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for all Bodies Politic, Corporate, Collegiate, or Ecclesiastic, Corporations Aggregate or Sole, and all Tenants for Life or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons under any Disability of acting for himself, herself, or themselves, and for and on behalf of any Person or Persons entitled in Remainder or Reversion or by way of future Interest, and also to and for all Femes Covert who are or shall be seised, possessed, or interested in their own Right, and for all and every other Persons and Person whomsoever who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, as well of Copyhold, Customary, or Leasehold Tenure, as of Freehold Tenure, situated or being within the several Towns, Townships, Parishes, and Places of *Gateshead*, *Felling*, *Heworth*, *Over Heworth*, *Nether Heworth*, *Jarrow*, *Jarrow Grange*, *Hebburn*, *Hedworth*, *Monkton*, *Washington*, *Usworth*, *North Biddick*, *Boldon*, *West Boldon*, *East Boldon*, *Whitburn*, *Harton*, *Westoe*, *Cleadon*, *Fulwell*, *South Shields*, *Monk Wearmouth*, *Southwick*, and *Monk Wearmouth Shore* in the County Palatine of *Durham*, or either of them, and they are hereby authorized and empowered but not required to treat, contract, and agree with the said *John Brandling* and *Robert William Brandling*, their Heirs, Executors, Administrators, or Assigns, for the Sale of any such Lands, Tenements, or Hereditaments, whether Freehold, Copyhold, Customary, or Leasehold, or of any Part thereof, for the Purpose of making, maintaining, and using the said Railway and Branches, and for other Purposes of this Act, (so as the Lands to be purchased for the Purpose of making the said Railway and Branches shall not in any Place exceed Sixty Yards in Breadth, and so as the Lands to be purchased for the Purpose of making other Works shall not exceed Thirty Acres in the whole,) and by Deed or Deeds under Seal or under Hand and Seal, as the Case may be, or by Surrender according to the Custom of any Manor or Manors, to sell and convey all or any Part of the said Lands, Tenements, and Hereditaments being Freehold, Copyhold, or Customary, and the Fee Simple and Inheritance or other absolute Estate and Interest therein, and by any Deed or Deeds under Seal or under Hand and Seal, as the Case may be, to sell, convey, and assign all or any Part of the Lands, Tenements, and Hereditaments, being of Leasehold Tenure, for the Residue of the Lease or Leases, Term or Terms, for the Time being subsisting of and in the same, but not for any greater Estate or Interest, or otherwise to sell, convey, or assign all their, his, or her Estate, Right, Title, and Interest of, in, and to the same Freehold, Copyhold, Customary, or Leasehold Premises, to the said *John Brandling* and *Robert William Brandling*, their Heirs and Assigns, or to them

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

them the said *John Brandling* and *Robert William Brandling*, their Executors, Administrators, and Assigns, according to the Nature and Tenure of the same Lands and Hereditaments, or the Estate or Interest intended to be conveyed or assigned therein; and all Contracts, Bargains, Sales, Surrenders, Assignments, and Conveyances which shall be so made by virtue of this Act shall be good, valid, and effectual, to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying, but also, if so intended, to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of their said several Cestuique Trusts, and all Persons whomsoever claiming or to claim by, from, or under them, and of all Persons entitled in Remainder or Reversion, or by way of future Estate or Interest expectant on or to take effect after any particular Estate vested in the Person or Persons making such Sale, Conveyance, or Assurance; and the same shall be deemed and considered to bar the Dower and Dowers of the Wife or Wives of such Person or Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons claiming under them; and that as effectually as any Conveyance, Disposition, or Assurance substituted for Fines and Recoveries would do, any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary in anywise notwithstanding; and all Bodies Politic, Corporate, Collegiate, or Ecclesiastic, Corporations Aggregate or Sole, and all Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all and every other Persons and Person, are and is and shall be indemnified for what they, he, or she shall do by virtue and in pursuance of this Act.

II. And for facilitating such Sales as aforesaid, be it further enacted, That all Conveyances and Assurances for carrying into effect any such Sale or Sales as aforesaid may be in the Form or to the Effect herein-after contained, with such Variations as Circumstances may require, or as the Parties interested may think fit; *videlicet*, Form of Conveyance.

'KNOW all Men by these Presents, That I [*or* we], the undersigned *A. B.*, *et cetera*, of, *et cetera* [*here name and describe the Person or Persons intending to convey or assign*], in consideration of the Sum of paid by *John Brandling* and *Robert William Brandling* for the Purposes and in the Manner directed in and by an Act of Parliament passed in the Fifth Year of the Reign of King *William* the Fourth, intituled [*here insert the Title of this Act*], the Receipt whereof I [*or* we] do hereby acknowledge and declare the same to be in full for the Purchase of the Lands, Tenements, and Hereditaments herein-after described and expressed to be bargained and sold [*or* assigned], do by these Presents bargain, sell, and convey [*as to Lands of Freehold, Copyhold, or Customary Tenure,*] *or* do hereby bargain, sell, and assign [*as to Lands of Leasehold Tenure,*] unto the said *John Brandling* and *Robert William Brandling*, their Heirs and Assigns, *or* their Executors, Administrators, and Assigns, [*or otherwise, as Occasion may require,*] all, *et cetera* [*here describe the Lands or Hereditaments intended to be conveyed*], which said Lands and Hereditaments are of

'Freehold

'Freehold Tenure, and I [*or* we] am [*or* are] seised or possessed thereof 'as Tenant for Life, *et cetera* [*here state the Title of the Person or Persons 'conveying*]; all which said Lands and Hereditaments are Copyhold of 'Inheritance holden of the Manor of *or* are of Customary 'Tenure and Parcel of the Barony or Manor of and I [*or* 'we] stand admitted to the same as Tenant *or* Tenants for Life, *et 'cetera* [*state the Title of the conveying Party or Parties*]; *or* all 'which said Lands and Tenements are of Leasehold Tenure, and I [*or* 'we] are possessed thereof as Lessee *or* Lessees for the unexpired Term 'or Terms of, *et cetera*, under and by virtue of, *et cetera* [*here state the 'subsisting Term or Terms and the Particulars of the Lease or Leases 'creating the same*]; to have and to hold the said Lands, Tenements, and 'Hereditaments hereby bargained, sold, and conveyed, *or* assigned, with 'their Appurtenances, unto and to the Use of the said *John Brandling* and '*Robert William Brandling*, their Heirs and Assigns, for ever [*if the Fee 'Simple or absolute Interest shall be intended to be conveyed*], *or* [*if a less 'Estate or Interest be intended to be conveyed, then*] unto and to the Use of 'the said *John Brandling* and *Robert William Brandling*, their Heirs and 'Assigns, [*or* their Executors, Administrators, and Assigns,] for and 'during, *et cetera* [*then describe the Estate, Term, or Interest intended to 'pass*;] [*and in the Case of Copyhold Lands add*] to be holden at the Will 'of the Lord according to the Custom of the Manor of ; 'or [*if Customary Freehold, then add*] according to the Custom of the 'Barony or Manor of [*and as to Copyhold, Customary, or 'Leasehold Lands or Tenements, add*] at and under the Rents, Suits, Ser- 'vices, Covenants, Conditions, Provisoes, or Agreements which ought to 'be paid, rendered, kept, or performed for or in respect of the said 'Premises. In witness whereof I [*or* we] have hereunto set our Corpo- 'rate Seal, *or* my Hand and Seal, *or* our Hands and Seals, this 'Day of .'

Provided always, that every such Conveyance as aforesaid, if intended to pass any Lands or Tenements of Copyhold or Customary Tenure, shall within One Calendar Month next after the Execution thereof be produced to the Steward of the Manor or Manors of which such Lands or Tenements shall be holden, in order that the same or a proper Memorandum thereof may be entered on the Rolls of such Manor or Manors, for which Entry there shall be paid such and the same Fine or Fines and Fees as would be payable for or upon a Surrender or other Customary Conveyance of the same Lands or Tenements for the same or the like Estate or Interest as shall be intended to pass by such Conveyance under the Authority of this Act.

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

III. And be it further enacted, That if any Money shall be contracted or agreed to be paid for any Lands, Tenements, or Hereditaments to be purchased by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, Collegiate, or Ecclesiastic, or any Trustee or Trustees, Person or Persons, who have no Power to give a valid Receipt for the same, or to sell and convey the same Premises otherwise than by virtue of this Act, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of

Exchequer, to be placed to his account there "*ex parte* the *Gateshead* and *Monk Wearmouth* Railway," pursuant to the Directions of an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, (to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments,) in the Purchase of the Land Tax, or towards the Discharge of any Debt or other Incumbrance affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing and being settled to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the same or the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, Lands, Tenements, and Hereditaments so as aforesaid purchased for the Purposes of this Act stood and were settled and limited at the Time of such Purchase, or such and the same Uses, Trusts, Intents, and Purposes as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Money shall be so laid out the same shall, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until such Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments to be purchased with the same Monies in case such Purchase or Settlement were made. 1 G. 4. c. 35.

When less than 200*l.* and exceeding 20*l.*

IV. And be it further enacted, That if any Money so contracted or agreed to be paid for any Lands, Tenements, or Hereditaments to be purchased for the Purposes aforesaid, and belonging to any Body Politic, Corporate, Collegiate, or Ecclesiastic, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, or of his, her, or their Guardian or Guardians, Committee or Committees, in Cases of Infancy, Idiotcy, or Lunacy (to be signified in Writing under their respective Hands), be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, and be placed to the

Account aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be named by the Person or Persons making such Option, and approved of by the said *John Brandling* and *Robert William Brandling*, their Heirs, Executors, Administrators, or Assigns (such Nomination and Approbation to be signified by Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising therefrom may be applied in manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

When not exceeding 20*l.*

V. And be it further enacted, That where such Money so contracted or agreed to be paid as aforesaid shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased for the Purposes of this Act, in such Manner as the said *John Brandling* and *Robert William Brandling*, their Heirs, Executors, Administrators, or Assigns, shall think fit, or in case of Infancy, Idiotcy, or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

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

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

On Payment of Puchase Money, Premises to vest in John Brandling and Robert William Brandling.

VII. And be it further enacted, That upon Payment of the Money so contracted or agreed to be paid for the Purchase of such Lands, Tenements, or Hereditaments by the said *John Brandling* and *Robert William Brandling*, their Heirs, Executors, Administrators, or Assigns, to the Party or Parties or Person or Persons respectively entitled to such Money, or their Agents, or upon Payment thereof into the Bank of *England* for the Purpose of being disposed of in manner herein directed, such Lands, Tenements, or Hereditaments, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law or Equity of the

the Party and Parties and Person and Persons respectively to whom or for whose Use the same shall be paid, in, to, or out of such Lands, Tenements, and Hereditaments, shall vest in the said *John Brandling* and *Robert William Brandling*, their Heirs and Assigns, or in them, their Executors, Administrators, and Assigns, according to the Nature and Tenure of such purchased Hereditaments and Premises.

Bodies Politic, &c. may grant Leases for a Term not exceeding Ninety-nine Years in Possession.

VIII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, Collegiate, or Ecclesiastic, Corporations Aggregate or Sole, Tenant and Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable upon any Life or Lives, and all Feoffees in Trust, Executors, or Administrators, Husbands, Guardians, or Committees of or for Lunatics and Idiots, and all other Trustees whomsoever, and all Femes Covert who are or shall be seised, possessed, or interested in their own Right, and all other Persons whomsoever, by Indenture or Indentures under Seal or under Hand and Seal, as the Case may be, to grant, demise, and lease to the said *John Brandling* and *Robert William Brandling*, their Executors, Administrators, and Assigns, for any Term or Number of Years not exceeding Ninety-nine Years, to take effect in Possession, and not in Reversion, as well any Messuages, Lands, or Tenements within the several Parishes, Townships, and Places aforesaid, whether the same be of Freehold, Copyhold, Customary, or Leasehold Tenure, as also full and free Liberty, Licence, Power, and Authority in, upon, through, and over any such Freehold, Copyhold, Customary, or Leasehold Lands, Tenements, or Hereditaments within the several Parishes, Townships, and Places aforesaid, and whether the Soil of such Lands or Tenements shall or shall not be comprised in such Demise or Demises, to erect, make, lay, and place any Building or Buildings, or 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, and any other Liberties, Privileges, or Easements whatsoever, so that upon every such Lease there be reserved and made payable during the Continuance thereof the best and most improved yearly Rent or Rents, or Sum or Sums of Money, and Reservations, that can, under the Circumstances of the Case, be reasonably had or gotten for the same, without taking any Fine or Foregift for the same, and so as in every such Demise, Lease, and Grant so to be made as aforesaid there be contained a Condition or Power of Re-entry, or a Power to make void or determine the same, in case the Rent or Rents, Sum or Sums of Money, or Reservations thereby respectively reserved and made payable, shall be unpaid by the Space of Forty Days, and so as the said *John Brandling* and *Robert William Brandling*, their Executors, Administrators, or Assigns, do execute Counterparts of all such Demises, Leases, or Grants, and enter into such Covenants and Agreements for the due and punctual rendering and paying the Rent and Rents and Reservations to be thereby respectively reserved, and for regulating the Use and Enjoyment of the Liberties and Privileges thereby to be granted and demised, as the Person and Persons making such Demises, Leases, and Grants shall deem expedient: Provided always, that every such Lease or Demise of any Copyhold or Customary Lands or Tenements, or any Rights or Easements to be had

or

or exercised in or over any such Lands or Tenements, 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 of any Leasehold Lands or Tenements, or any Rights or Easements to be had or exercised in or over any such, shall be so made and granted as to leave a Reversion of One Day or more in the Lessor or Lessors.

This Act not to be an Authority to interfere with private Property without Consent.

IX. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower, or be deemed, construed, or taken to authorize or empower, the said *John Brandling* and *Robert William Brandling*, or either of them, their or either of their Heirs, Executors, Administrators, or Assigns, to enter into or upon, or to take, use, damage, or prejudice, the Messuages, Lands, Tenements, Estates, Property, or Effects of any Person or Persons, Body or Bodies Politic or Corporate whomsoever, without the Licence or Authority in Writing of the Owner and Occupier, or other Person or Persons by Law entitled to give or grant such Licence or Authority, first had and obtained.

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

X. And be it further enacted, That in case any locomotive or other Engine to be worked by the Power of Steam or any other Power than that of Horses or other Cattle shall be used on the said Railway, then and in such Case the same shall be carried either over or under any Turnpike Road by means of a Bridge or Tunnel at the Expence of the said *John Brandling* and *Robert William Brandling*, their Heirs or Assigns; and in all Places where it may be necessary to erect, build, or make any Bridge or Bridges for carrying any public Carriage Road over the said Railway, the Ascent of every such Bridge for the Purpose of such Road shall not be more than One Foot in Thirteen; and a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge; and where any such Bridge shall be erected by the said *John Brandling* and *Robert William Brandling*, for the Purpose of carrying the said Railway over or across any Turnpike Road or public Carriage Road, the Span of the Arch of such Bridge shall be formed, and shall at all Times be and be continued, of such Width as to leave a clear and open Space under every such Arch of not less than Fifteen Feet, and of a Height from the Surface of such Turnpike Road or public Carriage Road to the Centre of such Arch of not less than Sixteen Feet, and the Descent under any such Bridge shall not exceed One Foot in Thirteen Feet.

John Brandling and Robert William Brandling, &c. to have the Use of the Railway;

XI. And be it further enacted, That it shall and may be lawful to and for the said *John Brandling* and *Robert William Brandling*, their Heirs, Executors, Administrators, and Assigns, and all and every other Persons and Person by them in that Behalf authorized, with Waggons, Wains, locomotive Engines, or otherwise, to carry and convey Passengers, Goods, Commodities, Wares, Merchandize, Articles, Matters, and Things upon or along the said Railway or upon or along any Part or Parts thereof, and to take up and unlade, land and ship, Goods, Commodities, Wares, Merchandize, Articles, Matters, and Things at the Depôts,

Quays, Wharfs, and Shipping Places on the said Line and Branches, upon the Payment of such Sum or Sums of Money, and upon such other Terms and Conditions, as shall from Time to Time be agreed upon.

and to make Rules and Orders for regulating the same.

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

Powers of Act may be exercised by the Survivor of John and Robert William Brandling, or the Heirs, &c. of such Survivor.

XIII. And be it further enacted, That all and every the Rights or Powers and Authorities hereby given to or intended to be vested in the said *John Brandling* and *Robert William Brandling* shall or may, in case of the Decease of either of them, be had or exercised by the Survivor of them, or after the Decease of such Survivor shall or may be had or exercised by the Heirs, Executors, Administrators, or Assigns of such Survivor, according to the Tenure of the Estate or Property in respect of which the same shall be so had or exercised, as fully and in the same Manner as such Rights, Powers, or Authorities might be had or exercised by them the said *John Brandling* and *Robert William Brandling* if both of them were living.

Recovery and Application of Penalties.

XIV. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in this Act mentioned, or by any Rule or Order inflicted or imposed, in relation to which the Manner of convicting the Offenders or applying the Penalties is not particularly mentioned or directed, shall be adjudged by and be recovered before any Justice of the Peace for the said County Palatine of *Durham* on and by the Oath or Affirmation of any Person or Persons, or on the Confession of the Party offending (which Oath the said Justice is hereby authorized to administer); and in default of Payment of such Penalties or Forfeitures the same shall be levied by Distress and Sale of the Offender's Goods and

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

Justices may proceed by Summons in the Recovery of Penalties.

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

Compelling Attendance of Witnesses

XVI. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses before any Justice or Justices of the Peace touching any Matter contained in any Information or Complaint for any Offence against this Act, either on behalf of the Prosecutor or on behalf of the Person or Persons accused, and shall refuse or neglect, without a reasonable Excuse, to appear from Time to Time at the Place to be for that Purpose appointed, and after having been paid or tendered a reasonable Sum of Money for his, her, or their Costs and Expences, or

appearing

appearing shall refuse to be examined upon Oath, or, in case of a Quaker or Quakers, on solemn Affirmation (which Oath or Affirmation such Justice or Justices is and are hereby authorized and required to administer), and to give Evidence before such Justice or Justices of the Peace, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on corruptly swearing.

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

Form of Conviction.

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

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

Distress not unlawful for Want of Form.

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

Information to be lodged within Six Calendar Months.

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

XXI. Pro-

Power of Appeal.

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

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

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

Public Act.

XXIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1835.