ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

***

William Lindsay, Joshua Hadwen junior, *Robert Abbot, Daniel A. Weaver, Jonathan Rigg, James Rosson, Thomas Dowdall, John Henderson, John Evans, Thomas Jenkinson, James Dowdall, George Evans, James Bateson, Andrew Aitken, James Penington, James Redmayne, Brenton Nightingale, Thomas Hampson, John Hartley Fawcett, John Crowther, D. F. Atkinson, Isaac Fisher, William Mason, George Stubbs* junior, *S. H. Walsh, Thomas Stephens, John Peirce, William M'Bride, James Duff, George Crosfield, Josiah Newman, William Horner, Robert Wilson, Gregor M'Gregor, Samuel Stansfield, John Irlam, John Hall, Rowland Roscoes, Robert Cooke, George Crosfield, John Andrews Fell, Charles G. Hadfield, John Field, James Tyrer, William Charnley, John Crosfield, T. Weatherhead, Christopher Dove, William Dove, Charles Morris Wilks, George Morley, John Richardson, George Rodgers, Alfred Harris, Thomas Hutton, Henry Birch, John Harrop, Wilson Crewdson, James Parr, Joseph Gowling, William Mulholland, Irwin Ackers, Thomas Jeffreys, Richard Tanton, Daniel Campbell, John Jackson, John Shalcross, William Steel, Amos Bigland, Thomas Gregory, Adam Gordon, Thomas Friend, John James Wilson, Cornelius Hanbury, Robert Prance, John Lawrie, J. F. Groom, John Moxsy, Thomas Smith, Samuel Hull, E. F. Starbuck, James Raillon, Nathaniel Bentley, John T. Barry, William Hull* junior, *James Sheppard, Edward Paul, Richard Fell, John Espin, William Gambier, T. S. Harvey, Charles Marten, James N. Collyer, Thomas Graham, Jacob Hagen, Edward Harris, C. F. Starbuck, Robert Chuted, Clarence Pigon, John W. Hamilton, William Eaton, Joshua Daws, R. L. Beck, John Holland, William Janson, Paul Bevan, John Fowler, John Drewett, Henry Hull, William Hull, William Thompson, Simon Martin, Henry Birkbeck, John Brightwen, John Warmington, William Grove Edmunds, T. Fowler, Thomas Smith, George Lancaster, Henry Dresser, William H. Thorpe, Thomas Hunter, William Mauleverer, Christopher Topham, Robert Addison, John Stewart, Stephen Vasey, Robert Davison, Edward Handy Reed, John Smith, Jonathan Horner, Henry Harrison* senior, *John Metcalfe, Thomas Dixon, William Shaw, J. S. Walton, R. B. Walton, M. Horner, Lancelot Marshall, William Hood, Thomas Bramley* junior, *George Meggison, J. L. Wood, Banjamin Hodgson, John Mitchinson, Edward Squire, William Rutson, Isaac Hodgson, George Gamble, Richard Thompson, John Ramsden, James Hodgson, John Coates, John Straffen, Matthew Horner, John Wright, Henry Long, Mathew Imeson, Francis Barnett, John Thompson, Robert Plat, Francis Carver, John Jackson, Francis Hansell, James Wylie, John Langdale, William Peacock, John Baker, Joseph Coulson, John Chapman, John Wallace, John Gilling, Henry Gilling, John Nicholson, William Granger, Thomas Clarkson, John Clarkson, John Fawcett, John Gamble, Thomas Hare, Thomas Metcalfe, Francis Pattison, George Raper, John Appleton, Joseph Weatherall, Frederick Backhouse, J.* and *I. Priestman, John Appleby, William Bottomby, I.* and *J. Wetherell, John Stephenson, James Hickson, William Lambert, William West, William Sotheran, William Dale, William Manfield, Thomas Robinson, William Waites, Edmund Fawcitt, William Duning, Joseph Clarkson, John Nicholson, Robert Adams, P. Hammell, Thomas Garbutt, Joshua Bouron, John Barr, J. R. M'Guffie, John Crow Coxon, John Troylear, John Houghton, Andrew Watson, William Hadfield, M. J. Hamilton, John*

J. Hamilton, John S. Jackson, William Crosfield, Isaac Fletcher, John Moore, John Kennedy, John Clarke, John Hadwen, John Moss, John Frankland, Cottingham Moss, Henry Moss, Thomas Moss, James Bruce, R. W. Lachlan, C. L. Edmonds, W. C. Westlake, Thomas Heathcock, William Midwinter, James Laurence Farren, Jonathan Sitts Pidgeons, J. W. Humphrey, Thomas Broster, G. B. Brown, John Getting, H. Darnton, Thomas Green, Richard Rickards, William Nicholson, Edward R. Danson, Thomas Tait, John Lee Hills, Charles Fenn, Alexander Skair, J. H. Carige, James Goodwin, Joseph Watkinson, William Hull junior, *Charles Martin, Henry Hopkins, E. F. Starbuck, Henry Richard Mark, William Mount, Thomas Ford, John Hull, William Hull, Robert Smyth, John Holland, Henry Hull, Thomas Browne, Robert Chuted, Henry Darnton, Joseph Rutter, George Cole, John Ord, Thomas Rake, Thomas Tait, Alfred Burgess, James Sheppard, Robert Henry Lachlan, C. F. Starbuck, Robert Biddulph, Ridley Robson, John Rogers, William Sinclair, John Allcard, D. Jonasshon, William Peacock, Christopher Ord Cail, John Brown, Musgrave Fallows, William Holmes, William Rountree, Francis Holmes, William Mac Lay, Isaac Holme, William Dawson, Thomas Glahalm, Edward Faill, George Wall, William Thompson, Nevill Large, William Kell, Carter* and *Burnett, Hedley Vicars, W. L. Pattinson, Henry Parker, Jonathan Dodgson Carr, Thomas Stordy, John Whitwell, William Ball, John Inman, George Thompson, John Gilroy, Edward Richardson, John Irwin, Joshua Watson, Jonathan Priestman, John Carr, Joseph Price, Charles Wightman, Henry Walker, John Taylor, Thomas Ramsay, Robert Meggison, John Oliver, Thomas Hall, Matthew Hall, Robert Spence, Thomas Sheldon, Thomas Brown* junior, *Charles Janson, Robert Caward, Charles Bradley, Joseph Proctor, George Unthank, John Morrison, James Thompson, William Usher, F. E. W. Peacock, William Stoddart, William Shields, James Jackson, Francis Mewburn, Cuthbert Rippon, John Hodgson, John Millar Chapman, Addison Langhorn Potter, William Beaumont, Edward W. Chapman, J. M. Chapman, —— Hollingsworth, John Carr, William Losh, Charles Bragg, William Henry Brockett, John Brown, James Wall, Joseph Watson, William Procter, Henry Brady, Johnson* and *Cargill, James Pollock, William Rendall, Christian Allhusen, George Baynes, George Binns, William Satchell, Thomas Robson, John Pexall Kidson, Abel Chapman, Rowland Webster, Andrew Godrey Rahn, James Vint, John Maud Ogden, Edward Ford, John Hodgson, Robert Chaloner, W. Featherstonhaugh, James Cowan, Andrew White, George William Longridge, Christopher Bramwell, Thomas Hunter, James Foster, Simon Little, Ridley Robson, James Brown* junior, *John Fox Allen, Walter Keating Kelly, Henry Tuckett, John R. Stephens, John Robinson, George Woods, Charles Chitty, Thomas Hodgkin, Robert Lithgow, William Braund, Joseph Addison, William Bevan, Bowyer Mewburn, Thomas Rake, William Stamper, Atkinson Green, Lawrence Ridsdale, William Bacon Earl, James Marshall, William Kitching, George Salkeld, George Stelling, William Smith, Stephen York, Thomas Goulsborough, George Beachcroft, George Wade, Robert Taylor, John Atkinson, John Hutchinson, W. L. Prattman, Matthew Preston, William Milburn, John Baker, Richard Carter, William Meek, Matthew Braithwaite, Stephen Walton, Thomas Meynell* junior, *J. C. Backhouse, Nathaniel Plews, J. C. Sheppard, James Porter, John*

John Robinson, John Buckton, Joseph Forster, Pennett Pease, John Farmer, James Coffey, William Russell, Richard Harrison, Robert Bolcherby, H. Dinsdale, Daniel Macfarlane, John B. Pease, Joseph Miller, W. Myers, John Harland, Thomas Vasey, John Wheatley, Richard Pickersgill, G. A. Thompson, George Sany, John Snaith, George Middleton, Edward Oxley, Joseph Sams, Thomas B. Atkinson, John Dodds, Christopher Hird, F. Lightfoot, Cuthbert Dresser, Edward P. Smith, Ralph Alcock junior, *Joshua Hedley, Leonard Metcalfe, John Watkin, Thomas Hawman, Edward Gee, J. Clemishaw, Jackson Sanderson, Duncan Macfarlane, Thomas Gill, Henry Thompson, William Elliott, George Chapman, Matthew Wetherington, Francis Priestman, John Jones, Thomas Asline Ward, John Ward, Joseph Henry Ridsdale, George Ridsdale, John Watts Lupton, Joseph Johnson, John Flintoff, Henry Pascoe Smith, William Jackson, George Woodhall, Thomas Barstow, Benjamin Horner, Thomas Ward* junior, *Thomas Price, Thomas Backhouse, Charles Heneage Elsley, James Masser, James Grey, Matthias Wisker, William Taite, Henry Breary, William Stephen Wright, Ralph Todd, Mark Rooke, Joseph Spence, James Grayston, J. W. Ingram, Roger Clough, John Jackson, William Steel, James Walker, Caleb Williams, John Husband, William Leonard Pickard, Henry Watson, Benjamin Wikeley, Thomas Newmarsh Fowler, George Leeman, James Martin, Alfred Darby, Richard Darby, Francis Darby, Richard Sorton Darby, Henry Jephson* Doctor of Medicine, *Thomas Newman, Hugh Watson, William Ridler, James H. Bowly, John Leathby Armitage, Charles Brand, William Ridgway, Samuel Warring, John Fowler, Alfred Hingston, William Walker, Henry Luscombe, David Derry, William Prance, Jonathan Ramsay, Joseph Browne, George Fox, Richard Derry, William Eales, John Moore, Charles Prideaux, Edmund Rendle, James Anderson, William Luscombe, William Hole Evens, Charles Hingston, Samuel Derry, Edward Jones, Joseph Hingston, John Bright, Samuel Bankhart, Septimus Booker, Thomas Banner, William Houldsworth, Abraham Lewis Franklin, Alfred Webb, James Gibson Bradley, Richard Bryans* junior, *John Kaye, Alexander Kerr, Christopher Bentham, Joseph Robinson Pim, William Cooke, John Stretch, James Bryans, John Huddleston, William Brown, William Strangman Robinson, William Turner, Samuel Cherry, John Massop, George William Fowler, William Frederick Lindon, Joseph Ward, John Yates, Christopher Dugdale, Robert Mac Neil, George Wilson, Charles Holland, Henry Martindale, William Whitehouse* junior, *William Parlour, David Cannon, Joseph Williamson, Edward Bradford, John Heathcote Booth, John Fishwick, Henry Beaumont, Richard Buggeln, John Dobson, Eaton Hall, Hugh Molyneux, Joseph Sim, John Westcott, John Herring, Thomas Downward, William Strangman Robinson, Nicholas Martindale, George Follows, James Holliday, Thomas Jagger, Thomas Harris, David Jacobs Jackson, Isaac Miller, Percival Wood Smith, George Doncaster, William Houldsworth, Abraham Lewis Franklin, Thomas Martin,* and *Matthew Gosling*, and all 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 Branch Railways and other Works by this Act authorized, and for other the Purposes

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* 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.

Proprietors to raise Money amongst themselves not exceeding 1,000,000*l.*, to be divided into Shares of 100*l.* each.

III. 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 One Million Pounds, the whole to be divided into Shares of One hundred Pounds each; and such Shares shall be numbered, beginning with 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 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 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 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.

Application of Money to be raised.

IV. And be it further enacted, That the Money to be raised by the said Company by virtue of this Act shall be laid out and applied, in the first place, in paying and discharging all Costs and Expences incurred in applying for, obtaining, and passing this Act, and all other Expences 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.

Company empowered to make the Railway.

V. 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 deposited with the Clerk of the Peace for the County of *Durham*; (that is to say,) commencing at or upon the Line of the *Blaydon* and *Hebburn* Railway in a Field or Haugh called the *Hassocks*, situate within the Precincts of the Borough of *Gateshead* in the Township and Parish of *Gateshead* in the County of *Durham*, belonging to *Adam Askew* of *Redheugh* in the said Parish of *Gateshead*, Esquire, occupied by *Robert Clark*, and lying near to the West End of the Quay commonly called *Askew's Quay* otherwise *Redheugh Quay*, in the said Township and Parish of *Gateshead*, adjoining the River *Tyne*, and extending from thence to and into a certain Railway called the *Croft Branch Railway*, at or near the Junction of the same Branch with the main Line of the *Stockton* and *Darlington* Railway in the Townships of *Darlington* and *Darlington Bondgate* or the one of them, and in the Parish of *Darlington* in the said County of *Durham*, and branching off from and out of the said *Croft* Branch Railway in or upon a Piece of Ground lying on the East Side of the same Branch, belonging to the *Stockton* and *Darlington* Railway Company, between the First and Second Mile Posts on the same Branch, in the Township of *Blackwell* and in the said Parish of *Darlington* in the said County of *Durham*, to and terminating at or in the South Side of the Highway leading from *Hurworth* to *Croft Bridge* in the Township and Parish of *Hurworth* in the said County of *Durham*, opposite to a certain Field lying on the East Side of a Brick-yard belonging to *Thomas Charge* of *Barton* in the County of *York*, Esquire, and situate in the same Township and Parish of *Hurworth*, and passing from, through, or into the several Parishes following, all in the County of *Durham*; (that is to say,) *Gateshead*, *Gateshead Fell*, *Whickham*, *Chester-le-Street*, *Saint Oswald*, *Saint Giles*, *Pittington*, *Croxdale*, *Shincliffe*, *Kelloe*, *Bishop Middleham*, *Sedgefield*, *Bishopton*, *Merrington*, *Aycliffe*, *Great Stainton*, *Heighington*, *Haughton-le-Skerne*, *Darlington*, and *Hurworth*, or some of them, or some Part or Parts of them, and also in, through, to, from, and out of the several Townships, Hamlets, Chapelries, Constableries, or Places following, all in the said County of *Durham*, (that is to say,) the Town and Borough of *Gateshead*, *Gateshead*, *Gateshead Fell*, *Lamesley*, *Kibblesworth*, *Kimblesworth*, *Ravensworth*, *Birtley*, *Chester-le-Street*, *Whitehill*, *Harraton*, *Waldridge*, *Lambton*, *Pelton*, *Picktree*, *Pelaw*, *Plawsworth*, *Urpeth*, *Pokerley*, *Ouston*, *Crossgate* otherwise *Saint Margaret in Crossgate*, *Durham*, *Moor Houses*, *Framwellgate*, *Keepler*, *Gilligate Moor*, *Gilligate* otherwise *Saint Giles*, *Sherburn*, *Sherburn House*, *Pittington* otherwise *Pittington Hallgarth*, *Whitwell*, *Old Durham*, *Elvet* Barony, *Elvet* Borough, *Shincliffe*, *Cassop*, *Butterby*, *Sunderland Bridge*, *Croxdale*, *Coxhoe*, *Church Kelloe*, *Quarrington*, *Hett*, *Butcher Race*, *Ferry Hill*, *Cornforth*, *Thinford*, *Garmonsway* otherwise *Garmonsway*

monsway Moor (which last-mentioned Place is extra-parochial), *Bishop Middleham*, *Mainsforth*, *Thrislington*, *Tursdale*, *Kirk Merrington*, *Chilton*, *Great Chilton*, *Little Chilton*, *Bradbury*, *Bradbury-with-the-Isle*, *Mordon*, *Mordon Carrs*, *Woodham*, *Nunstainton*, *Copelaw*, *Preston-le-Skerne*, *Grindon and Howhills*, *Ricknall*, *Ricknall Grange*, *Heighington*, *Travellers Rest*, *Great Stainton*, *Little Stainton*, *Elstob*, *Great Aycliffe*, *Heworth*, *Brafferton*, *Newton* otherwise *Newton Ketton*, *Ketton*, *Coatham Mundeville*, *Whessoe*, *Beaumont Hill*, *Harrowgate*, *Barmpton*, *Skerningham* otherwise *Skermingham*, *Haughton*, *Cockerton*, *Darlington*, *Darlington* Borough, *Darlington Bondgate* otherwise *Bondgate* in *Darlington*, *Blackwell*, *Oxen-le-Field*, and *Hurworth*.

Enabling the Stockton and Darlington Company to sell the Croft Branch Railway.

VI. And whereas the Company of Proprietors of the *Stockton* and *Darlington* Railway aforesaid are or may be minded and desirous to sell and convey unto the said Great North of *England* Railway Company the whole or some Part or Parts of the *Croft* Branch Railway aforesaid to and into which the Railway hereby authorized to be made is to extend as herein-before mentioned, and it is expedient that the said last-mentioned Company should have Power to purchase or become possessed of the same Branch or some Part or Parts thereof; be it therefore enacted, That, notwithstanding any thing contained in this Act or in any other Act or Acts of Parliament relating to the said *Stockton* and *Darlington* Railway, or any Branch or Branches therefrom, it shall be lawful for the said *Stockton* and *Darlington* Railway Company and they are hereby empowered to sell and convey unto the said Great North of *England* Railway Company and their Successors, and the said last-mentioned Company are hereby empowered to purchase, for such Price or Compensation and upon such Terms as the said Companies shall mutually agree upon, the said Branch Railway called the *Croft* Branch Railway, and the Depôts, Staiths, and Lands connected therewith, situate at the East End of *Croft Bridge*, and other Erections and Conveniences thereto belonging respectively, or any Part or Parts of the same Branch Railway, Depôts, Staiths, Lands, Erections, and Conveniences, and the Fee Simple and Inheritance thereof, and any such Conveyance may be according to the Form of Conveyance herein-before contained with respect to Lands to be sold and conveyed to the said Company in consideration of a Sum in gross, or as near thereto as the Circumstances of the Case will admit, and the Money to be paid by the said Great North of *England* Railway Company under any Contract to be entered into by them with the said *Stockton* and *Darlington* Railway Company by virtue of this present Clause shall and may be paid to the Treasurer for the Time being of the said *Stockton* and *Darlington* Railway Company, whose Receipt shall be a sufficient Discharge for such Money; and upon the Execution of the Conveyance to the said Great North of *England* Railway Company of the said *Croft* Branch Railway or any Part thereof, such Branch Railway or Part thereof (as the Case may be) shall thenceforth be held by the said last-mentioned Company, with and subject to all and singular the Powers, Provisions, and Regulations herein contained with respect to Mines, Tolls, Rates, Penalties, and all other Matters and Things whatsoever, so far as the same may be applicable, in the same Manner to all Intents and Purposes as if the said *Croft* Branch

Branch Railway or Part thereof (as the Case may be) were Part of the Railway hereby authorized to be made, and in lieu of the Powers, Provisions, and Regulations relating to or concerning the said *Croft* Branch Railway or any Part thereof, contained in any other Act or Acts of Parliament already passed.

Monies arising from the Sale of Croft Branch Railway to be applied by the Stockton and Darlington Railway Company.

VII. Provided always, and be it further enacted, That the Money to arise from the Sale of the said *Croft* Branch of the *Stockton* and *Darlington* Railway, or of such Part of the said *Croft* Branch as may be purchased by the said Company hereby incorporated under the Powers of this Act, shall be applied by the said *Stockton* and *Darlington* Railway Company, in the first place, and so far as the same will extend, in discharge of the Principal Money and Interest which may have been borrowed and may be still due and owing on Mortgage or other Security of the Rates, Tolls, or other Monies granted by the several Acts relating to the said *Stockton* and *Darlington* Railway, or any of them.

Company may contract for the Works.

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

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

IX. And whereas a Plan describing the Line 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 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 and Book of Reference so deposited shall remain with and be kept by the said Clerk of the Peace, and all Persons interested in any Manner in such Lands shall have Liberty at all reasonable Times to inspect and to make Extracts from or Copies of the said Plan and Book of Reference respectively, paying to the said Clerk of the Peace for every Inspection the Sum of One Shilling, and for Copies of or Extracts from the said Book of Reference after the Rate of Sixpence for every Hundred Words; and the said Plan and Book of Reference, or true Copies thereof 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.

X. Pro-

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

X. 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, although such Lands or any of them, or the Situation thereof respectively, or the Names of the Owners or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in the said Book of Reference or in the Schedule to this Act annexed, if it shall sppear 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.

Power to take Lands, &c.

XI. And be it further enacted, That for the Purposes and subject to the Provisions and Restrictions of this Act the said Company, their Agents and Workmen, and all other Persons by them authorized, are hereby empowered to enter into and upon the Lands of any Corporation or Person whatsoever, and to survey and take Levels of the same or of any Part thereof, and to set out and appropriate for the Purposes of this Act such Parts thereof as they are by this Act empowered to take or use, and in or upon such Lands, or any Lands adjoining thereto, to bore, dig, cut, embank, and sough, and to remove or lay, and also to use, work, and manufacture, any Earth, Stone, Rubbish, Trees, Gravel, or Sand, or any other Materials or Things which may be dug or obtained therein or otherwise in the Execution of any of the Powers of this Act, and which may be proper or necessary for constructing, maintaining, altering, repairing, or using the said Railway and other Works by this Act authorized, or which may obstruct the constructing, maintaining, altering, repairing, or using the same respectively, according to the true Intent and Meaning of this Act; and also, for the Purposes and according to the Provisions and Restrictions of this Act, to make or construct in, upon, across, under, or over the said Railway or other Works, or in, upon, across, under, or over any Lands, Streets, Hills, Vallies, Roads, Railroads or Tramroads, Rivers, Canals, Brooks, Streams, or other Waters, such Inclined Planes, Tunnels, Embankments, Aqueducts, Bridges, whether temporary or permanent, Roads, Ways, Passages, Conduits, Drains, Piers, Arches, Cuttings, and Fences, and also to erect and construct such Houses, Wharfs, Warehouses, Toll Houses, Landing Places, Engines, and other Buildings, Machinery, Apparatus, and other Works and Conveniences as the said Company shall think proper; and also to alter the Course of any Rivers, Canals, Brooks, Streams, or Watercourses during such Time as may be necessary for constructing and maintaining Tunnels, Bridges, or Passages over or under the same; and also to divert or alter the Course of any Rivers or Streams of Water, Roads or Ways, or to raise or sink any such Rivers or Streams, Roads or Ways, in order the more conveniently to carry the same over or under or by the Side of the said Railway, and to make Drains or Conduits into, through, or under any Lands adjoining the said Railway, for the Purpose of conveying Water from or to the said Railway; and also from Time to Time to alter, repair,

repair, or discontinue the before-mentioned Works or any of them, and to substitute others in their Stead; and to do and execute all other Matters and Things necessary or convenient for constructing, maintaining, altering, or repairing and using the said Railway and other Works by this Act authorized; they the said Company, their Agents and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and the said Company making full Satisfaction in manner herein-after mentioned to all Corporations and Persons interested in any Lands which shall be taken, used, or injured for all Damages to be by them sustained in or by reason of the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Company and all other Persons for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisions and Restrictions as are herein-after mentioned and contained.

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

XII. And be it further enacted, That if any Person shall 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.

Power to treat for the Purchase of Lands.

XIII. And be it further enacted, That it shall be lawful for the said Company to treat and agree for the Purchase of any Lands authorized to be taken and used by them as aforesaid, and of any subsisting Leases, Terms, Estates, and Interests therein and Charges thereon, or such of them or such Part thereof as the said Company shall think proper.

Persons under legal Disability empowered to sell and convey Lands.

XIV. And be it further enacted, That after any Lands intended to be taken or used for the Purposes of this Act shall have been set out and ascertained 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, 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 to Dower or other Interest in, and for all other Persons whatsoever seised or possessed of or interested in any such Lands, to contract for, sell, and

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 may require, shall be made at the Expence of said Company, and 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,

Form of Conveyance.

'I of in consideration of the Sum of to me, [*or, as the Case may be*, into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer *ex parte* the Great North of *England* 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* Railway [*or* the said] Company, established and incorporated by an Act of Parliament passed in the Year of the Reign of His Majesty King *William* the Fourth, 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 .'

Conveyance of Copyholds.

XV. Provided always, and be it further enacted, That if any Contract shall be made for or in respect of any Lands to be taken or used by virtue of the Powers of this Act which shall be of Copyhold or Customary Tenure, or in the Nature thereof, every such Contract shall be executed and completed by Surrender of such Lands in the Court of the Manor of which the same may be held or parcel according to the Custom of such Manor; which Surrender shall and may be made by all Corporations and Persons by this Act authorized and empowered to make Conveyances of other Lands, and shall have the like Force and Effect, in respect of such Copyhold or Customary Estates and Interests, as such Conveyance as aforesaid made by the same Corporations or Persons would have had over the Lands comprised in such Surrender in case the same had been of Freehold Tenure in the same Corporations or Persons; and such Lands shall continue subject to the same Fines, Rents, and Services as may be then due and payable and of right accustomed, in the same Manner as if this Act had not been passed, until such Lands shall have been enfranchised by virtue of the Powers herein-after contained; but inasmuch as the vesting and continuing of such Copyhold or Customary Premises in the said Company as a Body Corporate would, if the same should not be enfranchised, prevent the Lord from receiving

receiving the same Benefit of Fines, Heriots, and other Services due upon Death, Descent, or Alienation as he would have received in case such Copyhold or Customary Premises had continued to be the Property of Persons in their natural Capacities, the said Lord shall at the Time of such Surrender be paid by the said Company a reasonable Recompence and Satisfaction for the Loss which may arise to him in respect of such Fines, Heriots, and other Services the Receipt or Enjoyment of which shall be diminished or lost by the vesting or continuing of such Copyhold or Customary Premises in a Body Corporate; and such Recompence and Satisfaction, if not settled by Agreement between the Parties, (and which Agreement all Lords of Manors and other Corporations and Persons by this Act authorized to enfranchise Copyhold or Customary Lands are hereby empowered to enter into,) shall be ascertained and settled by the Verdict of a Jury, if required, in like Manner as the Price of any Lands to be taken in pursuance of this Act is directed to be settled in case of Dispute as to the Value thereof; and in all Cases where the Lord of any Manor whereof any Copyhold or Customary Lands purchased by the said Company for the Purposes of this Act shall be parcel shall not have contracted to enfranchise the same, and shall have received from the said Company a Recompence or Satisfaction in respect of the Fines, Heriots, and other Services being diminished or lost by the vesting and continuing of such Copyhold or Customary Lands in a Body Corporate, then and in every such Case, if the same Lands or any Part thereof shall not be ultimately required for the Purposes of this Act, but shall be sold and disposed of by the said Company under the Authority to them by this Act given for that Purpose, the Copyhold or Customary Lands which shall so be sold and disposed of by the said Company shall remain in the Hands of the Purchaser thereof, and for ever thereafter continue free and discharged from the Fines, Heriots, and other Services in respect whereof such Recompence and Satisfaction shall have been made as aforesaid.

Lords of Manors under Disability empowered to enfranchise.

XVI. And be it further enacted, That it shall be lawful for the Lord for the Time being of any Manor whereof any Copyhold or Customary Lands required for the Purposes of this Act are holden or parcel, and whether an Individual or a Corporation, and whether seised in his own Right or as a Trustee, and whether seised in Tail or for Life or other limited Estate, and in case of a Lady, whether married or sole, and in case of an Infant, Lunatic, or other incapacitated Person being Lord of such Manor, then for his Guardian, Committee, or Trustee, to contract for the Enfranchisement of and to enfranchise such Copyhold or Customary Lands by such or the like Form of Conveyance as by this Act is directed or authorized to be used in Cases of the Conveyance of Lands; and in case such Lord or other Person or Corporation hereby capacitated to enfranchise such Lands shall require the same, it shall be compulsory on the said Company to purchase the Enfranchisement of such Lands; and the Price to be paid by the said Company for the Purchase of the Enfranchisement of any such Lands shall, in case the Parties differ about the same, be ascertained and settled by the Verdict of a Jury, if required, in like

like Manner as the Price of any Lands to be taken in pursuance of this Act is directed to be settled in case of Dispute as to the Value thereof.

Regulation for the Apportionment of Rents of Copyholds.

XVII. And be it further enacted, That the Appointment or Apportionment of the certain Copyhold or Customary Rents issuing out of any Copyhold or Customary Lands of which a Part only shall be taken for any of the Purposes of this Act, in case the same shall not be settled by Agreement between the Parties, shall be ascertained and settled by the Verdict of a Jury, if required, in like Manner as the Price of any Lands to be taken in pursuance of this Act is directed to be settled in case of Dispute as to the Value thereof; and in case such Appointment or Apportionment shall be settled by Agreement between the Parties, such Agreement shall be made with and shall not be valid without the Consent and Approbation of the Lord of the Manor whereof the same Copyhold or Customary Lands are held or parcel; and the Apportionment of such Copyhold or Customary Rents as aforesaid shall not in any Manner invalidate, prejudice, or destroy the Customs in other respects by or under which the Copyhold or Customary Lands not taken for the Purposes of this Act shall be held, or the Remedies for the Recovery of the Rent for the same after the Apportionment thereof.

Waste Lands to be conveyed by the Lords of Manors.

XVIII. And be it further enacted, That in all Cases in which in the Execution of the Powers of this Act there shall be Occasion to take or use any Common or Waste Land or any other Lands which shall be charged with or be subject or liable to the Exercise of any Right or Privilege of Common thereupon, of what Nature or Kind soever, the Conveyance of such Common or Waste Land or other Lands by any Corporation or Person having such Estate or Interest in the Manor wherein such Common or Waste Land or other Lands shall be situate, (or if the same shall not be the Waste of any Manor, then having such Estate or Interest in the Soil of the said Lands,) as the Corporations and Persons who are by this Act enabled to sell other Lands have in such Lands (and which Conveyance may be of the like Form as by this Act is directed to be used in the Case of Conveyances of other Lands), shall be a good and sufficient Conveyance to the said Company for the Purpose of vesting in them the Fee Simple and Inheritance of such Common or Waste Land or other Lands as fully and effectually as if every Person having Right of Common upon such Common or Waste Land or other Lands were seised thereof in Fee Simple in Possession, and had joined in and executed such Conveyance; and the Compensation to be paid for the Extinguishment of any Right of Common upon any such Common or Waste Land or other Lands as aforesaid (and which shall be determined by a Jury, in case the Parties differ about the same, in like Manner as by this Act is directed in other Cases of the like Nature,) shall be paid by the said Company to the Churchwarden for the Time being of the Parish wherein such Common or Waste Land or other Lands shall be situate, and shall be by such Churchwarden received and applied for such general or public Purposes within the said Parish as a Vestry thereof to be convened by such Churchwarden for that Purpose shall direct: Provided always,

always, that in all Cases wherein the said Churchwardens are empowered to receive such Compensation as aforesaid the Notices by this Act required to be served on the Owners or Occupiers of Lands required for the Purposes of this Act may be served on the said Churchwardens, who shall have Power to treat and agree with the said Company touching the Amount; and in all Cases in which any such Commonable or other Rights shall extend over and be exercised or enjoyed out of any other Lands than such Common or Waste Land or other Lands, the Compensation for the Relinquishment thereof shall be paid to the Party having such Estate or Interest as aforesaid in the said Commonable or other Rights, or in any Lands whereunto the same shall be appendant or appurtenant, or otherwise (as the Case may require), shall be deposited in the Bank of *England* in manner by this Act directed in Cases of other Lands taken by the said Company: Provided also, that in all Cases in which any such Manor or such Common or Waste Lands is or are vested in the Freeholders or Inhabitants at large, or in any greater Number of Persons than Four, or where the Lord of such Manor (if any) does not usually hold some Court for the same, or where it is not known to what Lord such Manor belongs, or in what Manor such Common or Waste Lands or other Lands are situate, the Conveyance by Four at least of the Freeholders whose Lands (whether vested absolutely in them or for such Estate as would capacitate them to convey such Lands if wanted for the Purposes of this Act) shall entitle such Freeholders to Common Right in or over such Common or Waste Lands or other Lands, and whose said Lands in the Rate for the Relief of the Poor shall amount in yearly Value to Three Fifth Parts at least of the whole of the Lands which have such Common Right, shall also in like Manner be a good and sufficient Conveyance to the said Company for the Purpose of vesting in them the Fee Simple and Inheritance of so much and such Part of such Common or Waste Lands or other Lands as they may from Time to Time require or take, free from all Rights of Common, and other Rights, Estates, Titles, Charges, and Incumbrances whatsoever.

Power to purchase the Release of Lands wanted from the Rents charged thereon.

XIX. And be it further enacted, That where any Lands purchased or intended to be purchased by the said Company shall be subject solely, or jointly with other Lands not intended to be purchased, to any Rent-service, Rent-charge, or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the said Company to agree for the Release of the Lands so purchased or intended to be purchased from such Rent, Payment, or Incumbrance, and also (where necessary or convenient) for an Apportionment of such Rent, Payment, or Incumbrance, for such Sum as shall be agreed upon between the said Company and the Party who, under the Provisions of this Act, shall agree to sell or apportion the same, and which Agreement may be entered into by all Corporations and Persons by this Act authorized and empowered to sell or convey Lands; and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury (if required), in like Manner as the Price of Lands is by this Act directed

directed to be settled in case of Dispute as to the Value thereof; which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Lands purchased or intended to be purchased, and shall also (where necessary) apportion the Rent, Payment, or Incumbrance affecting the Land jointly subject to Rent, Payment, or Incumbrance as herein-before mentioned, according to the respective Values of the Lands purchased or intended to be purchased and of the Lands not purchased or intended to be purchased by the said Company; and all Contracts, Conveyances, and Assurances which shall be made by and between or to the said Company and any such Party as aforesaid respecting such Release (and which may be of the like Forms or to the like Effect, *mutatis mutandis*, as by this Act are directed to be used in the Case of Conveyances of Lands,) shall be valid and effectual in the Law, and shall extinguish the Whole or a proportionate Part of such Rent, Payment, or Incumbrance (as the Case may be): Provided always, that when any of the Lands purchased by the said Company shall be released from any Rent, Payment, or Incumbrance affecting the same jointly with other Lands not purchased by the said Company, such last-mentioned Lands shall be charged only with the Remainder of such Rent, Payment, or Incumbrance, and such Apportionment shall not prejudice the Title to the remaining Rent or the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Lands not so purchased had been originally charged with that Amount only: Provided also, that when a Part of any Rent, Payment, or Incumbrance shall be released it shall be lawful for the said Company, on Tender for that Purpose of any Deed or Instrument creating or transferring such Rent, Payment, or Incumbrance, to affix their Common Seal to a Memorandum indorsed on such Deed or Instrument, declaring what Part of the Lands originally subject to such Rent, Payment, or Incumbrance shall have been purchased by virtue of this Act, and what Proportion of the said Rent, Payment, or Incumbrance shall have been released, and also declaring the Amount of the Rent, Payment, or Incumbrance which shall continue payable; and such Memorandum shall be Evidence in all Courts of the Facts therein stated, but shall not exclude any other Evidence of the same Facts: Provided also, that where any Money shall be directed to be paid for the Release from any Rent, Payment, Incumbrance of any Lands belonging to any Person not being seised in Fee Simple, such Money shall always be paid by a Sum in gross.

Mortgagees to convey to the Company.

XX. And be it further enacted, That all Corporations and Persons having any Mortgage on any Lands to be taken or used for the Purposes of this Act (and whether entitled thereto in their own Right or in Trust, and whether in Possession under Mortgage or not,) shall, on Tender by the said Company or by any Person by them authorized of the Principal Money and Interest due thereon, and the just Costs (if any) then due, together with the Amount of Six Calendar Months Interest on the said Principal Money, immediately alien, release, assign, and transfer such mortgaged Premises to the said Company, or to such Person and in such Manner as they shall appoint, and which Alienation, Release, Assignment, and Transfer may

may be of the like Form as the Conveyances by this Act directed to be used in Cases of Conveyance of Lands, or as near thereto as the Circumstances of the Case will permit, or in any other Form; or in case such Mortgagees shall have Notice in Writing from the said Company that they will pay off the Principal Money and Interest which shall be due on the said Mortgage at the End of Six Calendar Months (to be computed from the Day of giving such Notice), then at the End of such Six Calendar Months, on the Payment of the Principal Money and Interest so due, together with any just Costs then due, such Mortgagees shall alien, release, assign, and transfer their respective Interests in the mortgaged Premises to the said Company, or as they shall direct; and in case any such Mortgagees shall refuse to alien, release, assign, or transfer as aforesaid on such Tender or Payment, then all Interest on every such mortgaged Debt shall from thenceforth cease and determine: Provided always, that in case any such Mortgagee shall neglect or refuse to alien, release, assign, or transfer as aforesaid, then upon Payment of the Principal Money and Interest and the Costs (if any) due on any such Mortgage as aforesaid into the Bank of *England* at or at any Time after the End of Six Calendar Months from the Day of giving such Notice as aforesaid, or in lieu of such Notice and in addition to the said other Monies of Six Calendar Months Interest in advance, for the Use of such Mortgagee, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee and of all Persons in Trust for him shall vest in the said Company, and the said Company shall be deemed to be in the actual legal and equitable Possession of the Premises and Estate comprised in such Mortgage to all Intents and Purposes whatsoever.

Directing in what Manner Disputes between the Company and certain Mortgagees shall be settled.

XXI. And be it further enacted, That in all Cases in which any Lands subject to any Mortgage shall be required for the Purposes of this Act, which Lands shall be of less Value than the Principal Monies, Interests, and Costs secured thereon, or in which a Part only of any Lands subject to any Mortgage shall be required for the Purposes of this Act, and the Mortgagee thereof shall not consider the remaining Part of such Lands to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due or to become due thereon, and all Costs, the Value of such Lands, or (as the Case may be) of such Part of the said Lands as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done, shall be settled and agreed upon by and between such Mortgagee and the Person entitled to the Equity of Redemption of such Lands on the one Part, and the said Company on the other Part; and in case of any Difference between them, then such Value and Compensation shall be determined by the Verdict of a Jury in the same Manner as in other Cases of Difference; and the Amount of such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee in satisfaction of his Claim, so far as

as the same will extend, and such Mortgagee shall thereupon alien, release, assign, and transfer all his Interest in such mortgaged Lands the Value whereof shall so have been agreed upon or determined as aforesaid, or in case of his neglecting or refusing to alien, release, assign, or transfer as herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of *England* to the Credit of such Mortgagee, as by this Act is provided in Cases of a like Nature; and such Payment to the Mortgagee or into the Bank as last aforesaid shall be and be accepted in satisfaction of the Claim of such Mortgagee so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Premises as shall be so taken or used from all Principal and Interest, Costs, and other Money due or secured thereon, and thereupon such mortgaged Lands shall become absolutely vested in the said Company, and the said Company shall be deemed to be in the actual Possession thereof to all Intents and Purposes whatsoever: Provided nevertheless, that all Mortgagees shall have the same Powers and Remedies for recovering or compelling Payment of their Mortgage Money or the Residue thereof (as the Case may be), or the Interest thereof respectively, upon and out of the Residue of the mortgaged Lands not required for the Purposes aforesaid, as they would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally comprised in such Mortgage: Provided also, that when a Part only of any Lands subject to any Mortgage shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Lands so taken shall on the Assignment thereof to the said Company have been paid to the Mortgagee thereof in part Satisfaction of his mortgaged Debt, a Memorandum of the Amount which shall have been so paid shall be indorsed on the Deed creating such Mortgage at the Time of executing such Assignment to the said Company, and shall be signed by such Mortgagee; and a Copy of such Memorandum shall at the same Time, if required, be furnished by the said Company at their Expence to the Person entitled to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

Compensation for Corn Rents in lieu of Tithes to be made by Payment of a Sum in gross.

XXII. And be it further enacted, That in all Cases where a Composition in lieu of Tithes shall have been made under an Act of Parliament by the Grant of a perpetual annual Sum of Money or Corn Rent, and any of the Lands chargeable with such Sum of Money or Corn Rent, or any Part of the same, shall be taken by the said Company under the Authority of this Act, Compensation shall be made by the said Company for the Value of the said annual Sum of Money or Corn Rent, or the Proportion of the said annual Sum of Money or Corn Rent chargeable upon the Lands so taken, by the Payment of a Sum in gross, such Sum being equal in Amount to Twenty-five Years Value of the annual Amount of the said annual Sum of Money or Corn Rent payable at the Time of the passing of this Act, or the said Proportion of the said annual Sum of Money or Corn Rent, and the said Company are hereby required to pay such Sum of Money into the Bank of *England* in manner by this Act provided in Cases where any Monies are to be paid to incapacitated

Persons before entering into the Possession of the said Lands, and from and after the Payment of such Sum the Lands so taken shall be for ever discharged of and from the said perpetual annual Sum of Money or Corn Rent, or from the proportionate Part of the said annual Sum of Money or Corn Rent, as the Case may be: Provided always, that in case Part only of any Lands and Grounds liable to the Payment of any such annual Sum or Corn Rent as aforesaid shall be purchased or taken by the said Company, nothing in this Act contained shall extend or be construed to extend to discharge the Remainder of the said Lands or Grounds from the Payment of the Remainder of the annual Sums or Corn Rents which would have been payable in respect of such Lands and Grounds after deducting therefrom the proportionate Part of the said annual Sum or Corn Rent chargeable in respect of the Lands or Grounds so purchased or taken, but that the Remainder of such Lands and Grounds shall remain and be liable to such proportionate Part or Share of the said annual Sum or Corn Rent as the same would have been assessed at, or would have been payable in respect of the same, in case they had been assessed alone under the Authority of the Act under which the said Composition for Tithes has taken place; and the Rector, Vicar, or other Person or Persons entitled to the said annual Sum or Corn Rent shall have the same Remedies for the Recovery of the said last-mentioned proportionate Part of the said annual Sum or Corn Rent by Suit or Action, or by Distress, Entry, or Perception of Rents and Profits in, upon, or over the said last-mentioned Lands and Grounds, or otherwise, as he or they had or were entitled to in respect of the whole of the said annual Sum or Corn Rent.

Satisfaction to be made for Lands taken for the Railway.

XXIII. And be it further enacted, That all Corporations and Persons by this Act capacitated to sell and convey any Lands, or to enfranchise Lands of Copyhold or Customary Tenure, or to release Lands from Rents and other Incumbrances charged thereon, and the respective Owners and Occupiers of any Lands through or upon which the said Railway or other Works hereby authorized are intended to be constructed, may agree to accept and receive, and may, subject to such Restrictions as in this Act contained as to the Payment thereof, accept and receive, Satisfaction for the Value of such Lands or of the Interest therein by them conveyed, and also Compensation for any Damage by them sustained by reason of the Execution of any of the Works by this Act authorized, and also by reason of the severing or dividing such Lands, and also for and on account of any Damage, Loss, or Inconvenience which may be sustained by such Corporations and Persons by reason of the Execution of any of the Powers of this Act, in such gross Sums as shall be agreed upon between the said Owners (including Persons hereby capacitated as aforesaid) and Occupiers respectively, and the said Company; and in case the said Company and such Parties respectively shall not agree as to the Amount or Value of such Purchase Money, Satisfaction, or Compensation, the same respectively or either of them concerning which they do not so agree shall be ascertained and settled, if required, by the Verdict of a Jury, as herein-after is directed.

XXIV. And

In case the Parties refuse or are incapable to treat, the Value of Land and of Damages to be settled by a Jury.

XXIV. And for settling all Differences which may arise between the said Company and the several Owners and Occupiers of or Persons interested in any Lands which shall or may be taken, used, damaged, or injuriously affected by the Execution of any of the Powers hereby granted, be it further enacted, That if any Corporation, Trustee, or other Person so interested or entitled, and capacitated to sell, agree, convey, or release as aforesaid, shall not agree with the said Company as to the Amount of such Purchase Money or Satisfaction or other Compensation as aforesaid, or if any of the Parties entitled to receive such Purchase Money, Satisfaction, or other Compensation as aforesaid shall refuse to accept such Purchase Money, Satisfaction, or other Compensation as aforesaid as shall be offered by the said Company, and shall give Notice thereof in Writing to the said Company within Ten Days next after such Offer shall have been made, and the Party giving such Notice shall therein request that the Matter in dispute may be submitted to the Determination of a Jury, or if any of such Parties as aforesaid shall for the Space of Ten Days next after Notice in Writing shall have been given to the Clerk, Agent, or principal Officer of any such Corporation, or to any of such Trustees or Persons respectively, or left at his last or usual Place of Abode, or with the Tenant or Occupier, or affixed to some conspicuous Part of any Premises required for the Purposes of this Act, neglect or refuse to treat or shall not agree with the said Company for the Sale, Conveyance, and Release of their respective Estates or Interests, or the respective Estates or Interests which they respectively are hereby capacitated to convey therein, or shall by reason of Absence be prevented from treating, or shall by reason of any Impediment or Disability, whether provided for by this Act or not, be incapable of making such Agreement, Conveyance, or Release as shall be necessary or expedient for enabling the said Company to take such Lands, or to proceed in constructing the said Railway and other the Works aforesaid, or shall not disclose and prove the State of the Title to the Premises of which they respectively may be in Possession, and which they may claim to be entitled unto or interested in, or in any other Case where Agreement for Compensation for Damages incurred in the Execution of this Act, or for the Purchase of Lands required for the Purposes of this Act, cannot be made, then and in every such Case the said Company shall and they are hereby required from Time to Time to issue a Warrant under their Common Seal to the Sheriff of the said County of *Durham*; or in case such Sheriff or his Under Sheriff shall be one of the said Company, or enjoy any Office of Trust or Profit under them, or shall be in any way interested in the Matter in question, then to any of the Coroners of the said County not interested as aforesaid; or if all the Coroners shall be so interested, then to some Person then living in the said County, and free from personal Disability, who shall have filled the Office of Sheriff or Coroner in the said County, and not be interested as aforesaid (a Person having more recently served either Office being always preferred), commanding such Sheriff or Coroner or other Person to impannel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly empowered and required to impannel, summon, and return, a Jury of at least Twenty-four sufficient and indifferent Men, qualified according to the

the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster;* and the Persons so to be impannelled, summoned, and returned are hereby required to appear before the said Sheriff, Under Sheriff, Coroner, or other Person, at such Time and Place as in such Warrant shall be appointed, and to attend from Day to Day until duly discharged; and out of such Persons so to be impannelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, Coroner, or other Person, or by some Person to be by them respectively appointed, in such Manner as Juries for Trials of Issues joined in His Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid such Sheriff, Under Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by or of others that can speedily be procured to attend that Service (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required, on Request in Writing by either Party, to summon before him all Persons who shall be thought necessary to be examined as Witnesses touching the Matters in question, and may authorize or order the said Jury, or any Six or more of them, to view the Place or Matter in controversy; and such Jury shall upon their Oaths, (which Oaths, as well as the Oaths of all such Persons as shall be called upon to give Evidence, the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to administer,) inquire of, assess, and give a Verdict for the Sum of Money to be paid for the Purchase of such Lands, (except for such Interest therein as shall have been of right purchased by the said Company from any other Person,) and also the Sum of Money to be paid by way of Satisfaction or Compensation, either for the Damages which shall before that Time have been done or sustained as aforesaid, or for the future temporary or perpetual or for any recurring Damages which may be so done or sustained as aforesaid, and the Cause or Occasion of which shall have been in part only obviated, removed, or repaired by the said Company, and which cannot or will not be further obviated, removed, or repaired by them; which Satisfaction or Compensation for such Damage or Loss shall be inquired into and assessed separately and distinctly from the Value of the Lands so to be taken or used as aforesaid; and the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money, Satisfaction, or Compensation as shall be assessed by such Jury; which said Verdict and the Judgment thereon to be pronounced as aforesaid shall be binding and conclusive to all Intents and Purposes upon all Corporations and Persons whatsoever: Provided always, that in such Inquiry the Party claiming Compensation shall be Plaintiff, and shall have all such Rights and Privileges as Plaintiffs in Actions at Law are entitled to: Provided also, that not less than Seven Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Company to the Party with whom any such Con-

troversy shall arise, either by delivering such Notice to such Party, or by leaving the same at his Place of Abode, or with the Clerk or Agent or principal Officer of the Corporation in the Case of a Corporation, or with some Tenant or Occupier of the Premises intended to be valued, or respecting which or any Damage to which any such Question shall arise.

Compensation Money to be apportioned.

XXV. And be it further enacted, That the said Juries shall and they are hereby respectively empowered, if thereunto required, to settle what Shares and Proportions of the Purchase Money, Satisfaction or Compensation for Damages, which shall be assessed as aforesaid, shall be allowed to any Tenant or other Person for a particular Estate, Term, or Interest which he may have in the Premises.

Verdicts to be recorded.

XXVI. And be it further enacted, That the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person presiding at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the said County of *Durham* among the Records of the Quarter Sessions of such County, and shall be deemed Records to all Intents and Purposes; and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and also to take or make Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words.

Penalty upon Sheriff, &c. Jurors or Witnesses, making default.

XXVII. And be it further enacted, That if any such Sheriff, Under Sheriff, Coroner, or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make default in the Premises, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds; and if any Person so summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or shall refuse to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, every Person so offending, having no reasonable Excuse, (to be judged of and determined by such Sheriff, Under Sheriff, Coroner, or other Person,) shall forfeit and pay any Sum not exceeding Twenty Pounds for every such Offence; and if any Person so summoned to give Evidence as aforesaid shall not appear on being paid or tendered a reasonable Sum for his Costs and Expences, or appearing shall refuse to be sworn or to give Evidence, every Person so offending, having no reasonable Excuse (to be judged of and determined as aforesaid), shall forfeit and pay for every such Offence, to the Party for whom or on whose Account any such Witness shall have been summoned, any Sum not exceeding Twenty Pounds; all which Penalties and Forfeitures may be levied, by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Durham*, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, on Demand, the Overplus of the Money thereby produced, if any, after such Penalty and the Charges and Expences of such Distress and Sale shall have been deducted.

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

XXVIII. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be subject to the same Regulations and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and all Persons who in any Examination to be taken by virtue of this Act upon their Oath shall wilfully and corruptly give false Evidence before any such Jury, Sheriff, Under Sheriff, Coroner, or other Person, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to the Penalties and Punishment to which Persons guilty of wilful and corrupt Perjury shall or may by Law be subject.

Expences of Jury how to be paid.

XXIX. And be it further enacted, That in every Case in which the Verdict of a Jury summoned as aforesaid shall be given for the same or for a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands to be used or taken by them for the Purposes of this Act, or as Compensation for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs preparatory to and of obtaining such Verdict and of Witnesses, and also of the Bond to be given by the Party requiring such Jury as herein-after mentioned, shall be defrayed by the said Company; and such Costs, Charges, and Expences shall be settled and determined by the said Sheriff, Under Sheriff, Coroner, or other Person presiding as aforesaid; and in case such Costs, Charges, and Expences shall not be paid to the Party entitled to receive the same within Ten Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Company under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *Durham*, not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand and Seal on Application made to him for that Purpose by any Party entitled to receive such Costs, Charges, and Expences; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by the said Company, One Moiety of the said Costs, Charges, and Expences, including the Costs of the Bond so to be given as aforesaid, shall be defrayed by the Party with whom the said Company shall have such Controversy or Dispute, and the Remainder shall be defrayed by the said Company; and the former Moiety of such Costs, Charges, and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money awarded to be paid to such other Party as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of the Money so awarded shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender or Satisfaction of the whole thereof: Provided always, that in Cases in which by reason of Absence in Foreign Parts, or from any other sufficient Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Costs, Charges, and Expences shall be defrayed by the said Company.

XXX. And

Persons requesting Juries to enter into Bonds to prosecute their Complaint and to payExpences.

XXX. And be it further enacted, That all Parties with whom the said Company shall have any such Dispute, and who shall require a Jury to be summoned as aforesaid, shall, before the said Company shall be obliged to issue their Warrant for the summoning of such Jury, enter into a Bond to the Treasurer or Clerk of the said Company in a Penalty of One hundred Pounds to prosecute their Complaint, and to bear and pay their Proportion of the Costs and Expences of summoning and returning such Jury and taking such Verdict, and of the summoning and Attendance of Witnesses, in case any Part of such Costs and Expences shall fall upon them.

Notice of Injury to be given to the Company before Complaint.

XXXI. And be it further enacted, That the said Company shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed (without the Consent of the said Company), to receive or take notice of any Complaint to be made by any Party for any Loss or Injury by him sustained or supposed to be sustained in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing by or on the Behalf of the Corporation or Person making such Complaint, stating the Particulars of such Loss or Injury, and the Amount of the Compensation claimed in respect thereof, shall have been given by such Corporation or Person to the said Company Ten Days before the summoning of such Jury, and within the Space of Six Calendar Months after the Time of such supposed Loss or Injury having been sustained, or after the doing or committing thereof shall have ceased.

Tenants at Will, &c. to quit Lands after Notice.

XXXII. And be it further enacted, That all Persons in Possession of any Lands which shall be required or be intended to be taken or used for the Purposes of this Act, and who shall have no greater Interest than as Tenants at Will, or Lessees for a Year, or as Tenants from Year to Year, shall respectively deliver up Possession of such Property to the said Company, or to such Person as the said Company shall appoint to take possession of the same, at the Expiration of Six Calendar Months next after Notice to that Effect shall have been given by the said Company to or left at the Place of Abode of such respective Tenants or Lessees in Possession, or left upon the said Premises, whether such Notice be given with reference to the Time of the Commencement of such Tenants holding or not, and whether such Notice be given before or after the said Premises shall be purchased by the said Company, or at such other Time after the Expiration of Six Calendar Months as in any such Notice they shall be respectively required; and in case any such Tenant or Lessee or Person so in Possession as aforesaid shall refuse to give up such Possession as aforesaid, it shall be lawful for the said Company to issue their Precept to the Sheriff of the County in which the Premises shall be situate to deliver Possession of the said Premises to such Person as shall in such Precept be nominated to receive the same, and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy and satisfy such Costs as shall accrue upon or by reason of the issuing and Execution of such Precept on the Person so refusing to give Possession by Distress and Sale of his Goods and Chattels.

XXXIII. Pro-

Interest of such Tenants to be settled by a Jury.

XXXIII. Provided always, and be it further enacted, That where any such Tenant or Lessee who shall be required to deliver Possession of any Premises occupied by him before the Expiration of his Term or Interest therein shall give the said Company previous Notice in Writing thereof, the said Company shall and they are hereby required to make or tender to such Tenant or Lessee, before they shall issue their Precept to the Sheriff to give Possession of such Premises, Satisfaction or Compensation for the Value of his unexpired Term or Interest in the said Premises, which Satisfaction or Compensation, in case of Difference, shall be ascertained and determined in the same Manner as any other Satisfaction or Compensation for any Lands taken or used by the said Company is by this Act directed to be ascertained or determined.

Persons holding under Leases to produce the same.

XXXIV. Provided always, and be it further enacted, That in all Cases in which any Party shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he shall claim to be possessed of or entitled unto in any Lands, Mines, or Minerals intended to be taken or used under the Authority of this Act, under or by virtue of any Lease or Agreement for Lease, or Grant thereof, the said Company are hereby authorized to require such Party to produce or show the Lease, Agreement, or Grant in respect of which such Claim to Satisfaction or Compensation shall be made; and if such Lease, Agreement, or Grant shall not be produced or shown within Five Days after Demand made by the Clerk of the said Company, or by any Person by him authorized, the Party claiming such Satisfaction or Compensation shall be considered as holding only from Year to Year.

For settling Disputes as to Damages to a small Amount.

XXXV. And be it further enacted, That in case any Difference shall arise between the said Company and any of the Owners or Occupiers of the Property to be taken, used, or injured for the Purposes of this Act, as to the Amount or Value of the Damage done by the said Company, their Agents or Workmen, to such Property, in the Execution of any of the Powers of this Act, and such Difference cannot be settled between the said Parties, the same shall, in case the Amount of Compensation claimed does not exceed the Sum of Twenty Pounds, be ascertained and determined by some Two or more Justices of the Peace for the said County of *Durham*, who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Company.

Application of Compensation Money amounting to 200*l.*

XXXVI. And be it further enacted, That if any Money shall be agreed or awarded 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 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 whomsoever,

whomsoever, for or on behalf of any Wife, Ward, Lunatic, Idiot, or Cestuique Trust, whether Infants, Issue unborn, Femes 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* 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.

1 G. 4. c. 35.

XXXVII. Provided always, and be it further enacted, That if any Money agreed or awarded 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

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

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, Idiotcy, 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.

When not exceeding 20*l.*

XXXVIII. Provided also, and be it further enacted, That where any Money so agreed or awarded 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, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid, for their Use, to their respective Husbands, Guardians, Committees, or Trustees.

Expences of Title to be borne by the Company.

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

whom such Lands shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to them by the said Company, deliver a Bill of their said Costs, Charges, and Expences to the said Company.

How such Costs are to be ascertained.

XL. And be it further enacted, That if the said Company and the Party or Parties aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences, the same shall be ascertained by the said Court of Exchequer; and it shall be lawful for the said Court on Petition, to be presented by the said Company, to order and direct that such Costs, Charges, and Expences shall be referred to one of the Masters of the said Court to be taxed in the usual Manner, and such Order shall be served on the Party or Parties aforesaid; and after Taxation thereof it shall be lawful for the said Court to order and direct the Amount of such Costs, Charges, and Expences so taxed, together with the Costs, Charges, and Expences attending the Taxation thereof, or so much of the same as shall be payable by the said Company to the Person or Persons from whom such Lands shall have been purchased or taken, shall be paid to the Person or Persons aforesaid: Provided always, that the said Company shall not be at liberty to enter into Possession of the Lands so purchased or taken until an Order shall have been made for the Taxation of the said Costs, Charges, and Expences, and the said Company shall have deposited in the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there *ex parte* "The Great North of *England* Railway Company," pursuant to the Method prescribed by the hereinbefore mentioned Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, which Sums shall be applied, under the Order of the said Court, in payment of the said Costs, Charges, and Expences: Provided always, that the Expence of determining such Costs, Charges, and Expences as aforesaid, and of obtaining the Order or Orders referring the same to be taxed, shall be paid and borne by the said Company, unless the Sixth of the said Costs, Charges, and Expences shall be disallowed, in which Case the said Expence shall be paid and borne by the Person or Persons from whom the said Lands were purchased or taken, and the Amount therefor may then be paid to the said Company out of the said Sum so deposited by them as aforesaid.

In case of not making out Title, the Money to be paid into the Bank.

XLI. And be it further enacted, That in case any Party to whom any Money shall be agreed or awarded to be paid for the Purchase of any Lands to be taken or used under the Authority of this Act, or for any Interest or for Compensation as aforesaid, shall refuse or neglect to accept the same, or to convey the Premises or Interest in the Premises purchased, or shall refuse, neglect, or be unable to make a Title to such Premises or to such Interest in the Premises to the Satisfaction of the said Company, or shall be absent from *England*, or shall not be conveniently found, or if any Party entitled unto or to convey such Lands or such Interest therein cannot be conveniently known or discovered, or be not shown to the Satisfaction of the said Company to be such Party, then and in every such Case it shall be lawful for the said Company

pany to order the Money so agreed or awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, (describing them so far as the said Company can do,) subject to the Control and Disposition of the said Court; which said Court, on the Application of any Party making claim to such Money or to any Part thereof by Petition, is hereby empowered, in a summary Way of proceeding or otherwise, as the said Court shall think proper, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof according to the Estate, Title, or Interest of the Party making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem proper; and the Cashier of the Bank of *England* who shall receive such Money is hereby required to give to the said Company, or to any Party paying any Money into the said Bank under or pursuant to this Act, a Receipt for such Money, mentioning and specifying therein for what and for whose Use (described as aforesaid) the same is received.

Persons in Possession presumptively entitled.

XLII. Provided always, and be it further enacted, That where any Question shall arise in reference to the Provisions aforesaid or otherwise, upon this Act, touching the Title of any Party to any Lands, or to any Interest in any Lands, or to any Compensation Money in respect of Damage done to any Lands, or to any Money to be paid into the Bank of *England* for the Purchase of any Lands, or of any 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 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 of Exchequer may order reasonable Expences of Purchases

XLIII. And be it furtner enacted, That where by reason of any Disability or Incapacity of any Person or Corporation entitled to any Lands or Hereditaments to be purchased, taken, or used under the Authority of this Act, or from any other Cause, the Purchase Money for any Lands or Hereditaments, or any Money to be paid by way of

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 or awarded 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* 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, 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 Purposes of ascertaining and setting out the same for the Purposes of this Act, without the previous Consent of the Owners and Occupiers thereof respectively.

Compensation to be made for temporary Damage.

XLVI. And whereas in executing the said Railway and the several other Works by this Act authorized it may be necessary for the said Company, their Agents and Workmen, to enter upon and take temporary Possession of some Parts of the Lands adjoining to the Line of the said Railway and other Works, for the Purpose of laying or depositing and working thereon Earth, Clay, Stones, Bricks, Slates, Timber, Lime, and other Materials, or of manufacturing such Clay into Bricks, or for forming temporary Roads or Approaches to and from the said Works; and inasmuch as a Jury summoned as directed by this Act to assess a Compensation for the Damage and Injury done to such adjoining Lands by the Exercise of the Powers and Authorities by this Act granted cannot, either upon View or from Evidence, form a just Opinion of the permanent Injury which will be sustained by the Owners or Proprietors of such adjoining Lands by the Exercise of the Powers and Authorities aforesaid until the Works shall have been completed, it is expedient that the said Company, their Agents and Workmen, should be empowered to enter upon such adjoining Lands for the Purposes aforesaid, without having previously made such Payment, Tender, or Investment of Money as herein-before mentioned; be it therefore enacted, That, notwithstanding any thing in this Act contained, it shall be lawful for the said Company, their Agents and Workmen, and they are hereby empowered,

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 the Government or Real Securities purchased therewith, in the Purchase of other Lands and Hereditaments, 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.

and Costs to be paid by the Company.

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

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

XLV. 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 or awarded by a Jury in manner aforesaid 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, within Ten Days after the same shall have been so agreed upon or awarded, 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

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

empowered, to enter upon the Lands of any Corporation or Person whatsoever adjoining or lying near to the said Railway and other Works by this Act authorized to be constructed and maintained, or any of them, or any Part thereof respectively, for the Purpose of laying, depositing, working, or manufacturing upon such Lands or upon any Part thereof respectively any Earth, Clay, Stones, Bricks, Slates, Timber, Lime, or other Materials, or for forming temporary Roads or Approaches to and from the said Works, without having previously made such Payment, Tender, or Investment as aforesaid; they the said Company, their Agents and Workmen, doing as little Damage as may be in the Exercise of the several Powers hereby granted to them, and making Compensation for such temporary Occupation or temporary Damage of the said Lands to the Owners and Occupiers thereof; such Compensation, in case the Parties differ about the same, to be settled and recovered in manner herein-before provided in Cases of Disputes as to Damages to a small Amount: Provided always, that the said Company shall and they are hereby required, within Twelve Calendar Months after the Expiration of the Period by this Act granted for executing the said Railway and other Works, or after the said Railway has been opened to the Public for the passing of Waggons or other Carriages along the same, to make such Compensation and Satisfaction for the permanent Damage or Injury (if any) which may have been done to the said Lands by the Exercise of any of the Powers and Authorities aforesaid, in the same Manner as in this Act is directed in other Cases of permanent Damage or Loss occasioned by the said Company: Provided also, that before it shall be lawful for the said Company to make such temporary Use as aforesaid of the Lands adjoining or lying near the said Railway or Works, the said Company shall and they are hereby required to give Ten Days Notice of such their Intention to the Owners or Occupiers of such Lands, and to separate and set apart by sufficient Railings or Fencings so much of the Lands as shall be required to be so used as aforesaid from the other Lands adjoining thereto: Provided also, that it shall not be lawful for the said Company to make such temporary Use of any such Lands as aforesaid lying at a greater Distance than Two hundred and fifty Yards from the said Railway, nor to make Bricks or place a Steam Engine upon any of such Lands at any Place which shall not be distant at least Six hundred Yards from any Mansion, without the Leave of the Owner or Occupier of such Mansion in Writing first obtained for that Purpose: Provided always, that before entering upon any such Lands for such temporary Purpose as aforesaid the said Company shall, if required by the Owner or Occupier thereof, find Two sufficient Persons, who shall enter into a Bond to such Owner or Occupier in a Penalty of the Amount of Fifty Pounds *per* Acre conditioned for the Payment of such Compensation, such Securities to be approved of by Two Justices of the County in which such Lands shall be situate in case the Parties differ about the same.

Houses and Gardens not to be taken unless specified in the Schedule.

XLVII. Provided also, and be it further enacted, That nothing herein contained shall authorize the said Company, or any Person acting under their Authority, to take, injure, or damage, for the Purposes of this Act, any House or other Building which was erected or built

built on or before the Thirtieth Day of *November* One thousand eight hundred and thirty-five, or any Ground which was then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, other than and except such as are specified in the Schedule to this Act annexed, without the Consent in Writing of the Owner and Occupier thereof respectively, unless the Omission thereof from such Schedule shall have proceeded from Mistake, and unless it shall be so certified in manner herein-before provided for in Cases of unintentional Errors in the said Book of Reference.

Breadth of Land to be taken for the Railway.

XLVIII. And be it further enacted, That the Lands to be taken for the Line of the said Railway shall not exceed Thirty 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 Vallies or low Grounds, or for Cuttings, or for the Erection and Establishment of any fixed or permanent Machinery, Toll House, Warehouses, Wharfs, or such other Erections and Buildings as may be necessary for executing or conducting the Business of the Railway, and not above Two hundred Yards in any Place, unless with the previous Consent in Writing of the Owners and Occupiers of any Lands which the said Company shall be desirous of appropriating to the obtaining greater Space for the Purposes herein-before mentioned.

Regulating Mode of carrying Railway through Lands of T. Fenwick, Esq.

XLIX. And whereas it hath been ascertained that the Railway hereby authorized to be made may be carried through the Lands and Grounds of *Thomas Fenwick* Esquire, of *South Hill* in the Township of *Plawsworth* in the said County, in a Line more to the Westward thereof, without being of any material Detriment to the said Railway; be it enacted, That the said Company, in making the said Railway hereby authorized to be made through the said Grounds of the said *Thomas Fenwick*, shall make and construct the same in such Manner as that the Middle or Centre of the said Railway shall be at the Distance of One hundred and thirty Yards Westward from the Offices, Gardens, and Garden Wall of the said *Thomas Fenwick* at *South Hill* aforesaid, or any Part thereof; any thing in this Act contained to the contrary notwithstanding.

Company to purchase the whole of certain Land belonging to T. Cookson, Esq. if required to do so.

L. Provided always, and be it further enacted, That in case the said Company shall require to take or use any Part of certain Land, the Property of *Thomas Cookson* Esquire, situate in the Parish of *Chester-le-Street* in the said County of *Durham*, the said Company shall and they are hereby required to purchase and take the whole of the Lands of the said *Thomas Cookson* if required so to do by the said *Thomas Cookson*, his Heirs or Assigns, the Value thereof to be ascertained and settled in the same Manner as the Value of other Lands taken for the Purposes of this Act is directed to be ascertained and settled.

Company required to leave certain Spaces be-

LI. And whereas the said Great North of *England* Railway is intended to pass the Estate of *Edward Wilkinson* and *John Evelyn Denison* Esquires at *Little Chilton* in the Parish of *Merrington*, and

Not to take any Lands of the Earl of Scarborough.

LII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to authorize or enable the said Great North of *England* Railway Company, in making and constructing or maintaining the said Railway, to take or enter upon any of the Lands or Grounds of or belonging to or in the Tenure or Occupation of the Right Honourable *John Savile* Earl of *Scarborough*, or his Under-tenants, without the Consent in Writing of the said *John Savile* Earl of *Scarborough*, his Heirs and Assigns, in every Instance for that Purpose first had and obtained.

No Deviation to be made in nor Buildings to be erected on the Land of Mrs. Ann Surtees, Widow, and R. L. Surtees, Esquire.

LIII. Provided always, and be it further enacted, That in making the said Railway through the Lands of *Ann Surtees* of *Mainsforth*, Widow, and *Robert Lambton Surtees* of *Redworth House*, Esquire, or the Survivor of them, or the Heirs and Assigns of the said *Robert Lambton Surtees*, it shall not be lawful for the said Company, without the Consent in Writing of the said *Ann Surtees* and *Robert Lambton Surtees*, or the Survivor of them, or the Heir or Assigns of the said *Robert Lambton Surtees*, first had and obtained, to deviate from the Line delineated on the Plan deposited with the Clerk of the Peace as herein-before mentioned, except only to a Distance not exceeding Fifty Yards on the Eastern or Western Sides of such Part of the said Line as shall pass through the Fields or Pieces of Land numbered 8, 10, 11, 12, 13, 14, 25, 35, and 22 A. on the said Plan, in the Parishes of *Merrington* and *Bishop Middleham* in the said County of *Durham*: Provided also, that it shall not be lawful for the said Company for any of the Purposes of this Act, without such Consent as aforesaid, to erect or construct any Houses, Wharfs, Warehouses, Toll Houses, Landing Places, Engines, or other Buildings, Machinery, Apparatus, or other Works and Conveniences, other than the mere Line of the said Railway, upon any Land belonging to the said *Ann Surtees* and *Robert Lambton Surtees*, or the Survivor of them, or the Heirs or Assigns of the said *Robert Lambton Surtees*, nor to enter upon, take, use, or affect for any of the Purposes of this Act, whether temporary or permanent, any Land belonging to the said *Ann Surtees* and *Robert Lambton Surtees*, or the Survivor of them, or the Heirs and Assigns of the said *Robert Lambton Surtees*, other than the Land required for the mere Line of the said Railway, save only for the Purposes of forming, as herein-before provided, temporary Roads or Approaches to and from the said Railway over such Land as shall adjoin to the Line of the said Railway, and of laying Materials, as herein-before provided, upon such Part of the said Land as shall adjoin to any Place or Places where it shall be necessary for the said Company to erect any Bridge or Bridges in the Line of the said Railway, such temporary Uses of any such Land not being made at a greater Distance from the said Railway than is herein-before in such Cases provided.

Buildings, &c. not to be erected upon Lands belonging to A. Wilkinson, Esquire.

LIV. Provided also, and be it further enacted, That it shall not be lawful for the said Company, for any of the Purposes of this Act, without the Consent in Writing of *Anthony Wilkinson* of *Coxhol Hall* in the said County of *Durham*, Esquire, his Heirs and Assigns, to erect and construct any Houses, Wharfs, Warehouses, Toll Houses, Landing

to run between some of the Land belonging to the said Estate and the Line of the Company of Proprietors of the *Clarence* Railway, whereby the Communication now existing between such Land and the said *Clarence* Railway will be interrupted and rendered unavailable for the Quarries and Mines lying in or under the said Land; be it therefore enacted, That it shall be lawful for the said Great North of *England* Railway Company and they are hereby required to leave Spaces between the said Great North of *England* Railway and the said *Clarence* Railway for Two Sidings or Wharfs, on a Level with the said *Clarence* Railway, at such convenient Places within the Estate of the said *Edward Wilkinson* and *John Evelyn Denison*, and of such Length (not less than Two hundred Feet) and of such Breadth (not less than Twenty Feet from the nearest Rail of the said *Clarence* Railway) as they the said *Edward Wilkinson* and *John Evelyn Denison*, their respective Heirs or Assigns, shall fix and determine; and the said Great North of *England* Railway Company are hereby also required, at their own Expence, to furnish Access from the said Land of the said *Edward Wilkinson* and *John Evelyn Denison* to the said Two Sidings or Wharfs, by an Archway under the Embankment of the said Great North of *England* Railway, to each of the said Sidings or Wharfs, and also Approaches to such Archway: And it is hereby enacted, That each of the Two Arches to be constructed under the said Embankment for the Purpose of such Access as aforesaid shall be at the Part of such Embankment nearest to the Siding or Wharf with which the Archway is intended to communicate, and the Span of each such Arch shall be formed and shall at all Times be and be continued of such Width as to leave a clear and open Space under such Arch of not less than Sixteen Feet, and of a Height from the Surface of such Road to the Centre of such Arch of not less than Sixteen, with fit and convenient Approaches: And it is hereby further enacted, That the said Great North of *England* Railway Company shall, when required so to do by the said *Edward Wilkinson* and *John Evelyn Denison*, or either of them, their or either of their Heirs or Assigns, construct or cause to be constructed at their own Expence an Embankment, with an Archway under the same, for the Passage of the Highway in some Part of the said Land of the said *Edward Wilkinson* and *John Evelyn Denison*, communicating with the Embankment of the said Great North of *England* Railway on a Level at such Point of the said Railway as shall be fixed by the said *Edward Wilkinson* and *John Evelyn Denison*, their respective Heirs or Assigns, for the Purpose of conveying the Produce of the said Mines and Quarries to the said Great North of *England* Railway, the Width of the said Embankment so to be constructed not to be less than Twenty-four Feet, (unless it shall hereafter be agreed otherwise to the Satisfaction of the said *Edward Wilkinson* and *John Evelyn Denison*, their respective Heirs and Assigns,) and the Ascent thereof not to be less than One Foot in Three hundred Feet: And it is hereby further enacted, That when the Accesses, Approaches, Arches, and Embankments so to be made and constructed as aforesaid shall have been completed, they shall thenceforth be repaired and maintained by and at the Expence of the said Company.

tween their Railway and the Clarence Railway on the Estate of E. Wilkinson, Esq. and J.E. Denison Esq., and to furnish and maintain Access thereto by Arches;

and also to construct an Embankment, with an Archway for the Passage of the Highway.

Landing Places, Engines, or other Buildings, Machinery, Apparatus, or other Works and Conveniences, other than the mere Line of the said Railway, and such Erections and Works as may be necessary to obtain a Supply of Water for locomotive Engines used or to be used on the said Railway, upon any Land belonging to the said *Anthony Wilkinson*, his Heirs and Assigns, nor to enter upon, take, use, or affect for any of the Purposes of this Act, whether temporary or permanent, any Land belonging to the said *Anthony Wilkinson*, his Heirs and Assigns, other than the Land required for the mere Line of the said Railway, save only for the Purposes of forming, as herein-before provided, temporary Roads or Approaches to and from the said Railway over such Land as shall adjoin to the Line of the said Railway, and of laying Materials, as herein-before provided, upon such Part of the said Land as shall adjoin to any Place or Places where it shall be necessary for the said Company to erect any Bridge or Bridges in the Line of the said Railway, such temporary Uses of any such Land not being made at a greater Distance from the said Railway than is herein-before in such Cases provided.

Company not to deviate from Line laid down on the Plan through the Lands of the Rev. R. H. Williamson.

LV. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors hereby incorporated to make any Deviation from the Course or Direction or the Line or Level of the said Railway so delineated as aforesaid where the same passes through the Lands belonging to the Reverend *Robert Hopper Williamson* Clerk, and numbered 4. in the said Map or Plan, in the Township of *Thrislington*, and specified in the said Book of Reference; and the said Company of Proprietors hereby incorporated shall, so soon as the said Railway shall be made and completed through the said Land of the said *Robert Hopper Williamson*, lay down upon the Land of the said Company hereby incorporated, and which they shall purchase for the Purposes of this Act, in the said Township of *Thrislington*, and at their Expence, a Collateral Branch Railway from the said Great North of *England* Railway to the *Clarence* Railway, in the same Township.

Company not to take more Lands of A. Askew than is necessary for a Quadruple Line of Railway without Consent.

LVI. And be it further enacted, That it shall not be lawful for the said Company to take for any of the Purposes of this Act more Land, Part of the said *Redhugh* Estate in the said County of *Durham*, than shall be required for a Quadruple Line of Railway, without the Consent in Writing of the said *Adam Askew* or other the Owner or Owners for the Time being of the Lands required to be taken first had and obtained; and also that no Warehouse, Storehouse, Wharf, Station, Yard, Staith, Shipping, Landing, Loading, or Unloading Place or Building, or any other Erection or Building whatsoever, shall be erected or made upon any Part of the Lands, Part of the said *Redhugh* Estate, which may be taken by the said Company, without the Consent in Writing of the said *Adam Askew* or other the Owner or Owners for the Time being of the said *Redhugh* Estate.

Company to erect Screen on Side of Railway in case of Danger to Passengers

LVII. 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

travelling on the Turnpike Road.

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 be, 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, within such Time as shall be appointed by the said Justices commence, and within such Time as shall be appointed by the said Justices complete, such Works in the Nature of a Screen near to or adjoining the Sides of the said Turnpike Road or of the said intended Railway, as shall be directed by the said Justices, so as to prevent such Danger to Travellers upon the said Turnpike Road; and in case such Company shall neglect within the Time appointed in that Behalf to commence, or shall not continue to execute such Works until the due Completion thereof, or shall not complete the same within the Time in that Behalf appointed, the said Company shall forfeit and pay for every Day during which the said Company shall not commence or shall not proceed in the Completion of such Works, or during which the said Works shall not be completed after the Time appointed for the Completion thereof, the Sum of Twenty-five Pounds, to be recovered by the Commissioners or Trustees of the said Turnpike Road from the said Company in such and the same Manner as any other Penalties incurred by the said Company for which no special Provision is made by this Act.

Company empowered to deviate from Plan to an Extent not exceeding 100 Yards.

LVIII. 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, nor shall such Deviation extend into the Lands or Property of any Person whose Name is not mentioned in the said Book of Reference, 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-five.

Where small Parcels of Land are intersected the Company compellable to purchase the whole.

LIX. And be it further enacted, That if in the Execution of any of the Powers of this Act any Land shall be cut through and divided, so that what shall be left thereof on both Sides or on either Side of the said Railway shall be less than One Statute Acre in Quantity, and if the Owner of any such Land shall not have any other Land adjoining to that which shall be so left on either Side of the said Railway, then and in every such Case, if such Owner shall so require (but not otherwise), the said Company shall also purchase the Land so left on both or on either of the Sides of the said Railway, being less than One Statute Acre in Quantity as aforesaid, the Value thereof to be ascertained (if the Parties differ about the same) in the same Manner as is directed concerning any Land to be taken or used for the Purposes of this Act; or in case such Owner as aforesaid shall have any other Land adjoining to that which shall be so left, he may re-

quire

quire the said Company at the Expence of the said Company to throw the same into the adjoining Land of such Owner by removing the Fences and levelling the Sites thereof, and soiling the same, in a sufficient and workmanlike Manner.

Empowering Company to purchase Fifty Acres of Land for the Purpose of additional Stations.

LX. 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 Fifty Statute Acres, in addition to the Lands 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, Coals, 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 herein-before 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 authorized to sell Lands not required for additional Stations, &c., and afterwards to purchase other Lands for the same Purposes.

LXI. 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 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 Company from purchasing more than Fifty Acres of

LXII. 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 Fifty Statute Acres of Land for the

Land for additional Stations from incapacitated Persons.

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 Fifty Statute Acres; and in case the said Company shall purchase such Fifty Statute Acres from any Corporation or Person under such legal Disability or Incapacity as aforesaid, and shall afterwards sell the Whole or any Part of such Fifty Statute Acres so purchased, it shall not be lawful for the said Company to purchase of or from the same or of or from any other 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 Fifty Statute Acres of Land or any Part thereof so sold or disposed of by the said Company.

Company not to claim Mines, &c. under Land purchased.

LXIII. And be it further enacted, That nothing in this Act contained shall extend to give to the said Company any Coal, Ironstone, Limestone, Stone, Slate, or other Mines or Minerals, under any Land purchased by the said Company under the Provisions of this Act, except only so much of such Coal, Ironstone, Limestone, Stone, Slate, or other Mines and Minerals as may be necessary to be dug or carried away or used for the Purposes of this Act, or as may be found not deeper than the Line of the Section deposited with the Clerk of the Peace for the said County of *Durham*, and for which Compensation shall be made as herein-after mentioned (unless the said Mines and Minerals shall have been expressly purchased and conveyed by the Owner thereof to the said Company); but all such Coal, Ironstone, Limestone, Stone, Slate, or other Mines and Minerals not necessary to be so dug, carried away, or used as aforesaid shall (unless the contrary be expressed) be deemed to be excepted out of the Purchase and Conveyance of such Lands, and may, subject to the Restrictions herein-before contained for the Purchase thereof by the said Company, be worked by the respective Owners or Lessees thereof under the said Lands, or the Railways or other Works of the said Company, as if this Act had not been passed; provided that in the working of such Mines or Minerals no Damage be done to the said Railway or Works other that what is necessarily incident to the proper working of the said Mines and Minerals.

Company to make Compensation for

LXIV. Provided always, and be it further enacted, That when any such Coal, Ironstone, Stone, Slate, or other Mines and Minerals

(as shall be found not deeper than the Line of the Section herein-before mentioned and referred to) shall have been dug, carried away, or used for the Purposes of this Act, or destroyed or rendered useless by the Formation of the said Railway or any of the Works connected therewith, the said Company shall and they are hereby required to make Compensation or Satisfaction for such Mines or Minerals to the respective Parties to whom, as Proprietors, Lessees, or Tenants, such Mines or Minerals shall belong; but inasmuch as the Value of any Mines or Minerals for which Compensation or Satisfaction by this Clause is directed to be made cannot be satisfactorily ascertained until after the same Mines or Minerals shall have been dug, carried away, or used for the Purposes of this Act, or destroyed or rendered useless by the Formation of the said Railway or any of the Works connected therewith, it is expedient that the said Company, their Agents and Workmen, should be empowered to proceed in forming the said Railway and to carry on the Works connected therewith without having previously made such Payments, Tender, or Investments of Money as herein-before mentioned for or in respect of such Mines or Minerals as last aforesaid; be it therefore enacted, That notwithstanding any thing in this Act contained it shall be lawful for the said Company, their Agents and Workmen, and they are hereby empowered, to proceed in forming the said Railway, and to carry on the Works connected therewith, without having previously made any such Payment, Tender, or Investment of Money, as herein-before mentioned, for or in respect of any Coal, Ironstone, Limestone, Stone, Slate, or other Mines and Minerals which shall be dug, carried away, or used for the Purpose of this Act, or destroyed or rendered useless by the Formation of the said Railway or any of the Works connected therewith; and in case the Parties shall differ as to the Amount of any Compensation or Satisfaction to be made under this Clause, such Amount shall be ascertained and settled by the Verdict of a Jury, in the same Manner and under the same Regulations as herein-before provided in Cases of Dispute as to the Amount of Purchase Money to be paid for Lands taken for the Purposes of this Act; and the Amount so ascertained and settled, together with such Costs and Expences (if any) as would have been payable by the said Company, under the Provision herein-before contained in that Behalf, in case such Jury had been summoned to assess the Amount of Purchase Money to be paid for any Lands taken for the Purposes of this Act, shall be paid to the said Proprietor, Lessee, or Occupier by the said Company within One Calendar Month; and in case the same shall not be so paid the same shall and may be recovered in the same Manner as is herein-before directed with respect to Costs and Expences payable by the said Company under the said last-mentioned Provision.

Injury done to Mines.

LXV. Provided always, and be it further enacted, That when and so often as the Proprietor or Lessee or Tenant of any Mines of Coal, Ironstone, Limestone, Stone, Slate, or other Mines and Minerals lying under the said Railway and Works, or any of them, or within the Distance of One hundred Yards from such Railway or Works respectively, shall be desirous of working the same, then and in every such Case such Proprietor, Lessee, or Tenant shall give Notice in Writing

Owners of Mines to give Notice to the Company of their Intention to work the same, and Company to

have Liberty to purchase.

Writing to the said Company under his Hand of such Intention at least Sixty Days before he, she, or they shall begin to work such Mines; and upon the Receipt of such Notice it shall be lawful for the said Company to inspect such Mines or cause the same to be inspected, and to contract and agree with any such Proprietor, Lessee, or Tenant for the Purchase of and to purchase any such Mines or Minerals, or any Part thereof, the getting and working of which may appear to the said Company to be likely to prejudice or damage the said Railway or other Works; and in case the said Company and such Proprietor, Lessee, or Tenant do not agree as to the Amount or Value of such Mines or Minerals, the same shall be ascertained and settled by the Verdict of a Jury, as is herein-before directed with respect to the Land which shall or may be taken for the Purposes of this Act: Provided nevertheless, that in case the said Company do not before the Expiration of such Sixty Days declare their Desire to purchase the said Mines, and do not treat with such Proprietor, Lessee, or Tenant for the same, and do not within the Time last aforesaid enter into any Contract or Contracts for the Purchase of such Coal, Ironstone, Limestone, Stone, Slate, or other Mines or Minerals, then it shall be lawful for the Proprietor, Lessee, or Tenant of such Mines, and he is hereby authorized, to work and get such Parts of the said Mines as lie under the said Railway and Works, or within the Distance aforesaid, without being liable to the said Company for any Damage that may be done thereby: Provided also, that in case the said Company shall purchase any such Mines under the said Railway or Works, or within the Distance of One hundred Yards thereof, it shall be lawful for the respective Proprietors, Lessees, or Tenants of the adjoining Mines on either Side or on both Sides of the Mines so purchased to work and get such adjoining Mines up to the Limits of the Mines so purchased without being liable to the said Company for any Damage that may be done thereby.

If Company purchase the Mines, Owners of Mines adjoining may make Communication.

LXVI. Provided also, and be it further enacted, That in case the said Company shall purchase any such Mines under the said Railway or Works, or within the Distance of One hundred Yards thereof, it shall be lawful for the respective Proprietors, Lessees, or Tenants of the adjoining Mines (such Proprietors, Lessees, or Tenants being the Proprietors, Lessees, or Tenants of the Mines on both Sides of the Mines so purchased,) to cut and make such and so many Airways, Headways, Gateways, or Water Levels through the Mines, Measures, or Strata so purchased by the said Company as may be requisite to enable such Proprietors, Lessees, or Tenants to ventilate, drain, work, and get the Mines, and lead and carry away the Minerals on each Side of the Mines so purchased as aforesaid, the requisite Number of such Airways, Headways, Gateways, or Water Levels, in case the Parties differ about the same, being settled and decided by Three competent Persons, One of them to be appointed by the said Proprietor, Lessee, or Tenant, One other of them by the said Company, and the Third of them by the Two so first appointed; and if either such Proprietor, Lessee, or Tenant, or the said Company, shall for Fourteen Days after being required in Writing by the other Party neglect or decline to appoint such competent Person, then the Party making such Requisition shall be at liberty to appoint Two competent

petent Persons to settle and decide such Difference, who shall appoint a Third competent Person, and the Decision of the Persons appointed in either of the Ways aforesaid, or of the Majority of them, shall be binding and conclusive on all Parties: Provided always, that no Airway, Headway, Gateway, or Water Level shall be of greater Dimension or Section than Six Feet wide and Six Feet Six Inches high; and the respective Proprietors, Lessees, or Tenants of such Mines, or other the Persons cutting and making the same, shall allow and repay unto the said Company, for all Coal or other Minerals worked or obtained by them from and out of such Airway, Headway, Gateway, or Water Level, at the same Rate or Price at which the said Company shall have purchased and paid for the said Mines: Provided also, that such Airways, Headways, Gateways, or Water Levels shall be cut or made without the Proprietors, Lessees, or Tenants being liable to the said Company for any Damage that may be done thereby, unless such Damage be wilfully done, or caused by the cutting or making of the said Airways, Headways, Gateways, or Water Levels in an improper Manner: Provided also, that the said Company shall pay to the respective Proprietors, Lessees, or Tenants of such Mines as last aforesaid a reasonable Compensation for the increased Expence of working as well the Mines or Minerals out of the said Airways, Headways, Gateways, and Water Levels, as also the Mines or Minerals to be worked and gotten by means of such Airways, Headways, Gateways, and Water Levels as aforesaid; and in case the Parties shall differ about such Compensation as last aforesaid, such Difference shall be settled and decided in the same Manner as is herein-before provided with respect to any Difference about the requisite Number of such Airways, Headways, Gateways, or Water Levels.

Railway not to cross Turnpike Roads on a Level.

LXVII. And be it further enacted, That where the said Railway shall cross any Turnpike Road, or where the Site of any other Railway or Railways across a Turnpike Road shall be altered or used for the Purposes of this Act, either such Turnpike Road shall be carried over the said Railway, or the said Railway shall be carried over such Turnpike Road, by means of a Bridge.

Regulating the Width of Turnpike Roads where Railway is carried over or under the same.

LXVIII. And be it further enacted, That in all Cases where a Turnpike Road shall be carried over the said Railway the Width of such Turnpike Road, as well between the Parapet Walls of such Bridge as on the Batteries, raised Embankments, and Approaches thereto, shall not be less than Thirty Feet, and the Inclinations of the Turnpike Road on such Bridge and on the Approaches thereto shall not be greater than One in Thirty; and where the said Railway shall be carried over a Turnpike Road, and it shall for the Purposes of this Act be necessary to lower such Turnpike Road, the Width of such Turnpike Road, as well under the Bridge as on the excavated Approaches thereto (which shall have proper Slopes on each Side thereof of not less than Two Feet horizontal to One Foot perpendicular), shall in no Case be less than Thirty Feet, and the Height of the Arch of such Bridge shall not be less than Sixteen Feet from the Soffit of the Arch to the Railway under such Bridge, and the

Inclinations, as well under the Bridge as on the Approaches to the Roadway under the Bridge, shall not be greater than One in Thirty.

Further Regulations as to fencing Inclinations, &c. on said Turnpike Roads.

LXIX. 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 Inclination 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 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 same shall for ever thereafter be vested in and become the Right and Property of the Trustees of such Turnpike Road, but all Mines, Minerals, and Fossils laying 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 present Majesty, 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.

5 & 6 W. 4. c. 50.

Regulations as to crossing Highways on a Level.

LXX. And be it further enacted, That the said Railway shall not be made across any Street or Highway (upon which Carriages or Carts shall pass) on the Level without the previous Consent in Writing of some Two Justices of the Peace for the County within which the Street or Highway so to be crossed shall be situate, and where the said Railway shall cross any public Footpath in any other Manner than on the Level the said Company shall make and maintain convenient Ascents and Descents, as the Case may be, to such Footpaths.

LXXI. And

Height of Ledge of Rails in crossing public Roads.

LXXI. And be it further enacted, That where the said Railway shall cross any public Highway on a Level, the Ledge or Flanch 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.

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

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

Regulating Bridges for carrying public Roads over Railway.

LXXIII. 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 Fifteen Feet, and the Ascent of every such Bridge for the Purpose of such public Carriage Road (if a Turnpike Road) shall not be more than One Foot in Thirty Feet, and with respect to any public Carriage Road not being a Turnpike Road, shall not be more than One Foot in Twenty Feet, and with respect to any private Carriage Road not more than 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.

Providing for Injury to Roads, &c.

LXXIV. 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.

LXXV. And

Where the Railway crosses public Highways on a Level the Company to erect Gates.

LXXV. And be it further enacted, That in all Cases in which the said Railway shall cross any public Highway 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; 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,) except during the Times when Carriages passing along the said Railway shall have to cross such public Highway, and then the same 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 Carriage shall have passed through the same, under the Penalty of Forty Shillings for every Default therein.

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

LXXVI. And be it further enacted, That the said Company shall at their own Expence, after any Part of the said Railway shall have been laid out and formed, forthwith make and erect and from Time to Time maintain such and so many convenient Gates in, upon, or adjoining the said Railway, and such and so many Bridges, Arches, Hollows, Slopes, Culverts, Fences, Ditches, Drains, and Passages over, under, or by the Side of or leading to or from the said Railway, of such Dimensions and in such Manner as Two or more Justices of the Peace acting within their Jurisdiction shall, upon the Application of the Owner or Occupier of any Lands, judge necessary and appoint, (in case there shall be any Dispute about the same,) for the Use of the Owners or Occupiers of the respective Lands through which such Railway shall be made, and for the commodious Use and Occupation of the Lands on either Side of the said Railway, or for protecting the said Lands from Trespass, or the Cattle or other Property of the Owners or Occupiers thereof from straying or escaping thereout by reason of such Railway, or any other Matter or Thing to be done in pursuance of this Act; and all such Gates, Bridges, Arches, Hollows, Slopes, Culverts, Fences, Ditches, Drains, and Passages so to be made as aforesaid shall from Time to Time and at all Times thereafter be maintained in sufficient Repair and Condition by the said Company; and for the Purpose of enabling the said Company to make and erect such Gates, Bridges, Arches, Hollows, Slopes, Culverts, Fences, Ditches, Drains, and Passages, and from Time to Time to maintain the same, the said Company, their Agents and Workmen, are hereby authorized and empowered to enter into and upon all Lands adjoining the said Railway, and to load and carry the Materials for making or repairing such Gates, Bridges, Arches, Hollows, Slopes, Culverts, Fences, Ditches, Drains, and Passages, in Carts and other Carriages across or along such Lands, in such Manner as to do as little Damage as may be to the same; and in case the said Company shall refuse or neglect to make or erect or to maintain such Gates, Bridges, Arches, Hollows, Slopes, Culverts, Fences, Ditches, Drains, and Passages as herein-before directed, or any of them, for the Space of Ten Days next after the Time to be appointed for those Purposes respectively by such Justices, it shall be lawful for the respective Owners or Occupiers of the said Lands who shall find themselves aggrieved by such Neglect

or Refusal to make and erect, or (as the Case may require) to maintain and repair, such Gates, Bridges, Arches, Slopes, Hollows, Culverts, Fences, Ditches, Drains, and Passages as the said Justices shall have before directed or appointed to be made and erected as aforesaid, so that in making, erecting, repairing, or maintaining such Gates, Bridges, Arches, Hollows, Slopes, Culverts, Fences, Ditches, Drains, and Passages as aforesaid the said Railway, or any of the Works by this Act authorized to be made or constructed by the said Company, shall not be obstructed for any longer Space of Time or be injured in any other Manner than shall be unavoidably necessary; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Justices (in case there shall be any Dispute about the same), shall be repaid to the respective Owners or Occupiers of the said Lands who shall have so made and erected, repaired and maintained, such Gates, Bridges, Arches, Hollows, Slopes, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, by the said Company, within the Space of Ten Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered to and made from the said Company; and in default of Payment of the said Costs and Charges within the Time aforesaid the said Justices are hereby required by Warrant under their Hands and Seals to levy the said Costs and Charges, by Distress and Sale of any of the Goods and Chattels of the said Company, for the Use of the Party to whom such Costs and Charges shall have been allowed, rendering to the said Company the Overplus (if any), on Demand, after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices; or the said Owners or Occupiers, upon Refusal or Neglect by the said Company to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against them for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is by this Act directed: Provided always, that no such Gate, Bridge, Arch, Hollow, Slope, Culvert, Fence, Ditch, Drain, or Passage shall be required to be erected or made or shall be erected or made over or under the said Railway or any Part thereof at or in any Place or Manner at or in which the same would, if so erected or made, prevent or obstruct the working or using the said Railway or Works, or the Passage upon or along the same.

Where Compensation in lieu of Gates, Bridges, &c. has been made to Owners.

LXXVII. Provided always, and be it further enacted, That in every Case in which the Owner of any Lands, or other Person by this Act capacitated to convey, shall in his Arrangements with the said Company have received or agreed to receive Compensation for Gates, Bridges, Arches, Hollows, Slopes, Culverts, Fences, Ditches, Drains, or Passages, instead of the same being erected or formed by the said Company, for the Purpose of facilitating the Passage to or from either Side of the Lands severed or divided by the said Railway, it shall not be lawful for such Owner or those claiming under him to pass, and he and they shall for ever be prevented from passing or crossing, the said Railway from one Part to the other Part of the Lands so severed

and divided otherwise than by a Bridge, Arch, or Culvert to be erected at the Charge of such Owner.

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

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

Where Compensation is given in lieu of Gates, Bridges, &c. Parties not to cross Railway.

LXXIX. Provided always, and be it further enacted, That in every Case in which the Owner of any Lands, or other Person by this Act capacitated to convey, shall in their Arrangements with the said Company have received or agreed to receive Compensation for Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, or Passages, instead of the same being erected or formed by the said Company for the Purpose of facilitating the Passage to or from either Side of the Land severed or divided by the said Railway, it shall not be lawful for any such Owner or those claiming under him to pass, and they shall for ever be prevented from passing or crossing, the said Railway from one Part to the other Part of their Lands so severed and divided, otherwise than by a Bridge, Arch, or Culvert to be erected in manner aforesaid at the Charge of such Owners.

For fencing off Railway through private Lands.

LXXX. And be it further enacted, That the said Company shall and they are hereby required at their own Expence, after any Land shall have been taken for the Use of the said Railway and other Works, to separate the same and to keep the same constantly separated from the Lands adjoining to such Railway and other Works with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other

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

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

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

make or cleanse, maintain and repair (as the Case may be), such Tunnels, Arches, Culverts, Drains, Watercourses, or other Passages, it shall be lawful for any Person to apply for an Order in Writing to any Two or more Justices of the Peace acting within their Jurisdiction from Time to Time as often as there shall be Occasion, and the said Justices are hereby empowered at their Discretion to make and grant such Orders as aforesaid enabling such Person to make or cleanse and repair such Arches, Tunnels, Culverts, Watercourses, Drains, and other Passages accordingly, and the reasonable Expences thereof (to be ascertained by such Justices) shall be defrayed by the said Company; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Ten Days after Demand thereof made upon the said Company, such Expences may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company in the same Manner as any other Costs and Charges may by virtue of this Act be levied and recovered upon or from the said Company.

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

LXXXII. And be it further enacted, That nothing in this Act contained shall extend to prevent any Corporation or Person whomsoever, being the Owners or Occupiers 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 Persons with the Consent of such 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 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 Places where they shall have erected or set up any Building, Steam Engine, Works, Machinery, or Yard, or in any Places which they shall have appropriated or set apart for any specific Purpose with which such Communication would interfere, nor upon any Inclined Plane, 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 Parties are hereby authorized and empowered to take cognizance of all such References, and to act therein accordingly.

LXXXIII. Pro-

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

LXXXIII. 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 His 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 His Majesty's Courts of Record at *Westminster*.

Lords of Manors, &c. may erect Wharfs.

LXXXIV. And be it further enacted, That it shall be lawful for the Lord of any Manor, and the Owner of the Lands near to, through, or by which the said Railway shall be made, to erect and use any Wharfs, Landing Places, Cranes, Weighbeams, or Warehouses in or upon his Waste or other Lands adjoining or near to the said Railway, and to land and deposit any Goods or other Things upon, at, or in such Wharfs, Landing Places, Cranes, Weighbeams, or Warehouses, or upon the Banks lying between the same and the said Railway, and also to make and use proper and convenient Places for Waggons, Carts, and other Carriages to lie and turn in and pass each other, so that the making or using thereof do not obstruct or prejudice the Passage of the said Railway; and that all Rates or Tolls which shall be paid for the Use of such Wharfs, Landing Places, Cranes, Weighbeams, and Warehouses respectively shall be and the same are hereby accordingly vested in the respective Lords of such Manors or the Owners of such Lands who shall make and erect the same as aforesaid, and his Representatives, so that the Rates and Powers herein

herein granted to the said Company of Proprietors be not thereby reduced, altered, or infringed: Provided always, that if any such Lord or Owner shall not, within the Space of Six Calendar Months next after Notice given in Writing to him, or left at his last or usual known Place of Abode, by or on behalf of the said Company, signifying that any Part of such Waste or other Lands is necessary or proper to be used for the Purpose of erecting and making Wharfs, Landing Places, Warehouses, and Buildings for the Use of the said Railway, or for making or laying out necessary and convenient Roads for Conveyance of Goods to and from the said Railway, make, erect, and lay out, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs or Landing Places, Warehouses, Buildings, and Roads, for the Use of the said Railway, as any Two or more Justices of the Peace for the County of *Durham* shall think necessary, on the Part of the Waste or other Lands described in such Notice, then and in every or any such Case the said Company shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Waste or other Lands, not being the Lands whereon any House or other Building stands, or a Garden, Orchard, Yard, Park, planted Walk, or an Avenue to a House (except as herein-before is mentioned or referred to), for erecting and building proper and sufficient Wharfs, Landing Places, Warehouses, and Buildings, and making and laying out necessary and convenient Roads to and from the said Railway, agreeably to such Notice to be delivered as aforesaid.

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

LXXXV. 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 Five Pounds for every such Offence.

First and other General Meetings of the Company.

LXXXVI. And be it further enacted, That the First General Meeting of the said Company shall be held within Two Calendar Months next after the passing of this Act; and from and after such First General Meeting of the said Company there shall be a Half-yearly General Meeting of the said Company in the First Week of the Month of *February* and the First Week of the Month of *August* in each and every Year, or within the Space of One Calendar Month next after each of such Periods, and all such and so many Special General Meetings of the said Company as the Directors of the said Company shall think proper to convene, or as shall be convened by the Proprietors in manner herein-after provided, of which said General Meetings and Special General Meetings Fourteen Days public Notice at the least shall be given in the Manner herein-after directed; and every such Notice of a Special General Meeting shall specify the Purpose for which the same is called; and such First General Meeting shall be held in *Darlington* in the County of *Durham*, and all future Half-yearly General Meetings shall be held alternately in *Darlington* or *Newcastle-upon-Tyne*, as the Directors

shall at any previous Meetings determine and fix, and such Special General Meetings shall be held either at *Darlington* or *Newcastle-upon-Tyne*, as the Directors shall appoint; and such First General Meeting and such Half-yearly General Meetings and Special General Meetings may be adjourned from Time to Time, all Adjournments being made to the same Place where the original or preceding Meeting shall have been held.

Meetings of Proprietors may be specially convened.

LXXXVII. And be it further enacted, That Fifty or more Proprietors of the said Company, holding in the Aggregate Two thousand 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 either at *Darlington* or *Newcastle-upon-Tyne*, as may be expressed in such Requisition, 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 Fifty or more Proprietors by giving Fourteen Days Notice thereof in some *Durham*, *Newcastle-upon-Tyne*, and *York* Newspaper, and the said Company are hereby authorized to meet in pursuance of such Notice, and such of the Proprietors thereof as shall be present at such Meeting shall proceed to the 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.

LXXXVIII. 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.

LXXXIX. 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 Two or more

more *Durham*, *Newcastle*, and *York* Newspapers; and such last-mentioned Notices, when so published and given, shall be deemed and considered the same as if personally served.

Directing how Subscribers shall vote.

XC. 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 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,)

Form of Proxy.

'*A. B.* of one of the Proprietors of "The Great North
'of *England* 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 .'

The Person whose Name stands first as a joint

XCI. And be it further enacted, That whenever several Persons shall be jointly possessed of or entitled to any Share in the said Undertaking, the Person whose Name shall stand first in the Books of

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 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.

Proprietor with others to be deemed the Owner, and to vote.

XCII. 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 a 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.

Lunatics and Minors to vote by Committees and Guardians.

XCIII. 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.

Proprietors in arrear not to vote.

XCIV. 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 Eighteen 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 Five 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 *February* in the Year of our Lord One thousand eight hundred and thirty-eight,

First General Meeting to choose Directors.

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 annually by Rotation.

XCV. And be it further enacted, That at the General Meeting to be held in the Month of *February* which will be in the Year of our Lord One thousand eight hundred and thirty-eight Six 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 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 *February* which will be in the Year of our Lord One thousand eight hundred and thirty-nine Six 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 *February* 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 *February* in every subsequent Year Six 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.

Directors going out of Office re-eligible.

XCVI. 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.

General Meetings for choosing Directors to consist of not less than 40 Persons possessed of 2,000 Shares.

XCVII. 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 Forty Persons present (personally or by Proxy) who shall in the whole be entitled to Two thousand 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 *February* of the following Year.

XCVIII. And

For supplying Vacancies among Directors.

XCVIII. 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.

No Person holding Office capable of being a Director.

XCIX. 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 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.

Powers and Duties of Directors.

C. 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 Five 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,

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 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 be 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.

Directors to choose Committees.

CI. 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 Committees One of the Members present

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 signed by Three Directors to be binding.

CII. 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.

Orders and Proceedings to be entered in a Book.

CIII. 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.

Directors to cause Accounts to be kept.

CIV. 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.

Chairman and Deputy Chairman of Directors to be appointed.

CV. 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

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 *February* in each Year (except the Year One thousand eight hundred and thirty-seven), the Directors present at such Meeting of 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 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.

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

CVI. And be it further enacted, That at all General and 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.

First Directors of the Company.

CVII. And be it further enacted, That *William Ord, H P Smith, John Church Backhouse, Thomas Richardson, Josiah Smithson, Thomas Backhouse, Thomas Price, Thomas Barston, Henry Pease, Robert Botcherby, John Flintoff, Edward Oxley, W H Brockett, William Beaumont, Joseph Price, Charles Bragg, W L Prattman, C H Elsley, Charles Barrett, George Middleton, Jonathan Backhouse, John Hodgson, Henry Stobarts, Thomas Meynells* junior, 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 Eighteen 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

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.

General Meeting to appoint Treasurer and Clerk.

CVIII. 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 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.

Treasurer and Clerk not to be the same Person.

CIX. 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 or of 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 His Majesty's Courts of Record at *Westminster*.

Officers to account.

CX. 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 Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him received by virtue of this Act; and such 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

as upon the Balance of such Account shall appear to be owing from him to the said Company, or to such Persons as the said Company shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, 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 Non-payment 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 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, 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, 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 be detained in Prison for any longer Space of Time than Six Calendar Months.

Directors may appoint temporary Treasurer or Clerk.

CXI. 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.

Company empowered to make Bye Laws.

CXII. 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 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 Forfeitures 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 in *Darlington* and *Newcastle-upon-Tyne*, 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 all such Bye Laws, Orders, and Rules shall be subject to Appeal in manner herein-after mentioned.

Accounts to be made up yearly.

CXIII. And be it further enacted, That the said Company shall and they are hereby required to cause a true and particular Account to

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 *February*: 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 Seven Proprietors, each of whom shall hold at least Ten 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 or any Five Members thereof 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.

CXIV. 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 Yearly 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, 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.

Names of Proprietors to be entered, and Certificates of Shares to be delivered to them.

CXV. 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 or 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,)

Form of Certificate.

'The Great North of *England* Railway Company.
'Number .
'THESE are to certify, That *A. B.* of
'is the Proprietor of the Share [*or* Shares] Number
'of the Great North of *England* Railway 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 .'

For granting new Certificates when old ones are destroyed or worn out.

CXVI. 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.

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

CXVII. 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 or be entitled to any Share therein; and every Proprietor of the said Undertaking (or, in the Case of a Corporation, 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.

For ascertaining Proprietorship of Shares in case of Deaths, &c. in order to the Payment

CXVIII. 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

of Dividends in respect of such Shares.

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 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 His 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 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 His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company, who shall file the same, and make an Entry thereof in the Book 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 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 Executors of the said Will or the Administrator of the Intestate before some Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace as aforesaid, 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 Subscriptions.

CXIX. 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

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 Person as shall be directed by the said Directors; and in case any Party shall refuse or neglect to pay as aforesaid the Money 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 Subscriptions in advance.

CXX. 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 paid 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 One hundred 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 Sums paid in advance.

Power of Directors to make Calls.

CXXI. And be it further enacted, That the Directors to be appointed as aforesaid shall have Power from Time to Time to make such Calls of 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 One hundred Pounds on any such Share, and so that no such Call shall exceed the Sum of Ten Pounds upon each Share which any Corporation or Person shall be possessed of or entitled unto in the said Undertaking; and an Interval of Three 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 Two or more *Durham*, *Newcastle*, and *York* Newspapers aforesaid; 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 so pay 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 His 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 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 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 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 Purchase Money be more than

CXXII. And be it further enacted, That in case the Money produced by the Sale of any Share which shall be forfeited by reason of

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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.

sufficient to pay the Arrears, &c. the Surplus to be paid to the Owners.

CXXIII. 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 Ten Pounds *per* Share, or was made payable before the Expiration of Three 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.

Proceedings in Actions for Calls.

CXXIV. And

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

CXXIV. And whereas in Cases in which Proprietors of Shares in the said Undertaking shall die, or being Females 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 Registers 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 solemn 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 Two or more *Durham*, *Newcastle*, and *York* Newspapers, 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 solemn 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 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

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 Declaration guilty of a Misdemeanor.

CXXV. And be it further enacted, That any 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.

Shares to be deemed Personal Estate.

CXXVI. 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.

Proprietors of Shares may sell the same.

CXXVII. 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 duly stamped, 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* Railway," 'to hold unto the said *C.D.*, his Executors, Administrators, and 'Assigns [*or* Successors and Assigns], subject to the several Con-'ditions on which I held the same immediately before the Execu-'tion 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 held 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 Share to be sold until Call is paid.

CXXVIII. 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 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.

Receipt of One Proprietor of a Share a sufficient Discharge.

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

CXXX. 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.

Railway to be free on Payment of Rates.

CXXXI. 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.

Tonnage Rates allowed to be taken.

CXXXII. 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.

For all 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 One Penny *per* Ton *per* Mile for all or any of them:

For all Coals, 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 Two-pence *per* Ton *per* Mile for all or any of them:

For all Coals, Coke, Culm, and Charcoal which shall be put on board of any Ships or Vessels for the Purpose of Exportation any Sum, not exceeding One Penny Halfpenny *per* Ton *per* Mile:

For all Iron Rods, Bars, Hoop, Sheet, and all other Descriptions of Wrought Iron and Lead, and also other Articles of Merchandize not manufactured into Utensils, also all Grain, Corn, Flour, Dye-woods, 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.

Power to take Tolls for Carriages conveying Passengers, &c.

CXXXIII. 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.

For every Person conveyed in or upon any such Carriage, the Sum of Three-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 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 Sixpence *per* Mile.

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

CXXXIV. 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.

Company authorized to carry Passengers, Cattle,

CXXXV. 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

and Goods, and to charge for the same.

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* Railway Company may carry by virtue thereof.

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

CXXXVI. 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, or Merchandize, Articles, Matters, or Things, if carried by any other Party or Parties; 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 first Fourteen Days in the Months of *February* and *August* in each Year.

Packages containing Goods of a dangerous Quality to be marked.

CXXXVII. 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.

Passengers may carry Luggage

CXXXVIII. And be it further enacted, That without extra Charge it shall be lawful for every Passenger travelling upon or along the said Railway

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, 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.

without extra Charge.

CXXXIX. 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 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 Person; any thing herein contained to the contrary thereof notwithstanding.

Act not to prevent Company from hiring locomotive Engines.

CXL. 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 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.

Company authorized to fix the Price of small Parcels.

CXLI. 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 Six Miles, 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 Six Miles, exclusive of a reasonable Charge for the Expence of loading and unloading such Articles, Matters, and Things, in Cases where the loading and unloading shall be done by the said Company, and which Charge the said Company are hereby authorized to make.

Regulating the Charge for short Distances.

CXLII. 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

Regulating the Charge in Cases of fractional Parts of a

Ton or of a Mile.

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 Six Miles 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 a Quarter of a Mile from each other.

Power to reduce and again to raise the Rates or Tolls.

CXLIII. 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.

Rates to be charged equally.

CXLIV. Provided always, and be it further enacted, That the aforesaid Rates and Tolls and Charges for locomotive or other Power to be taken by virtue of this Act 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 no Reduction or Advance in the said Rates and Tolls or Charges 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 or Charges upon any particular Kind or Description of Articles, Matters, or Things 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.

Regulating Communication with other Railways.

CXLV. 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 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 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.

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

CXLVI. 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.

CXLVII. Pro-

Rates or Tolls only payable while Boards remain.

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

Penalty on Persons defacing the Boards.

CXLVIII. 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.

CXLIX. 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 or 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.

CL. 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

direct or appoint; and in case of Refusal or Neglect, on Demand, to pay such Rates or Tolls as may have accrued due unto the respective Persons appointed to receive the same as aforesaid, the said Company may, in case such Rates or Tolls shall amount to or exceed the Sum of Twenty Pounds, sue for and recover the same by an Action of Debt or upon the Case in any of His 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 hereinbefore mentioned.

Owners of Carriages to give Account of Lading.

CLI. 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.

Weight of Goods ascertained.

CLII. 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 Weight 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.

In case of Difference concerning Weight the Collector may weigh or measure the Carriage.

CLIII. 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, 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 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 about the Amount of Rates or Tolls.

CLIV. And be it further enacted, That if any Dispute 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.

Company empowered to lease the Rates or Tolls.

CLV. 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.

Power of Re-entry in case of Non-performance

CLVI. 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

of Conditions of Lease of Rates or Tolls.

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 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 utterly void to all Intents and Purposes (save as to the Covenants and Agreements for Payment of the Rent thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part); and it shall be lawful for the said Company in every such Case, either during such Proceedings or on the Termination thereof, again to demise or let to farm the said Rates 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.

Weights allowed to be carried on the Railway.

CLVII. 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

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.

Company to regulate the Passage on the Railway.

CLVIII. 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.

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

CLIX. 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 herein-before 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.

Engines used on Railway to be approved of by Company.

CLX. 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 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 the Engineer or other Agent to inspect and examine such Engine at any Place within Five Miles of the said Railway, and to report thereon to the said Company, who shall, within Seven Days after such Report, in case such Engine shall be fit and proper to be used on the said Railway, give a Certificate to the Party requiring the same of their Approval of every such Engine; and it shall then be lawful for such Party to whom the Certificate shall be granted to use the said Engine on the said Railway; and it shall be lawful for the said Company from Time to Time, upon any Engine used upon the said Railway being out of repair or unfit to be used upon the said Railway, to order the same to be taken off or to forbid the same to be used upon the said Railway; and in case any Person shall bring or use upon the said Railway any locomotive or other Engine, or any other moving Power, without having first obtained such Certificate of Approval as aforesaid, or in case, after Notice given by the said Company to remove from or not to use upon the said Railway any such unfit or improper Engine as aforesaid, the Person to whom such Engine shall belong shall not forthwith remove the same, or shall use any such unfit or improper Engine upon the said Railway without having first repaired the same to the Satisfaction of the said Company or their Engineer, and obtained such Certificate of Approval as aforesaid, every such Person shall forfeit and pay any Sum not exceeding Twenty Pounds for every such Offence; and the said Company are hereby authorized to remove such Engine from the said Railway.

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

CLXI. 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 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.

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

CLXII. 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 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; and in case no sufficient Distress

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can be conveniently found, then such Owner shall be committed to Prison, as in this Act is directed with respect to Persons who are convicted in any Penalty, and have no sufficient Goods whereon such Penalty may be levied; but if the Value or Amount of such Trespass, Damage, or Mischief shall exceed the Sum of Twenty Pounds, the Owner of such Carriage, his Executors or Administrators, may, at the Option of the said Company or the Person injured (as the Case may be) be sued and prosecuted for the same in any of His 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 to recover from their Servants Money paid for their Neglect, &c.

CLXIII. 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.

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

CLXIV. 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 Purposes 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 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.

CXLV. Pro-

Owners and Occupiers of adjoining Lands to cross Railway without Payment of Toll.

CLXV. 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.

Penalty on Persons on Foot using Railway.

CLXVI. 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 or for the Purpose of attending any Carriage under his Care, and except the respective Owners or Occupiers of Lands through which the said Railway shall pass, and their respective Servants in passing across or over the same as herein-before authorized,) every Person so offending shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Penalty on Persons obstructing the free Course of Railway.

CLXVII. 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 destroying Works.

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

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

CLXIX. 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

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, Offices, 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.

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

Penalty for obstructing the Railway by overloading, &c.

CLXXI. 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 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.

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

CLXXII. 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.

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

CLXXIII. 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

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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.

Recovery and Application of Penalties.

CLXXIV. 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,) 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

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 the Recovery of Penalties.

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

For securing Offenders whose Names and Residences are unknown.

CLXXVI. 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.

Forms of Information and Conviction:

CLXXVII. 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,)

Form of Information.

‘ } BE it remembered, That on the Day of
‘ to wit. } *A. B.* of informeth me *C. D.*, one of His
‘ Majesty's Justices of the Peace for the County [*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 His Majesty King *William*
‘ the Fourth, 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.*'

Form of Conviction.

'BE it remembered, That on the Day of
'to wit. in the Year of our Lord *A. B.* is convicted
'before me *C. D.*, one of His Majesty's Justices of the Peace for the
'County 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 His Majesty King *William*
'the Fourth, intituled [*insert the Title of this Act*]. Given under my
'Hand and Seal the Day and Year first above written. *C. D.*'

Justices to appoint Special Constables.

CLXXVIII. And be it further enacted, That it shall be lawful for any Justice of the Peace acting within his Jurisdiction and he is hereby required from Time to Time to appoint such fit and proper Persons as shall be nominated to him by the said Company, or their Clerk or Treasurer for the Time being for that Purpose, to be Special Constables within the said Railway and other Works, and every or any Part thereof; and every Person so appointed shall take an Oath, to be administered by the same or some other Justice of the Peace, duly to execute the Office of a Constable for the said Premises; and every Person so appointed and sworn 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 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 the said Company by their Clerk or Treasurer 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.

General Power to Justices to administer Oaths.

CLXXIX. 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 or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to any Person before he shall be examined by or before such Justice.

For compelling Witnesses to attend.

CLXXX. 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.

Persons aggrieved may appeal to Quarter Sessions.

CLXXXI. 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, or any Order or Judgment given or made in pursuance thereof, 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 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.

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

CLXXXII. 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

good and sufficient Service of the same respectively on the said Company.

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

CLXXXIII. 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 some Member or upon the Clerk or other Officer 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 Member, Clerk, or other Officer of such Corporation, or at the Office of such Clerk or other Officer, shall be deemed good and 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.

How Debts may be proved in Cases of Bankruptcy.

CLXXXIV. 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.

Directors empowered to grant Releases to Witnesses.

CLXXXV. 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 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.

Authenticated Bye Laws to be Evidence.

CLXXXVI. And be it further enacted, That in all Cases of Prosecution for Offences against the Bye Laws, Orders, or Rules of the

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 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.

Distress not unlawful for Want of Form.

CLXXXVII. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which 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.

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

Limitation of Actions.

CLXXXIX. 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.

Plaintiff not to recover after Tender of Amends.

CXC. 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.

Where Verdict given against the Company, Double Costs may be recovered.

CXCI. And be it further enacted by the Authority aforesaid, That in every Case where the said Company shall commence or prosecute or defend any Action or Suit in any Court of Law or Equity, and a Verdict shall be given, or a Nonsuit pass, or a Decree or Order shall be made against such Company, it shall be in the Power of the Judge before whom such Action or Suit shall be tried or heard, if he shall think fit, to order Double Costs to be paid by such Company, and such Double Costs shall be recoverable and recovered against such Company in the same Manner as common Costs in any such Action or Suit.

Directors not personally liable for Acts legally done as Directors.

CXCII. 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 Indemnity of Directors.

CXCIII. 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 Capitals 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.

Provision for Deficiencies of Land Tax.

CXCIV. 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 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.

Act may be put into execution immediately.

CXCV. And whereas the probable Expence of making the said Railway and the other Works hereby authorized, amounting to the Sum of Six hundred and sixty thousand Pounds, has been already subscribed for by several Persons under a Contract binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them respectively subscribed for; be it therefore enacted, That this Act may be put into execution immediately after the passing thereof.

CXCVI. And

Sum of Money, if necessary, by way of Mortgage.

tioned shall be found insufficient for the Purposes of this Act, 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 additional Sum, not exceeding in the whole the Sum of One hundred and fifty thousand Pounds, on the Credit of the said Undertaking; and the Directors of the said Company, after an Order shall have been for that Purpose at any General or Special General Meeting of the 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 a Copy of the Order of any General or Special General Meeting of the said Company authorizing the borrowing of any such Sum of Money, certified by the Clerk of the said Company to be a true Copy, shall be sufficient Evidence of the Money authorized to be raised by Subscription being insufficient for the Purposes of this Act, and of the making of the Order for raising such additional Sum of Money; 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,)

Form of Mortgage.

'Great North of *England* Railway Company.

'Number .

'BY virtue of an Act passed in the Year of the 'Reign of His Majesty King *William* the Fourth, intituled [*here* '*set forth the Title of this Act*], we, "The Great North of *England* 'Railway Company," incorporated by and under the said Act, in con-'sideration 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 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,)

Mortgages may be transferred.

'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 Mortgage,
'Number made by "The Great North of *England*
'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 .'

Form of Transfer of Mortgage.

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 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.

Entries of Transfers to be made by the Clerk.

CC. Provided always, and be it further enacted, That 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 One hundred and fifty thousand 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

Power to borrow any Part of the 150,000*l.* on Bond.

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 reasonable 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,)

Form of Transfer of Bond.

'I [*or* We] of in consideration
'of the Sum of paid by of
'do hereby transfer a certain Bond, numbered under the
'Common Seal of "The Great North of *England* Railway 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* Successors], 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 the Issue of new Shares.

CCI. And be it further enacted, That in case 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, shall think it advisable to raise such further or additional Sum or any Part thereof by way of Augmentation of their Capital Stock, or 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

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 One hundred and fifty thousand 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 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.

Power to borrow Money of Exchequer Loan Bill Commissioners, and give Security. 3 G. 4. c. 86.

CCII. And be it further enacted, That it shall be lawful for the said Company at any Time or from Time to Time, by Order of any General or Special General Meeting, to borrow of the Commissioners for carrying into execution an Act of Parliament passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend Two Acts of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Act,* any Sum of Money not exceeding in the whole the Sum or Sums of Money hereby authorized to be raised by Mortgage as aforesaid, and by Deed under the Common Seal and at the Costs of the said Company to assign and assure to the Secretary for the Time being of the said Commissioners, and as they shall direct, free from all Incumbrances, the said Undertaking, and all the Works and Property of the said Company, and all Rates, Tolls, Profits, and Receipts accruing and thereafter to accrue to or for the Use of the said Company under or by virtue of the Authority of this Act or otherwise, for securing to the said Commissioners the Repayment of the Amount of the Exchequer Bills to be so borrowed as aforesaid.

Security to Commissioners to have Priority.

CCIII. And be it further enacted, That every Security to be given to the said Commissioners as aforesaid shall not be affected by any

any Informality in any Meeting or Proceeding of the said Company or the said Directors, and shall have Priority over all other Mortgages, Charges, and Securities whatsoever to be created by the said Company under the Authority of this Act.

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

CCIV. 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 His Majesty's Courts of Record at *Westminster*.

Creditors not to vote.

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

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

CCVI. 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 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.

Holder of Mortgages or Assignments for unlimited Periods may demand Payment after 12 Calendar Months from their Date.

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

Company may pay off such Mortgages upon giving Six Months Notice.

For securing the Repayment of Principal Money borrowed.

CCVIII. 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 Twenty 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 Costs, by an Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

CCIX. And

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

CCIX. 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 One hundred and twenty-five thousand 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 Land not contracted for within Two Years, Power to take Land on Compulsion to cease.

CCX. And be it further enacted, That unless the said Company shall, within the Space of Two Years, to be computed from the passing of this Act, agree for or cause to be valued and paid for, as in this Act is mentioned, the Lands which they are by this Act empowered to take or use, or otherwise so much thereof as shall be by them deemed necessary and proper for the Purposes of constructing the said Railway or other Works hereby authorized, (save and except the aforesaid Fifty Statute Acres of Land which the said Company are by this Act authorized to purchase in addition to the Lands hereby authorized to be taken or used for constructing the said Railway and other Works,) then and from thenceforth the Powers which are hereby granted to them for the compulsory taking or using of such Lands shall cease and be utterly void.

If Railway not completed in Seven Years, Powers to cease, except as to such Part, if any, as shall be completed.

CCXI. And be it further enacted, That in case the said Railway and Works shall not have been made and completed within the Space of Seven Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Seven 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 Seven 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 Land to vest in the Owners of adjoining Lands.

CCXII. 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 be so abandoned or given up in manner following, (that

(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.

No Deviation, &c. to be made in nor Buildings erected on the Lands of the Earl of Eldon.

CCXIII. Provided always, and be it further enacted, That in making the said Railway through the Lands of the Right Honourable *John* Earl of *Eldon*, his Heirs and Assigns, it shall not be lawful for the said Company, without the Consent in Writing of the said *John* Earl of *Eldon*, his Heirs or Assigns, first had and obtained, to deviate from the Line delineated on the Plan deposited with the Clerk of the Peace as herein-before mentioned, except only to a Distance not exceeding Fifty Yards on the Eastern Side of such Part of the said Line as lies between the Road leading from *Rushyford* to *Sedgfield* and the Field or Piece of Land No. 19, on the said Plan, in the Parish of *Great Aycliffe* in the said County of *Durham*: Provided also, that it shall not be lawful for the said Company for any of the Purposes of this Act, without such Consent as aforesaid, to erect or construct any Houses, Wharfs, Warehouses, Toll Houses, Landing Places, Engines, or other Buildings, Machinery, Apparatus, or other Works and Conveniences, other than the mere Line of the said Railway, upon any Land belonging to the said *John* Earl of *Eldon*, his Heirs and Assigns, nor to enter upon, take, use, or affect for any of the Purposes of this Act, whether temporary or permanent, any Land belonging to the said *John* Earl of *Eldon*, his Heirs and Assigns, other than the Land required for the mere Line of the said Railway, save only for the Purposes of forming as herein-before provided temporary Roads or Approaches to and from the said Railway over such Land as shall adjoin to the Line of the said Railway, and of laying Materials as herein-before provided upon such Part of the said Land as shall adjoin to any Place or Places where it shall be necessary for the said Company to erect any Bridge or Bridges in the Line of the said Railway, such temporary Uses of any such Land not being made at a greater Distance from the said Railway than is herein-before in such Cases provided.

Railway not to be exempt from Provisions of any General Act for the Regulation of Railways.

CCXIV. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed, deemed, or taken to extend, to exempt the Railroad to be formed under or by virtue of the Powers in and by this Act contained and given, or any Branch thereof, from the Provisions of any General Act or General Acts for the Regulation of Railroads which may be passed before the Expiration of One Year from the passing of this Act, if Parliament shall be sitting at the Expiration of such Period of One Year, or (if Parliament shall not then be sitting) before the End of the then next Session of Parliament.

Public Act.

CCXV. 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.

The SCHEDULE to which the foregoing Act refers.

Nos.	Townships.	Parishes.	Owners.	Occupiers.	Particulars.
1	Gateshead -	Gateshead -	The Newcastle and Carlisle Railway Company.	The Newcastle and Carlisle Railway Company.	Line of an intended Railway from Blaydon to the Spital.
2	Ditto -	Ditto -	The Blaydon and Hebburn Railway Company.	The Blaydon and Hebburn Railway Company.	Line of an intended Railway from Blaydon to Hebburn.
6	Ditto -	Ditto -	Ditto - -	William Cuthbert, as Lessee under Adam Askew the Owner.	Quay adjoining the River Tyne.
8	Ditto -	Ditto -	Ditto - -	Ditto - -	Plantation, with a private Carriage Road therein, adjoining the House, Lawn, and Gardens at Redheugh.
9	Ditto -	Ditto -	Ditto - -	Ditto - -	Farm-yard, with Stables, Sheds, &c.
10	Ditto -	Ditto -	Ditto - -	Francis Armstrong	Cottage and Garden.
11, 12	Ditto -	Ditto -	Ditto - -	William Cuthbert -	Grass Field, with Clump of Trees and Stack-yard therein.
15	Ditto -	Ditto -	Ditto - -	Ditto - -	Arable Field, with Clump of Trees therein.
17	Ditto -	Ditto -	Ditto - -	Ditto - -	Ditto.
20	Ditto -	Ditto -	Thomas Ridley otherwise Thomas Pigg, Jane Pigg, and Elizabeth Pigg.	Robert Ford -	Dwelling House licensed as a Pub-House, and Garden.
21	Ditto -	Ditto -	Ditto - -	John Vasey -	Garden.
28, 29	Ditto -	Ditto -	Joshua Watson -	Ditto - -	Garden and Cottage.
32	Ditto -	Ditto -	Frederick Glenton -	Frederick Glenton -	Garden.
33	Ditto -	Ditto -	Joshua Watson -	Thomas Pickering -	House and Garden.
35	Ditto -	Ditto -	Joshua Watson, Joseph Langstaff, Catherine Mary Langstaff, and Agnes Locke.	Richard Renwick -	Garden.
36	Ditto -	Ditto -	Robert Nicol -	Robert Nicol -	House and Garden, with Hot-house therein.
37	Ditto -	Ditto -	Jane Beeney -	Alexander Walker -	Ditto.
38	Ditto -	Ditto -	Joshua Watson -	Eliza Wailes -	House and Garden.
39	Ditto -	Ditto -	Ditto - -	Thomas Hopper -	House, Stable, and Garden.
39 *a*	Ditto -	Ditto -	Ditto - -	James Robson -	Garden.
40, 41	Ditto -	Ditto -	George Walker -	Henry Hutchinson	Cottage and Garden.
44	Ditto -	Ditto -	Thomas Bainbridge and John Bainbridge.	Themselves -	Dwelling House, Stable, Coal-house, and Two Gardens.

Nos.	Townships.	Parishes.	Owners.	Occupiers.	Particulars.
45	Gateshead -	Gateshead -	William Storey, as Lessee under Isaac Arthur the Owner.	William Storey -	Dwelling House and Garden.
46	Ditto -	Ditto -	Isaac Arthur -	Robert Welsh -	Garden.
47	Ditto -	Ditto -	The Rector of Gateshead.	Ditto - -	Ditto.
49	Ditto -	Ditto -	William Kell -	William Oswald -	Ditto.
51	Ditto -	Ditto -	Robert Welsh -	Robert Welsh -	House and Garden.
51 *b*	Ditto -	Ditto -	Robert Scott -	Michael Lindsay -	House.
51 *c*	Ditto -	Ditto -	Elizabeth Briggs -	William Althorpe -	Public House, Sign of William IV.
54	Ditto -	Ditto -	John Barras -	Thomas Hopper -	Plantation.
82	Ditto -	Ditto -	Thomas Robson -	Lord Ravensworth, Lord Wharncliffe, and John Bowes.	Pit called Saltwell Pit.
84	Ditto -	Ditto -	Ditto - -	Ditto - -	Railway leading from Saltwell Pit to the Shipcote Railway.
86	Ditto -	Ditto -	Lord Ravensworth	Ditto - -	Ditto.
87	Ditto -	Ditto -	Thomas Robson -	Thomas Robson -	Plantation.
87 *a*	Ditto -	Ditto -	Lord Ravensworth	Lord Ravensworth	Ditto.
91	Ditto -	Ditto -	Ditto - -	Lord Ravensworth and Partners, as before named.	A Railway called Shipcote Railway, leading from Derwent Crook Colliery.
98, 99, 100, 102	Ditto -	Ditto -	Ditto - -	John Pattison -	Farmhouse, with Garden, Courtyard, Stable, Byer, and Farm-yard adjoining.
101	Ditto -	Ditto -	Ditto - -	Thomas Wardle -	Cottage.
103	Ditto -	Ditto -	Ditto - -	William Dodds -	House.
104	Ditto -	Ditto -	Ditto - -	Thomas Milbin -	Cottage.
107	Ditto -	Ditto -	Ditto - -	Thomas Milbin and Thomas Wardle.	Gardens.
109	Ditto -	Ditto -	Ditto - -	Lord Ravensworth and Partners, as before named.	Pit called Derwent Crook Pit or Colliery, with Engine, Machinery, and Smithy adjoining.
123, 131	Ditto -	Ditto -	Ditto -	Thomas Almond and Margaret Dodds.	Two Cottages and Gardens.
124	Ditto	Ditto -	Ditto - -	William Dodds and John Dodds.	Garden.
125	Ditto -	Ditto -	Ditto - -	Lord Ravensworth and Partners, as before named.	Water-pit, with Engine-house, being Part of Derwent Crook Colliery Works.
126, 127	Ditto -	Ditto -	Ditto - -	Ditto - -	Smith's Shop, Joiner's Shop, and Corf Yard.
127 *a*, 128, 129, 130	Ditto -	Ditto -	Ditto - -	William Dodds, John Dodds, and John Ford.	Dwelling Houses and Gardens.
132	Ditto -	Ditto -	Ditto - -	Michael Almond -	Garden.

Nos.	Townships.	Parishes.	Owners.	Occupiers.	Particulars.
19	Lamesley -	Chester-le-Street.	William Wharton Burdon, as Lessee under Lord Ravensworth the Owner.	William Wharton Burdon.	Stable.
19, 20	Ditto -	Ditto -	Ditto - -	William Barkas -	House and Gardens.
24	Ditto -	Ditto -	Ditto - -	William Wharton Burdon.	Brick-yard.
25	Ditto -	Ditto -	Ditto - -	John Gardner -	Cottage and Garden.
26	Ditto -	Ditto -	Ditto - -	William Wharton Burdon.	Water Engine, Pit, and Store-house.
27	Ditto -	Ditto -	Ditto - -	John Richardson -	Cottage and Garden.
28	Ditto -	Ditto -	Ditto - -	George Richardson, Samuel West, and Joseph Martin.	Cottages.
29	Ditto -	Ditto -	Ditto - -	Samuel West -	Garden.
30	Ditto -	Ditto -	Lord Ravensworth	Thomas Robson, relet to Joseph Martin.	Ditto.
31	Ditto -	Ditto -	Ditto - -	Thomas Robson, relet to George Richardson.	Ditto.
34	Ditto -	Ditto -	William Wharton Burdon, as Lessee under Lord Ravensworth the Owner.	William Wharton Burdon.	Railway called Team Railway, leading from Team Colliery to the River Tyne at Dunston.
52	Ditto -	Ditto -	Lord Ravensworth	Jonathan Pattinson	Field with small Plantation therein.
60	Ditto -	Ditto -	Ditto - -	Lord Ravensworth	Plantation called Long Acre Wood.
17	Ribblesworth	Ditto -	Calverly Bewicke Bewicke.	Calverly Bewicke Bewicke and Hall Stobbs.	Plantation.
7	Birtley -	Ditto -	Thomas Maddison	Thomas Maddison	Ditto.
18, 19	Ouston -	Ditto -	Lady Byron -	William Morris, Thomas Dodds, and John Blakelock.	Farmhouse with Garden and Outbuildings.
24	Ditto -	Ditto -	Owners of Ouston Colliery, as Lessees under Lady Byron the Owner.	Henry Wardle -	Cottage and small Garden.
25	Ditto -	Ditto -	Ditto - -	Owners of Ouston Colliery.	Engine-house and Buildings at Ouston B. Pit.
27	Ditto -	Ditto -	Ditto - -	Ditto - -	Ouston Colliery Railways.
5, 6	Harraton -	Ditto -	Hilton Jolliffe -	George Cowans, Edward Robson, Thomas Mason, William Cook, William Casson, Hottiwell Postle, and Isaac Lee.	Cottages and small Gardens.

Nos.	Townships.	Parishes.	Owners.	Occupiers.	Particulars.
8	Harraton -	Chester-le-Street.	Owners of Urpeth Colliery, viz. William Bell, Morrison and Company, as Lessees under Hilton Joliffe the Owner.	Owners of Urpeth Colliery, viz. William Bell, Morrison and Company.	A Colliery Railway from Urpeth Colliery.
9	Ditto -	Ditto -	Owner of Beamish Colliery, viz. Morton John Davison, as Lessee under Hilton Jolliffe the Owner.	Owner of Beamish Colliery, viz. Morton John Davison.	A Colliery Railway from Beamish Colliery.
15	Ditto -	Ditto -	The Earl of Durham	The Earl of Durham	Plantation called the West Lodge Plantation.
23	Ditto -	Ditto -	Stanhope and Tyne Railway Company, as Lessees under the Earl of Durham the Owner. - -	Themselves -	Stanhope and Tyne Railway.
29 20	Ditto -	Ditto -	Owners of Ouston Colliery, as Lessees under the Earl of Durham the Owner -	Ditto - -	Cottages and small Gardens.
11	Chester-le-Street.	Ditto -	The Earl of Durham	Ann Pickering -	House, with Garden and small Plantation adjoining.
13 14	Ditto -	Ditto -	John Bird and George Murray, as Lessees under the Earl of Durham the Owner	Themselves -	Brick-yard and Tile Sheds.
15	Ditto -	Ditto -	Ditto - -	John Bird, George Murray, Robert Curry, and Walter Hope.	Cottages.
16	Ditto -	Ditto -	Ditto - -	Thomas Clifford -	Garden.
17	Ditto -	Ditto -	The Bishop of Durham.	James Wilkinson, Anthony Ramsbotham, Thomas Clifford, William Craggs, and William Best.	Small Gardens.
22 23	Ditto -	Ditto -	Robert Darling, in Trust for Eleanor Burdon - -	John Walton -	House and Garden.
24	Ditto -	Ditto -	Ditto - -	Jane Graydon -	Ditto.
25	Ditto -	Ditto -	Thomas Bertram -	Alice Cooper -	House and Yard, &c.
26	Ditto -	Ditto -	John Mowbray -	John Mowbray and Jane Minnikin.	Ditto.
27	Ditto -	Ditto -	Thomas Brabant -	Mary Charlton, William Middleton, and John Longridge.	House and Yards, &c.
28	Ditto -	Ditto -	John Bird -	Anthony Ramsbotham and John Graydon.	Ditto.
29	Ditto -	Ditto -	Jane Bird - -	Jane Bird - -	House, with Stables, Yard, and Coach-house.

Nos.	Townships.	Parishes.	Owners.	Occupiers.	Particulars.
30	Chester-le-Street.	Chester-le-Street.	John Bird -	James Wilkinson -	Cottage and Garden.
31	Ditto -	Ditto -	John Wheatley, William Wheatley, and Joseph Wheatley.	George Usher -	Blacksmith's Shop.
32	Ditto -	Ditto -	Ditto - -	William Craggs, William Best, George Wheatley, and Robert Wardropper.	Cottages, Yards, and Gardens.
33	Ditto -	Ditto -	Ditto - -	John Heppel -	Cottage.
38	Ditto -	Ditto	Thomas Fenwick, Addison Fenwick, Ralph Fenwick, Robert Fenwick, and Abraham Storey, Partners of Chester Brewery.	The Partners of Chester Brewery before named.	Stables, Coach-house, Shop, and Conveniences.
39	Ditto -	Ditto -	Thomas Storey Jennings and Thomas Brown.	Thomas Brown and John Jennings.	Dwelling House and Workshops.
40	Ditto -	Ditto -	Robert Copeland -	David Wagget and John Harrison.	House, Yard, Stable, and Conveniences.
41	Ditto	Ditto -	Margaret Wilson -	Margaret Wilson and John Lowe.	House, Yard, Stable, &c.
43	Ditto -	Ditto -	The Partners of Chester Brewery before named.	Thomas Storey Jennings.	A Public House.
44 } 45 }	Ditto -	Ditto -	Ditto - - {	John Wilkinson and Nathan Aingey.	Houses and Conveniences.
46	Ditto -	Ditto -	Ditto - -	The Partners of Chester Brewery before named.	Brewery, Yard, and Outbuildings.
47	Ditto -	Ditto -	Ditto - -	John Phillips -	Cottage.
48	Ditto	Ditto -	Ditto - -	Abraham Storey -	House, Yard, Garden, and Conveniences.
49	Ditto -	Ditto -	Ditto - -	Christopher Wilkinson and John Richardson.	Houses.
50	Ditto -	Ditto -	Ditto - -	The Partners of Chester Brewery before named.	Dwelling Houses.
51	Ditto -	Ditto -	Ditto - -	Abraham Storey -	Garden and Orchards, &c.
54	Ditto -	Ditto -	Mary Greenbank -	Mary Greenbank -	Garden.
55	Ditto -	Ditto -	Thomas Hyde Ripley.	Charles John Scott	Ditto.
56	Ditto -	Ditto -	Mary Greenbank -	Charles John Scott	Orchard or Garden.
58 } 60 }	Ditto -	Ditto - {	Thomas Hyde Ripley - - }	Mary Greenbank - {	House, Yard, Garden, and Stables.
61	Ditto -	Ditto -	Sarah Hutchinson -	John Hudson -	Garden.
64	Ditto -	Ditto -	Jane Smith -	John Sherlock -	Ditto.
70	Ditto -	Ditto -	William Matthew -	Elizabeth Burn -	Garden and Yard.
71	Ditto -	Ditto -	William Murray and Thomas Murray.	William Murray and Thomas Murray.	Iron Foundry, with Yards and Shops adjoining.
76	Ditto -	Ditto -	The Earl of Durham.	John Lowson -	Garden and Yard.

Nos.	Townships.	Parishes.	Owners.	Occupiers.	Particulars.
78	Chester-le-Street.	Chester-le-Street.	The Partners of Sunderland Brewery, viz. Robert Fenwick, Thomas Fenwick, and Company.	George Kirby -	Garden.
79	Ditto -	Ditto -	James Nelson -	James Nelson -	Ditto.
82	Ditto -	Ditto -	Edward William Maxwell.	Edward William Maxwell.	Ditto.
83	Ditto -	Ditto -	Hilton Jolliffe -	William Murray and Thomas Murray.	Garden.
92	Ditto -	Ditto -	James Nelson -	James Nelson -	A Coach-house.
96	Ditto -	Ditto -	Thomas Cookson and James Nelson.	Thomas Blackett -	Stack-yard.
103	Ditto -	Ditto -	Earl of Durham -	James Wilkinson -	Garden.
105	Ditto -	Ditto -	Thomas Cookson -	Thomas Cookson -	Private Carriage Road.
110	Ditto -	Ditto -	The Trustees of the Gateshead and Durham Turnpike Road, Joseph Willis Clerk.	J. Greenwell -	Toll Gate and Gatekeeper's House.
111	Ditto -	Ditto -	Thomas Cookson -	Thomas Cookson -	Plantation.
114	Ditto -	Ditto -	Ditto - -	Thomas Askew -	Porter's Lodge, Garden, &c.
115, 116	Ditto -	Ditto -	Ditto - -	Thomas Cookson	Pleasure Grounds, Garden, and Plantations.
131	Ditto -	Ditto	The Earl of Scarborough, as Lessee under the Bishop of Durham the Owner.	Edward Wardropper and Thomas Wardropper.	Farm-yards, Gardens, Houses, and Conveniences.
132	Ditto -	Ditto -	Thomas Cookson -	Thomas Cookson, George Davison, and John Robson.	Ditto.
135	Ditto -	Ditto -	Thomas Purvis	Thomas Purvis -	Plantation.
140, 142, 143, 144	Ditto -	Ditto	Thomas Fenwick -	Thomas Fenwick	House, Gardens, Pleasure Grounds, and Plantation.
2	Plawsworth	Ditto -	Thomas Purvis -	Thomas Purvis -	Ditto.
6	Framwellgate	Saint Oswald	Thomas Fenwick -	Thomas Fenwick -	Ditto.
22	Ditto -	Ditto -	Bishop of Durham	Henry Jopling -	Houses, Gardens, Stables, and Farmyard.
34, 35	Ditto -	Ditto -	Robert Hodgson -	Robert Hodgson -	House and Garden, &c.
41	Ditto -	Ditto -	William Russell -	John Waugh -	Farmhouse, Yard, and Garden.
46	Ditto -	Ditto -	James Bent Summers and Thomas Summers.	James Bent Summers and Thomas Summers.	House, Garden, Cottage, and Farmyard.
60, 61, 62	Ditto -	Ditto -	William Russell -	Henry John Spearman -	Hall, Garden, Cottages, Farm-yard, and Plantations.
70, 82	Ditto	Ditto -	Bishop of Durham	Bishop of Durham and William Wearmouth -	Plantation.

Nos.	Townships.	Parishes.	Owners.	Occupiers.	Particulars.
74	Framwellgate	Saint Oswald	Barrington Price -	William Wearmouth.	Houses, Farm-yards, and Gardens.
76	Ditto -	Ditto -	William Russell -	Thomas Wallace -	Ditto.
31	Saint Giles -	Saint Giles -	Durham and Sunderland Railway Company.	Themselves -	Line of the Durham and Sunderland Railway.
32	Ditto -	Ditto -	John Ebdy - -	Charles Ebdy and John Ebdy.	Houses and Gardens.
33	Ditto -	Ditto -	Jane Bell - -	Hannah Barron and John Dobson.	House, Garden, and Nursery.
34	Ditto -	Ditto -	Representatives of the late Thomas Wilson.	Anthony Burnup -	Garden and Nursery.
34 *a*	Ditto -	Ditto -	Joseph Bennett and James Bennett.	Joseph Bennett -	House, Orchard, and Nursery.
35	Ditto -	Ditto -	Ralph Salkeld -	John Simm -	Garden and Nursery.
36	Ditto -	Ditto -	Ditto - -	George Stockley -	House and Gardens.
37	Ditto -	Ditto -	Thomas Rennie -	Thomas Rennie, Robert Hewitt, and Thomas Hanson.	Houses, Yards, and Gardens.
43	Ditto -	Ditto -	Thomas Elliott -	Himself - -	House, Yard, and Garden.
44	Ditto -	Ditto -	William Smith -	James Reynolds -	Ditto.
2	Saint Oswald	Saint Oswald	Lord Londonderry	Lord Londonderry	Plantation.
5	Ditto -	Ditto -	Ditto - -	Mary Dixon and Joseph Thompson.	House, Garden, Farmyard, and Outbuildings.
13	Ditto -	Ditto -	Ditto - -	William Grace -	Ditto.
10	Shincliffe -	Ditto -	John Burrell, as Lessee under the Dean and Chapter of Durham the Owners.	Dean and Chapter of Durham and John Lowe.	Plantations.
17	Ditto -	Ditto -	John Eskett, as Lessee under the Dean and Chapter of Durham the Owners.	Ann Briggs and John Bland.	Cottage and Garden.
18	Ditto -	Ditto -	Michael Young, as Lessee under the Dean and Chapter of Durham the Owners.	Himself - -	Barn, Cottage, and Farm-yard, &c.
19	Ditto -	Ditto -	John Eskett, as Lessee under the Dean and Chapter of Durham the Owners.	Robert Simpson -	Cottages.
20	Ditto -	Ditto -	William Atkinson, as Lessee under the Dean and Chapter of Durham the Owners.	Himself - -	Cottage and Garden.
21	Ditto -	Ditto -	Philip Pearson, as Lessee under the Dean and Chapter of Durham the Owners.	William Linsley, William Taylison, and Robert Brack.	Houses, Stables, and Gardens.
22	Ditto -	Ditto -	Robert Nesbitt, as Lessee under the Dean and Chapter of Durham the Owners.	Robert Nesbitt, Robert Brack, and John Lowe.	Cottage and Garden.

Nos.	Townships.	Parishes.	Owners.	Occupiers.	Particulars.
23	Shincliffe -	Saint Oswald	Philip Pearson, as Lessee under the Dean and Chapter of Durham the Owners.	Himself - -	House, Garden, and Yard.
25	Ditto -	Ditto -	Martha Appleby, as Lessee under the Dean and Chapter of Durham the Owners.	Robert Shotton -	House and Garden.
33	Ditto -	Ditto -	Ingleby Miller, as Lessee under the Dean and Chapter of Durham the Owners.	John Prince -	Wood.
37	Ditto -	Ditto -	John Prince, as Lessee under the Dean and Chapter of Durham the Owners.	Ditto - -	Dwelling House, &c. and Farm Outbuildings.
14	Hett -	Merington -	Anthony Wilkinson	Himself - -	Plantation.
23	Ferryhill -	Ditto -	Clarence Railway Company.	Themselves -	Railway, Workshops, and Quarry.
27	Ditto -	Ditto -	John Rudd, as Lessee under the Dean and Chapter of Durham the Owners.	William Lighton -	Dwelling House, &c. and Garden.
9	Chilton -	Ditto -	Anne Surtees and Robert Lambton Surtees.	Herself - -	Plantation.
12	Ditto -	Ditto -	Ditto - -	Ditto - -	Ditto.
15	Ditto -	Ditto -	Ditto - -	Ditto - -	Ditto.
17	Ditto -	Ditto -	Ditto - -	Ditto - -	Ditto.
11	Woodham -	Great Aycliffe.	The Right Hon. the Earl of Eldon.	Ralph John Lambton.	Fox Cover.
33 34	Ditto -	Ditto -	Barbara Isabella Lawson, as Lessee under the Dean and Chapter of Durham the Owners -	George Cowling -	Dwelling House, Farm Buildings, Stack-yard, Garden, Garth, &c.
37	Ditto -	Ditto -	George Cowling, as Lessee under the Dean and Chapter of Durham the Owners.	Ditto - -	Plantation.
45	Ditto -	Ditto -	Cuthbert Willis, as Lessee under the Dean and Chapter of Durham.	Himself - -	Mill, Dwelling House, and Outbuildings.
1	Heighington	Heighington	Cuthbert Willis, as Lessee under the Dean and Chapter of Durham the Owners.	Himself - -	Mill, Appurtenances, and Mill Batt, and Watercourses.
12	Preston-le-Skerne.	Great Aycliffe.	James Watson -	Himself - -	Plantation.
16	Ditto -	Ditto -	Ditto - -	Ditto - -	Ditto.
17	Ditto -	Ditto -	Ditto - -	Ditto - -	Ditto.

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18	Preston-le-Skerne.	Great Aycliffe	James Watson -	George Chapman -	Stack-yard, Farm Buildings, &c.
21	Ditto -	Ditto -	Ditto - -	Ditto - -	Plantation.
24	Ditto -	Ditto -	Joseph Neville, as Lessee under the Dean and Chapter of Durham the Owners.	Unoccupied - -	Mill, Mill Dam, and Watercourses.
12	Brafferton -	Great Aycliffe.	Robert Dodgson -	Himself - -	Dwelling House, &c. and Garth.
13	Ditto -	Ditto -	Overseers of the Poor.	Themselves -	Dwelling House, Garden, &c.
14	Ditto -	Ditto -	William Batty Wrightson.	Joseph Newton -	Dwelling House, Garden, &c.
31	Ditto -	Ditto -	Sir Charles Hardinge.	Robert Mears -	Plantation.
34	Ditto -	Ditto -	Ditto - -	Ditto - -	Ditto.
8	Houghton-le-Skerne.	Houghton-le-Skerne.	John Hutton -	William Robson -	Ditto.
18	Ditto -	Ditto -	Margaret Waldy -	Anthony Thompson	Cowhouse.
22	Ditto -	Ditto -	James Pallister -	William Blackey -	Dwelling House, Farm Buildings, Garden, &c.
24	Darlington -	Darlington -	William Appleton -	Himself and John Donkin.	Warehouse and Dwelling Houses.
25	Ditto -	Ditto -	Joseph Grabham -	Thomas Middleton and himself.	Dwelling Houses and Conveniences.
26	Ditto -	Ditto -	Robert Gill - -	Unoccupied - -	Ditto.
27	Ditto -	Ditto -	John Duck -	Himself, Robert Chisman, and John Coalpitts.	Ditto.
28	Ditto -	Ditto -	George Brewster -	James Foxter and Thomas Wade.	Ditto.
29	Ditto -	Ditto -	William Silversides	Himself - -	Ditto.
30	Ditto -	Ditto -	Robert Silversides -	Thomas Close, Launcelot Hall, and William Taylor.	Ditto.
31	Ditto -	Ditto -	George Chilton -	Himself - -	Ditto.
32	Ditto -	Ditto -	Robert and William Baister.	Matthew Hall, Joseph Stubbs, and William Garnett.	Ditto.
33	Ditto -	Ditto -	Thomas Baister	Himself - -	Ditto.
34	Ditto -	Ditto -	James Backhouse -	Road - -	Ditto.
35	Ditto -	Ditto -	John Dodds -	Sarah Meggison, William Baister, and himself.	Ditto.
36	Ditto -	Ditto -	John Carter - -	William Carter, Henry Naylor, Mary Shotton, Matthew Moses, Wardell Watson, William Surtees, and Joseph Oliver.	Ditto.
37	Ditto -	Ditto -	James Backhouse -	John Sheriff - -	Ditto.
38	Ditto -	Ditto -	Ditto - -	Ditto - -	Gardens.
25	Blackwell -	Ditto -	Robert Gill - -	Himself - -	Brick-yard, Dwelling Houses, and Garden.
26	Ditto -	Ditto -	Ditto - -	Ditto - -	Brick-yard and Tile Sheds.

Nos.	Townships.	Parishes.	Owners.	Occupiers.	Particulars.
5	Hurworth -	Hurworth -	Thomas Charge -	Himself - -	Plantation.
19	Ditto -	Ditto -	Ditto - -	William Dawson -	Garden.
20	Ditto -	Ditto -	Ditto - -	Himself and William Dawson.	Brick-yard, Dwelling Houses, and Outbuildings.
21	Ditto -	Ditto -	Thomas Goldsbrough	John Metcalf, Robert Wells, Charles Buckle, David Blair, John Bell, Edward Dunn, Margaret Jobling, Robert Laws, Christopher Robinson, William Appleton, William Goldsbro', John Newbold, and Robert Dixon.	Dwelling Houses, Gardens, Orchards, &c.

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