ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. lxxx.

An Act for completing the Railway Communication between the Towns of *Newcastle-on-Tyne* and *Darlington*, by a Railway, to be called the *Newcastle and Darlington* Junction Railway, with a Branch to the City of *Durham*.

[18th *June* 1842.]

WHEREAS by virtue of several Acts of Parliament Railways have already been constructed from *London*, and also from *Manchester* to the Town of *Darlington* in the County of *Durham*, and Railways have also been constructed from *Newcastle-on-Tyne*, in the Direction of the said Town of *Darlington*, to a Point Twenty-two Miles or thereabouts from the said last-mentioned Town: And whereas by virtue of an Act of Parliament passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth the *Great North of England* Railway thereby incorporated are authorized to make a Railway from *Darlington* aforesaid, in the Direction of *Newcastle-on-Tyne*, to a Point Fifteen Miles or thereabouts North of the

the said Town of *Darlington*, and only Seven Miles or thereabouts distant from a Point at which a Junction might be advantageously made with the said Railways leading from the Town of *Newcastle-on-Tyne* in the Direction of *Darlington* aforesaid; and it would be attended with public and local Advantage if a Railway were made between the said Points so as to connect the said Towns of *Newcastle-on-Tyne* and *Darlington*, and thus to complete the Chain of Railway Communication from *London* and from *Manchester* to the said Town of *Newcastle-on-Tyne*: And whereas the said *Great North of England* Railway Company are willing to cede that Portion of their Line of Railway lying North of *Darlington* aforesaid to any Parties who may be prepared to construct a Railway between the before-mentioned Points; and the Persons herein-after named, with others, are willing at their own Expence to construct the said Railway, and to purchase the said Portion of the *Great North of England* Railway; but the Objects aforesaid cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

Incorporation of the Company.

and by the Authority of the same, That *Matthew Anderson*, *William Aldham* the younger, *Jonathan Birch*, *Wyrley Birch*, *John Birks*, *Thomas Benyon*, *Thomas Barstow*, *William Bonar*, *Charles Henry Cooke*, *John Clayton*, *Robert Davies*, *Samuel Evans*, *James Edwards*, *Charles Heneage Elsley*, *James Eddowes*, *Thomas Fenwick*, *James Finlay*, *George Gowan*, *Robert Gill*, *William Gater*, *George Hudson*, *Charles Harris*, *Francis Hay*, *William Jessop*, *Henry Leak*, *John Lorn*, *Richard Thomas Lee*, *Samuel Margerison*, *John Nix*, *Edward Oxley*, *William Oster*, *James Oakes*, *Donatus O'Brien*, *Nathaniel Plews*, *Thomas Porter*, *Thomas Benson Pease*, *Matthew Plummer*, *James Richardson* the younger, *Robert Rostron*, *John Stanton*, *John Scott*, *Edwin Simpson*, *Charles Tee*, *Richard John Thompson*, *Anthony Titley*, *Benjamin Thompson*, *Frederick Vernon Wentworth*, *Nicolas Wood*, *William West*, *Daniel Willinck*, and *William Woods*, and all other Parties who have already subscribed or shall hereafter subscribe to the said Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making the said Railway, with proper Works and Conveniences connected therewith, according to the Provisions of this Act, and of purchasing, holding, and using the said Portion of the *Great North of England* Railway herein-before mentioned, and for the Purposes aforesaid shall be incorporated by the Name of "The *Newcastle and Darlington* Junction Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands within the Restrictions herein-after contained, for the Purposes of the said Undertaking.

Capital.

II. And whereas the estimated Expence of making the said Railway and Works, and of purchasing the said Portion of the Line of the *Great North of England* Railway, and the Works connected therewith, lying between the Town of *Darlington* and the Line of Railway by this Act authorized to be made is Five hundred thousand Pounds;

Pounds; be it enacted, That Five hundred thousand Pounds shall be the Capital of the said Company.

Shares.

III. And be it enacted, That the said Capital shall be divided into Twenty thousand Shares, each of the Amount of Twenty-five Pounds, and such Shares shall be numbered in arithmetical Progression, beginning with Number One, and every such Share shall be distinguished by its appropriate Number.

Shares to be Personal Estate.

IV. And be it enacted, That all Shares in the Undertaking shall be Personal Estate, and transmissible as such, and shall not be of the Nature of Real Estate.

Shareholders.

V. And be it enacted, That every Person who shall have subscribed or shall subscribe the Sum of Twenty-five Pounds or upwards to the Capital of the Company shall be deemed a Shareholder of the Company, and shall be entitled to have One Share therein allotted to him in respect of every Sum of Twenty-five Pounds so subscribed by him.

Registry of Shareholders.

VI. And be it enacted, That the Company shall keep a Book, to be called the "Register Book of Shareholders," and in such Book shall be fairly and distinctly entered (from Time to Time) the Names of the several Corporations, and the Names and Additions of the several Persons being Shareholders of the Company, the Number of Shares to which such Shareholders shall be respectively entitled, distinguishing each Share by its Number, and the Amount of the Subscriptions paid on such Shares; and such Book shall be authenticated by the Common Seal of the Company being affixed thereto, and such Authentication shall take place at the first Ordinary Meeting or at some subsequent Meeting of the Company.

Addresses of Shareholders.

VII. And be it enacted, That in addition to the said Register of Shareholders the Company shall provide a proper Book, to be called the "Shareholders Address Book," in which the Secretary shall from Time to Time enter the Places of Abode of the several Shareholders of the Company; and every Shareholder, or if such Shareholder be a Corporation the Clerk or Agent of such Corporation, may at all convenient Times peruse such Book *gratis*, and may require a Copy thereof, or of any Part thereof, and for every Hundred Words so required to be copied the Company may demand a Sum not exceeding Sixpence.

Certificates of Shares.

VIII. And be it enacted, That, on Demand of the Holder of any Share, the Company shall cause a Certificate of the Proprietorship of such Share to be delivered to such Shareholder, and such Certificate shall have the Common Seal of the Company affixed thereto, and such Certificate shall specify the Share in the Undertaking to which such Shareholder is entitled, and the same may be according to the Form in the Schedule (A.) to this Act annexed, or to the like Effect, and for such Certificate the Company may demand any Sum not exceeding Two Shillings and Sixpence.

IX. And

Certificate to be Evidence.

IX. And be it enacted, That such Certificate shall be admitted in all Courts as *primâ facie* Evidence of the Title of such Shareholder, his Executors, Administrators, Successors, or Assigns, to the Share therein specified; nevertheless, the Want of such Certificate shall not prevent the Holder of any Share from disposing thereof.

Certificate to be renewed when lost or destroyed.

X. And be it enacted, That if any such Certificate be worn out or damaged, then, upon the same being produced at some Meeting of the Directors, such Directors may order the same to be cancelled, and thereupon another similar Certificate shall be given to the Party in whom the Property of such Certificate and of the Share therein mentioned shall be at the Time vested; or if such Certificate be lost or destroyed, then upon Proof thereof a similar Certificate shall be given to the Party entitled to the Certificate so lost or destroyed; and in either Case a due Entry of the substituted Certificate shall be made by the Secretary in the Register of Shareholders, and for every such Certificate so given or exchanged the Company may demand any Sum not exceeding Two Shillings and Sixpence.

Transfers of Shares to be registered, &c.

XI. And be it enacted, That, subject to the Regulations herein contained, every Shareholder may sell and transfer his Shares in the Railway by Deed duly stamped, in which the Consideration shall be truly stated, and such Deed may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect, and the same, (when duly executed,) shall be delivered to the Secretary, and be kept by him, and the Secretary shall enter a Memorial thereof in a Book to be called the "Register of Transfers," and shall endorse such Entry on the Deed of Transfer, and for every such Entry and Endorsement the Company may demand any Sum not exceeding Two Shillings and Sixpence; and on the Request of the Purchaser of any Share an Endorsement of such Transfer shall be made on the Certificate of such Share, instead of a new Certificate being granted, and for such Endorsement the Company may demand any Sum not exceeding Two Shillings and Sixpence, and such Endorsement, being signed by the Secretary, shall be considered in every respect the same as a new Certificate; and until such Transfer have been so delivered to the Secretary as aforesaid the Purchaser of the Share shall not be entitled to receive any Portion of the Profits of the said Undertaking, or to vote in respect of such Share.

Transfers not to be made until all Calls are paid.

XII. And be it enacted, That no Shareholder shall be entitled to transfer any Share until he shall have paid all Calls for the Time being due on every Share held by him.

Closing of Transfer Books.

XIII. And be it enacted, That the Directors may close the Register of Transfers for a Period not exceeding Fourteen Days previous to each Ordinary Meeting, and may fix a Day for the closing of the same, of which Seven Days Notice shall be given by Advertisement in some Newspaper as after mentioned, and any Transfer made during the Time when the Transfer Books are so closed shall, as between the Company and the Party claiming under the same, but not otherwise, be considered as made subsequently to such Ordinary Meeting.

XIV. And

Transmission of Shares by other Means than Transfer to be authenticated by Declaration.

XIV. And with respect to the Registration of Shares the Interest in which may have become transmitted in consequence of the Death or Bankruptcy or Insolvency of any Shareholder, or in consequence of the Marriage of a Female Shareholder, or by any other legal Means than by a Transfer according to the Provisions of this Act, be it enacted, That no Person claiming by virtue of any such Transmission shall be entitled to receive any Part of the Profits of the said Undertaking, nor to vote in respect of any such Share as the Holder thereof, until such Transmission have been authenticated by a Declaration in Writing as herein-after mentioned, or in such other Manner as the Directors shall require; and every such Declaration shall state the Manner in which and the Party to whom such Share shall have been so transmitted, and shall be made and signed by some credible Person before a Justice, or before a Master or Master Extraordinary in the High Court of Chancery, and such Declaration shall be left with the Secretary, and thereupon he shall enter the Name of the Person entitled under such Transmission in the Register Book of Shareholders of the Company, and for every such Entry the Company may demand any Sum not exceeding Ten Shillings.

Proof of Transmission by Marriage, Will, &c.

XV. And be it enacted, That if such Transmission be by virtue of the Marriage of a Female Shareholder the said Declaration shall contain a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, and shall declare the Identity of the Wife with the Holder of such Share; and if such Transmission have taken place by virtue of any testamentary Instrument, or by Intestacy, the Probate of the Will, or Letters of Administration, or an official Extract therefrom, shall, together with such Declaration, be produced to the Secretary; and upon such Production, in either of the Cases aforesaid, the Secretary shall make an Entry of the Declaration in the said Register of Transfers.

Notices to joint Proprietors of Shares.

XVI. And be it enacted, That with respect to any Share to which several Persons may be jointly entitled all Notices directed to be given to the Shareholders shall be given to such of the said Persons whose Name shall stand first in the Register of Shareholders, and Notice so given shall be sufficient Notice to all the Proprietors of such Share.

Receipts for Money payable to Minors, &c.

XVII. And be it enacted, That if any Money be payable to any Shareholder, being a Minor, Idiot, or Lunatic, the Receipt of the Guardian of such Minor, or the Receipt of the Committee of such Idiot or Lunatic, shall be a sufficient Discharge to the Company for the same.

Company not bound to regard Trusts.

XVIII. And be it enacted, That the Company shall not be bound to see to the Execution of any Trust, whether express, implied, or constructive, to which any of the said Shares may be subject; and the Receipt of the Party in whose Name any such Share shall stand in the Books of the Company shall from Time to Time be a sufficient Discharge to the Company for any Dividend or other Sum of Money payable in respect of such Share, notwithstanding any Trusts to which such Share may then be subject, and whether or not the Company

have had Notice of such Trusts, and the Company shall not be bound to see to the Application of the Money paid upon such Receipt.

Power to make Calls.

XIX. And be it enacted, That from Time to Time the Company may make such Calls of Money upon the respective Shareholders in respect of the Amount of Capital respectively subscribed or owing by them as they shall think fit, provided that Twenty-one Days Notice at the least be given of each Call, and that no Call exceed the Amount of Three Pounds *per* Share, and that successive Calls be not made at less than the Interval of Three Months, and that the Aggregate Amount of Calls made in any One Year do not exceed the Amount of Twelve Pounds *per* Share; and every Shareholder shall be liable to pay the Amount of the Calls so made in respect of the Shares held by him to the Persons, and at the Times and Places, from Time to Time appointed by the Company.

Interest on Calls unpaid.

XX. And be it enacted, That if before or on the Day appointed for Payment any Shareholder do not pay the Amount of any Call to which he may be liable, then such Shareholder shall be liable to pay Interest for the same, at the Rate of Five Pounds *per Centum per Annum*, from the Day appointed for the Payment thereof to the Time of the actual Payment.

Payment of Subscriptions before Call.

XXI. And be it enacted, That the Company may, if they think fit, receive from any of the Shareholders willing to advance the same all or any Part of the Monies due upon their respective Shares beyond the Sums actually called for, and upon the Principal Monies so paid in advance, or so much thereof as from Time to Time shall exceed the Amount of the Calls made upon the Shares in respect of which such Advance shall have been made, the Company may pay Interest, at such Rate, not exceeding Five Pounds *per Centum per Annum*, as the Shareholder paying such Sum in advance and the Company shall agree upon.

Enforcement of Calls by Action.

XXII. And be it enacted, That if at the Time appointed by the Company for the Payment of any Call the Holder of any Share fail to pay the Amount of such Call, the Company may sue such Shareholder for the Amount thereof in any Court of Law or Equity having competent Jurisdiction, and may recover the same, with Interest, at the Rate of Five Pounds *per Centum per Annum*, from the Day on which such Call may have been payable.

Declaration in Action for Calls.

XXIII. And be it enacted, That in any Action to be brought by the Company against any Shareholder to recover any Money due for any Call it shall not be necessary to set forth the special Matter, but it shall be sufficient for the Company to declare that the Defendant is a Holder of One Share or more in the Company (stating the Number of Shares), and is indebted to the Company in the Sum of Money to which the Calls in arrear shall amount, in respect of One Call or more upon One Share or more (stating the Number and Amount of each such Calls), whereby an Action hath accrued to the Company by virtue of this Act.

XXIV. And

Matter to be proved in Action for Calls.

XXIV. And be it enacted, That on the Trial of such Action it shall be sufficient to prove that the Defendant at the Time of making such Call was a Holder of One Share or more in the Company, and that such Call was in fact made, and such Notice thereof given as is directed by this Act, and it shall not be necessary to prove the Appointment of the Directors who made such Call, nor any other Matter whatsoever; and thereupon the Company shall be entitled to recover what shall be due upon such Call, with Interest thereon, unless it shall appear either that any such Call exceeds the Amount of Three Pounds *per* Share, or that due Notice of such Call was not given, or that the Interval of Three Months between Two successive Calls had not elapsed; or that Calls amounting to more than the Sum of Twelve Pounds in One Year had been made.

To compel Payment of Subscriptions.

XXV. And be it enacted, That the several Persons who have subscribed any Money towards the said Undertaking shall pay the Sums respectively by them subscribed, or such Portions thereof as shall from Time to Time be called for by the Company, at such Times and Places as shall be directed by the Company, and the Company shall have the same Powers for enforcing the Payment of such Subscriptions as are herein given with respect to enforcing the Payment of Calls by the Shareholders.

Proof of Proprietorship.

XXVI. And be it enacted, That the Production of the Register Book of Shareholders of the Company shall be *primâ facie* Evidence of such Defendant being a Shareholder, and of the Number and Amount of his Shares.

Forfeiture of Shares for Nonpayment of Calls.

XXVII. And be it enacted, That if the Holder of any Share fail to pay a Call payable by him in respect thereof, together with the Interest, if any, that shall have accrued thereon, the Directors, at any Time after the Expiration of Two Months from the Day appointed for Payment of such Call, may declare such Share forfeited, and that whether the Company have sued for the Amount of such Call or not.

Notice of Forfeiture to be given before Declaration thereof.

XXVIII. And be it enacted, That before declaring any Share forfeited the Directors shall cause Notice of such Intention to be left at the usual or last Place of Abode of the Person appearing by the Register Book of Shareholders to be the Proprietor of such Share, and if the Holder of any such Share be abroad, or if the Interest in any such Share shall be known by the Directors to have become transmitted otherwise than by Transfer, as herein-before mentioned, but a Declaration of such Transmission shall not have been registered as aforesaid, and so the Address of the Parties to whom the same may have been transmitted shall not be known to the Directors, the Directors shall give public Notice of such Intention in the *London Gazette*, and also in some Newspaper, as after mentioned; and the several Notices aforesaid shall be given Twenty-one Days at least before the Directors shall make such Declaration of Forfeiture.

Forfeiture to be confirmed by a General Meeting.

XXIX. And be it enacted, That such Declaration of Forfeiture shall not take effect so as to authorize the Sale or other Disposition of

of any Share until such Declaration have been confirmed at some General Meeting of the Company to be held after the Expiration of Two Months at the least from the Day on which such Notice of Intention to make such Declaration of Forfeiture shall have been given; and it shall be lawful for the Company to confirm such Forfeiture at any such Meeting, and by an Order at such Meeting, or at any subsequent General Meeting, to direct the Share so forfeited to be sold or otherwise disposed of; and after such Confirmation the Directors may sell the forfeited Share, either by public Auction or private Contract; and if there be more than One such forfeited Share, then either separately or together, as to them shall seem fit, and any Shareholder may purchase any forfeited Share so sold.

Sale of forfeited Shares.

Evidence as to Forfeiture of Shares.

XXX. And be it enacted, That a Declaration in Writing by some credible Person not interested in the Matter, made before any Justice, or before any Master or Master Extraordinary in the High Court of Chancery, that the Call in respect of a Share was made, and Notice thereof given, and that Default in Payment of the Call was made, and that the Forfeiture of the Share was declared and confirmed in manner herein-before required, shall be sufficient Evidence of the Facts therein stated; and such Declaration, and the Receipt of the Treasurer of the Company for the Price of such Share, shall constitute a good Title to such Share, and thereupon such Purchaser shall be deemed the Holder of such Share, discharged from all Calls made prior to such Purchase; and a Certificate of Proprietorship shall be delivered to such Purchaser, and he shall not be bound to see to the Application of the Purchase Money, nor shall his Title to such Share be affected by any Irregularity in the Proceedings in reference to any such Sale.

No more Shares to be sold than sufficient for Payment of Calls.

XXXI. And be it enacted, That the Company shall not sell or transfer more of the Shares of any such Defaulter than will be sufficient, as nearly as can be ascertained at the Time of such Sale, to pay the Arrears then due from such Defaulter on account of any Calls, together with Interest, and the Expences attending such Sale and Declaration of Forfeiture; and if the Money produced by the Sale of any such forfeited Share be more than sufficient to pay all Arrears of Calls, and Interest thereon, due at the Time of such Sale, and the Expences attending the Declaration of Forfeiture and Sale thereof, the Surplus shall, on Demand, be paid to the Defaulter.

On Payment of Calls forfeited Shares to revert.

XXXII. And be it enacted, That if Payment of such Arrears of Calls, and Interest and Expences, be made before any Share so forfeited and vested in the Company shall have been sold, such Share shall revert to the Party to whom the same belonged before such Forfeiture, in such Manner as if such Calls had been duly paid.

Extent of Liability of Shareholders.

XXXIII. And be it enacted, That no Shareholder of the Company shall be liable for or charged with the Payment of any Debt or Demand due from the Company beyond the Extent of his Share in the Capital of the Company not then paid up.

XXXIV. And

Execution against Shareholders to the Extent of Capital not paid up.

XXXIV. And be it enacted, That if any Execution, either at Law or in Equity, shall have been issued, taken out, or sued against the Lands, Property, or Effects of the Company, and if there cannot be found sufficient whereon to levy such Execution, then such Execution may be issued against any of the Shareholders of the Company whose Subscriptions shall not have been fully paid up, to the Extent of their Shares respectively in the Capital of the Company not then paid up: Provided always, that no such Execution shall issue against any Shareholder, except upon an Order of the Court in which the Action, Suit, or other Proceeding shall have been brought or instituted, made upon Motion in open Court after Ten Days Notice in Writing to the Persons sought to be charged, and upon such Motion such Court may order Execution to issue accordingly at such Time or Times as such Court shall think fit; and for the Purpose of ascertaining the Names of the Shareholders, and the Amount of Capital remaining to be paid upon their respective Shares, it shall be lawful for any Person entitled to any such Execution at all reasonable Times to inspect the Register Book of Shareholders, without Fee.

Reimbursement.

XXXV. And be it enacted, That if by means of any such Execution any Shareholder shall have paid any Sum of Money beyond the Amount then due from him in respect of Calls which shall have been then actually made, he shall forthwith be reimbursed such additional Sum by the Directors out of the Funds of the Company.

Power to borrow Money.

XXXVI. And be it enacted, That after the whole of the said Sum of Five hundred thousand Pounds shall have been subscribed for, and One Half thereof actually paid up, it shall be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of a General Meeting of the Company, not exceeding in the whole the Sum of One hundred and sixty-six thousand Pounds, and for securing the Repayment of the Money so borrowed, with Interest, to mortgage the Railway, and also, if they shall think fit, the future Calls on the Shareholders of the Company, or to give Bonds in manner herein-after mentioned.

Re-borrowing.

XXXVII. And be it enacted, That if, after having borrowed any Part of the Money so authorized to be borrowed on Mortgage or Bond, the Company pay off the same, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time, but such Power of re-borrowing shall not be exercised without the Authority of a General Meeting of the Company, unless the Money be so re-borrowed in order to pay off any existing Mortgage or Bond.

Evidence of Authority for borrowing.

XXXVIII. And be it enacted, That the Certificate of a Justice that One Half of the original Capital has been paid up, together with a Copy of the Order of a General Meeting of the Company authorizing the borrowing of any Money, certified by One of the Directors or by the Secretary to be a true Copy, shall be sufficient Evidence of the Fact of the Capital required to be paid up having been so paid up, and of the Order for borrowing Money having been made; and upon Production to any Justice of the Books of the Company, or of such

other Evidence as he shall think sufficient, such Justice shall grant the Certificate aforesaid.

Mortgages and Bonds.

XXXIX. And be it enacted, That every Mortgage and Bond for securing Money borrowed by the Company shall be by Deed under the Common Seal of the Company, duly stamped, and wherein the Consideration shall be truly stated; and every such Mortgage Deed or Bond may be according to the Form in the Schedule (C.) or (D.) to this Act annexed, or to the like Effect.

Rights of Mortgagees.

XL. And be it enacted, That the respective Mortgagees shall be entitled one with another to their respective Proportions of the Tolls, Sums, and Premises comprised in such Mortgage, and of the future Calls payable by the Shareholders of the Company, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another, or above the Bond Creditors of the Company, by reason of Priority of the Date of any such Mortgage, or of the Meeting at which the same was authorized, or on any other Account whatsoever.

Application of Calls, notwithstanding Mortgage.

XLI. And be it enacted, That no such Mortgage (although it should comprise future Calls on the Shareholders) shall preclude the Company from receiving, and applying to the Purposes of the Company, any Calls to be made by the Company, so long as the Principal Money due on Mortgage does not exceed the Amount of all the Calls still remaining to be made.

Rights of Obligees.

XLII. And be it enacted, That the respective Obligees in such Bonds shall proportionably, according to the Amount of the Monies secured thereby, be entitled to be paid, out of the Tolls or other Property or Effects of the Company, the respective Sums in such Bonds mentioned and thereby intended to be secured, without any Preference one above another, or above the Mortgagees of the Company, by reason of Priority of Date of any such Bond, or of the Meeting at which the same was authorized, or otherwise howsoever.

Register of Mortgages and Bonds.

XLIII. And be it enacted, That a Register of Mortgagees and Bonds shall be kept by the Secretary, and within Fourteen Days after the Date of any such Mortgage or Bond an Entry or Memorial, specifying the Number and Date of such Mortgage or Bond, and the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any of the Shareholders, or by any Mortgagee or Bond Creditor of the Undertaking, or by any Person interested in any such Mortgage or Bond, without Fee or Reward.

Transfer of Mortgages and Bonds.

XLIV. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Bond may transfer his Right and Interest therein to any other Person, by Deed duly stamped, wherein the Consideration shall be truly stated; and every such Transfer may be according to the Form in the Schedule (E.) to this Act annexed, or to the like Effect.

XLV. And

Entry of Transfers of Mortgages and Bonds.

XLV. And be it enacted, That within Thirty Days after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Secretary, and thereupon the Secretary shall cause an Entry or Memorial thereof to be made, in the same Manner as in the Case of the original Mortgage; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Bond in all respects; and no Party, having made such Transfer shall have Power to make void, release, or discharge the Mortgage or Bond so transferred, or any Money thereby secured; and for such Entry the Company may demand a Sum not exceeding the Amount of Two Shillings and Sixpence.

Payment of Interest on Loans.

XLVI. And be it enacted, That the Interest of the Money borrowed upon any such Mortgage or Bond shall be payable and paid half-yearly to the several Parties entitled thereto, and in preference to any Dividends payable to the Shareholders of the Company.

Transfers of Interest to be stamped.

XLVII. And be it enacted, That the Interest on any such Mortgage or Bond shall not be transferrable except by Deed duly stamped.

Repayment of Money borrowed at a Time fixed.

XLVIII. And be it enacted, That the Company may, if they think proper, fix a Period for the Repayment of the Principal Money so borrowed, with the Interest thereof, and in such Case the Company shall cause such Period to be inserted in the Mortgage Deed or Bond, and upon the Expiration of such Period the Principal Sum, together with the Arrears of Interest thereon, shall be paid to the Party entitled to such Mortgage or Bond.

Repayment of Money borrowed where no Time fixed.

XLIX. And be it enacted, That if no Time be fixed in the Mortgage Deed or Bond for the Repayment of the Money so borrowed, the Party entitled to the Mortgage or Bond may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Mortgage or Bond, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose, and the Company may at all Times pay off the Money borrowed, or any Part thereof, on giving the like Notice; and such Notice, if given by a Mortgagee or Bond Creditor, shall be by Writing delivered to the Secretary, and if given by the Company shall be by Writing given either personally to such Mortgagee or Bond Creditor, or if such Mortgagee or Bond Creditor be unknown, or cannot be found, such Notice shall be given by Advertisement in the *London Gazette*, and in some Newspaper, as after mentioned; and at the Expiration of the said Notice, when given by the Company, Interest shall cease to be payable on the Money secured by such Mortgage or Bond, unless, on Demand of such Money, the Company fail to pay the same, pursuant to such Notice.

For enforcing Payment of Arrears of Interest and Costs.

L. And in order to provide for the Recovery of the Arrears of Interest and Costs, or of the Principal and Interest and Costs, of any such Mortgage or Bond, at the respective Times at which such Interest,

Interest, or such Principal and Interest and Costs, become due, be it enacted, That if such Interest, or any Part thereof, shall for Thirty Days after the same shall have become due, and Demand thereof shall have been made in Writing, remain unpaid, the Mortgagee or Bond Creditor may either sue for the Interest so in arrear by Action of Debt in any of the Superior Courts, or he may require the Appointment of a Receiver by an Application to be made as herein-after provided.

Principal and Interest.

LI. And with respect to such Principal Money, Interest, and Costs, be it enacted, That if such Principal Money and Interest be not paid within Six Months after the same has become payable, and after Demand thereof in Writing, the Mortgagee or Bond Creditor may sue for the same in any of the Superior Courts of Law or Equity, or if his Debt amount to the Sum of Ten thousand Pounds he may alone, or if his Debt does not amount to the Sum of Ten thousand Pounds he may in conjunction with other Mortgagees or Bond Creditors whose Debts being so in arrear after Demand as aforesaid shall, together with his, amount to the Sum of Twenty thousand Pounds, require the Appointment of a Receiver, by an Application to be made as herein-after provided.

Appointment of Receiver.

LII. And be it enacted, That every such Application for a Receiver in the Cases aforesaid shall be made to Two or more Justices of the County of *Durham;* and on any such Application so made, and after hearing the Parties, it shall be lawful for such Justices, by Order in Writing, to appoint some Person to receive the Whole or a competent Part of the Tolls or Sums liable to the Payment of such Interest, or such Principal and Interest, as the Case may be, until such Interest, or until such Principal and Interest, as the Case may be, together with all Costs, including the Charges of receiving the Tolls or Sums aforesaid, be fully paid; and upon such Appointment being made all such Tolls and Sums of Money as aforesaid shall be paid to and received by the Person so to be appointed, and the Money so to be received shall be so much Money received by or to the Use of the Party to whom such Interest, or such Principal and Interest, as the Case may be, shall be then due, and on whose Behalf such Receiver shall have been appointed; and after such Interest and Costs, or such Principal, Interest, and Costs, have been so received, the Power of such Receiver shall cease.

Mortgagees not to vote.

LIII. And be it enacted, That no Party shall in right of any Mortgage be deemed a Shareholder, or be capable of acting or voting as such at any Meeting of the Company.

Access to Account Books by Mortgagees.

LIV. And be it enacted, That at all reasonable Times the Books of Account of the Company shall be open to the Inspection of the respective Mortgagees and Bond Creditors thereof, with Liberty to take Extracts therefrom, without Fee or Reward.

Power to convert Loan into Capital.

LV. And be it enacted, That it shall be lawful for the Company, if they think fit, to raise the additional Sum so authorized to be borrowed, or any Part thereof, by creating new Shares of the Company,

pany, instead of borrowing the same; or, having borrowed the same, it shall be lawful for them to continue at Interest only a Part of such additional Sum, if they so think fit, and to raise the Remainder thereof, or any Part of the Remainder thereof, by creating new Shares of the Company; but no such Augmentation of Capital as aforesaid shall take place without the Authority of an Order of a General Meeting of the Company called for the Purpose previously obtained.

New Shares to be considered same as original Shares.

LVI. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Times of making Calls for such additional Capital, and the Amount of such Calls, which respectively it shall be lawful for the Company from Time to Time to fix as they shall think fit.

If old Shares at a Premium, new Shares to be offered to original Shareholders.

LVII. And be it enacted, That if at the Time of any such Augmentation of Capital taking place by the Creation of new Shares the then existing Shares of the Capital Stock of the Company be at a Premium, or of greater actual Value than the nominal Value thereof, then the Sum so to be raised shall be divided into Shares of such Amount as will conveniently allow the said Sum to be apportioned among the then Shareholders in proportion to the existing Shares held by them respectively, at such Price as shall be determined by the said Company; and such new Shares shall be offered to the then Shareholders, in the Proportion of One for every existing Share held by them respectively; and such Offer shall be made by Letter, under the Hand of the Secretary, given to or sent by Post to each Shareholder, or left at his usual or last Place of Abode, and such new Shares shall vest in and belong to the Shareholders who shall accept the same, and pay the Value thereof to the Company, at the Time and by the Instalments which shall be fixed by the Company; and if any Shareholder fail for One Month after such Offer of new Shares to accept the same, and pay the Instalment called for in respect thereof, it shall be lawful for the Company to dispose of such Shares, to any Party willing to become the Purchaser thereof, for such Sum as the Company can obtain for the same.

If not at a Premium, to be issued as Company think fit.

LVIII. And be it enacted, That if at the Time of such Augmentation of Capital taking place the existing Shares of the Capital Stock of the Company be not at a Premium, then such new Shares may be of such Amount, and may be issued in such Manner, as the Company shall think fit.

Application of Capital.

LIX. And be it enacted, That all the Money raised by the Company, whether by Subscriptions of the Shareholders, or by Loan, or otherwise, shall be applied, firstly, in paying the Costs and Expences incurred in obtaining this Act, and all Expences preparatory or

relating thereto, and secondly, in carrying the Purposes of the Company into execution.

Allowing Payment of Interest on Calls.

LX. And be it enacted, That until the said Railway shall be completed and opened to the Public, the said Company shall pay Interest to the Shareholders in respect of all Sums called for and paid up by them on account of the Capital of the said Company, at the Rate of Six Pounds *per Centum per Annum* from the Times when such Calls respectively shall become due, and shall be paid; and such Interest shall be paid at such Times and Places as the Directors for the Time being shall appoint for that Purpose: Provided always, that no Interest shall accrue to the Proprietor of any Share upon which any Call shall be in arrear in respect of such Share, or any other Share to be holden by the same Proprietor, during the Period while such Call shall remain unpaid.

Ordinary Meetings to be held half-yearly.

LXI. And with respect to General Meetings of the Company, be it enacted, That the first General Meeting of the Shareholders of the Company shall be held in the Month of *October* next, and the future General Meetings shall be held in the Month of *February* and the Month of *August* in each Year, and the Meetings so appointed to be held as aforesaid shall be called "Ordinary Meetings."

Business at Ordinary Meetings.

LXII. And be it enacted, That no Matters except such as are appointed by this Act to be done at an Ordinary Meeting shall be transacted at any such Meeting unless special Notice of such Matters shall have been given in the Advertisement convening such Meeting.

Extraordinary Meetings.

LXIII. And be it enacted, That every Meeting of the Shareholders, other than an Ordinary Meeting, shall be called an "Extraordinary Meeting," and such Meetings may be convened by the Directors at such Times as they may think fit.

Business at Extraordinary Meetings.

LXIV. And be it enacted, That no Extraordinary Meeting shall enter upon any Business not set forth in the Requisition or in the Notice upon which it shall have been convened.

Extraordinary Meetings may be convened by Shareholders.

LXV. And be it enacted, That it shall be lawful for Ten or more Shareholders holding in the Aggregate One thousand Shares, by Writing under their Hands, at any Time to require the Directors to call an Extraordinary Meeting of the Company, and such Requisition shall fully express the Object of the Meeting required to be called, and shall be left at the Office of the Company, or given to at least Three Directors, or left at their last or usual Places of Abode; and forthwith upon the Receipt of such Requisition the Directors shall convene a Meeting of the Shareholders, and if for Twenty-one Days after such Notice the Directors fail to call such Meeting, the said Number of Shareholders, qualified as aforesaid, may call such Meeting, by giving Fourteen Days public Notice thereof.

Notice of Meetings.

LXVI. And be it enacted, That Ten Days public Notice at the least of all Meetings, whether ordinary or extraordinary, shall be given

given by Advertisement, which shall specify the Place, the Day, and the Hour of Meeting; and every Notice of an Extraordinary Meeting, or of an Ordinary Meeting, if any other Business than the Business hereby appointed for Ordinary Meetings is to be done thereat, shall specify the Purpose for which the Meeting is called.

Quorum for a General Meeting.

LXVII. And be it enacted, That in order to constitute a Meeting (whether ordinary or extraordinary), there shall be present, either personally or by Proxy, Twenty or more Shareholders, holding in the Aggregate One thousand Shares, and the Shareholders present at any such Meeting shall proceed in the Execution of the Powers of the Company, with respect to the Matters for which such Meeting shall have been convened, and to those only; and if within One Hour from the Time appointed for such Meeting the said Number of Shareholders, qualified as aforesaid, be not present, no Business shall be transacted at the Meeting, but the same shall be held to be adjourned *sine Die*.

Chairman at General Meetings.

LXVIII. And be it enacted, That at every Meeting of the Company one or other of the following Persons shall preside as Chairman; that is to say, the Chairman of the Directors, or, in his Absence, the Deputy Chairman, or in the Absence of both the Chairman and Deputy Chairman, some one of the Directors of the Company, to be chosen for that Purpose by the Meeting, or in the Absence of the Chairman and Deputy Chairman, and of all the Directors, any Shareholder to be chosen for that Purpose at such Meeting.

Adjourned Meetings.

LXIX. And be it enacted, That every Meeting of the Shareholders may be adjourned from Time to Time, and no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

Votes of Shareholders.

LXX. And be it enacted, That at all General Meetings of the Company every Shareholder shall be entitled to vote according to the Scale of voting herein-after mentioned; (that is to say,) every Shareholder possessing any Number of Shares not exceeding Five shall have One Vote in respect of each Share, and every Shareholder possessing more than Five Shares, but not exceeding One hundred Shares, an additional Vote for every Five of such Shares exceeding Five Shares: Provided always, that no Shareholder shall be entitled to vote at any Meeting unless he shall have paid all the Calls then payable upon the Shares held by him.

Manner of voting.

LXXI. And be it enacted, That such Votes may be given either personally or by Proxies, being Shareholders, authorized by Writing, according to the Form in the Schedule (F.) to this Act annexed, or in a Form to the like Effect, under the Hand of the Shareholder nominating such Proxy, or if such Shareholder be a Corporation, then under their Common Seal; and every Proposition at any such Meeting shall be determined by the Majority of Votes of the Parties present, including Proxies, the Chairman of the Meeting

Meeting being entitled to vote, not only as a Principal or Proxy, but to have a casting Vote if there be an Equality of Votes.

Regulations as to Proxies.

LXXII. And be it enacted, That no Person shall be entitled to vote as a Proxy unless the Instrument appointing such Proxy have been transmitted to the Secretary of the Company Three Days before the holding of the Meeting at which such Proxy is to be used.

Votes of joint Shareholders.

LXXIII. And be it enacted, That if several Persons be jointly entitled to a Share, the Person whose Name stands first in the Register of Shareholders as one of the Holders of such Share shall, for the Purpose of voting at any Meeting, be deemed the sole Proprietor thereof; and on all Occasions the Vote of such first-named Shareholder, either in Person or by Proxy, shall be allowed as the Vote in respect of such Share, without Proof of the Concurrence of the other Holders thereof.

Votes of Lunatics, Minors, &c.

LXXIV. And be it enacted, That if any Shareholder be a Lunatic or Idiot, such Lunatic or Idiot may vote by his Committee; and if any Shareholder be a Minor, he may vote by his Guardian or any One of his Guardians; and every such Vote may be given either in Person or by Proxy.

Directors named in the Act.

LXXV. And be it enacted, That the Number of Directors shall be Twelve, in addition to the *ex officio* Directors herein-after referred to, and that *George Hudson*, *Robert Davies*, *James Richardson*, *Edward Oxley*, *Donatius O'Brien*, *Nathaniel Plews*, *James Oakes*, *John Hotham*, *Robert Gill*, *Thomas Benson Pease*, *Charles Tee*, and *William Woods*, shall be the first Directors of the Company.

Election of future Directors.

LXXVI. And be it enacted, That the Directors appointed by this Act shall continue in Office until the first Ordinary Meeting to be held in the Year One thousand eight hundred and forty-three; and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or may elect a new Body of Directors, the Directors appointed by this Act being eligible as Members of such new Body; and at the first Ordinary Meeting to be held every Year thereafter the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office agreeably to the Provisions herein-after contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead as herein-after mentioned.

Qualification and Disqualification of Directors.

LXXVII. And be it enacted, That, save as hereafter provided with regard to *ex officio* Directors, no Person shall be capable of being a Director unless he be a Shareholder possessed of Twenty Shares; and that no Person holding an Office or Place of Trust or Profit under the Company, or interested in any Contract with the Company, shall be capable of being a Director; and that no Director shall be capable of accepting any other Office or Place of Trust or Profit

Profit under the Company, or of being interested in any Contract with the Company, during the Time he shall be a Director.

Failure of Meeting for Election of Directors.

LXXVIII. And in order to provide for the Accident of a sufficient Number of Shareholders not being present at any Meeting at which Directors are to be elected, be it enacted, That if at any Meeting at which an Election of Directors ought to take place Twenty Shareholders, holding in the Aggregate Shares to the Amount of Twenty-five thousand Pounds, shall not be present, either personally or by Proxy, within One Hour from the Hour appointed for the Meeting, no Election of new Directors or Re-election of existing Directors shall be made, nor shall any Business be transacted, but in such Case, at the Expiration of Fourteen Days from the Day of such intended Meeting, another Meeting shall be held at the same Place; and if at such other Meeting the said Number of Shareholders, so qualified as aforesaid, be not present, personally or by Proxy, within One Hour from the Hour fixed for the Meeting, such Meeting shall stand adjourned to the following Day at the same Hour and Place; and if at the Meeting so adjourned the said Number of Shareholders, so qualified as aforesaid, be not present within One Hour from the Hour appointed for the Meeting, the existing Directors shall continue to act and retain their Powers until new Directors be appointed at the first Ordinary Meeting of the following Year.

Rotation of Directors first elected.

LXXIX. And be it enacted, That the Directors appointed by this Act and continued in Office as aforesaid, or the Directors elected to supply their Places as aforesaid, shall retire from Office at the Times and in the Proportions following, the Individuals to retire being in each Instance determined by Ballot among the Directors; (that is to say,)

At the End of the First Year after the First Election of Directors, One Fourth of such Directors shall go out of Office;

At the End of the Second Year, One Third of the remaining Number of such Directors shall go out of Office;

At the End of the Third Year, One Half of the Remainder of such Directors shall go out of Office; and,

At the End of the Fourth Year the Remainder of such Directors shall go out of Office;

and in each Instance the Places of the retiring Directors shall be supplied by an equal Number of Shareholders qualified as aforesaid.

Permanent Rotation of Directors.

LXXX. And be it enacted, That at the first Ordinary Meeting in every subsequent Year One Fourth of the Directors aforesaid, exclusive of the *ex officio* Directors hereafter mentioned, being those who have been longest in Office, shall go out of Office and cease to be Directors, and their Places shall be supplied in like Manner; nevertheless every Director so retiring from Office may be re-elected immediately or at any future Time, and after such Re-election shall, with reference to the going out by Rotation, be considered as a new Director.

Cases in which Office of Director

LXXXI. And be it enacted, That if any of the Directors at any Time subsequent to his Election accept or continue to hold any other Office

shall become vacant.

Office or Place of Trust or Profit under the Company, or be either directly or indirectly concerned in any Contract with the Company, or participate in any Manner in the Profits of any Work to be done for the Company, or if such Director, unless he be an *ex officio* Director, at any Time cease to be a Holder of Twenty Shares in the Company, then in any of the Cases aforesaid the Office of such Director shall become vacant, and thenceforth the Person in respect of whom the Office of Director shall so have become vacant shall cease from voting or acting as a Director.

Filling up occasional Vacancies in the Office of Director.

LXXXII. And be it enacted, That if any Director of the Company other than an *ex officio* Director die or resign, or become disqualified or incompetent to act as a Director, or cease to be a Director by any other Cause than that of going out of Office by Rotation as aforesaid, the remaining Directors, if they think proper so to do, may elect in his Place some other Shareholder, duly qualified, to be a Director; and the Shareholder so elected to fill up any such Vacancy shall continue in Office as a Director so long only as the Person in whose Place he shall have been elected would have been entitled to continue if he had remained in Office.

Powers of the Company to be exercised by the Directors.

LXXXIII. And with respect to the Exercise of the Powers of the Company, be it enacted, That the Directors shall have the Management and Superintendence of the Affairs of the Company, and they may lawfully exercise all the Powers of the Company, except as to such Matters as are directed by this Act to be transacted by a General Meeting of the Company; and amongst other Powers to be exercised by the Directors,

They may appoint and displace any of the Officers of the Company, except the Secretary and the Treasurer;

They may fix the Salaries of all Officers, except the Salaries of themselves and of the Secretary and the Treasurer;

They may make and enforce the Calls upon the Shares of the respective Shareholders;

They may declare the Forfeiture of all Shares on which such Calls are not duly paid, subject to the Confirmation of a General Meeting as aforesaid;

They may enter into Contracts for the Execution of the Works of the Company, and for all other Matters necessary for the Transaction of its Affairs;

They may purchase the Lands authorized to be taken by the Company, and sell such Parts thereof as may not be required for the Purposes of the Company;

They may fix the Tolls to be taken by the Company; and

They may make Bye Laws for the Regulation of the Affairs of the Company:

But all the Powers so to be exercised shall be exercised in accordance with and subject to the Provisions of this Act in that Behalf; and the Exercise of all such Powers shall be subject also to the Control and Regulation of any General Meeting specially convened for the Purpose, but not so as to render invalid any Act done by the Directors prior to any Resolution passed by such General Meeting.

LXXXIV. And

Powers of the Company not to be exercised by the Directors.

LXXXIV. And be it enacted, That the following Powers of the Company, (that is to say,) the Choice and Removal of Directors, other than the *ex officio* Directors, and of Auditors, the Appointment and Removal of the Treasurer and Secretary, the Determination as to the Remuneration of the Directors and of the Auditors, and of the Treasurer and Secretary, the Determination as to the borrowing of Money on Mortgage, the Determination as to the Augmentation of Capital, the Determination as to the leasing of Tolls, and the Declaration of Dividends, shall be exercised only at a General Meeting of the Company.

Meetings of Directors.

LXXXV. And be it enacted, That the Directors shall hold Meetings at such Times as they shall appoint for the Purpose, and they may meet and adjourn, as they think proper, from Time to Time, and from Place to Place; and at any Time any Two of the Directors may require the Secretary to call a Meeting of the Directors; and in order to constitute a Meeting of Directors there shall be present at the least Five of the Directors; and all Questions, Matters, and Things considered at any such Meeting shall be determined by the Majority of Votes, and no Director except the Chairman shall have more than One Vote at any such Meeting, and if there be an equal Division of Votes upon any Subject entertained by such Meeting, the Chairman, in addition to his Vote as One of the Directors, shall have a casting Vote as Chairman.

Permanent Chairman of Directors.

LXXXVI. And be it enacted, That at the First Meeting of Directors held after the passing of this Act, and at the First Meeting of the Directors held after each annual Appointment of Directors, as before provided, the Directors present at such Meeting shall choose one of the Directors to act as Chairman, and another to act as Deputy Chairman of the Directors for the Year following such Choice; and if the Chairman or Deputy Chairman die, or resign, or cease to be a Director, or otherwise become disqualified to act, the Directors present at the Meeting next after the Occurrence of such Vacancy shall choose some other of the Directors to fill such Vacancy; and every such Chairman or Deputy Chairman, so to be elected as last aforesaid, shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Death, Resignation, Removal, or Disqualification had not happened.

Occasional Chairman of Directors.

LXXXVII. And be it enacted, That if at any Meeting of the Directors neither the Chairman nor the Deputy Chairman shall be present, the Directors present shall choose some One of their Number to be Chairman of such Meeting.

Committee of Directors. Powers of Committee.

LXXXVIII. And be it enacted, That the Directors may appoint One or more Committees, consisting of such Number of Directors as they think fit, and may grant to any such Committee Power on behalf of the Company to do any Acts relating to the Railway or the Affairs of the Company which the Directors shall from Time to Time think proper to intrust to such Committee, except to make Calls for Money upon the Shareholders.

LXXXIX. And

Meetings of Committee.

LXXXIX. And be it enacted, That such Committees may meet from Time to Time, and may adjourn from Place to Place, as they think proper, for carrying into effect the Purposes of their Appointment; and no such Committee shall exercise the Powers intrusted to them except at a Meeting at which there shall be present Two of its Members; and at all Meetings of the Committees one of the Members present shall be appointed Chairman; and all Questions at any Meeting of the Committee shall be determined by a Majority of the Members present, and in case of an equal Division of Votes the Chairman shall have a casting Vote in addition to his own Vote as a Member of the Committee.

Contracts by Committee or Directors.

XC. And be it enacted, That the Power which may be granted to any such Committee to make Contracts, as well as the Power of the Directors to make Contracts on behalf of the Company, may lawfully be exercised as follows; (that is to say,)

With respect to any Contract which if made between any private Persons would be by Law required to be in Writing and under Seal, such Committee or the Directors may make such Contract on behalf of the Company in Writing, and under the Common Seal of the Company:

With respect to any Contract which if made between any private Persons would be by Law required to be in Writing, and signed by the Parties to be charged therewith, then such Committee or the Directors may make such Contract on behalf of the Company in Writing, signed by such Committee or any Three of them, or any Three of the Directors, and in the same Manner may vary or discharge the same:

With respect to any Contract which if made between any private Persons would by Law be valid, although made by Parol only, and not reduced into Writing, such Committee or the Directors may make such Contract on behalf of the Company by Parol only, without Writing, and in the same Manner may vary or discharge the same:

And all Contracts made according to the Provisions herein contained shall be effectual in Law, and shall be binding upon the Company and their Successors, and all other Parties thereto, their Heirs, Executors, or Administrators, as the Case may be; and on any Default in the Execution of any such Contract, either by the Company or any other Party thereto, such Actions or Suits may be brought either by or against the Company as might be brought had the same Contracts been made between private Persons only.

Contracts for Works.

XCI. And be it enacted, That all Contracts made with the Company shall specify the Work to be done, the Quality of the Materials to be used, the Prices to be paid, the Term within which the Contract is to be performed, and the Penalties for Non-performance thereof, or such other Things as the Company think proper; and the Company may take such Security for the Performance of such Contract as to them shall seem necessary; nevertheless the Company lawfully may, from Time to Time, as they think fit, compound with any Person on account of any Breach or Non-performance of any such Contract for

any Sum of Money which they think fit, or they may remit any Penalties on account thereof.

Proceedings to be entered in a Book, and to be open for Inspection.

XCII. And be it enacted, That the Directors shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by the Directors, and of the Orders and Proceedings of all Meetings, as well ordinary as extraordinary, of the Company, and of the Directors and Committees of Directors, to be duly entered in Books, to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Directors; and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry is made was moved or discussed; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Shareholders, or Directors, or Members of Committee respectively, or of the Signature of the Chairman, all of which last-mentioned Matters shall be presumed; and all such Books shall at all reasonable Times be open to the Inspection of any of the Shareholders.

Informalities in Appointment of Directors not to invalidate Proceedings.

XCIII. And be it enacted, That all Acts done by any Meeting of the Directors, or of a Committee of Directors, or by any Person acting as a Director, shall, notwithstanding it may be afterwards discovered that there was some Defect or Error in the Appointment of any Person attending such Meeting as a Director, or acting as aforesaid, or that such Person was disqualified, be as valid as if such Person had been duly appointed, and was qualified to be a Director.

Indemnity to Directors.

XCIV. And be it enacted, That no Director, by being Party to, or making, signing, or executing, in his Capacity of Director, any Contract or other Instrument on behalf of the Company, or otherwise lawfully executing any of the Powers given to the Directors, shall be subject to be sued or prosecuted, either collectively or individually, by any Person whomsoever; and the Bodies or Goods or Lands of the Directors, or any of them, shall not be liable to Execution of any legal Process by reason of any Contract or other Instrument so entered into, signed, or executed by them or any of them, or by reason of any other lawful Act done by them or any of them in the Execution of any of their Powers as Directors; and the Directors, their Heirs, Executors, and Administrators, shall be indemnified out of the Capital of the Company for all Payments made, or Liability incurred, in respect of any Acts done by them, and for all Losses, Costs, and Damages which they may incur in the Execution of the Powers granted to them; and the Directors for the Time being of the Company shall apply the existing Funds and Capital of the Company for the Purposes of such Indemnity, and shall, if necessary for that Purpose, make Calls of the Capital remaining unpaid.

Election of Auditors.

XCV. And with respect to the Appointment of Auditors, be it enacted, That the Company shall, at the first Ordinary Meeting in

in each Year, elect Two Auditors, in like Manner as is provided for the Election of Directors; and every Auditor so elected, being neither removed nor disqualified, nor having resigned, shall continue to be an Auditor until another be elected in his Stead.

Qualification of Auditors.

XCVI. And be it enacted, That every Auditor shall have at least the same Number of Shares as shall be required to qualify a Director elected by the Company, and he shall not hold any Office in the Company, nor be in any other Manner interested in its Concerns, except as a Shareholder.

Rotation as to Auditors.

XCVII. And be it enacted, That one of such Auditors (to be determined in the first instance between themselves, and afterwards by Seniority,) shall go out of Office at the End of every Year, but the Auditor so going out shall be immediately re-eligible, and after any such Re-election shall, with respect to the going out of Office by Rotation, be deemed a new Auditor.

Vacancies in Office of Auditor.

XCVIII. And be it enacted, That if any Vacancy take place among the Auditors in the course of the current Year, then at any General Meeting of the Company the Vacancy may, if the Company think fit, be supplied by Election of the Shareholders.

Failure of Meeting to elect Auditors.

XCIX. And be it enacted, That the Provision of this Act respecting the Failure of an Ordinary Meeting at which Directors are to be chosen shall apply to any Ordinary Meeting at which an Auditor is to be appointed.

Duty of Auditors.

C. And be it enacted, That it shall be the Duty of such Auditors to receive from the Directors the half-yearly or other periodical Accounts and Balance Sheet required to be presented to the Shareholders, and to examine the same.

Powers of Auditors.

CI. And be it enacted, That for the above Purposes such Auditors may employ such Accountants and other Persons as they may think proper, at the Expence of the Company, and they shall either make a special Report on the said Accounts, or simply confirm the same; and such Report or Confirmation shall be read, together with the Report of the Directors, at the Ordinary Meeting.

Delivery of Balance Sheet, &c. by Directors to Auditors.

CII. And be it enacted, That the Directors shall deliver to such Auditors the half-yearly or other periodical Accounts and Balance Sheet, Fourteen Days at the least before the ensuing Ordinary Meeting at which the same are required to be produced to the Shareholders, as herein-after provided.

Remuneration of Directors and Auditors.

CIII. And be it enacted, That the Remuneration of the Directors and Auditors shall from Time to Time be fixed by a General Meeting of the Company.

Company to appoint a Secretary and Treasurer.

CIV. And be it enacted, That at the first General Meeting after the passing of this Act the Company shall elect a Secretary and a Treasurer, and any subsequent General Meeting may remove from

from Office any such Secretary or Treasurer, and if such Secretary or Treasurer die, or resign, or be so removed, another Secretary or Treasurer shall be elected in his Place at a General Meeting, and from Time to Time any such Meeting may fix the Salary or other Emoluments to be allowed to such Secretary or Treasurer respectively, as they think proper.

Suspension of Secretary or Treasurer.

CV. And be it enacted, That the Directors may at any Time suspend either the Treasurer or the Secretary from his Office, and may appoint some Person temporarily to fill the Office of the Treasurer or Secretary so suspended, or when vacant from any other Cause, with such Salary as they think fit; but in any such Case they shall forthwith call an Extraordinary Meeting of the Company, for the Purpose of taking into consideration the Propriety of removing from his Office any Treasurer or Secretary so suspended, and of electing a new Treasurer or Secretary, as the Case may require.

Separation of Offices of Secretary and Treasurer.

Penalty.

CVI. And be it enacted, That neither the Person who shall hold the Office of Secretary, nor the Partner of such Secretary, nor any Person in the Service or Employ of such Secretary or of his Partner, shall be eligible to be the Treasurer; and that neither the Person who shall hold the Office of Treasurer, nor the Partner of such Treasurer, nor any Person in the Service or Employ of such Treasurer, or of his Partner, shall be eligible to be the Secretary; and if any Person offend in any of the following Cases, he shall for every such Offence forfeit One hundred Pounds; (that is to say,)

If any Person accept both the Offices of Secretary and Treasurer;

If any Person, being the Partner of such Secretary, or in the Service or Employ of such Secretary or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer;

If any Person, being the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Secretary, or act as Deputy of the Secretary, or in any Manner officiate for the Secretary;

If any such Treasurer or Secretary hold any Place of Profit or Trust under the Company, other than that of Treasurer or Secretary, as the Case may be:

And any Person may sue for such Penalties by Action of Debt or on the Case, in any of the Superior Courts, and shall, on Recovery thereof, be entitled to full Costs of Suit.

Security to be taken.

CVII. And be it enacted, That before any Person intrusted with the Custody or Control of Monies, whether Treasurer, Collector, or other Officer of the Company, shall enter upon his Office, the Directors shall take sufficient Security from him for the faithful Execution of his Office.

Officers to account on Demand.

CVIII. And be it enacted, That every Officer or Person employed by the Company shall from Time to Time, when required by the Directors, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of

of the Company; and such Account shall state how, and to whom, and for what Purpose, such Monies shall have been disposed of; and together with such Account such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Directors, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Summary Remedy against Parties failing to account.

CIX. And be it enacted, That if any such Officer fail to render such Account, or to produce and deliver up all the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof, when thereunto required, or if, for Three Days after being thereunto required, he fail to deliver up to the Directors, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things in his Possession or Power, relating to the Execution of this Act, or belonging to the Company, then, on Complaint thereof being made to a Justice, such Justice shall, by Warrant under his Hand and Seal, cause such Officer to be brought before him; and upon such Officer being so brought before him, or if such Officer cannot be found then in his Absence, such Justice may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Company are in the Hands of such Officer, or owing by him to the Company, such Justice may order such Officer to pay the same, and if he fail to pay the Amount, it shall be lawful for such Justice to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain without Bail for a Period not exceeding Three Months; and in any of the following Cases; (that is to say,)

If any such Officer do not appear before the Justice at the Time and Place appointed for that Purpose; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justice the several Vouchers and Receipts relating to such Account; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things in his Possession or Power belonging to the Company;

such Justice may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody without Bail until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power.

Sureties not to be discharged.

CX. And be it enacted, That no such Proceedings against or dealing with any such Officer as aforesaid shall deprive the Company of any Remedy which they might otherwise have against any Surety of such Officer.

CXI. And

Accounts to be kept.

CXI. And be it enacted, That full and true Accounts shall be kept of all Sums of Money received or expended on account of the Company by the Directors, and all Persons employed by or under them, and of the Articles, Matters, and Things for which such Sums of Money shall have been received or disbursed and paid.

Books to be balanced.

CXII. And be it enacted, That the Books of the Company shall be brought to a Balance Fourteen Days at least before each Ordinary Meeting, and forthwith, on the Books being so balanced, an exact Balance Sheet shall be made up, which shall exhibit a true Statement of the Capital Stock, Credits, and Property of every Description belonging to the Company, and the Debts due by the Company at the Date of making such Balance Sheet, and a distinct View of the Profit or Loss which shall have arisen on the Transactions of the Company in the course of the preceding Half Year; and previously to each Ordinary Meeting such Balance Sheet shall be examined and docqueted by the Directors, or any Three of their Number, and shall be signed by the Chairman or Deputy Chairman of the Directors.

Inspection of Accounts by Shareholders.

CXIII. And be it enacted, That the Books so balanced, together with such Balance Sheet as aforesaid, shall, for Fourteen Days previous to each Ordinary Meeting, and for One Month thereafter, be open for the Inspection of the Shareholders at the principal Office or Place of Business of the Company; but the Shareholders shall not he entitled at any Time, except during the aforesaid Period before and after each Ordinary Meeting, to demand the Use or Inspection of such Books, unless in virtue of a written Order signed by Three of the Directors.

Balance Sheet to be produced.

CXIV. And be it enacted, That at such Ordinary Meeting the Directors shall produce to the Shareholders assembled such Balance Sheet as aforesaid applicable to the Period immediately preceding such Meeting.

Book-keeper to allow Inspection.

CXV. And be it enacted, That a Book-keeper shall be appointed by the Directors, and such Book-keeper shall enter the Accounts aforesaid in Books to be provided for the Purpose; and every such Book-keeper shall permit any Shareholder or any Loan Creditor to inspect such Books at any reasonable Time during One Fortnight before and One Month after every Ordinary Meeting; and if he fail to permit any such Shareholder or Loan Creditor to inspect such Books, or take Copies or Extracts therefrom, during the Periods aforesaid, he shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

Accounts of Tolls rateable to the Poor to be kept.

CXVI. And for the Purpose of providing for the proper Rating of the Railway to the Relief of the Poor, be it enacted, That the Company shall keep an Account of the whole Tolls and other Profits (if any) received by them, and rateable for the Relief of the Poor, showing the gross Amount of the Monthly Receipts in respect of such Tolls and Profits received in every Year, and the Amount and Particulars of the Expenditure in every such Year on account of any

Expences, the probable annual Average Cost of which is to be taken into account in ascertaining the net annual Value of the Railway for the Purpose of rating the same for the Relief of the Poor; and if the Company carry for their own Benefit any Passengers, Cattle, or other Animals, Goods, or other Matters, they shall keep a separate Account showing the Amount of Tolls or Sums which would have been received by the Company in every such Year for the Use of the Railway, in respect of such Passengers, Cattle, Goods, or other Matters, if the same had been carried by any other Party, and the Amount of Tolls or Sums which shall have been actually received by the Company for the Carriage of the same.

Power to Overseers of Poor to inspect Accounts.

CXVII. And be it enacted, That at any Time during the First Fourteen Days in the Months of *February* and *August* in each Year, it shall be lawful for the Overseers of the Poor of the several Parishes through which the Railway shall pass to inspect such Accounts; and if the Company fail to keep such Accounts, or to permit such Inspection thereof, they shall forfeit to each Overseer who shall demand the said Accounts, or who shall be refused the Inspection of such Accounts, or either of them, for every such Failure to keep such Accounts, Thirty Pounds, and for every Day during which the Refusal to permit such Inspection may continue, the Sum of Ten Pounds *per* Day; and such Penalties shall be recoverable by Action of Debt, or on the Case, in any of the Superior Courts, and shall be applied for the Benefit of the Poor of the Parish within which such Failure may occur.

Annual Account to be made up, and a Copy transmitted to the Clerk of the Peace.

CXVIII. And be it enacted, That the Company shall, every Year, cause an annual Account in Abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied by virtue of this Act, for the Year ending on the Thirty-first Day of *December*, or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account duly audited and certified by the Directors, or some of them; and shall transmit a Copy of the said Account free of Charge to the Clerk of the Peace for the County of *Durham*, on or before the Thirty-first Day of *January* then next; which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit to prepare or transmit such Account as aforesaid, they shall forfeit for every such Omission the Sum of Twenty Pounds.

Declaration of Dividends.

CXIX. And be it enacted, That previously to every Ordinary Meeting the Directors shall cause a Scheme to be prepared, showing the Profits, if any, of the Company for the Period current since the immediately preceding Ordinary Meeting, and apportioning the same among the Shareholders according to the Shares held by them respectively, and shall exhibit such Scheme at such Ordinary Meeting; and at such Meeting a Dividend may be declared according to such Scheme.

CXX. And

CXX. And be it enacted, That except in Payment of Interest as herein-before authorized, the Company shall not make any Dividend whereby their Capital Stock will be in any Degree reduced. Dividend not to reduce Capital.

CXXI. And be it enacted, That before apportioning the Profits aforesaid, the Directors may, if they think fit, set aside thereout such Sum as they may think proper to meet Contingencies, or for enlarging, repairing, or improving the Works connected with the Railway, or any Part thereof, and may divide the Balance only among the Proprietors. Funds for Contingencies.

CXXII. And be it enacted, That no Dividend shall be paid in respect of any Share, until all Calls then due in respect of that or of any other Share held by the Person to whom such Dividend may be payable shall have been paid. Dividend not to be paid unless all Calls paid.

CXXIII. And with respect to the Power of the Company to make Bye Laws, be it enacted, That, in addition to the Power herein-after given to the Company to make Bye Laws for regulating the Use of the Railway, it shall be lawful for the Company, subject to the Provisions of an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for regulating Railways*, from Time to Time to make such Bye Laws as they think fit, for the Purpose of regulating the Conduct of the Officers and Servants of the Company, and for providing for the due Management of the Affairs of the Company in all respects whatsoever, and from Time to Time to alter or repeal any such Bye Laws, and make others, provided such Bye Laws be not repugnant to the Laws of that Part of the United Kingdom where the same are to have Effect, or to the Provisions of this Act; and such Bye Laws shall be reduced into Writing, and shall have affixed thereto the Common Seal of the Company; and a Copy of such Bye Laws shall be given to every Officer and Servant of the Company. Power to make Bye Laws for the Officers of the Company.

CXXIV. And be it enacted, That the Company may impose such reasonable Fines and Forfeitures upon all Persons, being Officers or Servants of the Company, offending against such private Bye Laws, as the Company think fit, not exceeding Five Pounds for any One Offence; and such Fines and Forfeitures may be recovered in the Manner herein-after provided. Fines for Breach of such Bye-Laws.

CXXV. And be it enacted, That the Production of a written or printed Copy of the Bye Laws of the Company, having the Common Seal of the Company affixed thereto, shall be sufficient Evidence of such last-mentioned Bye Laws in all Cases of Prosecution under the same. Evidence of Bye Laws.

CXXVI. And for the Purpose of providing as to the Determination of any Dispute authorized or directed by this Act to be settled by Arbitration, be it enacted, That within Fourteen Days after any such Dispute shall have arisen each Party shall in Writing nominate and appoint an Arbitrator to whom such Dispute shall be referred, and after such Appointments shall have been made neither Party shall have Arbitrators to be appointed within Fourteen Days.

have Power to revoke any such Appointment without the Consent of the other; and if for the Space of Fourteen Days after any such Dispute shall have arisen, and after a Request in Writing shall have been made from the other Party to appoint an Arbitrator, either Party fail to appoint such Arbitrator, then upon such Failure the Party making the Request, and having himself appointed an Arbitrator, may appoint such Arbitrator to act on behalf of both Parties, and such Arbitrator may proceed to hear and determine the Matters which shall be in dispute, and in such Case the Award or Determination of such single Arbitrator shall be final.

Vacancy of Arbitrators to be supplied.

CXXVII. And be it enacted, That if before the Matters so referred shall be determined any Arbitrator appointed by either Party die, or become incapable or refuse or neglect to act as Arbitrator, the Party by whom such Arbitrator was appointed may nominate and appoint in Writing some other Person to act in his Place, and if for the Space of Seven Days after Notice in Writing from the other Party for that Purpose he fail to do so, the remaining or other Arbitrator may proceed *ex parte*, and every Arbitrator so to be substituted as aforesaid shall have the same Powers and Authorities as were vested in the former Arbitrator at the Time of such his Death, Refusal, or Disability as aforesaid.

Appointment of Umpire.

CXXVIII. And be it enacted, That if within Fourteen Days after their Appointment such Two Arbitrators cannot determine the Matters referred to them, they shall nominate and appoint an Umpire, and the Decision of such Umpire on the Matters so referred shall be final.

Power of Arbitrators to call for Books, &c.

CXXIX. And be it enacted, That such Arbitrators or their Umpire may call for the Production of any Documents in the Possession or Power of either Party which they or he may think necessary for determining the Question in dispute, and may examine the Parties or their Witnesses on Oath, and administer the Oaths necessary for that Purpose.

Service of Notices upon the Company.

CXXX. And with respect to the Service of Notices upon the Company, be it enacted, That any Summons, Notice, or Writ or other Proceeding, at Law or in Equity, requiring to be served upon the Company, may be served by the same being given personally to the Secretary of the Company, or being left at the Office of the Company, or being delivered to some Inmate at the Place of Abode of such Secretary, or in case there be no Secretary, or the Place of Abode of the Secretary respectively shall not be found, then by being given to any One Director of the Company, or by being delivered to some Inmate of the Place of Abode of any such Director.

Service by Company on Shareholders.

CXXXI. And with respect to any such Notice required to be served by the Company upon the Shareholders, be it enacted, That, unless any such Notice be expressly required to be served personally, it shall be sufficient to transmit the same by Post, directed according to the registered Address or other known Address of the Shareholder, within such Period as to admit of its being delivered, in the

due Course of Delivery, within the Period (if any) prescribed for the giving of such Notice; and in proving such Service it shall be sufficient to prove that such Notice was properly directed, and that it was so put into the Post Office.

Notices by Advertisement.

CXXXII. And be it enacted, That all Notices required by this Act to be given by Advertisement in a Newspaper, shall be advertised in Two *London* Newspapers, and also in some Newspaper published in the County of *Durham*.

Authentication of Notices.

CXXXIII. And be it enacted, That every Summons, Demand, or Notice, or other such Document requiring Authentication by the Company, may be signed by One Director, or by the Treasurer or the Secretary of the Company, and need not be under the Common Seal of the Company, and the same may be in Writing or in Print, or partly in Writing and partly in Print.

Releases to Witnesses.

CXXXIV. And be it enacted, That in all legal Proceedings under this Act, general or other Releases for the Purpose of qualifying any Person in the Service of the Company to give Evidence as a Witness may be granted by any Two or more of the Directors; and every such Release or Discharge under the Hands and Seals of Two of the Directors shall be as effectual for the Purpose aforesaid as if made under the Common Seal of the Company.

Proof of Debts in Bankruptcy.

CXXXV. And be it enacted, That if any Person against whom the Company shall have any Claim or Demand become bankrupt, or take the Benefit of any Act for the Relief of Insolvent Debtors, it shall be lawful for the Secretary or Treasurer of the Company, in all Proceedings against the Estate of such Bankrupt or Insolvent, or under any Fiat, Sequestration, or Act of Insolvency against such Bankrupt or Insolvent, to represent the Company, and act in their Behalf, in all respects as if such Claim or Demand had been the Claim or Demand of such Secretary or Treasurer, and not of the Company.

Tender of Amends.

CXXXVI. And with respect to Actions brought in respect of any Proceeding under the Provisions of this Act, be it enacted, That if before Action brought any Party having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority thereby given, make Tender of sufficient Amends to the Party injured, such Party shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made it shall be lawful for the Defendant, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Power to purchase Lands.

CXXXVII. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Company to agree with the Owners of the Lands which they are hereby authorized to enter into and

and take for the Purposes of the Railway, for the absolute Purchase, for a Consideration in Money, of any such Lands, or such Parts thereof as they shall think proper, and of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all Commonable or other Rights to which such Lands may be subject, and all other Estates or Interests in such Lands, of what Kind soever.

Parties under Disability enabled to sell and convey.

CXXXVIII. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispose, and convey or release the same to the Company, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in Trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Parties under Disability may exercise other Powers.

CXXXIX. And be it enacted, That the Power herein-after given to enfranchise Copyhold Lands, as well as every other Power authorized to be exercised by the Lord of any Manor pursuant to the Provisions of this Act, and the Power to release Lands from any Rent, Payment, Charge, or Incumbrance, and to agree for the Apportionment of any such Rent, Charge, or Incumbrance, shall extend to and may lawfully be exercised by every Party herein-before enabled to sell and dispose of or convey and release Lands to the Company.

Consideration to be in a gross Sum.

CXL. And be it enacted, That, except as herein-after mentioned, the Consideration to be paid for the Purchase of any such Lands, or for any Damage done thereto, shall be in a gross Sum.

Acceptance of Compensation for Price of or Damage to Lands.

CXLI. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept,

and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept Satisfaction for the Value of such Lands, or any Interest therein to which such Party shall be entitled; and in addition to Compensation for the Value of such Lands, or of the Interest therein to be so conveyed, such Parties shall be entitled to and may in like Manner accept Compensation for any Damage by them sustained by reason of the severing or dividing of such Lands, or otherwise, owing to the Exercise of the Powers of this Act.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

CXLII. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not, except where the same shall have been determined by the Verdict of a Jury under the Provision herein-after contained, be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Company, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall for that Purpose nominate, and each of such Two Surveyors, if they agree, or if not then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Compensation to absent Parties to be ascertained by Valuation.

CXLIII. And with respect to the Compensation Money to be paid for any Lands to be purchased from any Party who by reason of Absence, or from any other Incapacity or Accident, is prevented from treating, or cannot be found, and the Compensation Money to be paid for any permanent Injury to such Lands, be it enacted, That such Consideration or Compensation shall not be less than shall be determined by the Valuation of such able practical Surveyor as Two Justices shall nominate for that Purpose, and such Surveyor shall annex to the Valuation a Declaration of the Correctness thereof.

Purchase of Lands on Chief Rents.

CXLIV. And be it enacted, That if any Person seised in Fee of, or entitled to dispose of absolutely for his own Benefit, any Lands authorized to be purchased for the Purposes of this Act, shall be willing to sell such Lands for a perpetual annual Rent-charge in lieu of a Sum in gross, such Person may lawfully sell and convey such Lands, or any Part thereof, unto the Company, in consideration of an annual Rent-charge payable by the Company to the Person so selling and conveying, and to his Heirs and Assigns.

Payment of such Rents to be charged on the Tolls.

CXLV. And be it enacted, That the yearly Rents reserved by any such Conveyance shall be charged on the Tolls or Rates payable under this Act, and shall be paid by the Company as such Rents become payable; and if at any Time any such Rents be not paid within Thirty Days after they so become payable, and after Demand thereof in Writing, the Person to whom any such Rent shall be payable may either recover the same from the Company, with Costs of Suit, by Action of Debt, in any of the Superior Courts, or it shall be

be lawful for him to levy the same by Distress of the Goods and Chattels of the Company.

Form of Conveyances.

CXLVI. And be it enacted, That all Conveyances of Lands so to be purchased as aforesaid may be according to the Form in the Schedules (H.) and (I.) respectively to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed in the Company, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands comprised in such Conveyances as shall have been purchased or compensated for by the Consideration therein mentioned, but although Terms of Years be thereby merged, they shall in Equity afford the same Protection as if they had been kept on Foot and assigned to a Trustee for the Company to attend the Reversion and Inheritance.

Costs of Conveyances.

CXLVII. And with respect to the Costs of the Conveyance of any such Lands purchased or taken by the Company, be it enacted, That all such Costs shall be borne by the Company, and such Costs shall include all Charges and Expences, incurred on the Part as well of the Seller as of the Purchaser, of all Conveyances and Assurances of any such Lands, and of any outstanding Terms or Interests therein, and of deducing, evidencing, and verifying the Title to such Lands, Terms, or Interests, and of making out and furnishing such Abstracts and attested Copies as the Company may require, and all other Expences incident to the Investigation, Deduction, and Verification of such Title; and before the Company enter into possession of the Lands so purchased or taken, they shall pay the Amount of such Costs, and if there be any Dispute about the same, they shall obtain an Order for the Taxation thereof as herein-after provided; nevertheless, if, within Seven Days after Notice in Writing from the Company, the Parties from whom such Lands shall have been purchased do not deliver a Bill of their Costs to the Company, then the Company shall not be prevented from entering into the Possession of such Lands by reason of the Nonpayment of such Costs, or by reason of such Order for Taxation thereof not having been obtained.

Taxation of Costs.

CXLVIII. And be it enacted, That if the Company and the Party entitled to any such Costs shall not agree as to the Amount thereof, such Costs shall be ascertained by the Court of Chancery, and for that Purpose either Party may apply to the Court by Petition, and thereupon the Court shall order such Costs to be referred to One of the Masters, to be taxed in the usual Manner, and upon Proof of such Service the Master shall proceed to tax such Costs accordingly, Notice of such Taxation being given to the other Party; and after the Taxation thereof it shall be lawful to the Court to order the Amount at which the same shall be so taxed, together with the Costs of

of Taxation, or so much of the same as shall be payable by the Company to be paid to the Party entitled thereto, and the same shall be paid accordingly; and the Expence of taxing such Costs, and of obtaining the Order referring the same to be taxed, shall be borne by the Company, unless on the Taxation One Sixth Part of the Costs be disallowed, in which Case the Expence shall be borne by the Party from whom the Lands shall have been purchased or taken.

Purchase Money payable to Parties under Disability amounting to 200*l.* to be deposited in the Bank of England.

CXLIX. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life, or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall, under the Powers of this Act, be enabled to convey or dispose of the same, shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* "The *Newcastle* and *Darlington* Junction Railway Company," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds and Indorsements thereon, as likewise Indorsements on* South Sea *Bonds*, and pursuant to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest therefrom for answering the Charges of the Office of the Accountant General of the said Court*; and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

12 G. 1. c. 32.

12 G. 2. c. 24.

Application of Monies deposited.

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or

If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

Order for Application.

CL. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Chancery made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold, or converted into Money, for the Purposes aforesaid, the Interests, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands; and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds thereof may be made on the like Petition.

Sums from 20*l.* to 200*l.* to be deposited, or invested in Trustees.

CLI. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Company approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under their Common Seal; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums not exceeding 20*l.* to be paid to Parties.

CLII. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Where Parties refuse to convey, or do not show Title, the Purchase Money to be deposited.

CLIII. And for the Purpose of providing for the Payment and Application in certain Cases of the Purchase Money or Compensation to be paid in respect of any such Lands not belonging to Parties under Disability, be it enacted, That in the following Cases, (that is to say,) if the Owner of any such Lands or of any Interest therein, on Tender of the Purchase Money or Compensation either agreed or

awarded to be paid, refuse to accept the same, or if any such Person fail to make out a Title to the Lands in respect whereof such Purchase Money or Compensation shall be payable, or to the Interest therein claimed by him, to the Satisfaction of the Company; or if such Owner be gone out of the Kingdom, or cannot be found, or be not known, or refuse to convey or release such Lands as directed by the Company, it shall be lawful for the Company to deposit the Purchase Money or Compensation payable in respect of such Lands, or any Interest therein, in the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there to the Credit of the Parties interested in such Lands (describing them so far as the Company can do), subject to the Control and Disposition of the said Court; and upon Receipt of such Money the Cashier of such Bank shall give to the Company, or to the Party paying in such Money, a Receipt for such Money, specifying therein for what and for whose Use (described as aforesaid) the same shall have been received, and in respect of what Purchase the same shall have been paid in; and thereupon all the Interest in such Lands in respect whereof such Purchase Money or Compensation shall have been deposited, shall be vested absolutely in the Company.

Application of Monies so deposited.

CLIV. And be it enacted, That upon the Application by Petition of any Party making claim to the Money so deposited as last aforesaid, or any Part thereof, or to the Lands purchased or taken by the Company or any Part thereof, or any Interest in the same, the said Court of Chancery may, in a summary Way as to such Court shall seem fit, order such Money to be laid out or invested in the public Funds, or may order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Parties making claim to such Money or Lands or any Part thereof, and may make such other Order in the Premises as to such Court shall seem fit.

Court of Chancery may direct Investment or Payment of Money in respect of Leases for Lives, Years, &c., or Reversions, as they may think just.

CLV. Provided always, and be it enacted, That where any Purchase Money or Compensation paid into the Court of Chancery, under the Provisions of this Act, shall have been paid in respect of any Lease for Lives or Years, or any Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependent on any such Lease or Estate, it shall be lawful for the Court of Chancery, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

Party in possession to be deemed the Owner.

CLVI. And it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in possession or receipt of the Rents of such Lands at the Time of such Lands being purchased or taken shall be deemed to have been lawfully entitled to such Lands until the contrary be shown to the Satisfaction

Satisfaction of the Court; and unless the contrary be shown as aforesaid, the Parties so in possession, and all Parties claiming under them or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Costs in Cases of Money deposited.

CLVII. And with respect to Costs in Cases of Monies deposited in the Bank of *England*, be it enacted, That the Court of Chancery may in all such Cases, except where Monies shall have been so deposited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to convey or release the Lands in respect whereof the same shall be payable, order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Company; (that is to say,) the Costs of the Purchase or of the taking or using of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies in Government or Real Securities, and of the Re-investment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants,

Payment of Price to be made previous to Entry, except to survey, &c.

CLVIII. And be it enacted, That the Company shall not, except by the Consent of the Owner and Occupier, enter upon any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, until they shall either have paid to every Party having any Interest in such Lands, or deposited in the Bank of *England* in the Manner herein mentioned, the Purchase Money or Compensation agreed or awarded to be paid to such Parties respectively for their respective Interests therein: Provided always, that for the Purpose merely of surveying and taking Levels of such Lands, it shall be lawful for the Company to enter upon the same without the previous Consent of the Owners or Occupiers, making Compensation for any Damage thereby occasioned to the Owners or Occupiers of such Lands,

Penalty on Company entering upon Lands without Consent before Payment of the Purchase Money.

CLIX. And be it enacted, That if the Company or any of their Contractors shall, except as aforesaid, wilfully enter upon and take Possession of any Lands which shall be required to be purchased or permanently used for the Purposes of this Act without such Consent as aforesaid, or without having made such Payment or Deposit as aforesaid, the Company shall forfeit to the Party in possession of such Lands the Sum of Ten Pounds, over and above the Amount of any Damage done to such Lands by reason of such Entry and taking possession as aforesaid, such Penalty and Damage respectively to be recovered before

before Two Justices; and if the Company or their Contractors shall, after Conviction in such Penalty as aforesaid, or after Notice from the Party in possession of such Lands, continue in unlawful Possession of any such Lands, the Company shall be liable to forfeit the Sum of Twenty-five Pounds for every Day they or their Contractors shall so remain in possession as aforesaid, such Penalty to be recoverable by the Party in possession of such Lands, with full Costs of Suit in any of the Superior Courts: Provided always, that nothing herein contained shall be held to subject the Company to the Payment of any such Penalties as aforesaid, if they shall *bonâ fide* and without Collusion have paid or deposited the Compensation agreed or awarded to be paid in respect of the said Lands to any Person whom the Company may have reasonably believed to be entitled thereto, although such Person may not have been legally entitled thereto.

Decision of Justices not conclusive as to Company's Right.

CLX. And be it enacted, That on the Trial of any Action for any such Penalty as aforesaid the Decision of the Justices under the Provision herein-before contained shall not be held conclusive as to the Right of Entry on any such Lands by the Company.

Notice of Intention to take Lands.

CLXI. And be it enacted, That when the Company shall require to purchase any of the Lands which by this Act they are authorized to purchase or take they shall give Notice thereof to all the Parties interested in such Lands or enabled by this Act to sell and convey or release the same, or such of them as shall be known to the Company, and by such Notice shall demand from such Parties the Particulars of their Estate and Interest in such Lands, and of the Claims made by them in respect thereof; and every such Notice shall be in Writing, and shall state the Particulars of the Lands so required, and shall state that the Company are willing to treat for the Purchase of the Interest in such Lands of the Party to whom the Notice is addressed, and as to the Compensation to be made for the Damage that may be sustained by him by reason of the making of the Railway.

Parties interested in Lands to state their Claims.

CLXII. And be it enacted, That if for One Month after the Receipt of such Notice any such Party shall fail to state the Particulars of his Claim in respect of any such Land, or to treat with the Company in respect of his Interest therein, or if such Party and the Company shall differ as to the Amount of the Compensation to be paid to such Party for any such Interest, or for any Damage that may be sustained by him by reason of the Execution of the Railway, the Amount of such Compensation shall be settled in the Manner herein-after provided for settling Cases of disputed Compensation.

Proceedings in case of Refusal to deliver Possession of Lands.

CLXIII. And be it enacted, That where, according to the Provisions of this Act, the Company are authorized to enter upon and take possession of any Lands required for the Purposes of the Railway, if the Owner or Occupier of any such Lands, or any other Person, refuse to give up the Possession thereof, or hinder the Company from entering upon or taking possession of the same, it shall be lawful for the Company to issue their Precept under their Common Seal to the Sheriff to deliver Possession of the same to the Person

appointed in such Precept to receive the same; and upon the Receipt of such Precept the Sheriff shall deliver Possession of any such Lands accordingly; and the Costs accruing by reason of the issuing and Execution of such Precept, to be settled by the Sheriff, shall be paid by the Persons refusing to give Possession, and such Costs, if not paid on Demand, shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly.

Disputes as to Compensation to be settled by a Jury.

CLXIV. And for the Purpose of making Provision for settling Cases of disputed Compensation arising under this Act, be it enacted, That if any Difference shall arise, or if no Agreement can be come to, between the Company and the Owners of any Lands, or of any Interest in any such Lands, taken or required for or injuriously affected by the Execution of the Railway (including among such Owners all Parties by this Act enabled to sell or convey Lands), as to the Value of such Lands, or of any Interest therein, or as to the Compensation to be made in respect thereof, or if by reason of Absence any such Owner be prevented from treating, or if any such Owner fail to disclose or prove his Title to any such Lands, or any Interest therein, or if by reason of any Impediment or Disability any such Owner be incapable of making any Agreement, Conveyance, or Release necessary for enabling the Company to take such Lands, or to proceed in making the Railway or Works, or if any such Difference arise as to the Amount of the Damages occasioned to any Lands by the temporary Occupation thereof in the making of the Railway, or otherwise in the Exercise of the Powers given by this Act, and for which any Party may be entitled to demand Compensation according to the Provisions of this Act, the Amount of the Compensation to be paid by the Company in every such Case shall be settled by the Verdict of a Jury in manner herein-after mentioned.

Claims not exceeding 50*l.* to be settled by Two Justices.

CLXV. Provided always, and be it enacted, That if the Compensation claimed in any of the Cases mentioned in the preceding Enactment shall not exceed Fifty Pounds, the same shall be settled by Two Justices.

Notice by Company of Intention to have a Jury summoned.

CLXVI. And be it enacted, That where it shall be necessary to refer any such Question to the Determination of a Jury, by reason of any such Difference as aforesaid, then, One Month at least before issuing their Warrant for summoning a Jury as herein-after provided, the Company shall give Notice in Writing to the Party with whom such Difference shall have arisen of their Intention to cause such Jury to be summoned; and in such Notice the Company shall state what Sum of Money they are willing to give such Party for his Interest in such Lands, and for the Damage to be sustained by him by the Execution of the Railway.

Requisition by Party claiming Compensation that Jury be summoned.

CLXVII. And be it enacted, That if any Party who shall be entitled to any Compensation in respect of any Lands, or of any Interest therein, taken for or injuriously affected by the making of the Railway, shall desire the Amount of such Compensation to be determined by a Jury, it shall be lawful for such Party to give Notice

Notice in Writing to the Company of such his Desire, and he shall in such Notice state the Nature of the Interest claimed by him in such Lands, and the Amount of the Compensation claimed by him in respect thereof; and unless the Company be willing to pay the Amount of Compensation so claimed, and shall enter into a written Agreement for that Purpose, then within Twenty-one Days after the Receipt of any such Notice from any Party so entitled, they shall issue their Warrant to the Sheriff to summon a Jury accordingly in the Manner herein-after mentioned.

Warrant for summoning Jury to be addressed to the Sheriff.

CLXVIII. And be it enacted, That in every Case in which any such Question of disputed Compensation shall be required to be determined by the Verdict of a Jury, the Company shall issue their Warrant to the Sheriff, under their Common Seal, requiring him to summon a Jury for that Purpose; and if such Sheriff be interested in the Matter in dispute, by being a Shareholder of the Company or otherwise, such Application shall be made to some Coroner of the County in which the Lands in question, or some Part thereof, shall be situate; and if all the Coroners of such County be so interested, such Application may be made to some Person having filled the Office of Sheriff or Coroner in such County, and who shall be then living there, and who shall not be interested in the Matter in dispute; and with respect to the Persons last mentioned, Preference shall be given to one who shall have most recently served either of the said Offices.

Provisions applicable to Sheriff to apply to Coroner.

CLXIX. And be it enacted, That throughout the Enactments contained in this Act relating to the Reference to a Jury, where the Term "Sheriff" is used, the Provisions applicable thereto shall be held to apply to every Coroner or other Person lawfully acting in his Place; and in every Case in which any such Warrant shall have been directed to any other Person than the Sheriff, such Sheriff shall, immediately on receiving Notice of the Delivery of the Warrant, deliver over, on Application for that Purpose, to the Person to whom the same shall have been directed, or to any Person appointed by him to receive the same, the Jurors Book and Special Jurors List belonging to the County where the Lands in question shall be situate.

Summoning of Jurymen.

CLXX. And be it enacted, That upon the Receipt of such Warrant the Sheriff shall summon a Jury of Twenty-four indifferent Persons, duly qualified to act as Common Jurymen in the Superior Courts, to meet at the Time and Place named in the Warrant for that Purpose.

Impannelling of Jury

CLXXI. And be it enacted, That out of the Jurors appearing upon such Summons a Jury of Twelve Persons shall be drawn by the Sheriff in such Manner as Juries for Trials of Issues joined in the Superior Courts are by Law required to be drawn; and if a sufficient Number of Jurymen do not appear in obedience to such Summons, the Sheriff shall return other indifferent Men, duly qualified as aforesaid, of the By-standers, or others that can speedily be procured, to make up the Jury to the Number aforesaid; and all Parties concerned

cerned may have their lawful Challenges against any of the Jurymen, but no such Party shall challenge the Array.

Notice of Inquiry.

CLXXII. And be it enacted, That Fourteen Days Notice of the Time and Place of the Inquiry shall be given in Writing by the Company to the other Party.

Sheriff to preside.

Witnesses to be summoned.

CLXXIII. And be it enacted, That the Sheriff shall preside on the said Inquiry; and the Party claiming Compensation shall be deemed the Plaintiff, and shall have all such Rights and Privileges as the Plaintiff is entitled to in the Trial of Actions at Law; and, if either Party so request in Writing, the Sheriff shall summon before him any Person considered necessary to be examined as a Witness touching the Matters in question; and on the like Request the Sheriff shall order the Jury, or any Six or more of them, to view the Place or Matter in controversy, in like Manner as Views may be had in the Trial of Actions in the Superior Courts.

Oath of Jurymen.

CLXXIV. And be it enacted, That before the Jury proceed to inquire of and assess the Compensation or Damage in respect of which their Verdict is to be given they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage; and the Sheriff shall administer such Oaths as well as the Oaths of all Persons called upon to give Evidence.

Verdict of Jury to be for Purchase of Lands and for Damage, assessed separately.

CLXXV. And be it enacted, That such Jury shall deliver their Verdict for the Sum of Money to be paid for the Purchase of the Lands required for the Railway, or of any Interest therein, belonging to the Party with whom such Questions of disputed Compensation shall so have arisen; and also the Sum of Money to be paid for the Injury done to the Lands of any such Party by the Severance from such Lands of the Lands required by the Company, and also the Sum of Money to be paid by way of Compensation for the Damage occasioned to any such Lands by the Execution of the Works, whether it be for Damage sustained before the Time of the Inquiry or for future Damage, either temporary or permanent, or for any recurring Damage, of which the Cause is then only in part obviated, and which cannot or will not be further obviated by the Company; and the Sums of Money to be paid for the Injury done by any such Severance as aforesaid, or by way of Compensation for any such Damage as aforesaid, shall in every Case be assessed separately from the Value of the Lands, or the Sum to be paid for the Purchase thereof, or of any Interest therein.

Value of Interests previously purchased to be deducted.

CLXXVI. And be it enacted, That in assessing the Sum of Money to be paid for the Purchase of any such Lands, the Value of any Interest in such Lands as shall have been heretofore rightfully purchased by the Company shall be first deducted.

Verdict and Judgment to be recorded.

CLXXVII. And be it enacted, That the Sheriff before whom such Inquiry shall be held shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and the said Verdict and Judgment

Judgment shall be signed by the Sheriff, and being so signed shall be kept by the Clerk of the Peace among the Records of the Quarter Sessions of the County in which the Lands or any Part thereof shall be situate, in respect of which such Purchase Money or Compensation shall have been awarded; and such Verdicts and Judgments shall be deemed Records, and the same, or true Copies thereof, shall be good Evidence in all Courts and elsewhere; and all Persons may inspect the said Verdicts and Judgments, and may have Copies thereof or Extracts therefrom, on paying for each Inspection thereof One Shilling, and for every One hundred Words copied or extracted therefrom Sixpence.

Costs of the Inquiry.

CLXXVIII. And be it enacted, That on every such Inquiry before a Jury, where the Verdict of the Jury shall be given for the same or a greater Sum than the Sum previously offered by the Company, all the Costs of such Inquiry shall be borne by the Company, but if the Verdict of the Jury be given for a less Sum than the Sum previously offered by the Company one Half of the Costs shall be defrayed by the Owner of the Lands, and the other Half by the Company: Provided always, that in every Case, where by reason of Absence in Foreign Parts, or of any Disability, the Owner of the Land shall have been prevented from treating with the Company, all the Costs shall be borne by the Company.

Particulars of the Costs.

CLXXIX. And be it enacted, That such Costs shall be settled by the Sheriff, and such Costs shall include all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, taking the Inquiry, the Attendance of Witnesses, the Employment of Counsel, recording the Verdict and Judgment thereon, and otherwise incident to such Inquiry; and with respect to any such Costs payable by the Company, if within Seven Days after Demand such Costs be not paid to the Party entitled to receive the same, the same shall be recoverable by Distress, and on Application to any Justice he shall give his Warrant accordingly; and with respect to any such Costs payable by the Owner of the Lands or of any Interest therein, the same may be deducted out of any Money awarded by the Jury to be paid to such Owner as so much Money advanced for his Use, and the Payment of the Remainder of such Money shall be a good Payment and Satisfaction of the whole thereof.

Penalty on Sheriff and Jury for Default.

CLXXX. And be it enacted, That if the Sheriff make default in any of the Matters herein-before required to be done by him in relation to any such Trial or Inquiry, he shall forfeit Fifty Pounds for every such Offence; and if any Person summoned and returned upon any Jury under this Act, whether Common or Special, do not appear, or appear but refuse to make Oath, or in any other Manner unlawfully neglect his Duty, he shall, unless he show reasonable Excuse to the Satisfaction of the Sheriff, forfeit a Sum not exceeding Ten Pounds; and every such Penalty payable by a Sheriff or Juryman shall be applied in satisfaction of the Costs of the Inquiry so far as the same will extend; and in addition to the Penalty hereby imposed, every such

such Juryman shall be subject to the same Regulations, Pains, and Penalties as if such Jury had been returned for the Trial of any Issue joined in any of the Superior Courts.

Penalty on Witnesses making default.

CLXXXI. And be it enacted, That if any Person duly summoned to give Evidence upon any such Inquiry, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time and Place specified in the Summons without sufficient Cause, or if any Person, whether summoned or not, who shall appear as a Witness, refuse to be examined on Oath touching the Subject Matter in question, every Person so offending shall forfeit a Sum not exceeding Ten Pounds.

Special Jury to be summoned at the Request of either Party.

CLXXXII. And be it enacted, That if either Party desire any such Question of disputed Compensation as aforesaid to be tried before a Special Jury, and before the Company have issued their Warrant to the Sheriff give Notice in Writing of such Desire, such Question shall be so tried; and for that Purpose the Company shall, by their Warrant to the Sheriff, require him to nominate a Special Jury for such Trial; and thereupon the Sheriff shall, as soon as conveniently may be after the Receipt by him of such Warrant, summon both the Parties to appear before him, by themselves or their Attornies, at some convenient Time and Place (not being less than Five Days from the Service of such Summons) appointed by him, for the Purpose of nominating a Special Jury; and at the Place and Time so appointed the Sheriff shall proceed to nominate and strike a Special Jury in the Manner in which such Juries shall be required by the Laws for the Time being in force to be nominated or struck by the proper Officers of the Superior Courts; and the Sheriff shall appoint a Day for the Parties or their Agents to appear before him to reduce the Number of such Jury, and thereof shall give Four Days Notice to the Parties; and on the Day so appointed the Sheriff shall proceed to reduce the said Special Jury to the Number of Twenty in the Manner used and accustomed by the proper Officers of the Superior Courts.

Deficiency of Jurymen.

CLXXXIII. And be it enacted, That the Special Jury on such Inquiry shall consist of Twelve of the said Twenty who shall first appear on the Names being called over, the Parties having their lawful Challenges against any of the said Jurymen; and if a full Jury do not appear, or if after such Challenges a full Jury do not remain, then, upon the Application of either Party, the Sheriff shall add to the List of such Jury the Names of any other disinterested Persons qualified to act as Special or Common Jurymen, who shall not have been previously struck off the aforesaid List, and who may then be attending the Court, or can speedily be procured, so as to complete such Jury, all Parties having their lawful Challenges against such Persons, and the Sheriff shall proceed to the Trial and Adjudication of the Matters in question by such Jury; and such Trial shall be attended in all respects with the like Incidents and Consequences as herein-before provided in the Case of a Trial by Common Jury.

CLXXXIV. And

Other Inquiries before same Jury by Consent.

CLXXXIV. And be it enacted, That any other Inquiry than that for the Trial of which such Special Jury may have been struck and reduced as aforesaid may be tried by such Jury, provided the Parties thereto respectively shall give their Consent to such Trial.

Attendance of Special Jurymen.

CLXXXV. And be it enacted, That no Special Juryman shall, without his Consent, be summoned or required to attend any such Proceeding as aforesaid more than once in any Year.

Disputes as to Compensation to be settled by Two Justices.

CLXXXVI. And with respect to any such Question of disputed Compensation or other Matter of Difference by this Act authorized to be referred to the Determination of Two Justices, be it enacted, That either Party may apply to such Justices in respect to any such Matter, and thereupon such Justices, in Presence of the Parties, or such of them as shall appear, being duly summoned for that Purpose, shall examine into the Matter in dispute, and shall award such an Amount of Compensation, or shall make such Determination in respect of the Matter so referred to them, as to them shall seem fit; and the Costs of every such Inquiry shall be in the Discretion of such Justices, and they shall settle the Amount thereof, and in default of Payment of such Costs as directed by such Justices the same shall be levied by Distress, and the said Justices shall issue their Warrant accordingly.

Company empowered to purchase the Interest in Lands, the Purchase whereof may have been omitted by Mistake.

CLXXXVII. And be it enacted, That if at any Time after the Company shall have entered upon any Lands which under the Provisions of this Act they were authorized to purchase, and which shall be permanently required for the Purposes of the Railway, any Party shall appear to be entitled to any Estate, Right, or Interest in, or Charge affecting such Lands, which the Company shall have failed or omitted duly to purchase or to pay Compensation for, then, whether the Period granted for the Purchase of Lands shall have expired or not, the Company shall remain in the undisturbed Possession of such Lands; provided, within Six Calendar Months after Notice of such Estate, Right, Interest, or Charge, in case the same shall not be disputed by the Company, or in case the same shall be disputed, then within Six Calendar Months after the Right thereto shall have been finally established by Law in favour of the Party claiming the same, the Company shall purchase or pay Compensation for the same, and shall also pay to such Party, or to any other Party who may establish a Right thereto, full Compensation for the Mesne Profits or Interest which would have accrued to such Parties respectively in respect thereof during the Interval between the Entry of the Company thereon and the Time of the Payment of such Purchase Money or Compensation by the Company, so far as such Mesne Profits or Interest may be recoverable in Law or Equity; and such Purchase Money or Compensation shall be agreed on or awarded and paid, in like Manner as according to the Provisions of this Act the same respectively would have been agreed on or awarded and paid, in case the Company had purchased such Estate, Right, Interest, or Charge, before their entering upon such Lands, or as near thereto as Circumstances will admit.

CLXXXVIII. And

How Value of such Lands to be estimated.

CLXXXVIII. And be it enacted, That in estimating any Compensation to be given for any such last-mentioned Lands, or any Estate or Interest in the same, or for any Mesne Profits thereon, the Jury shall assess the same at such Price as they shall find to be the Value of such Lands, Estate, or Interest, and Profits, without regard to any Improvements or Works made in the said Lands by the Company, and as though the Railway had not been constructed.

Company to pay the Costs of Litigation as to such Lands.

CLXXXIX. And be it enacted, That in addition to the said last-mentioned Purchase Money, Compensation, or Satisfaction, and before the Company shall become absolutely entitled to any such Estate, Interest, or Charge, or to have the same merged or extinguished for their Benefit, they shall, when the Right to any such Estate, Interest, or Charge shall be disputed by the said Company, pay the full Costs and Expences of any Proceedings, at Law or in Equity, for the Recovery of the same to the Parties with whom any such Litigation in respect thereof shall have taken place; and such Costs and Expences shall, in case the same shall be disputed, be settled by the proper Officer of the Court in which such Litigation took place.

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

CXC. And with respect to any Mines of Coal, Ironstone, Lime, Slate, or other Minerals, under any Land purchased by the Company, be it enacted, That nothing in this Act contaid shall extend to give to the said Company, any Coal, Ironstone, Limestone, 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, 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*, (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, 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 Railway 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 than what is necessarily incident to the proper Working of the said Mines and Minerals.

Power to Owners of intersected Lands to insist on Purchase.

CXCI. And with respect to any such Lands which shall be so cut through and divided by the Railway or Works as to leave, either on both Sides, or on one Side thereof, a less Quantity of Land than Half a Statute Acre, be it enacted, That if the Owner of any such Land, not being situate in a City or Town, or built upon, require the Company to purchase any such small Parcel of Land along with the other Land required for the Purposes of this Act, the Company shall pur-

chase the same accordingly, unless the Owner thereof have other Land adjoining to that so left, into which the same can be thrown; and if such Owner have any other Land so adjoining, he may require the Company at their own Expence, to throw the Piece of Land so left into such adjoining Land, by removing the Fences and levelling the Sites thereof, and by soiling the same in a sufficient and workmanlike Manner.

Power of Company to insist on Purchase where Expence of Bridges, &c. exceeds the Value.

CXCII. And be it enacted, That if any such Land shall be so cut through and divided as to leave on either Side of the Works a Piece of Land of less Extent than Half a Statute Acre, or of less Value than the Expence of making a Bridge, Culvert, or such other Communication between the Land so divided as the Company are, under the Provisions of this Act compellable to make, and if the Owner of such Lands have not other Lands adjoining such Piece of Land, and require the Company to make such Communication, then the Company may require such Owner to sell to them such Piece of Land; and any Dispute as to the Value of such Piece of Land, or as to what would be the Expence of making such Communication, shall be ascertained by a Jury as herein provided for Cases of disputed Compensation; and on the Occasion of ascertaining the Value of the Land required to be taken for the Purpose of the Railway or Works, the Jury shall, if required by either Party, ascertain by their Verdict the Value of any such severed Piece of Land, and also what would be the Expence of making such Communication.

Parties not to be required to sell Part of a House.

CXCIII. And be it enacted, That no Party shall at any Time be required to sell or convey to the Company a Part only of any House, or other Building or Manufactory, if such Party be willing to sell and convey the Whole thereof.

Power to redeem Mortgages.

CXCIV. And with respect to any such Lands which shall be subject to any Mortgage, be it enacted, That the Company may purchase or redeem the Interest of the Mortgagee of such Lands, and that whether they shall have previously purchased the Equity of Redemption of such Lands or not, and whether the Mortgagee thereof be entitled thereto in his own Right, or in Trust for any other Party, and whether he be in possession of such Lands by virtue of such Mortgage or not, and whether such Mortgage affect such Lands solely, or jointly with any other Lands not required for the Purposes of this Act, and in order thereto the Company may pay or tender to such Mortgagee the Principal and Interest due on such Mortgage, together with his Costs and Charges, if any, and also Six Months additional Interest, and thereupon such Mortgagee shall immediately convey his Interest in the Lands comprised in such Mortgage to the Company, or as they shall direct; or the Company may give Notice in Writing to such Mortgagee that they will pay off the Principal and Interest due on such Mortgage at the End of Six Months, computed from the Day of giving such Notice; and if they shall have given any such Notice, or if the Party entitled to the Equity of Redemption of any such Lands shall have given Six Months Notice of his Intention to redeem the same, then at the Expiration of either of such Notices, or at any intermediate Period, upon Payment or Tender by the Company to the Mortgagee of the Principal Money due on

such Mortgage, and the Interest which would become due at the End of Six Months from the Time of giving either of such Notices, together with his Costs and Expences, any such Mortgagee shall convey or release his Interest in the Lands comprised in such Mortgage to the Company, or as they shall direct.

Deposit of Mortgage Money on Refusal to accept Redemption.

CXCV. And be it enacted, That if in either of the Cases aforesaid, upon such Payment or Tender, any Mortgagee shall fail to convey or release his Interest in such Mortgage as directed by the Company, or if he fail to adduce a good Title thereto to their Satisfaction, then it shall be lawful for the Company, at any Time after such Failure, to pay into the Bank of *England*, in the Manner provided by this Act in Cases of Money directed to be deposited in such Bank, the Principal and Interest, together with the Costs, if any, due on such Mortgage; and also, if such Payment be made before the Expiration of Six Months Notice as aforesaid, such further Interest as would at that Time become due; and thereupon, as well as upon such Conveyance by the Mortgagee, if any such be made, all the Estate and Interest of such Mortgagee, and of all Persons in Trust for him, or for whom he may be a Trustee in such Lands, shall vest in the Company, and they shall be deemed to be in the actual Possession thereof in case such Mortgagee were himself entitled to such Possession.

Sum to be paid when Mortgage exceeds Value of Lands.

CXCVI. And with respect to any such mortgaged Lands which shall be of less Value than the Principal, Interest, and Costs secured thereon, be it enacted, That the Value of such Lands, or the Compensation to be made by the Company in respect thereof, shall be settled by Agreement between the Mortgagee of such Lands, and the Party entitled to the Equity of Redemption thereof on the one Part, and the Company on the other Part; and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation, the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Company to the Mortgagee in satisfaction of his Mortgage Debt so far as the same will extend, and upon Payment or Tender thereof the Mortgagee shall convey or release all his Interest in such mortgaged Lands to the Company, or as they shall direct.

Deposit of Money when refused on Tender.

CXCVII. And be it enacted, That if, upon such Payment or Tender as aforesaid being made, any such Mortgagee fail so to convey his Interest in such Mortgage, or to adduce a Title thereto to the Satisfaction of the Company, then they may pay the Amount of such Value or Compensation into the Bank of *England*, in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank; and every such Payment or Deposit shall be accepted by the Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of such mortgaged Lands from all Money due thereon; and thereupon such Lands, as to all such Estate and Interest as were then vested in the Mortgagee or any Person in Trust for him, shall become absolutely vested in the Company, and they shall be deemed to be in the actual

Possession thereof in case such Mortgagee were himself entitled to the Possession thereof; nevertheless, all Rights and Remedies possessed by the Mortgagee against the Mortgagor, by virtue of any Bond or Covenant or other Obligation, other than the Right to such Lands, shall remain in force in respect of so much of the Mortgage Debt as shall not have been satisfied by such Payment or Deposit.

Sum to be paid where Part only of mortgaged Lands taken.

CXCVIII. And with respect to any such mortgaged Lands of which only a Part shall be required for the Purposes of this Act, be it enacted, That if the Part so required be of less Value than the Principal Money, Interest, and Costs secured on such Lands, and the Mortgagee shall not consider the remaining Part of such Lands a sufficient Security for the Money charged thereon, or be not willing to release the Part so required, then the Value of such Part, and also the Compensation (if any) to be paid in respect of the Severance thereof, or otherwise, shall be settled by Agreement between the Mortgagee and the Party entitled to the Equity of Redemption of such Land on the one Part, and the Company on the other; and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation, the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Company to such Mortgagee in satisfaction of his Mortgage Debt so far as the same will extend; and thereupon such Mortgagee shall convey or release to them, or as they shall direct, all his Interest in such mortgaged Lands, the Value whereof shall have been so paid; and a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage, and shall be signed by the Mortgagee; and a Copy of such Memorandum shall at the same Time (if required) be furnished by the Company, at their Expence, to the Party entitled to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

Deposit of Money when refused on Tender.

CXCIX. And be it enacted, That if, upon Payment or Tender to any such Mortgagee of the Amount of the Value or Compensation so agreed upon or determined, such Mortgagee shall fail to convey or release to the Company, or as they shall direct, his Interest in the Lands in respect of which such Compensation shall so have been paid or tendered, or if he shall fail to adduce a good Title thereto to the Satisfaction of the Company, it shall be lawful for the Company to pay the Amount of such Value or Compensation into the Bank of *England* in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank; and such Payment or Deposit shall be accepted by such Mortgagee in satisfaction of his Mortgage Debt so far as the same will extend, and shall be a full Discharge of the Portion of the mortgaged Lands so required from all Money due thereon; and thereupon such Lands shall become absolutely vested in the Company, as to all such Estate and Interest as were then vested in the Mortgagee or any Person in Trust for him, and in case such Mortgagee were himself entitled to such Possession they shall be deemed to be in the actual Possession thereof; nevertheless, every such Mortgagee shall have the same Powers and Remedies for recovering or compelling Payment of the Mortgage Money

Money or the Residue thereof (as the Case may be), and the Interest thereof respectively, upon and out of the Residue of such mortgaged Lands, or the Portion thereof not required for the Purposes of this Act as he 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.

Conveyance of Copyhold Lands to be enrolled.

CC. And with respect to any such Lands which shall be of Copyhold or Customary Tenure, or of the Nature thereof, be it enacted, That every Conveyance of any such Lands to the Company shall be entered on the Rolls of the Manor of which the same shall be held or Parcel; and on Payment to the Steward of such Manor of such Fees as would be due to him on the Surrender of the same Lands to the Use of a Purchaser thereof, he shall make such Enrolment, and every such Conveyance when so enrolled shall have the like Effect in respect of such Copyhold or Customary Lands as if the same had been of Freehold Tenure; nevertheless, until such Lands shall have been enfranchised by virtue of the Powers herein-after contained, they shall continue subject to the same Fines, Rents, Heriots, and Services as were theretofore payable and of right accustomed.

Copyhold Lands to be enfranchised.

CCI. And be it enacted, That before the Company shall make Use of any such Copyhold or Customary Land for the Purposes of the Railway they shall procure the same to be enfranchised, and for that Purpose they shall, within Three Months after the Enrolment of the Conveyance thereof, apply to the Lord of the Manor whereof such Lands are held to enfranchise the same, and shall pay to him such Compensation in respect thereof as shall be agreed upon between the Company and the Lord of such Manor; and if the Parties fail to agree respecting the Amount of the Compensation to be paid for such Enfranchisement, the same shall be determined as in other Cases of disputed Compensation; and in estimating such Compensation the Loss in respect of the Fines, Heriots, and other Services payable on Death, Descent, or Alienation, which would be lost by the vesting of such Copyhold or Customary Lands in the Company or by the Enfranchisement of the same, shall be allowed for.

Lord of the Manor to enfranchise on Payment of Compensation.

CCII. And be it enacted, That upon Payment or Tender of the Compensation so agreed upon or determined, the Lord of the Manor whereof such Copyhold or Customary Lands shall be holden shall enfranchise such Lands, and the Lands so enfranchised shall for ever thereafter be held in Free and Common Soccage, and if upon such Payment or Tender to the Lord of the Manor as aforesaid he fail to enfranchise such Lands, or if he fail to produce a good Title to the Manor whereof such Lands shall be holden or Parcel, the Company shall pay the Amount of such Compensation into the Bank of *England*, in manner required in other like Cases of Monies required to be deposited, and thereupon such Lands shall be deemed to be enfranchised, and shall be for ever thereafter held in Free and Common Soccage.

Apportionment of Copyhold Rents.

CCIII. And be it enacted, That if any such Copyhold or Customary Lands be subject to any Customary or other Rent, and Part only

only of the Land subject to any such Rent be required to be taken for the Purposes of this Act, the Apportionment of such Rent may be settled by Agreement between the Owner of the Lands and the Lord of the Manor on the one Part, and the Company on the other Part; and if such Apportionment be not so settled by Agreement, then the same shall be settled by Two Justices, and the Enfranchisement of any Copyhold or Customary Lands taken by virtue of this Act, or Apportionment of such Rents, shall not affect in other respects any Custom by or under which any such Copyhold or Customary Lands not taken for the Purposes of this Act shall be held; and if any of the Lands so required be released from any Portion of the Rents to which they were subject jointly with any other Lands, such last-mentioned Lands shall be charged with the Remainder only of such Rents, and with reference to any such apportioned Rents the Lord of the Manor shall have all the same Rights and Remedies over the Lands to which such apportioned Rent shall have been assigned or attributed, as he had previously over the whole of the Lands subject to such Rents for the whole of such Rents.

Compensation for Common Lands where held of a Manor, to be paid to Lord of the Manor and Churchwardens.

CCIV. And with respect to any Lands being Common or Waste Lands and being Parcel of or holden of any Manor, be it enacted, That the Compensation in respect of the Right of the Lord of the Manor whereof such Lands shall be holden or Parcel in the Soil of such Lands shall be paid to the Lord of the Manor; and the Compensation in respect of all other Commonable Rights in or over such Lands shall be paid to the Churchwardens of the Parish in which such Lands shall be situate, and shall be by them applied to such general or public Purposes within such Parish as a Vestry thereof to be convened by such Churchwardens for that Purpose shall direct, or if any such Lands be not situate in any Parish, then such Compensation shall be paid to the Overseers of the Poor acting for the District or Place where such Lands shall be situate for the Benefit of the Poor of such District; and in regard to the Adjustment of such Compensation such Churchwardens and Overseers respectively shall be dealt with by the Company in all respects as being the absolute Owners of all such Commonable Rights; and upon Payment or Tender to such Churchwardens or Overseers respectively, as the Case may be, of the Compensation which shall have been agreed upon or determined in respect of any such Commonable Rights, all such Commonable Rights shall cease and be extinguished.

Lord of the Manor to convey to the Company.

CCV. And be it enacted, That upon Payment or Tender to the Lord of the Manor of the Compensation which shall have been agreed upon or determined in respect of his Right in the Soil of any such Lands, such Lord of the Manor shall convey such Lands to the Company, and such Conveyance shall have the Effect of vesting such Lands in the Company in like Manner as if such Lord of the Manor had been seised in Fee Simple of such Lands at the Time of executing such Conveyance; and if upon such Payment or Tender to the Lord of the Manor as aforesaid such Lord of the Manor fail to convey such Lands, or if he fail to adduce a good Title to the Manor whereof such Lands shall be holden or Parcel, the Company

shall pay the Amount of such Compensation into the Bank of *England* in manner required in other like Cases of Monies required to be deposited in such Bank, and thereupon such Lands shall vest absolutely in the Company, and they shall be deemed to be in the Possession thereof.

Compensation for Common Lands where not held of a Manor, how to be determined.

CCVI. And with respect to any such Lands being Common Lands, or in the Nature thereof, and not being Parcel or holden of any Manor, be it enacted, That the Compensation to be paid for such last-mentioned Lands shall be determined by Agreement between the Company and a Committee of the Parties entitled to Commonable Rights in such Lands to be appointed as next herein-after mentioned.

A Committee of the Parties interested to be appointed in public Meeting.

CCVII. And be it enacted, That the Company shall convene a Meeting of the Parties entitled to Commonable or other Rights over or in such Lands to be held at some convenient Place in the Neighbourhood of the Lands, for the Purpose of their appointing a Committee to treat with the Company for the Compensation to be paid for the Extinction of such Commonable or other Rights, and every such Meeting shall be called by public Advertisement to be inserted twice at least in some Newspaper circulating in the County or in the respective Counties in which such Lands shall be situate, not more than Fourteen nor less than Seven Days prior to any such Meeting; and the Meeting so called may appoint a Committee, not exceeding Five in Number, of the Parties entitled to any such Rights; and at such Meeting the Decision of the Majority present shall bind the Minority and all absent Parties, but such Meeting shall not be effectual for the Purpose unless Five at least of the Parties entitled attend the same.

Committee to agree with the Company and convey to them.

CCVIII. And be it enacted, That it shall be lawful for the Committee so chosen to enter into an Agreement with the Company for the Compensation to be paid for the Extinction of such Commonable and other Rights, and all Matters relating thereto, for and on behalf of themselves and all other Parties interested therein, and all such Parties shall be bound by such Agreement; and it shall be lawful for such Committee to execute any Assurances for the Purpose of conveying the Lands in respect of which such Compensation shall be paid; and the Receipt of such Committee, or of any Three of them, for such Compensation, shall be an effectual Discharge for the same; and such Compensation, when received, shall be apportioned by the Committee among the several Persons interested therein, according to their respective Interests; but the Company shall not be bound to see to the Apportionment or to the Application of such Compensation, nor shall they be liable for the Misapplication or Nonapplication thereof.

Provision in default of Agreement.

CCIX. And be it enacted, That if, upon being duly convened by the Company, no effectual Meeting of the Parties entitled to such Commonable or other Rights shall take place, or if, taking place, such Meeting fail to appoint such Committee, or if such Committee, being appointed, fail to agree with the Company, the Amount of such

Compensation shall be determined as in other Cases of disputed Compensation; and in any such Case the Notices required to be given for that Purpose may be served upon any Three of the Parties entitled to such Commonable or other Rights, or, if no such Three Parties can be found, upon any Occupier of the Lands over which such Rights extend; or if the same be unoccupied, then it shall be sufficient, if such Notice, being painted on a Board, be affixed upon some conspicuous Part of such Land.

Upon Payment of Compensation payable to Commoners, Lands to vest in the Company.

CCX. And be it enacted, That upon Payment or Tender to such Committee, or any Three of them, or if there shall be no such Committee, then upon Payment into the Bank of *England*, in the Manner required by this Act in the like Cases of Monies required to be deposited in such Bank, of the Compensation which shall have been agreed upon or determined in respect of such Commonable or other Rights, all such Commonable and other Rights shall cease and determine; and the Company shall be deemed to be in possession of such Lands, and to be absolutely entitled thereto, freed and discharged from all such Commonable or other Rights.

Release of Lands from Rent-charge.

CCXI. And with respect to any Lands which shall be charged with any Rent-service, Rent-charge, or Chief or other Rent, or other Payment or Incumbrance, be it enacted, That if any Difference shall arise between the Company and the Party entitled to any such Charge respecting the Consideration to be made for the Release of such Lands therefrom, or from the Portion thereof affecting the Lands required for the Purposes of this Act, the same shall be determined as in other Cases of disputed Compensation.

Release of Part of Lands from Rent-charge.

CCXII. And be it enacted, That if Part only of the Lands charged with any such Rent-service, Rent-charge, Chief or other Rent, Payment, or Incumbrance, be required to be taken for the Purposes of this Act, the Apportionment of any such Charge may be settled by Agreement between the Party entitled to such Charge and the Owner of the Lands on the one Part and the Company on the other Part; and if such Apportionment be not so settled by Agreement, the same shall be settled by Two Justices; but if the remaining Part of the Lands so jointly subject be a sufficient Security for such Charge, then, with Consent of the Owner of the Lands so jointly subject, such Owner not being under legal Disability or Incapacity, the Party entitled to such Charge may release therefrom the Lands required, on condition or in consideration of such other Lands remaining exclusively subject to the whole thereof.

Deposit in case of Refusal to release.

CCXIII. And be it enacted, That upon Payment or Tender of the Compensation so agreed upon or determined to the Party entitled to any such Charge as aforesaid, such Party shall execute to the Company a Release of such Charge; and if he fail so to do, or if he fail to adduce a good Title to such Charge to the Satisfaction of the Company, they shall pay the Amount of such Compensation into the Bank of *England* in the Manner provided by this Act in the like Cases of Monies required to be deposited in such Bank, and thereupon the Rent-service, Rent-charge, Chief or other Rent,

Payment,

Payment, or Incumbrance, or the Portion thereof in respect whereof such Compensation shall so have been paid, shall cease and be extinguished.

Charge to continue on Lands not taken.

CCXIV. And be it enacted, That if any such Lands be so released from any such Charge or Incumbrance, or Portion thereof, to which they were subject jointly with other Lands, such last-mentioned Lands shall alone be charged with the Whole of such Charge, or with the Remainder thereof, as the Case may be, and the Party entitled to the Charge shall have all the same Rights and Remedies over such last-mentioned Lands for the Whole or for the Remainder of the Charge, as the Case may be, as he had previously over the Whole of the Lands subject to such Charge; and if upon any such Charge or Portion of Charge being so released the Deed or Instrument creating or transferring such Charge be tendered to the Company for the Purpose, they shall affix their Common Seal to a Memorandum of such Release endorsed on such Deed or Instrument, declaring what Part of the Lands originally subject to such Charge shall have been purchased by virtue of this Act, and if the Lands be released from Part of such Charge, what Proportion of such Charge shall have been released, and how much thereof continues payable, or, if the Lands so required shall have been released from the Whole of such Charge, then that the remaining Lands are thenceforward to remain exclusively charged therewith; and such Memorandum shall be made and executed at the Expence of the Company, and shall be Evidence in all Courts and elsewhere of the Facts therein stated, but not so as to exclude any other Evidence of the same Facts.

Where Part only of Lands under Lease taken, the Rent to be apportioned

CCXV. And with respect to any Lands which shall be comprised in a Lease for a Term of Years unexpired, or for a Life or Lives, Part only of which Lands shall be required for the Purposes of this Act, be it enacted, That the Rent payable in respect of the Lands comprised in such Lease shall be apportioned between the Lands so required and the Residue of such Lands, and such Apportionment may be settled by Agreement between the Lessor and Lessee of such Lands on the one Part, and the Company on the other Part; and if such Apportionment be not so settled by Agreement between the Parties, such Apportionment shall be settled by Two Justices; and after such Apportionment the Lessee of such Lands shall, as to all future accruing Rent, be liable only to so much of the Rent as shall be apportioned in respect of the Lands not required for the Purposes of this Act; and the Lessor shall have all the same Rights and Remedies for the Recovery of such Rent as previously to such Apportionment he had for the Recovery of the whole Rent reserved by such Lease; and all the Covenants, Conditions, and Agreements of such Lease, except as to the Amount of Rent to be paid, shall remain in force with regard to that Part of the Land which shall not be required for the Purposes of this Act, in the same Manner as they would have done in case such Part of the Land had been included in the Lease.

Tenants to be compensated.

CCXVI. And be it enacted, That every such Lessee as last aforesaid shall be entitled to receive from the Company Compensation for the Damage done to him in his Tenancy by reason of the Severance

ance of the Lands required from those not required, or otherwise by reason of the Execution of any such Works.

Tenants at Will or from Year to Year to cede Possession on Six Months Notice.

CCXVII. And with respect to any such Lands which shall be in the Possession of any Person having no greater Interest therein than as Tenant at Will, or Lessee for a Year, or from Year to Year, be it enacted, That at the Expiration of Six Months after receiving Notice to that Effect from the Company, or at any other Time when required, after the Expiration of such Period, all such Persons shall respectively deliver up to the Company, or to the Person appointed by them to take possession thereof, any such Lands in their Possession required for the Purposes of this Act; and any such Notice shall be effectual whether it be given with reference to the Time of the Commencement of such Tenant's holding or not, and whether such Notice be given before or after the Purchase of such Lands by the Company.

Compensation to such Tenants.

CCXVIII. Provided always, and be it enacted, That if any such Person as last aforesaid be required to give up Possession of any Lands so occupied by him before the Expiration of his Term or Interest therein he shall be entitled to Compensation for the Value of his unexpired Term or Interest in such Lands, or if a Part only of such Lands be required, Compensation for the Damage done to him in his Tenancy, by the Severance of the Lands required from those not required; and the Amount of such Compensation shall be determined by Two Justices in case the Parties differ about the Time.

On Refusal Sheriff to give Possession.

CCXIX. And be it enacted, That if any such Person refuse to give up such Possession, it shall be lawful for the Company, after making Payment or Tender of such Compensation as herein-before mentioned, but not otherwise, to issue their Precept, under their Common Seal, to the Sheriff, to deliver up Possession of such Lands to the Person in such Precept nominated to receive the same; and upon the Receipt of such Precept, the Sheriff shall deliver Possession of such Lands in obedience thereto; and the Party so refusing to give up Possession shall pay the Costs incurred in the issuing or Execution of such Precept, to be settled by the Sheriff; and if, on Demand, he fail to pay the same, they shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly.

Production of Leases.

CCXX. And be it enacted, That if any Party claim Compensation in respect of any unexpired Term or Interest under any Lease or Grant of any such Lands, the Company may require such Party to produce the Lease or Grant in respect of which such Claim shall be made, or the best Evidence thereof in his Power, and if, after Demand made in Writing by the Company, such Lease or Grant, or the best Evidence thereof, be not produced within a reasonable Time, the Party so claiming Compensation shall be considered as a Tenant holding only from Year to Year, and be entitled to Compensation accordingly.

Compulsory Purchase limited to Three Years.

CCXXI. And be it enacted, That the Powers of the Company for the compulsory Purchase or taking of Lands for the Purposes of this

this Act shall not be exercised after the Expiration of Three Years from the passing thereof.

Capital to be subscribed before Powers for Purchase of Lands exercised.

CCXXII. And be it enacted, That before any of such Powers shall be put in force, the whole of the said Capital of Five hundred thousand Pounds shall be subscribed under Contract binding the Parties thereto, their Heirs, Executors, and Administrators, for the Payment of the several Sums by them respectively subscribed; and a Certificate under the Hands of Two Justices, certifying that the whole of the said Sum has been subscribed, shall be sufficient Evidence thereof; and on the Application of the Company, and the Production of such Evidence as such Justices shall think proper and sufficient, such Justices shall grant such Certificate accordingly.

Lands not wanted to be sold.

CCXXIII. And for the Purpose of making Provision respecting the Sale of Lands acquired by the Company under the Provisions of this Act, but which shall not be required for the Purposes thereof, be it enacted, That the Company shall sell all such superfluous Lands in such Manner as they may deem most advantageous, and convey the same to the Purchasers thereof, by Deed, under the Common Seal of the Company, and a Receipt under such Common Seal shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and such Sales and Conveyances shall take place within Ten Years after the passing of this Act.

Lands not so sold to vest in Owners of adjoining Lands.

CCXXIV. And be it enacted, That if the Company do not sell such superfluous Lands within the Period aforesaid, then such Lands remaining unsold at the Expiration of such Period shall thereupon vest in and become the Property of the Owners of the Lands adjoining thereto, in proportion to the Extent of their Lands respectively adjoining the same.

Lands to be offered to original or adjoining Owners.

CCXXV. Provided always, and be it enacted, That before the Company dispose of any such superfluous Lands, they shall first offer to sell the same to the Person then entitled to the Lands (if any) from which the same were originally severed; or if such Person refuse to purchase the same, or cannot be found, then the like Offer shall be made to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, such Persons being capable of entering into a Contract for the Purchase of such Lands; and where more than One such Person shall be entitled to such Right of Pre-emption, such Offer shall be made to such Persons in succession, one after another, in such Order as the Company shall think fit.

Right of Pre-emption to be claimed within Sixty Days.

CCXXVI. And be it enacted, That if such respective Persons be desirous of purchasing such Land, then, within Sixty Days after such Offer of Sale, they shall signify their Desire in that Behalf to the Company, or if they decline such Offer, or if for Sixty Days they neglect to signify their Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer shall cease; and there-

upon a Declaration in Writing, made before a Justice, by some Person not interested in the Matter in question, stating that the Person or all the Persons entitled to the Right of Pre-emption were out of the Country, or could not be found, or were not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made and was refused, or not accepted within Sixty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence of the Facts therein stated.

Proviso as to Sale of Lands within a Town.

CCXXVII. Provided always, and be it enacted, That in any Case in which the Company shall have purchased or acquired any House or Land within any Town, it shall be lawful for the Company absolutely to sell and dispose of all or any Part of such House or Land to such Person and in such Manner as the Company shall think proper, without being required previously to offer to sell the same to the Persons whose Lands adjoin thereto.

Differences as to Price to be settled as in other Cases.

CCXXVIII. And be it enacted, That if any Person entitled to such Pre-emption be desirous of purchasing any such Lands, and such Person and the Company do not agree as to the Price thereof, then such Price shall be ascertained as in other Cases of disputed Compensation; and upon Payment or Tender to the Company of the Purchase Money so agreed upon or determined, they shall convey such Lands to the Party so entitled to purchase the same, and every such Conveyance shall be effectual for vesting the Lands comprised therein in the Purchaser thereof, for the Estate which shall so have been purchased by him; and the Money produced by the Sale of such Lands shall be applied by the Company for the Purposes of the Works.

Effect of the Word "grant" in Conveyances.

CCXXIX. And be it enacted, That in every Conveyance of Lands to be made by the Company under this Act, the Word "grant" shall operate as express Covenants by the Company, for themselves and their Successors, with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, and Assigns of such Grantees, according to the Quality or Nature of such Grants, and of the Estate or Interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express Words contained in any such Conveyance; (that is to say,)

A Covenant that, notwithstanding any Act or Default done by the Company, they were, at the Time of the Execution of such Conveyance, seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise, for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them:

A Covenant that the Grantee of such Lands, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Company and their Successors, and all other Persons claiming under them, and be indemnified

indemnified and saved harmless by the Company and their Successors from all Incumbrances created by the Company:

A Covenant for further Assurance of such Lands at the Expence of such Grantee, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Company or their Successors, and all other Persons claiming under them;

and all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest in such Conveyance expressed to be conveyed, may in all Actions brought by them assign Breaches of Covenants, as they might do if such Covenants were expressly inserted in such Conveyances.

Power to purchase Lands required for additional Stations, &c.

CCXXX. And be it enacted, That for any of the following Purposes it shall be lawful for the Company, in addition to the Lands authorized to be compulsorily taken by them as aforesaid, to contract with any Party willing to sell the same for the Purchase of any Land adjoining or near to the Railway, not exceeding in the whole Fifty Acres; (that is to say,)

For the Purpose of making and providing additional Stations, Yards, Wharfs, and Places for the Accommodation of Passengers, and for receiving, depositing, and loading or unloading Goods or Cattle to be conveyed upon the Railway, and for the Erection of Weighing Machines, Toll Houses, Offices, Warehouses, and other Buildings and Conveniences:

For the Purpose of making convenient Roads or Ways to the Railway, or any other Purpose which may be requisite or convenient for the Formation or Use of the Railway:

And it shall be lawful for all Parties who, under the Provisions herein-before contained, would be enabled to sell and convey Lands required for the Railway, to sell and convey Lands required for any such additional Purposes as aforesaid.

Authority to Company to sell and repurchase such Lands.

CCXXXI. And be it enacted, That it shall be lawful for the Company to sell the additional Lands which they at any Time shall have so acquired, or any Part thereof, in such Manner, and for such Considerations, and to such Persons as the Company may think fit, and again to purchase other Lands for the like Purposes, and afterwards sell the same, and so from Time to Time; but the total Quantity of Land to be held at any one Time by the Company for the Purposes aforesaid shall not exceed Fifty Acres.

Restraint on Purchase from incapacitated Persons.

CCXXXII. And be it enacted, That the Company shall not by virtue of the Power to purchase Land for additional Purposes, purchase more than Fifty Acres from any Party under legal Disability, or who would not be able to sell and convey such Lands except under the Powers of this Act; and if the Company purchase the said Quantity of Land from any Party under such legal Disability, and afterwards sell the Whole or any Part of the Land so purchased, it shall not be lawful for any Party, being under legal Disability, to sell to the Company any other Lands in lieu of the Land so sold or disposed of by the Company.

CCXXXIII. And

Line of the Railway.

CCXXXIII. And be it enacted, That the Railway hereby authorized to be made shall commence at or upon the Line of the *Durham* Junction Railway in the Township and Parish of *Houghton-le-Spring* in the County of *Durham*, and shall pass through the following Places, or some of them; that is to say, *Saint Oswald*, *Shincliffe*, *Whitwell Grange*, *Sherburn House*, *Sherburn*, *Pittington* otherwise *Pittington Hall Garth*, *Saint Giles* otherwise *Gilligate*, *Houghton-le-Spring*, *Moor House*, *West Rainton*, *East Rainton*, and *Morton*, all in the said County of *Durham*, and shall terminate, by a Junction with the Line of the *Great North of England* Railway as at present authorized to be made, in the Township of *Shincliffe* in the same County; and the said Branch Railway hereby authorized to be made shall commence from and out of the above-mentioned Line of Railway in the Township and Parish of *Saint Giles* aforesaid, and shall pass through the following Places, or some of them; that is to say, *Houghton-le-Spring*, *Saint Giles* otherwise *Gilligate*, and *Saint Mary Magdalene Close* otherwise *Magdaline Close* otherwise *Maudline Close*, in the said County of *Durham*, and shall terminate near to a Street called *Saint Giles Gate* otherwise *Gilligate*, within the Precincts of the Borough of *Durham* in the same County.

Company empowered to make the Railway according to the deposited Plan.

CCXXXIV. And be it enacted, That, subject to the Provisions and Restrictions in this Act contained, it shall be lawful for the Company to make and maintain the said Railway and Works in the Line and upon the Lands delineated and described on the Plans and in the Books of Reference herein-after mentioned, and in the Schedule (K.) hereto; and for that Purpose to enter upon, take, and use such of the Lands so delineated and described, as shall be necessary for making and constructing the said Railway and Works.

Deposited Plans and Books of Reference to be open for Inspection.

CCXXXV. And whereas a Plan and Section of the Railway, showing the Line and Levels thereof, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers, of the Lands through which the same is intended to pass, were deposited, in the Month of *March* One thousand eight hunded and forty-one, with the Clerk of the Peace for the said County of *Durham*, through which the Railway is intended to pass, and since the said Plan and Section were so deposited, *videlicet*, in the Month of *November* last, a certain other Plan and Section, showing the Line and Levels of an intended Deviation from the Line laid down on the said Plan so deposited in *March* last, together with a Book of Reference containing the Names of the Owners, Lessees, and Occupiers of the Lands on the Line of the said intended Deviation, were deposited with the said Clerk of the Peace; be it enacted, That all Persons interested may at all seasonable Times inspect such Plans, Sections, and Books of Reference, and may require to be furnished by the Clerk of the Peace of the County of *Durham* for the Time being with Extracts therefrom or Copies thereof, and the said Clerk of the Peace shall give Access to such Documents, and if required furnish Copies thereof or Extracts therefrom, and certify the same to be true Copies or Extracts; and in respect thereof he shall be entitled to One Shilling for every Inspection of such Document, and One Shilling for every Hour such Inspection

Inspection shall continue beyond the First Hour, and Sixpence for every One hundred Words copied or extracted therefrom; and if the said Clerk of the Peace shall fail to comply with any of the Provisions aforesaid he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Errors and Omissions to be corrected.

CCXXXVI. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description of any Lands, or of the Owners, Lessees, or Occupiers of any Lands described on the said Plans, or in the said Books of Reference, or the Schedule (K.) hereto, be it enacted, That the Correction of any such Matter may be referred by the Company to the Determination of Two Justices, and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace of the said County of *Durham*, and Copies or Extracts thereof with the Clerks of the several Parishes in which the Lands affected thereby shall be situate, and such Certificate and such Extracts or Copies respectively shall be kept by the said Clerk of the Peace and Clerks of the Parishes respectively along with the Documents to which they relate; and thereupon such Document, or the Schedule to this Act, shall be deemed to be corrected according to such Certificate; and it shall be lawful for the Company to make the Railway in accordance with such Certificate.

Certified Copies of Plans to be Evidence.

CCXXXVII. And be it enacted, That true Copies of such Plans and Books of Reference, or of any Correction thereof or Extracts therefrom, certified by the said Clerk of the Peace of the County of *Durham* for the Time being, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

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

CCXXXVIII. And be it enacted, That the Company in making the Railway shall have Power to deviate from the Line delineated on the Plans so deposited; provided that no such Deviation shall extend to a greater Distance than One hundred Yards from the Line so delineated upon the said Plans, nor shall such Deviation extend into the Lands or Property of any Person whose Name is not mentioned in the said Book of Reference, without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided for in Cases of unintentional Errors in the said Book of Reference.

No Deviation on the Lands of the Master and Brethren of Sherburn House.

CCXXXIX. And be it enacted, That in making the said Railway through the Lands of the Master and Brethren of *Christ*'s Hospital, near *Sherburn*, it shall not be lawful for the said Company to make the said Railway so as to bring the actual Line of Railway nearer to any Part of the Mansion House of the said Master than to the Distance of Three hundred and thirty Yards from the same, without the previous

Consent in Writing of the said Master and Brethren, and their Successors and Assigns, first had and obtained; provided also, that it shall not be lawful for the said Company, for any of the Purposes of this Act, without such Consent in Writing as aforesaid, to erect or construct any Houses, Wharfs, Stations, Toll Houses, Warehouses, Landing or Waiting Places, Engine Houses, or other Buildings, Machinery, Apparatus, or other Works or Conveniences other than on the mere Line of the said Railway, upon any Land belonging to the said Master and Brethren, and their Assigns, nor to enter upon, take, or use permanently for any of the Purposes of this Act, any Land belonging to the said Master and Brethren, other than the Land required for the mere Line of the said Railway, save only for the Purposes of forming 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 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 on 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 hereby provided, notwithstanding any thing herein contained to the contrary.

Limiting Deviations from Datum Line described on the Section, &c.

CCXL. And be it further enacted, That in making the said Railway it shall not be lawful for the said Company to deviate from the Levels of the said Railway, as referred to the common Datum Line described on the Section so approved of by Parliament, and as marked on the same, to any Extent exceeding in any Place Five Feet, or in passing through Towns, Two Feet, without the Consent of the Owners, Lessees, and Occupiers of the Land in, through, or over which such Deviation is intended to be made; or in case any Street or public Carriage Road shall be affected by such Deviation, then the same shall not be made without the Consent of the Trustees or Commissioners, or, if there be no such Trustees or Commissioners, without the Consent of Two or more Justices of the Peace in Petty Sessions assembled for that Purpose, and acting for the District in which such Street or public Carriage Road may be situate, or without the Consent of the Commissioners for any public Sewers, or the Proprietors of any Canal or Navigation affected by such Deviation; and that no Increase in the Inclination or Gradients of the said Railway, as denoted by the said Section, shall be made in any Place to an Extent exceeding the Rate of Three Feet *per* Mile; and where in any Place it is intended to carry the Railway on an Arch or Arches, as marked on the said Plan or Section, the same shall be made accordingly; and where a Tunnel is marked on the said Plan or Section as intended to be made at any Place, the same shall be made accordingly, unless the Owners, Lessees, and Occupiers of the Land in or through which such Tunnel is intended to be made shall consent that the same shall not be so made: Provided nevertheless, that it shall be lawful for the said Company, with such Consent as aforesaid, and not otherwise, to make a Tunnel, or an Arch or Arches as aforesaid, not marked on the said Plan or Section, so that no such Tunnel shall be of greater Length than Two hundred Yards, and that no Two Tunnels be at a less Distance from each other than One hundred Yards

measured

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

Limiting Alteration of Curves.

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

Houses and inclosed Grounds not to be taken unless specified in Schedule.

CCXLII. And be it enacted, That the Company shall not take or injure any Property of the following Kinds, except such as shall be specified in the Schedule (K.) to this Act, without the Consent in Writing of the Owners and Occupiers thereof, unless the Omission in such Schedule be certified, according to the Provisions hereinbefore contained, to have proceeded from Mistake; (that is to say,) any House or Building erected on or before the First Day of *March* One thousand eight hundred and forty-one, or any Ground on or before that Day inclosed or set apart and used as a Garden, Orchard, Nursery Ground, Yard, Paddock, Plantation, planted Walk or Avenue to a House.

Works to be executed.

CCXLIII. And be it enacted, That, subject to the Provisions and Restrictions contained in this Act, it shall be lawful for the Company, for the Purpose of constructing the Railway, to execute any of the following Works; (that is to say,)

They may make or construct in, upon, across, under, or over any Lands, Streets, Hills, Valleys, Roads, Railroads or Tramroads, Rivers, Canals, Brooks, Streams, or other Waters, described in the said Plan, or mentioned in the said Book of Reference, or any Correction thereof, such temporary or permanent Inclined Planes, Tunnels, Embankments, Aqueducts, Bridges, Roads, Ways, Passages, Conduits, Drains, Piers, Arches, Cuttings, and Fences as they think proper;

They may alter the Course of any Rivers not navigable, Canals, Brooks, Streams, or Watercourses, if necessary for constructing and maintaining Tunnels, Bridges, Passages, or other Works

over

over or under the same, and divert or alter, as well temporarily as permanently, the Course of any such Rivers or Streams of Water, Roads, Streets, or Ways, or raise or sink the Level of any such Rivers or Streams, Roads, Streets, or Ways, in order the more conveniently to carry the same over or under or by the Side of the Railway, as they may think proper;

They may make Drains or Conduits into, through, or under any Lands adjoining the Railway, for the Purpose of conveying Water from or to the Railway;

They may erect and construct such Houses, Warehouses, Offices, and other Buildings, Yards, Stations, Wharfs, Engines, Machinery, Apparatus, and other Works and Conveniences, as they think proper;

They may from Time to Time alter, repair, or discontinue the before-mentioned Works, or any of them, and substitute others in their Stead; and

They may do all other Acts necessary for making, maintaining, altering, or repairing and using the Railway:

Provided always, that in the Exercise of the Powers hereby granted the Company shall do as little Damage as can be, and shall make full Satisfaction, in manner herein provided, to all Parties interested, for all Damages by them sustained by reason of the Exercise of such Powers.

Limitation with respect to building on the Lands belonging to J. Allan, Esq.

CCXLIV. And be it enacted, That it shall not be lawful for the said Company to erect any Building whatever upon the Land belonging to *John Allan* Esquire, in the Township of *Darlington* in the County of *Durham*, lying North of the *Stockton and Darlington* Railway, save and except a Lodge or Cottage containing not more than One hundred Square Yards in Area, nor exceeding One Story in Height.

Breadth of Land for the Railway.

CCXLV. And be it enacted, That the Lands to be taken for the Line of the Railway shall not exceed the Breadth of Twenty-two Yards, without the Consent in Writing of the Owners and Occupiers of the Lands so required, except in the following Cases; (that is to say,)

Except at or near the Termination of the Railway and Branches therefrom;

Except on Commons, Downs, Moors, or uninclosed or Waste Grounds; and

Except where a greater Breadth shall be required for the following Purposes, and shall be so marked in the said Plan; (that is to say,)

For Carriages to wait, load or unload, and to turn or pass each other;

For raising Embankments or Viaducts for crossing Valleys or low Grounds;

For Cuttings;

For the Erection and Establishment of any fixed or permanent Machinery, Toll Houses, Warehouses, Depôts, Stations, Wharfs, Erections, or Buildings; and

For the Purpose of any Side Road for agricultural or general Purposes:

And in any of the Cases aforesaid it shall be lawful for the Company to take and use a greater Breadth of Land than Twenty-two Yards, but in no Case shall the Breadth of Land so taken exceed One hundred Yards, except for Cuttings and Embankments, or any Depôt or Station connected with the Railway.

Power to take temporary Possession of Land without previous Payment of Price.

CCXLVI. And be it enacted, That, subject to the Provisions herein contained, it shall be lawful for the Company, at any Time before the Expiration of the Period by this Act limited for the Completion of the Railway, without making any previous Payment, Tender, or Deposit, to enter upon and use any existing private Roads not being more than Five hundred Yards distant from the Centre of the Railway, and also to enter upon any Lands not being more than Two hundred and fifty Yards distant from the Centre of the Railway, and not being a Garden, Orchard, Park, Plantation, planted Walk, Avenue, or Ground planted and set apart as a Nursery for Trees, and not being nearer than Five hundred Yards to the Mansion House of the Owner of any such Lands, and to occupy the said Lands during the Construction or Repair of the Railway, and to use the same for any of the following Purposes; (that is to say,)

For the Purpose of taking Earth or Soil by Side Cuttings therefrom;

For the Purpose of obtaining Materials therefrom for the Formation of the Railway; or

For the Purpose of forming Roads thereon to or from the Railway:

And in exercise of the Powers aforesaid it shall be lawful for the Company to deposit, and also to manufacture and work, upon such Lands, Materials of every Kind used in constructing the Railway, and also to dig and take from out of any such Lands any Clay, Stone, Gravel, Sand, or other Things that may be found therein useful or proper for constructing the Railway or any such Roads as aforesaid.

Company to give Notice previous to such temporary Possession.

CCXLVII. And be it enacted, That in case any such Lands shall be required for Spoil Banks or for Side Cuttings, or for obtaining Materials for the Construction or Repair of the Railway, the Company shall, before entering thereon, (except in the Case of Accident to the Railway requiring immediate Reparation,) give Six Weeks Notice in Writing to the Owners and Occupiers of such Lands of their Intention to enter upon the same for such Purposes; and in case the said Lands are required for any of the other Purposes herein-before mentioned the Company shall (except in the Case aforesaid) give Ten Days like Notice thereof, and the Company shall in such Notices respectively state the Substance of the Provisions herein-after contained respecting the Right of such Owner or Occupier to require the Company to purchase any such Lands, or to receive Compensation for the temporary Occupation thereof, as the Case may be.

Power to Owner to object that other Lands

CCXLVIII. And be it enacted, That if such Lands are required for any of the Purposes in respect of which a Notice of Six Weeks is herein-before required to be given, it shall be lawful for the Owner or

or Occupier thereof, within Ten Days after Service of such Notice, to object to the Company making use of such Lands, on the ground that other Lands lying contiguous thereto, and being such as the Company are herein-before authorized to use for the Purposes aforesaid, might be more beneficially occupied for such Purposes by the Company; and in such Case, if the Company shall refuse to occupy such other Lands in lieu of those mentioned in the Notice, it shall be lawful for Two Justices, on the Application of such Owner or Occupier, to summon the Company and the Owners and Occupiers of such other Lands to appear before them at any Time, not being more than Fourteen Days after such Application, nor less than Seven Days from the Service of such Summons, and on the Hearing pursuant to such Summons it shall be lawful for such Justices to determine summarily which of the said Lands shall be occupied by the Company for the Purposes aforesaid, and to authorize the Company to occupy the same accordingly.

ought to be taken.

CCXLIX. Provided always, and be it enacted, That if it shall appear to such Justices, upon the Inquiry before them, that the Lands of any other Party not summoned before them, being sufficient in Quantity, and such as the Company are herein-before authorized to take or use for the Purposes aforesaid, would be more suitable to be used by the Company than the Lands of the Person who shall have been so summoned as aforesaid, it shall be lawful for the said Justices to adjourn such Inquiry, and to summon such other Person to appear before them at any Time, not being more than Fourteen Days from such Inquiry, nor less than Seven Days from the Service of such Summons, and on the Hearing of such last-mentioned Summons to determine finally which Lands shall be occupied or used for the Purposes aforesaid, and to authorize the Company to occupy the same accordingly.

Power to the Justices to summon other Owners before them.

CCL. And be it enacted, That before entering upon any such Lands as shall be required for Spoil Banks or for Side Cuttings, or for obtaining Materials as aforesaid, the Company shall, if required by the Owner or Occupier thereof, Seven Days at least before the Expiration of the Notice to take such Lands as herein-before mentioned, find Two sufficient Persons, to be approved of by a Justice in case the Parties differ, 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 as may become payable in respect of the same, in manner herein mentioned.

The Company to give Sureties if required.

CCLI. And be it enacted, That before the Company shall use any such Lands for any of the Purposes aforesaid, they shall, if required so to do by the Owner or Occupier thereof, separate the same by a sufficient Fence from the Lands adjoining thereto.

Company to separate the Lands before using them.

CCLII. And be it enacted, That where the Company shall, in exercise of the Powers aforesaid, enter upon any Lands for the Purpose of making Spoil Banks or Side Cuttings thereon, or for obtaining Materials for the Construction or Repair of the Railway therefrom, it shall be lawful for the Owners or Occupiers of such Lands,

Owners of Lands may compel Company to purchase Lands so temporarily occupied.

Lands, having such Estates or Interests therein as under the Provisions herein-before mentioned would enable them to sell or convey Lands to the Company, at any Time during the Possession of any such Lands by the Company, and before such Owners or Occupiers shall have accepted Compensation from the Company in respect of such temporary Occupation, to serve a Notice in Writing on the Company requiring them to purchase the said Lands, or their Estates and Interests therein respectively; and in such Notice such Owners or Occupiers shall set forth the Particulars of their Estate or Interest in such Lands, and the Amount of their Claim in respect thereof; and the Company shall thereupon be bound to purchase the said Lands, or the Estate and Interest therein of the Parties serving such Notice; and the Value of such Lands, and the Compensation payable therefor to such Owners and Occupiers, shall, in case of Difference, be determined as in other Cases of disputed Compensation under this Act.

Compensation to be made for temporary Occupation.

CCLIII. And be it enacted, That where, in any of the Cases aforesaid the Company shall not be required to purchase such Lands, and in all other Cases where they shall take temporary Possession of Lands by virtue of the Powers herein granted, it shall be incumbent on the Company within One Month after their Entry upon such Lands, upon being required so to do, to pay to the Occupier of the said Lands the Value of any Crop or Dressing that may be thereon, and to agree with the Owner and Occupier thereof for the Payment of an annual Sum by way of Rent during the Occupation thereof, and also within Six Calendar Months after they shall have ceased to occupy the said Lands, and not later than Six Calendar Months after the Expiration of the Time by this Act limited for the Completion of the Railway, to pay to such Owner and Occupier Compensation for any permanent Damage or Injury that may have been done to the said Lands in the Exercise of the Powers herein-before granted; and the Amount of such permanent Damage shall, in case of Difference, be determined as in other Cases of disputed Compensation under this Act; and the Value of any Crop or Dressing which may be on the said Lands, and the Rent payable in respect thereof during the Possession of the Company, whatever the Amount of Claim in respect of the same may be, shall, in case of Difference, be determined as other Cases of disputed Compensation under Fifty Pounds are determined under this Act.

Bonds for Costs of Trial by Jury in case of temporary Damage.

CCLIV. Provided always, and be it enacted, That if any Party entitled to Compensation in respect of Damage temporarily sustained shall require to have the Amount of such Compensation determined by a Jury, he shall, before requiring the Company to issue their Warrant as herein-before provided, for causing such Jury to be summoned, enter into a Bond to the Company, with Two sufficient Sureties, in the penal Sum of Two hundred Pounds, duly to prosecute his Claim, and to bear such Part of the Costs, if any, incidental to the Inquiry as he shall be required to pay under the Provisions of this Act in that Behalf.

Alteration of Water and Gas Pipes, &c.

CCLV. And be it enacted, That it shall be lawful for the Company, for the Purpose of constructing the Railway, to raise, sink, or

otherwise alter the Position of any of the Watercourses, Water Pipes, or Gas Pipes belonging to any of the Houses adjoining or near to the Railway, and also the Mains and other Pipes laid down by any Company or Society who may furnish the Inhabitants of such Houses or Places with Water or Gas, and also to remove all other Obstructions to such Construction, so as the same respectively be done with as little Detriment and Inconvenience to the said Company, Society, or Inhabitants as the Circumstances will admit, and be done under the Superintendence of the several Commissioners or Trustees or Persons having Control of the Pavements, Sewers, Roads, Streets, Highways, Lanes, and other public Passages and Places within the Parish or District where such Mains, Pipes, or Obstructions shall be situate, or of their Surveyor; but it shall not be lawful for the Company to alter the Position of any Pipes, so as to lay the same contrary to the Regulations of any Act of Parliament relating thereto.

Penalty for obstructing Supply of Gas or Water.

CCLVI. And be it enacted, That if by any such Operations as aforesaid the Company shall interrupt the Supply of any Water or Gas, they shall forfeit Five Pounds for every Day that such Supply shall be so interrupted, and such Penalty shall be appropriated to the Benefit of the Poor of the Parish in which such Obstruction shall occur, and in such Manner as the Overseers of the Poor of the Parish shall direct.

Owners of Mines to give Notice to the Company of their Intention to work the same, and Company to have Liberty to purchase.

CCLVII. And be it enacted, That when and so often as the Proprietor or Lessee, or Tenant of any Mines of Coal, Ironstone, Limestone, Slate, or other Mines and Minerals lying under the said Railway and Works, or any of them, or within the Distance of Forty 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 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, according to their respective Estates, Rights, and Interests, 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, Slate, and 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 Forty 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 adjoining Mines may make Communication.

CCLVIII. And be it enacted, That in case the said Company shall purchase any such Mines under the said Railway or Works, or within the Distance of Forty 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 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 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 Eight Feet wide and Eight Feet 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, exclusive of any Sum that may have been paid by the said Company by way of Compensation for any Injury, independent of the Value of the Coal: 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 a negligent Manner: Provided also, that the said Company shall pay to the respective Proprietors, Lessees, or Tenants of such Mines, according to their

respective Estates, Rights, and Interests, 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 increased Expences which may be occasioned by working the Mines or Minerals to be worked and gotten by means of such Airways, Headways, Gateways, and Water Levels; and in case the Parties shall differ about such Compensation as last aforesaid, the same shall be ascertained, and such Difference shall be settled and decided by Arbitration, 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.

Regulating the Height and Width of the Bridges over the Durham and Sunderland Railway.

CCLIX. And whereas it is intended to construct and carry the Railway hereby authorized to be made by a Bridge to be erected over the Main Line of the *Durham and Sunderland* Railway, in the Parish of *Pittington* otherwise *Pittington Hall Garth* in the County of *Durham*, and also by another Bridge to be erected over the *Whitwell and Quarrington* Branch Railway of the said *Durham and Sunderland* Railway in the Extra-parochial Place of *Whitwell* otherwise *Whitwell House* in the same County; be it therefore enacted, That the Bridge to be erected for the Purpose of carrying the Railway hereby authorized to be made over the said Main Line of the *Durham and Sunderland* Railway shall be built of sufficient Width as to leave thereunder a clear Space of not less than Twenty-five Feet, and that the clear Height of the said Bridge from the Surface of the Railway under the same shall not be less than Sixteen Feet in all Parts thereof, so as to permit and allow the free and uninterrupted Passage and Travelling of locomotive Engines at all Times under the same Bridge; and the Bridge to be erected for carrying the said Railway hereby authorized to be made over the said Branch Railway of the *Durham and Sunderland* Railway Company shall be so constructed as to leave thereunder a clear Width of Twenty-five Feet and a clear uniform Height of Nine Feet, so as not to interfere with the working of the self-acting Inclined Plane by means of which that Part of the said Branch Railway where the Railway hereby authorized to be made crosses the same, is now worked; and that the Foundations of the said Bridge over the said Branch Railway shall be made of sufficient Depth and Dimensions so that in the event of the said *Durham and Sunderland* Railway Company at any Time hereafter determining to work the said Branch Railway by means of locomotive Engines the Railway under the said Bridge may be lowered so as to admit a clear uniform Height of not less than Fourteen Feet, without endangering the same by reason of any Insufficiency of the Foundations or any Part thereof; and such Bridges respectively shall be so constructed without any Hindrance, Detriment, or other Inconvenience to the proper and orderly carrying on and conducting of the Works of the said *Durham and Sunderland* Railway Company during the constructing and making of the said Bridges or either of them, or at any Time after the same Bridges shall have been respectively erected and perfected, and such Bridges respectively shall be erected and at all Times kept and maintained in repair, by and at the Expence of the *Newcastle and Darlington Junction* Railway Company.

CCLX. And

Roads not to be crossed on a Level.

CCLX. And with respect to the crossing of Roads by the Railway, be it enacted, That if the Line of Railway cross any Turnpike Road or public Carriageway, either such Turnpike Road or public Carriageway shall be carried over the Railway, or the Railway shall be carried over such Road, by means of a Bridge of the Height and Width and with the Ascent or Descent by this Act in that Behalf provided; and such Bridge and other necessary Works connected therewith shall be executed at the Expence of the Company.

Bridges over Roads.

CCLXI. And be it enacted, That every Bridge to be erected for the Purpose of carrying the Railway over any Road shall be built in conformity with the following Regulations; (that is to say,)

The Width of the Arch shall be such as to leave thereunder a clear Space of not less than Thirty-five Feet if the Arch be over a a Turnpike Road, and of Twenty-five Feet if over a public Carriage Road, and of Twelve Feet if over a private Road:

The clear Height of the Arch from the Surface of the Road shall not be less than Sixteen Feet for the Space of Twelve Feet if the Arch be over a Turnpike Road, and Fifteen Feet for a Space of Ten Feet if over a public Carriage Road; and in each of such Cases the clear Height at the Springing of the Arch shall be not less than Twelve Feet:

The clear Height of the Arch for a Space of Nine Feet shall not be less than Fourteen Feet over a private Carriage Road:

The Descent under the Bridge shall not exceed One Foot in Thirty Feet if the Bridge be over a Turnpike Road, One Foot in Twenty Feet if over a public Carriage Road, and One Foot in Sixteen Feet if over a private Carriage Road or Occupation Way.

Bridges over Railway.

CCLXII. And be it enacted, That every Bridge erected for carrying any Road over the Railway shall be built in conformity with the following Regulations; (that is to say,)

There shall be a good and sufficient Fence on each Side of the Bridge of not less Height than Four Feet:

The Road over the Bridge shall have a clear Space between the Fences thereof of Thirty-five Feet if the Road be a Turnpike Road, and Twenty-five Feet if a public Carriage Road, and Twelve Feet if a private Road:

The Ascent shall not be more than One Foot in Thirty Feet if the Road be a Turnpike Road, One Foot in Twenty Feet if it be a public Carriage Road, and One Foot in Sixteen Feet if it be a private Carriage Road.

Before Roads be interfered with, others to be substituted.

CCLXIII. And be it enacted, That if in the Exercise of the Powers by this Act granted, any Part of any Road, whether Carriage Road, Horse Road, Tramroad, or Railway, either public or private, be found necessary to be gone across, cut through, raised, sunk, or taken, so that it will be so much injured thereby as to be impassable for or dangerous to Travellers, Passengers, or Carriages, or to the Persons entitled to the Use thereof, the Company shall, before the Commencement of any such Operations, cause a sufficient Road to be made instead of the Road to be interfered with; and such substituted

tuted Road shall, at the Expence of the Company, be made and maintained in a State as convenient for Passengers and Carriages as the Road so interfered with, or as nearly so as can be.

Penalty for not substituting a Road.

CCLXIV. And be it enacted, That if the Company do not cause another sufficient Road to be so made before they interfere with any such existing Road as aforesaid they shall forfeit Twenty Pounds for every Day during which such substituted Road shall not be made after the existing Road shall have been interrupted; and such Penalty shall be paid to the Trustees, Commissioners, Surveyor, or other Person having the Management of such Road, if a public Road, or in case of a private Road, to the Owner thereof, and when paid in respect of any public Road shall be applied for the Purposes thereof.

Period for Restoration of Roads interfered with.

CCLXV. And be it enacted, That if such former Road as aforesaid cannot be restored compatibly with the Formation and Use of the Railway, the Company shall cause such new Road to be put into a permanently substantial Condition equally convenient as the Road or Railway for which the same is substituted; and if such former Road can be restored compatibly with the Formation and Use of the Railway, such Restoration shall be made, and the former Road shall be restored, or the substituted Road shall be put into such Condition as aforesaid, as the Case may be, within the following Periods after the first Operation on the former Road shall have been commenced, unless the Trustees or Parties having Charge of the Road to be restored, by Writing under their Hands, consent to an Extension of the Period, and in such Case within such extended Period; (that is to say,) if the Road be a Turnpike Road, within Six Months, and if the Road be not a Turnpike Road, within Twelve Months.

Penalty for failing to restore Road.

CCLXVI. And be it enacted, That if any such Road be not restored, or the substituted Road be not completed, within the Period herein-before fixed for that Purpose, the Company shall forfeit Twenty Pounds for every Day after the Expiration of that Period during which such Road shall not be so restored, or the substituted Road be not completed, in such Condition as aforesaid; and such Penalty shall be paid to the Trustees, Commissioners, Surveyor, or other Person having the Management of the Road interfered with by the Company, if a public Road, and be applied for the Purposes of such Road, or if a private Road the same shall be paid to the Owner thereof; and every such Penalty shall be recoverable by Action in any of the Superior Courts.

Company to repair Roads used by them other than Turnpike Roads.

CCLXVII. And be it enacted, That if in the course of making the Railway the Company shall use or interfere with any Road not being a Turnpike Road, and whether a public or private Road, they shall maintain the same in as good a State of Repair as such Road was in at the Time when the Company began to use the same, and shall leave the same in such State of Repair at the Conclusion of their Use thereof; and if any Difference arise as to the State of any such Road, either before or after the Use thereof by the Company,

the Question shall be referred to the Determination of Two Justices; and such Justices may direct such Improvements or Repairs to be made in the State of such Road and within such Period as they think reasonable, and may impose on the Company for not carrying into effect such Improvements or Repairs any Penalty not exceeding Five Pounds *per* Day as to such Justices shall seem just.

Screen for Turnpike Roads.

CCLXVIII. And be it enacted, That if the Commissioners or Trustees of any Turnpike Road apprehend Danger to the Passengers on such Road in consequence of Horses being frightened by the Sight of the Engines or Carriages travelling upon the Railway, it shall be lawful for such Commissioners, Trustees, or any Person duly authorized by them, to make Complaint thereof to Two Justices; and thereupon such Justices shall summon the Secretary of the Company to answer such Complaint, and if it appear to such Justices that the Complaint is reasonable, then they shall order the Company to commence within a certain Time, and to complete within a certain other Time, to be appointed by such Justices, any Works in the Nature of a Screen near to or adjoining the Side of such Turnpike Road which such Justices may think reasonable; and after Notice of such Order served upon the Company the Company shall proceed to act in obedience to such Order.

Penalty for failing to construct.

CCLXIX. And be it enacted, That if the Company shall neglect to commence such Works within the Time appointed by such Justices in that Behalf, they shall forfeit Twenty Pounds for every Day during which they do not so commence; or if, having commenced, they shall not continue from Day to Day duly to execute such Works until the Completion thereof, they shall forfeit Twenty Pounds for every Day during which they do not so proceed in the Execution of such Works; and if the Company shall not complete such Works within the Time in that Behalf appointed by such Justices, they shall forfeit Twenty Pounds for every Day during which such Works shall remain uncompleted beyond the Time so appointed for their Completion; and every such Penalty shall be recoverable by the Commissioners or Trustees of such Turnpike Road by Action in any of the Superior Courts.

Crossing of Footways.

CCLXX. And be it enacted, That the Company shall make convenient Ascents and Descents, where required, for every Footway crossed by the said Railway.

Works to be erected by the Company for the Protection and Accommodation of adjoining Lands, Gates, Bridges, &c.

CCLXXI. And for the Purpose of making Provision respecting Works required for the Accommodation of the Owners and Occupiers of Lands adjoining the Railway, be it enacted, That after any Part of the Railway shall have been formed, and during the Construction thereof, the Company shall make the following Works, at the Times herein-after mentioned; (that is to say,)

Such and so many convenient Gates upon or adjoining the Railway as shall be necessary for the Purpose of making good any Interruptions caused by the Railway to the Use of the Lands through which the Railway shall be made, and protecting such Lands from Trespass, or the Cattle of the Owners or Occupiers thereof

from straying thereout, by reason of the Railway; and also such and so many Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, over, under, or by the Sides of, or leading to or from the Railway, as shall be necessary for the above Purposes; and such Works shall be made forthwith after the Part of the Railway passing over such Lands shall have been laid out or formed:

Also sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences for separating the Land taken for the Use of the Railway from the adjoining Lands not taken, with all necessary Gates made to open towards such adjoining Lands, and not towards the Railway, and all necessary Stiles; and such Works shall be made forthwith after the taking of any such Lands if the Owners thereof shall so require:

Also, all necessary Arches, Tunnels, Culverts, Drains, or other Passages, either over or under or by the Sides of the Railway, of such Breadth, Depth, and Dimensions as will be sufficient at all Times to convey the Water as clearly from the Lands lying near to the Railway as before the making of the Railway; and such Works shall be made from Time to Time:

Also proper Watering Places for Cattle, where by reason of the Railway the Cattle of any Person occupying any Lands lying near thereto shall be deprived of Access to their former Watering Places; and such Watering Places shall be so made as to be at all Times as sufficiently supplied with Water as theretofore, and as if such Railway had not been made; and for that Purpose the Company shall make Watercourses and Drains by the Side of, along, or under the Railway, or in, through, or over, or across any Lands thereto adjoining, of sufficient Number and Dimensions, and in a sufficient Manner, and with proper and convenient Bridges over and Tunnels under the same respectively, for the Purpose of conveying Water to the said Watering Places:

Provided always, that it shall be lawful for the Company to make such Accommodation Works in such a Manner as will not prevent or obstruct the working or using of the Railway.

Accommodation Works to be made and continued at the Expence of the Company.

CCLXXII. And be it enacted, That all Accommodation Works to be made as aforesaid shall be made at the Expence of the Company, and at all Times thereafter the Company shall at their own Expence, maintain in sufficient Repair and in proper Condition the Works so made by them; and for the Purpose of enabling the Company to execute such Works and to keep them in repair, it shall be lawful for the Company according to the Provisions herein-before contained respecting the temporary Occupation of Lands by the Company, their Agents or Workmen, to enter into any Lands adjoining or near to the Railway, and load and carry the requisite Materials in Carts and otherwise, upon and over such Lands, doing as little Damage as can be, and making full Compensation for any Damage done to the Owner or Occupier of such Lands.

Differences as to Accommodation

CCLXXIII. And be it enacted, That if any Difference arise respecting the Kind of any such Accommodation Works required, or the

Works to be settled by Justices.

the Number of each Kind, or the Dimensions of the Works, or the Manner of executing them, or respecting the maintaining thereof, the same shall be determined by Two Justices on the Application of any Owner or Occupier of Lands intersected or otherwise affected by the Railway, or of any other Person having a Right of Way interrupted thereby; and such Justices shall also appoint the Time within which such Works shall be executed by the Company.

Execution of Works by Owners in case of default by the Company.

CCLXXIV. And be it enacted, That if, for Twenty Days next after the Time appointed by such Justices for the Execution or Repair (as the Case may be) of any such Accommodation Works, the Company fail to execute or to repair (as the Case may be) any such Accommodation Works, it shall be lawful for the Owners or Occupiers of the adjoining Lands aggrieved by such Failure themselves to execute such Works or Repairs; and the reasonable Expences of executing or repairing such Accommodation Works shall be repaid by the Company to the Owners or Occupiers by whom the same shall have been executed or repaired; and if there be any Dispute about such Expences, the same shall be settled by Two Justices; and if such Expences be not repaid within Five Days after the same shall have been settled by such Justices, and after an Account thereof shall have been delivered to the Company, and Demand thereof made upon the Company, the same may be levied by Distress, and such Justices shall issue their Warrants accordingly: Provided always, that no such Owner or Occupier shall obstruct or injure the Railway, or any of the Works connected therewith, for a longer Time, nor use them in any other Manner, than is unavoidably necessary for the Execution or Repair of such Accommodation Works.

Power to Owners of Lands to made additional Accommodation Works.

CCLXXV. And be it enacted, That if any of the Owners or Occupiers of Lands affected by such Railway shall consider the Accommodation Works made by the Company, or directed by such Justices to be made by the Company, insufficient for the commodious Use of their respective Lands, it shall be lawful for any such Owner or Occupier to make Works for that Purpose, but such Works shall not be executed without the Consent of the Company, or, if such Consent be withheld, without the Authority of Two Justices; and for the Purpose of obtaining such Consent, such Owner or Occupier shall make a Request in Writing to the Company; and if the Company refuse, or for Ten Days after such Request delay to give such Consent, it shall be lawful for such Owner or Occupier to make Application to such Justices, and thereupon, after hearing the Company, or without hearing them, if no Person attend on their Behalf after Notice for that Purpose, such Justices may either give or withhold their Authority for such Works being made as they shall think fit.

Works to be constructed under the Superintendence of the Company's Engineer.

CCLXXVI. And be it enacted, That if the Company so desire, all such last-mentioned Accommodation Works shall be constructed under the Superintendence of their Engineer, and according to Plans and Specifications to be submitted to and approved by such Engineer; nevertheless, the Company shall not be entitled to require either that Plans should be adopted which would involve a greater Expence than that

that incurred in the Execution of similar Works by the Company, or that the Plans selected should be executed in a more expensive Manner than that adopted in similar Cases by the Company.

Costs of Application to Justices.

CCLXXVII. And be it enacted, That if, on the Application by the Owner or Occupier of Lands to any Two Justices respecting the Execution of any such Accommodation Works, such Justices decide in favour of such Owner or Occupier, they may also award such reasonable Costs to such Owner or Occupier for his Loss of Time, Trouble, and Expence in making such Application as to such Justices shall seem proper, and the Circumstances of the Case shall warrant; and such Costs shall be recoverable by the Party entitled thereto as Damages to a small Amount are herein made recoverable.

Accommodation Works not to be required after Ten Years.

CCLXXVIII. And be it enacted, That the Company shall not be compelled to make any further or additional Accommodation Works for the Use of Owners and Occupiers of Land adjoining the Railway after Ten Years from the passing of this Act.

Owners to be allowed to cross the Railway until Accommodation Works are made.

CCLXXIX. And be it enacted, That until the Company shall have made the Bridges or other proper Communications required to be made by them between Lands intersected by the Railway, and no longer, the Owners and Occupiers of such Lands, and any other Persons whose Right of Way shall be affected by the Want of such Communication, and their respective Servants, may at all Times freely pass and repass, and lead and conduct any Horse or other Animal directly (but not otherwise) across the Part of the Railway made in or through their respective Lands, solely for the Purpose of occupying the same Lands, or for the Exercise of such Right of Way, and so as not to obstruct the Passage along the Railway, or to damage the same; nevertheless, if the Owner of any such Lands have, in his Arrangements with the Company, received or agreed to receive Compensation for or on account of any such Communications, instead of the same being formed, such Owner or those claiming under him shall not cross the Railway from one Part to the other Part of the Lands so severed otherwise than by a Bridge, Arch, or Culvert erected at the Charge of such Owner, or those claiming under him.

Power to Parties to make private Branch Railways communicating with the Railway.

CCLXXX. And be it enacted, That this Act shall not prevent the Owners or Occupiers of Lands adjoining to the Railway, or any other Persons, from laying down, either upon their own Lands or upon the Lands of other Persons, with the Consent of such Persons, any collateral Branches of Railway from their respective Lands to communicate with the Railway for the Purpose of bringing Carriages to or from or upon such Railway; and the Company shall, if required, at the Expence of such Owners and Occupiers and other Persons, make Openings in the Ledges or Flanches of the Railway for effecting such Communication in such Places where the Communication can be made without Injury to the Railway, and without Inconvenience to the Traffic thereon; and the Company shall not take any Rate or Toll or other Monies for the passing of any Passengers, Goods, or other Things along any Branch so to be made by any such Owner

or Occupier or other Person; but this Enactment shall be subject to the following Restrictions and Conditions; (that is to say,)

No such Branch Railway shall run parallel to the Railway:

The Company shall not be bound to make any such Openings in any Place which they shall have set apart for any specific Purpose, with which such Communication would interfere, nor upon any Inclined Plane or Bridge, nor in any Tunnel:

The Persons making or using such Branch Railways shall be subject to all Bye Laws and Regulations of the Company from Time to Time made with respect to passing upon or crossing the Railway and otherwise; and the Persons making or using such Branch Railways shall be bound to construct, and from Time to Time, as Need may require, to renew, the off-set Plates and Switches according to the most approved Plan adopted by the Company, and under the Direction of their Engineer.

Penalty for obstructing Construction of Railway.

CCLXXXI. And for preventing any Obstruction to the Construction of the Railway, be it enacted, That if any Person wilfully obstruct any Person acting under the Authority of the Company in setting out the Line of the Railway, or pull up or remove any Poles or Stakes driven into the Ground for the Purpose of setting out the Line of the Railway, or deface or destroy any Marks made for the same Purpose, he shall forfeit Five Pounds for every such Offence.

Materials to vest in the Company for Purposes of Prosecution.

CCLXXXII. And be it enacted, That during the Execution of any Contract made with the Company, the Works in course of being done under such Contract, and all the Materials of every Description brought upon or near such Works for the Purpose of being used in the Execution of such Contract, shall, in all Indictments or other Criminal Proceedings instituted by them for the Purpose of protecting the same, be held to be the Property of the Company.

Land Tax and Poor's Rate to be made good.

CCLXXXIII. And for the Purpose of providing against Deficiencies in the Assessments for Land Tax or Poor's Rate occasioned by the making of the Railway in the several Parishes wherein the same or any Part thereof may be situate, be it enacted, That if the Company become possessed by virtue of this Act of any Lands charged with the Land Tax, or liable to be assessed to the Poor's Rate, the Company shall from Time to Time, until the Railway shall be completed, and assessed to such Land Tax and Poor's Rate, be liable to make good the Deficiency in the several Assessments for Land Tax and Poor's Rate arising within such Parishes by reason of such Lands having been taken or used for the Purposes of the Railway; and such Deficiency shall be computed according to the Rental at which such Lands, with any Building thereon, were valued or rated at the Time of the passing of this Act, and on Demand of such Deficiency the Treasurer of the Company shall pay all such Deficiencies to the Collector of the said Assessments respectively; nevertheless, if at any Time the Company think fit to redeem such Land Tax, they may do so, in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax.

Railway to be completed in Seven Years.

CCLXXXIV. And be it enacted, That after the Expiration of Seven Years from the passing of this Act all the Powers hereby granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed, and except such Powers as shall hereby be declared to be continued for a longer Period.

Tonnage on Articles of Merchandize.

CCLXXXV. And with respect to the Tolls to be levied for the Use of the Railway, be it enacted, That the Company may lawfully demand any Tolls not exceeding the following; (that is to say,)

1. In respect of the Tonnage of all Articles conveyed upon the Railway, or any Part thereof, as follows:

For all Dung, Compost, and all Sorts of Manure, Lime, and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile not exceeding One Penny; and if conveyed by Carriages belonging to the Company an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone, and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of wrought Iron, and Castings, not manufactured into Utensils or other Articles of Merchandize, *per* Ton *per* Mile not exceeding Three Halfpence; and if conveyed in Carriages belonging to the Company an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

Tolls on Coal for Exportation not to exceed One Penny per Ton.

Provided always, that the said Company shall not be entitled to demand or receive, in respect of Toll upon any Coals, Coke, Culm, and Charcoal, which shall be put on board of any Ship or Vessel for the Purpose of Exportation, any greater Sum than One Penny *per* Ton *per* Mile.

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Stones, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Two-pence; and if conveyed in Carriages belonging to the Company an additional Sum *per* Ton *per* Mile not exceeding Three Farthings:

For all Cotton and other Wools, Drugs, Manufactured Goods, and all other Wares, Merchandize, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Three-pence; and if conveyed in Carriages belonging to the Company an additional Sum *per* Ton *per* Mile not exceeding One Penny:

And for every Carriage of whatever Description having more than Two Wheels, and 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, *per* Mile not exceeding Sixpence:

And a Sum of Two-pence *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh; and if conveyed on a Truck

a Truck or Platform belonging to the Company an additional Sum *per* Mile not exceeding Two-pence.

Tolls for Passengers or Cattle.

2. In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows:

For any Person conveyed in or upon any such Carriage, *per* Mile not exceeding Two-pence; and if conveyed in or upon any Carriage belonging to the Company an additional Sum not exceeding One Penny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any such Carriage, *per* Mile not exceeding Three-pence; and if conveyed in or upon any Carriage belonging to the Company an additional Sum not exceeding One Penny:

For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny; and if conveyed in or upon any Carriage belonging to the Company an additional Sum not exceeding One Farthing.

Tolls for propelling Power.

CCLXXXVI. And be it enacted, That the Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Regulations as to the Tolls.

CCLXXXVII. And be it enacted, That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Articles or Persons conveyed on the Railway for a less Distance than Six Miles, the Company may demand, in addition to the Tolls and Charges for Conveyance, a reasonable Charge for the Expence of stopping, loading, and unloading:

For a Fraction of a Mile beyond Six Miles, or beyond any greater Number of Miles, the Company may demand Tolls for such Fraction in proportion to the Number of Quarters of a Mile contained therein; and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile:

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction; and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beach, Ash, or Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

CCLXXXVIII. And

Tolls for small Parcels and great Weights.

CCLXXXVIII. And with respect to small Packages and single Articles of great Weight, be it enacted, That the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels (that is to say, Parcels not exceeding Five hundred Pounds Weight each,) the Company may demand any Sum which they may think fit: Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, Bob, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons, but shall not exceed Six Tons, the Company may demand such Sum as they from Time to Time may think fit, not exceeding Sixpence *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which with the Carriage shall exceed Six Tons, the Company may demand such Sum as they think fit.

Limit of Weights to be carried on Railway.

CCLXXXIX. And be it enacted, That no Carriage shall carry or bear at any One Time upon the Railway, including the Weight of such Carriage, more than the Weight of Eight Tons, except any One Boiler, Cylinder, Bob, or Piece of Machinery, or any One Piece of Timber or Stone, or any other single Article; and no such excepted Article, the Weight of which, including the Carriage, shall exceed Eight Tons, shall be carried upon any Part of the Railway without the special Licence of the Company.

Passengers Luggage.

CCXC. And be it enacted, That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding Sixty Pounds in Weight, or Four Cubic Feet in Dimensions, without any Charge being made for the Carriage thereof.

Tolls to be charged equally.

CCXCI. And be it enacted, That all Tolls for the Use of the Railway shall be at all Times charged equally to all Persons, and after the same Rate, whether *per* Mile or *per* Ton *per* Mile, or otherwise, in respect of all Passengers, and all Goods, Animals, or Carriages of a like Description, and conveyed or propelled by a like Carriage or Engine, and that all Tolls for Carriages and the Use of locomotive Power shall be at all Times charged equally to all Persons, and after the same Rate, whether *per* Mile or *per* Ton *per* Mile, or otherwise, in respect of all Passengers, and of all Goods, Animals, or Carriages of a like Description, and conveyed or propelled by a like Carriage or Engine passing on the same Portion of the Line of Railway under the like Circumstances; and no Reduction or Advance in any such Tolls for the Use of the Railway, or for Conveyance by the Company, or for the Use of any locomotive Power to be supplied by them, shall be made either directly or indirectly in favour of or against any particular Company or Person travelling upon or using the same Portion of the Railway.

Railway to be free on Payment of Tolls.

CCXCII. And be it enacted, That neither the Company nor any Person using the Railway as a Carrier shall at any Time demand or take a greater Amount of Toll, or make any greater Charge for the Carriage of Passengers or Goods, than the Company are by this Act authorized to demand; and upon Payment of the Tolls from Time to Time demandable all Persons shall be entitled to use the Railway, with Engines and Carriages properly constructed as by this Act directed, subject nevertheless to the Regulations to be from Time to Time made by the Company by virtue of the Powers in that Behalf herein conferred upon them.

Taking and Recovery of Tolls.

CCXCIII. And with respect to the Collection of such Tolls, be it enacted, That such Tolls shall be paid to such Persons, and at such Places upon or near to the Railway, and in such Manner, and under such Regulations, as the Company shall, by Notice to be annexed to the Account or List of Tolls, appoint; and if, on Demand, any Person fail to pay the Tolls due in respect of any Goods, it shall be lawful for the Collector to detain and sell all or any Part of such Goods, and out of the Monies thence arising retain the Tolls payable in respect of such Goods, and all Charges and Expences of such Detention and Sale; and such Collector shall, upon Demand, render the Overplus (if any) of the Monies arising by such Sale, and such of the Goods as shall remain unsold, to the Person entitled thereto, and if such Goods happen to be removed before the Tolls payable in respect of the same be paid, then the Company may recover such Tolls by Action at Law.

Account of Lading, &c. to be given.

CCXCIV. And be it enacted, That every Person being the Owner or having the Care of any Carriage passing or being upon the Railway shall give to the Collector of the Toll, at the Places where he attends for the Purpose of collecting Tolls for the Part of the Railway on which such Carriage may have travelled or be about to be travel, an exact Account in Writing, signed by him, of the Number or Quantity of Articles conveyed by any such Carriage, and of the Point on the Railway from which such Carriage may have or may be about to set out, and at what Point the same is intended to be unloaded or taken off the Railway; and if the Articles conveyed by any such Carriage be liable to the Payment of different Tolls, then such Owner or other Person shall specify the respective Numbers or Quantities thereof liable to each or any of such Tolls; and if any such Owner or such other Person fail to give and deliver such Account, or to produce his Bill of Lading to such Collector demanding the same, or if he give a false Account, or if he leave or deliver out or take off any Part of his Lading or Goods at any other Place than shall be mentioned in such Account, with Intent to avoid the Payment of any Tolls payable by him, he shall for every such Offence forfeit to the Company a Sum not exceeding Forty Shillings for every Ton of Goods, or for any Parcel not exceeding One Hundred Weight, and so in proportion for any less Quantity of Goods than One Ton, or for any Parcel exceeding One Hundred Weight (as the Case may be), which shall be upon any such Carriage, and such Penalty shall be in addition to the Toll to which such Goods or Things may be liable.

Penalty for not giving Account of Lading.

CCXCV. And

Disputes as to Amount of Tolls chargeable.

CCXCV. And be it enacted, That if any Dispute arise concerning the Amount of the Tolls due to the Company, or concerning the Charges occasioned by any Distress levied with reference thereto, the Collector or Person distraining may detain the Goods distrained, or (if the Case so require) the Proceeds of the Sale thereof, until the Amount of the Tolls due, or until such Tolls and the Amount of the Costs of such Distress have been ascertained by some Justice; and upon Application made to any such Justice for that Purpose, he shall examine the Matter upon Oath of the Parties or Witnesses, and determine the Amount of the Tolls due, and also the Amount of the Costs; and it shall be lawful for such Justice to award such Costs to be paid by either of the Parties to the other of them as he shall think reasonable, and if, on Demand thereof, such Costs be not paid by the Party ordered to pay the same, they shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Differences as to Weights, &c.

CCXCVI. And be it enacted, That if any Difference arise between any Toll Collector or other Officer or Servant of the Company and any Owner of or Person having the Charge of any Carriage passing or being upon the Railway, or of any Articles conveyed by such Carriage, respecting the Weight, Quantity, or Nature of such Articles, such Collector or other Officer may lawfully detain such Carriage, and examine, weigh, gauge, or otherwise measure such Carriage, and all Articles conveyed thereby; and if upon such measuring such Articles appear to be of greater Weight or Quantity, or of other Nature, than shall have been stated in the Account given thereof, then the Person who shall have given such Account shall pay, and the Owner of such Carriage, or the respective Owners of such Articles shall also, at the Option of the Company, be liable to pay, the Costs of such measuring; but if such Articles appear to be of the same or less Weight or Quantity than shall have been stated in such Account, then the Company shall pay such Costs; and they shall also pay to such Owner of or Person having Charge of such Carriage, and to the respective Owners of such Articles, such Damage (if any) as shall appear to any Justice, on a summary Application to him for that Purpose, to have arisen from such Detention.

Penalty on Passengers practising Fraud on the Company.

CCXCVII. And for preventing Frauds on the Company and other Carriers on the Railway, be it enacted, That if any Person travel in any Carriage of the Company, or of any other Company or Party using the Railway, without having previously paid his Fare, and with Intent to avoid Payment thereof, or if any Person having paid his Fare for a certain Distance knowingly and wilfully proceed in any Carriage of the Company, or of any other Company or Party using the Railway, beyond such Distance, without previously paying the additional Fare for the additional Distance, and with Intent to avoid Payment thereof, or if any Person knowingly and wilfully refuse or neglect, on arriving at the Point to which he has paid his Fare, to quit the Carriage of the Company, or of any other Company or Party using the Railway, every such Person shall for every such Offence forfeit a Sum not exceeding Forty Shillings.

CCXCVIII. And

Detention of Offenders.

CCXCVIII. And be it enacted, That if any Person be discovered, either in or after committing or attempting to commit any such Offence as in the preceding Enactment mentioned, all Officers and Servants and other Persons on behalf of the Company, and all Constables, Gaolers, and Peace Officers, may lawfully apprehend and detain such Person until he can conveniently be taken before some Justice, or until he be otherwise discharged by due Course of Law.

Milestones.

CCXCIX. And in order to ascertain Distances with greater Precision and Facility, be it enacted, That the Company shall cause the Length of the Railway to be measured, and Posts or other conspicuous Objects to be set up and maintained along the whole Line thereof, at the Distance of One Quarter of a Mile from each other, with Numbers or Marks inscribed thereon denoting such Distances.

List o Tolls to be exhibited on a a Board.

CCC. And be it enacted, That a List of all the Tolls authorized by this Act to be taken, and which shall be exacted by the Company, shall be published by the same being painted upon One Toll Board or more, in distinct Black Letters on a White Ground, or White Letters on a Black Ground, and by such Board being exhibited in some conspicuous Place on the Toll Gates or Toll Houses or Places where such Tolls shall be payable.

Tolls to be taken only whilst Board exhibited, and Mile-stones set up.

CCCI. And be it enacted, That no Tolls shall be demanded or taken by the Company for the Use of the Railway during any Time at which the Boards herein-before directed to be exhibited shall not be so exhibited, or at which the Milestones herein-before directed to be set up and maintained shall not be so set up and maintained; and if any Person wilfully pull down, deface, or destroy any such Board or Mile Stone, he shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Regulations as to Toll Collectors.

CCCII. And with respect to the Collectors of such Tolls, be it enacted, That every such Toll Collector shall place in the Front or on some other conspicuous Part of the Toll House or other Building where he shall be on Duty, his Christian and Surname, in legible Characters; and each of the Letters of such Names shall 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 he shall continue the same so placed during the whole Time he is upon Duty.

Penalties on Toll Collectors for Misbehaviour.

CCCIII. And be it enacted, That every such Collector who shall commit any of the following Offences, shall forfeit a Sum not exceeding Ten Pounds for each such Offence; (that is to say,)

If he do not place such Board and keep the in its Place during the whole Time he is on Duty:

If he either refuse to permit any Person to read or in any Way hinder any Person from reading the Inscription on such Board:

If he refuse to tell his Christian Name and Surname to any Person demanding the same, who shall have paid or tendered the

Tolls demanded of him, or if he give a false Name to any such Person:

If he demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act, and of the Orders of the Company made in pursuance thereof:

If upon the legal Toll being paid or tendered he do unnecessarily detain or wilfully hinder any Carriage or any Person from passing upon the Railway:

If he make use of any scurrilous or abusive Language to any Passenger upon, or to any Person lawfully using, the Railway.

Toll Collector liable for wrongful Detention of Goods.

CCCIV. And be it enacted, That if at any Time it be made to appear to any Justice, upon the Complaint of the Company, that any such Detention and measuring of any Carriage or Goods as hereinbefore mentioned was without reasonable Ground, or that it was vexatious on the Part of such Collector or other Officer, then the Collector or other Officer shall himself pay the Costs of such Detention and measuring, and the Damage occasioned thereby, and in default of immediate Payment of any such Costs or Damage, the same may be recovered by Distress of the Goods of such Collector, and such Justice shall issue his Warrant accordingly.

Delivery of Matters in possession or custody of Toll Collector at Removal.

CCCV. And be it enacted, That if any such Collector of Tolls be discharged or suspended from his Office, or die, abscond, or absent himself, and if such Collector so discharged or suspended, or the Wife, Widow, or any of the Family or Representatives of any such Collector so discharged or suspended, or who shall have died, absconded, or absented himself, refuse or neglect, after Seven Days Notice in Writing for that Purpose, to deliver up to the Company, or to any Person appointed by them for that Purpose, any Toll House, Dwelling House, Office, or other Building, with its Appurtenances, or any Books, Papers, or other Matters belonging to the Company, in the Possession or Custody of any such Collector, at the Occurrence of any such Event as aforesaid, in right of his Appointment as Toll Collector, then, upon Application being made by the Company to any Justice, it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon such Toll House or other Building, and to remove any Person found therein, and to take possession thereof, and of any such Books, Papers, or other Matters, and to deliver the same to the Company or any Person appointed by them for that Purpose.

Power to lease the Tolls.

CCCVI. And be it enacted, That it shall be lawful for the Company from Time to Time, by Lease to take effect in possession within Three Months from the letting thereof, to let such Tolls, or any Part thereof, upon the Whole or any Part of the Railway, to any Party, for any Period not exceeding Ten Years from the Commencement of any such Lease: Provided always, that no such letting shall take place unless public Notice of the Intention to let the Tolls, or the Part thereof intended to be let, shall have been given by the Company, by Advertisement, at least Fourteen Days prior to the Meeting of the Directors at which it shall be intended to let the Tolls.

Lessees to be deemed Collectors.

CCCVII. And be it enacted, That during the Continuance of any such Lease the respective Lessees named therein, and also all Persons appointed by them to collect the Tolls so let, shall be deemed Collectors of the Tolls so let, and they shall have the same Powers to collect and recover such Tolls, and be subject to the same Rules, Duties, and Penalties in reference thereto, as if they had been appointed for that Purpose by the Company.

Lessees making default to be removed.

CCCVIII. And be it enacted, That if any such Lease shall have become void or voidable, according to any Stipulations therein contained for that Purpose, by reason of the Failure on the Part of the Lessee to comply with any of the Terms of such Lease, or if all or any Part of the Rent thereby reserved shall be in arrear or unpaid for Twenty-one Days after the same shall become payable, then, upon Application made by the Company to a Justice, it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon any Toll House, Dwelling House, Office, Weighing Machine, or other Building, with the Appurtenances thereto, belonging to the Company, and remove from the same the Lessee or Collector or other Person found therein, together with his Goods, and take Possession thereof, and of all Property found therein belonging to the Company, and deliver the same to them or any Person appointed by them for that Purpose.

Power of re-letting Tolls.

CCCIX. And be it enacted, That upon such Possession being obtained it shall be lawful for the Company to determine the Lease (if any) previously subsisting, and the same shall accordingly be utterly void, except as to the Remedies of the Lessors for Payment of the Rent due, or in respect of unperformed or broken Obligations or Conditions on the Lessee's Part, all which Remedies shall remain in full Force; and in every such Case, either during such Proceedings or on the Termination thereof, the Company may again let the Tolls to the same or any other Person, or cause them to be collected in the same Manner as if no such former Lease had been made relative thereto.

Company to regulate the Use of the Railway.

CCCX. And for the Purpose of making Provision for regulating the Use of the Railway, be it enacted, That it shall be lawful for the Company from Time to Time, subject to the Provisions and Restrictions in this Act contained, to make Regulations for the following Purposes; (that is to say,)

For regulating the Mode by which and the Speed at which Carriages using the Railway are to be moved or propelled:

For regulating the Times of the Arrival and Departure of any such Carriages:

For regulating the loading or unloading of such Carriages, and the Weights which they are respectively to carry:

For regulating the Delivery of Goods and other Things which are to be conveyed upon such Carriages:

For preventing the smoking of Tobacco and the Commission of any other Nuisance in or upon such Carriages, or in any of the Stations or Premises occupied by the Company:

And

And generally for regulating the travelling upon or using or working of the Railway:

But no such Regulation shall authorize the closing of the Railway, or prevent the Passage of Engines or Carriages on the Railway at reasonable Times, except at any Time when, in consequence of any of the Works being out of repair, or from any other sufficient Cause, it shall be necessary to close the Railway or any Part thereof.

Power to make Regulations by Bye Laws. 3 & 4 Vict. c. 97.

CCCXI. And be it enacted, That for better enforcing the Observance of all or any of such Regulations it shall be lawful for the Company, subject to the Provisions of an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for regulating Railways*, to make Bye Laws, and from Time to Time to repeal or alter such Bye Laws and make others, provided that such Bye be not repugnant to the Laws of *England* or the Proviisons of this Act; and such Bye Laws shall be reduced into Writing, and shall have affixed thereto the Common Seal of the Company; and any Person offending against any such Bye Law shall forfeit for every such Offence any Sum not exceeding Five Pounds, to be imposed by the Company in such Bye Laws as a Penalty for any such Offence; and if the Infraction or Non-observance of any such Bye Law or other such Regulation as aforesaid be attended with Danger or Annoyance to the Public or Hindrance to the Company in the lawful Use of the Railway, it shall be lawful for the Company summarily to interfere to obviate or remove such Danger, Annoyance, or Hindrance, and that without Prejudice to any Penalty incurred by the Infraction of any such Bye Law.

Bye Laws to be so framed as that Penalties may be mitigated.

CCCXII. And be it enacted, That the said Bye Laws shall be so framed as to allow the Justice before whom any Penalty imposed thereby may be sought to be recovered to order a Part only of such Penalty to be paid if such Justice shall think fit.

Publication of such Bye Laws.

CCCXIII. And be it enacted, That the Substance of such last-mentioned Bye Laws, when confirmed or allowed according to the Provisions of any Act in force regulating the Allowance or Confirmation of the same, shall be painted on Boards, or printed on Paper and pasted on Boards, and hung up and affixed and continued on the Front or other conspicuous Part of every Office, Toll House, Wharf, or Station, belonging to the Company, according to the Nature or Subject Matter of such Bye Laws respectively, and so as to give public Notice thereof to the Parties interested therein or affected thereby; and such Boards shall from Time to Time be renewed as often as the Bye Laws thereon, or any Part thereof, shall be obliterated or destroyed; and no Penalty imposed by any such Bye Law shall be recoverable unless the same shall have been published or kept published in manner aforesaid.

Such Bye Laws to be binding on all Parties.

CCCXIV. And be it enacted, That such Bye Laws, when so confirmed, published, and affixed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Persons acting under the same; and with respect to Proof of the Publication of any such Bye

Bye Laws, it shall be sufficient to prove that a printed Paper or painted Board, containing a Copy of such Bye Laws, was affixed and continued in manner by this Act directed, and in case of its being afterwards displaced or damaged, then that such Paper or Board was replaced as soon as conveniently might be.

Engines to consume their Smoke.

CCCXV. And be it enacted, That every locomotive Steam Engine to be used on the Railway shall be constructed on the Principle of consuming its own Smoke, and if any Engine be not so constructed the Company or Party using such Engine shall forfeit Five Pounds for every Day during which such Engine shall be used on the Railway.

Engines to be approved by the Company, and Certificate of Approval given.

CCCXVI. And be it enacted, That no locomotive or other Engine, or other Description of moving Power, shall at any Time be brought upon or used on the Railway unless the same have first been approved of by the Company; and, within Fourteen Days after Notice given to the Company by any Party desirous of bringing any such Engine on the Railway, the Company shall cause their Engineer or other Agent to examine such Engine, at any Place within Three Miles Distance from the Railway, to be appointed by the Owner thereof, and to report thereon to the Company; and within Seven Days after such Report, if such Engine be proper to be used on the Railway, the Company shall give a Certificate to the Party requiring the same of their Approval of such Engine; and if at any Time the Engineer or other Agent of the Company report that any Engine used upon the Railway is out of repair, or unfit to be used upon the Railway, the Company may require the same to be taken off, or may forbid its Use upon the Railway, until after the same shall have been repaired to the Satisfaction of the Company; and upon the Engine being so repaired, the Company shall give a Certificate to the Party requiring the same, of their Approval of such Engine; and if any Difference of Opinion arise between the Company and the Owner of any such Engine, as to the Fitness or Unfitness thereof for the Purpose of being used on the Railway, such Difference shall be settled by Arbitration.

Unfit Engines to be removed.

Penalties on Persons using improper Engines.

CCCXVII. And be it enacted, That if any Person, whether the Owner or other Person having the Care thereof, bring or use upon the Railway any locomotive or other Engine, or any moving Power, without having first obtained such Certificate of Approval as aforesaid, or if after Notice given by the Company to remove any such Engine from the Railway, such Person do not forthwith remove the same, or if after Notice given by the Company not to use any such Engine upon the Railway such Person do so use such Engine, without having first repaired the same to the Satisfaction of the Company and obtained such Certificate of Approval, every such Person shall, in any of the Cases aforesaid, forfeit a Sum not exceeding Twenty Pounds; and in any such Case it shall be lawful for the Company to remove such Engine from the Railway.

Carriages to be constructed ac-

CCCXVIII. And be it enacted, That no Carriage shall pass along or be upon the Railway (except in directly crossing the same, as herein

herein authorized for the Occupation of the respective Lands through which such Railway may be laid, or in passing along any Carriage Road crossing the Railway) unless such Carriage be at all Times, so long as it shall be used or shall remain on the Railway, of the Construction and in the Condition which the Regulations of the Company for the Time being shall require; and if any Dispute arise between the Company and the Owner of any such Carriage, as to the Condition thereof, in reference to the then existing Regulations of the Company, such Dispute shall be settled by Arbitration. cording to Company's Regulations.

CCCXIX. And be it enacted, That the Regulations from Time to Time to be made by the Company respecting the Carriages to be used on the Railway, shall be drawn up in Writing, and be authenticated by the Common Seal of the Company, and shall be applicable alike to the Carriages of the Company and to the Carriages of other Companies or Persons using the Railway; and a Copy of such Regulations shall, on Demand, be furnished by the Secretary of the Company to any Person applying for the same. Regulations to apply also to Company's Carriages.

CCCXX. And be it enacted, That if any Carriage, not in the Condition which the Regulations of the Company for the Time being require, be made to pass or be upon any Part of the Railway (except as aforesaid), the Owner thereof, or any Person having for the Time the Charge of such Carriage, shall forfeit a Sum not exceeding Ten Pounds for every such Offence. Penalty for using improper Carriages.

CCCXXI. And be it enacted, That the respective Owners of Carriages using the Railway, and carrying Passengers or Goods for Hire, shall cause to be entered with the Secretary or other Officer of the Company appointed for that Purpose, the Names and Places of Abode of the Owners of such Carriages respectively, and the Numbers, Weights, and Gauges of their respective Carriages; and such Owners shall also cause the same Particulars to be painted, and to remain so painted, in large White Capital Letters and Figures on a Black Ground, or Black Capital Letters and Figures on a White Ground, Two Inches in Height at the least, and of a suitable Breadth, on some conspicuous Part of the Outside of every such Carriage, so as the same may be always open to View; and whenever required by the Company, or by any Person appointed by them for that Purpose, every such Owner shall permit his Carriage to be weighed, measured, or gauged at the Expence of the Company. Owners Name, &c. to be registered and exhibited on Carriages.

CCCXXII. And be it enacted, That if any Person offend in any of the following Particulars he shall forfeit a Sum not exceeding Forty Shillings for every such Offence; (that is to say,) Penalties with respect to Carriages.

If any Person bring any such Carriage upon the Railway without having such Carriage previously weighed, measured, and gauged, and without having entered with the Secretary or Officer of the Company appointed for that Purpose, the Weight, Measure, and Gauge thereof, with the Number thereof, and also the Name and Place of Abode of the Owner thereof;

If any Person bring on the Railway any Carriage without having such Name, Place of Abode, Number, Weight, and Gauge marked

marked thereon in the Manner herein-before directed, or if any Person alter, erase, deface, or hide such Name, Place of Abode, Number, Weight, or Gauge, or any of them, or any Part thereof;

If any Person bring on the Railway any Carriage having a false Name, Place of Abode, Number, Weight, or Gauge marked thereon; or

If any Person refuse to permit or do not permit any such Carriage to be weighed, measured, or gauged as aforesaid.

Penalty for Obstructions by improperly loading Carriages.

CCCXXIII. And for preventing any Collision between the Carriages travelling on the Railway, or any Obstruction to the Use of the Railway, be it enacted, That if the Loading of any Carriage using the Railway extend more than Thirty Inches beyond the Flanch or Lip of any Wheel thereof, and the Person having the Care of such Carriage do not forthwith remove such Loading upon Request made to him for the Purpose by some Officer of the Company; or if any Person having the Care of any Carriage, or of any Goods or Things upon the Railway, suffer the same, or any Part thereof, to remain on the Railway so as to obstruct the Passage or working thereof, every such Person shall forfeit for every such Offence a Sum not exceeding Five Pounds 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 every such Penalty shall be imposed without Prejudice to any other Provision in this Act contained.

Removal of Obstructions.

CCCXXIV. And be it enacted, That it shall be lawful for the Company to cause any such Carriage, Goods, or Things improperly loaded or improperly placed to be unloaded, if necessary, and to be removed in any Manner proper for preventing such Collision 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 be paid; and the Company shall not, nor shall any Agent or Officer of the Company, be liable 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 Damage wilfully or negligently done to any Carriage, Goods, or Things so unloaded, removed, or detained, nor shall they be liable for the safe Custody of any such Carriage or any Goods or Things so detained, unless the same be wrongfully detained by the Company, or by such Agent or Officer, and then only for so long a Time as the same shall have been so wrongfully detained.

Owners liable for Damage by their Servants.

CCCXXV. And be it enacted, That the respective Owners of Engines and Carriages passing or being upon the Railway shall be answerable for any Trespass or Damage 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 Railway or the Machinery or Works belonging thereto, or to or upon the Property of any other Person; and every such Servant or other Person may lawfully be convicted of such Trespass or Damage before any Justice of the

Peace, either by the Confession of the Party offending, or upon the Oath of some credible Witness, and upon such Conviction every such Owner shall pay to the Company or to the Person injured, as the Case may be, the Damage, to be ascertained by such Justice, so that the same do not exceed Fifty Pounds.

Owners to recover from their Servants.

CCCXXVI. And be it enacted, That it shall be lawful for any Owner of an Engine or Carriage, who shall pay the Amount of any Damage caused by the Misfeasance or Negligence of any Servant or other Person employed by him, to recover the Amount so paid by him from such Servant or other Person by the same Means as the Company are enabled to recover the Amount of such Damage from the Owner of any Engine or Carriage.

Penalty for bringing dangerous Goods on Railway.

CCCXXVII. And be it enacted, That no Person shall be entitled to carry, or to require the Company to carry, upon the Railway any Aquafortis, Oil of Vitriol, Gunpowder, or any other Goods which in the Judgment of the Company may be of a dangerous Nature; and if any Person send by the Railway any such Goods without distinctly marking their Nature on the Outside of the Package containing the same, or otherwise giving Notice in Writing to the Book-keeper or other Servant of the Company with whom the same are left at the Time of so sending, he shall forfeit Ten Pounds for every such Offence.

Damage to be made good.

CCCXXVIII. And be it enacted, That if through any Act, Neglect, or Default, on account whereof any Person shall have incurred any Penalty imposed by this Act, any Damage to the Property of the Company shall have been committed by such Person he shall be liable to make good such Damage as well as to pay such Penalty.

Penalty on Persons omitting to fasten Gates.

CCCXXIX. And be it enacted, That if any Person omit to shut and fasten any Gate set up across or at either Side of the Railway as soon as he, and the Carriage, Cattle, or other Animals under his Care, have passed through the same, he shall forfeit for every such Offence a Sum not exceeding Forty Shillings.

Vesting Powers of the Great North of England Railway Company for making Line North of Darlington in this Company.

CCCXXX. And be it enacted, That it shall be lawful for the said *Great North of England* Railway Company to sell, and for the Company hereby incorporated to purchase and to take and to hold and enjoy, that Portion of the said *Great North of England* Railway lying between the Town of *Darlington* and the Point where the Railway by this Act authorized joins the same, at and for such Price as may be agreed on between them and the said *Great North of England* Railway Company, and the said Portion of the *Great North of England* Railway, when completed and purchased as aforesaid, shall be considered as Part of the Undertaking by this Act authorized, and as such subject to all the Provisions of this Act.

For Protection of the Hall Garth Estate.

CCCXXXI. And whereas the Portion of the Line of the *Great North of England* Railway intended to be purchased, taken, held, and enjoyed by the Company by this Act incorporated is intended to pass

pass through and over certain Lands near to and adjoining the Estate, Mansion House, Mill, Grounds, Premises, and Hereditaments of *John Harrison* of *Greenwich* in the County of *Kent*, Esquire, and which Estate is called the *Coatham Hall Garth* Estate, and is situate in the Township of *Coatham Mundeville* in the County of *Durham*: And whereas it is apprehended by the said *John Harrison* that in case the said Railway shall be formed in the said intended Line it may cause the same Estate, or some Part or Parts thereof, to be frequently overflowed or flooded by the River *Skerne*, which adjoins the same Estate on the East Side thereof, or may otherwise damage the said Estate; be it enacted, That if the Owner or Owners, Occupier or Occupiers respectively of the said Estate, or any Part thereof, shall sustain any Damage in his, her, or their Estate, Lands, Tenements, or other Hereditaments, or in his, her, or their Occupation, Possession, or Enjoyment thereof, in consequence of such Floods being increased or continued for a longer Period on any of the Lands forming Part of the said Estate, or of the said River *Skerne* changing its Course, or otherwise injuring the said Estate, by reason or on account of the said Railway so purchased, taken, held, and enjoyed as aforesaid passing through or over the said Estate, or through or over any other Land adjoining or near thereto, then and in every such Case Compensation for such Damage shall be paid by the Company, and (if any Difference arise as to the Amount of such Compensation) the Amount of such Compensation shall be settled by the Verdict of a Jury in the Manner and subject to the Provisions in this Act mentioned.

Railway not to be opened or Tolls taken until the Branch to the City of Durham shall have been completed.

CCCXXXII. And be it enacted, That it shall not be lawful for the said Company hereby incorporated to open for public Use, or to demand or receive any Toll or other Payment in respect of the Railway hereby authorized to be made, or in respect of the said Portion of the said *Great North of England* Railway intended to be purchased by the said Company, and forming Part of the Undertaking by this Act authorized, until the Branch Railway to the City of *Durham* shall have been completed, and shall be in a fit State to be opened therewith.

Great North of England Railway between Darlington and Brafferton to be completed.

CCCXXXIII. And be it enacted, That it shall not be lawful for the said Company hereby incorporated to open for public Use, or to demand or receive any Toll or other Payment in respect of that Part of their Railway which lies Southward of the Branch to the City of *Durham* unless and until that Part of the *Great North of England* Railway which lies between *Darlington* and *Brafferton* shall have been previously completed and in a fit State to be opened therewith.

Enabling the Railway Companies to take a Lease of the Railway.

CCCXXXIV. And whereas the Completion of the Chain of Railway Communication from *London* and from *Manchester* to *Newcastle-on-Tyne* by means of the Railway by this Act authorized would be beneficial to the Interests of the Proprietors in the several Railways which, together with the Railway by this Act authorized, would form such Chain of Communication as well as to the *Newcastle* and *Carlisle* Railway Company: And whereas special Meetings have been held of the Proprietors of the several Companies herein-after named, to whom the said several Railways or some of them belong, at which Meetings respectively Resolutions have been passed approving of the Undertaking

taking by this Act authorized, and of a Proposal submitted to the said Companies respectively for guaranteeing to the Proprietors in the Company by this Act incorporated for a Period of Ten Years from the Completion and Opening of the Railway by this Act authorized to be made and purchased as aforesaid, Interest at the Rate of Six *per Centum per Annum* on the Outlay which may be incurred by them in the Formation of the said Railway and in the Purchase of the said Portion of the *Great North of England* Railway; that is to say, such Meetings have been held and such Resolutions have been passed by the *Great North of England* Railway Company, the *York and North Midland* Railway Company, the *North Midland* Railway Company, the *Midland Counties* Railway Company, the *Manchester and Leeds* Railway Company, the *Durham* Junction Railway Company, the *Brandling* Junction Railway Company, and the *Newcastle and Carlisle* Railway Company; be it therefore enacted, That it shall be lawful for the Company by this Act incorporated to grant or to agree to grant, and for the said other Railway Companies or any of them to accept, a Lease, when completed, of the Railway and other Works by this Act authorized to be made or purchased as aforesaid, for a Term of Ten Years, to be computed from the Time when such Railway shall be completed and opened to the Public, at an annual Rent, which shall be equal to Six Pounds *per Centum* upon the Amount actually expended in and about the Construction of the said Railway, between the Town of *Darlington* and the Point of Junction with the *Durham* Junction Railway.

Mode of calculating the Amount of annual Rent.

CCCXXXV. And be it enacted, That in calculating the Amount last-mentioned the Expences of obtaining this Act, and previous and incidental thereto, the Payment of Interest to the Shareholders as herein-before provided, the Purchase of Land, and every other Expence incurred in completing the said Railway and incidental to such Lease or Agreement shall be deemed to be included therein.

Effect and Terms of Lease.

CCCXXXVI. And be it enacted, That such Lease shall entitle the said Companies to whom the same may be granted to the free Use and Enjoyment of the said Railway comprised therein, and shall contain all usual and proper Covenants on the Part of the Companies taking the same for maintaining and keeping the said Railway and other Works comprised therein in good and efficient Repair and working Condition, at their own Expence, during the Continuance thereof, and of so leaving the same at the Expiration of the Term thereby granted, and such other Provisions, Conditions, Covenants, and Agreements as are usually inserted in Leases of the like Nature.

Powers vested in this Company to be exercised by Lessees.

CCCXXXVII. And be it enacted, That during the Continuance of any such Lease all the Powers, Privileges, and Authorities granted to, and which are or might be held, used, exercised, and enjoyed by the Company by this Act incorporated, or the Directors thereof, or their Officers, Agents, or Servants under or by virtue of this Act, with regard to the Possession, Use, Enjoyment, Management, and Protection of the said Railway, or of the Part thereof comprised in such Lease, shall in like Manner and to the same Extent in all respects apply to, and be held, used, exercised, and enjoyed by the

Companies respectively taking such Lease, and the Directors to be appointed by the said Companies respectively as herein-after mentioned, and their respective Officers, Agents, and Servants, under the same Regulations and Restrictions as are granted or imposed by this Act upon the Company by this Act incorporated, and their Officers, Agents, and Servants; and it shall be lawful for the said Companies who may be Lessees as aforesaid, or either of them, and the Company by this Act incorporated, to make and enter into such Contracts or Agreements for effecting the Purposes aforesaid, and for otherwise working and using the said Railway, and for the Maintenance and Repair thereof, or of any Part thereof, as they the said Companies may deem advisable.

Appointment of ex officio Directors.

CCCXXXVIII. And be it enacted, That in addition to the Twelve Directors of the Company hereby incorporated the several Companies who shall agree to become Lessees of the Railway hereby authorized to be made and purchased shall have Power to nominate and appoint Thirteen additional Directors, who shall be called *ex officio* Directors, and shall be respectively Directors under this Act, during the Construction of the said Railway, in like Manner and with the same Powers as the several Directors chosen by the Shareholders as herein-before provided, and shall, together with the said last-mentioned Directors form the Board of Directors for putting this Act into execution; that is to say, Four of such *ex officio* Directors may be appointed by the said *York and North Midland* Railway Company, Three of such Directors by the said *Great North of England* Railway Company, Two of such Directors by the said *North Midland* Railway Company, One of such Directors by the said *Midland Counties* Railway Company, One of such Directors by the said *Manchester and Leeds* Railway Company, One of such Directors by the said *Newcastle and Carlisle Railway* Company, and One of such Directors by the said *Brandling* and *Durham* Junction Railway Companies jointly.

Provisions as to ex officio Directors.

CCCXXXIX. Provided always, and be it enacted, That the Provisions herein-before contained with regard to the Qualification of Directors and their going out of Office, shall not apply to the said *ex officio* Directors, but such *ex officio* Directors respectively may be removed from Time to Time by the respective Companies by whom they may have been respectively appointed, and others nominated in their Stead by such Companies at their Discretion: Provided also, that all Acts of the Board of Directors acting under and in accordance with the Provisions of this Act shall be valid, although the several Companies herein-before authorized to appoint such *ex officio* Directors, or any of them, may not have made such Appointment, and although the full Number of Members of which the said Board should consist shall not at any Time be complete: Provided also, that any of the *ex officio* Directors to be appointed as aforesaid may, if properly qualified, be elected Directors by the Shareholders under the Provisions herein-before contained, and in such Case shall be subject to all the Provisions relating to the Directors not being *ex officio* Directors.

CCCXL. And

Passenger Trains between Darlington and Newcastle to be under One Management.

CCCXL. And whereas it is important, with a view to the Public Safety and Convenience, that the whole of the Traffic in Passengers and Parcels, and the Conveyance of Her Majesty's Mails, on the several Railways which, together, will form a continuous Line between *Newcastle-on-Tyne* and *Darlington*, should be placed under One undivided Control and Management, be it therefore enacted, That such Control and Management shall be exercised by the Directors for the Time being having the Management and Control of the Railway by this Act authorized, and that the whole of the Traffic in Cattle and Minerals, and in Goods, Wares, and Merchandize of every Description, on the several Railways forming the said continuous Line shall be subservient to the Arrangements which shall from Time to Time be made by the said Directors with reference to the Traffic in Passengers and Parcels, and the Conveyance of Her Majesty's Mails as aforesaid; and the several Companies to whom the said several Railways belong, and their respective Servants and Agents, shall (subject to such Power of Appeal as herein-after mentioned) respectively conform to and abide by such Rules and Regulations as may from Time to Time be issued by the said Directors, in reference to the Conveyance of all Passengers and Parcels, and of Her Majesty's Mails, on the said Railways, and shall so regulate the Traffic in Cattle, Minerals, and Goods on their respective Railways as that the same shall in no Manner interfere with, impede, or endanger the Traffic on the said continuous Line in Passengers and Parcels, and the Conveyance of Her Majesty's Mails, to be so regulated as aforesaid.

Powers of Directors to be exercised between Darlington and Newcastle.

CCCXLI. And be it enacted, That the said Directors shall have full Power and Authority to fix, and from Time to Time to alter, the Hours of starting of the several Passenger Trains between *Darlington* and *Newcastle-on-Tyne*, and all the intermediate Stations, and to determine the Rate of Speed to be adopted on different Portions of the said continuous Line of Railway between those Towns, and the Tolls, Rates, and Charges to be levied for the Conveyance of Passengers and Parcels, and of Her Majesty's Mails, on the said continuous Line, subject nevertheless, as regards each of the Railways forming the said continuous Line, to the Limitations of Tolls contained in the Acts relating to such Railways respectively, and to any Act in force relating to the Conveyance of Her Majesty's Mails by Railway, and shall also have Power to make and issue from Time to Time such Bye Laws, Rules, and Regulations for the Management of the several Points of Junction between the several Railways forming the said continuous Line, and any Branch Railways that may unite therewith, and for the Adoption of such Signals on the whole of the said Line, or at any intermediate Part or Parts thereof, and generally for the Purpose of ensuring the Safety and Convenience of the Public travelling on the said Line, as they may see fit, and subject to such Penalties for the Infraction thereof, not exceeding Five Pounds for each Offence, as may seem to them expedient; and such Bye Laws, Rules, and Regulations shall be printed and distributed among the several Companies, and their Servants, to whom or to whose Duties the same relate, and shall have the same Force and Effect on each of the said several Railways forming the said continuous Line as if the

the same had been made and issued by the Companies to whom such several Railways may belong: Provided always, that the said Bye Laws, Rules, and Regulations shall be subject to the Provisions of the Act of the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for regulating Railways.*

3 & 4 Vict. c. 57.

Line between Darlington and Newcastle to be kept free for the Passage of Trains.

CCCXLII. And be it enacted, That all Engines and Carriages under the Control of the said Directors shall at all Times be allowed to pass on the said Railways, forming the said continuous Line from *Darlington* to *Newcastle-on-Tyne*, free from any Interruption by the Companies to whom the said Railways may respectively belong, or their Officers or Servants; and the said Railways shall at all Times be kept in a proper State of Repair by the Companies to whom the same respectively belong, free for the Passage of Passengers Trains at such Times as may be appointed by the said Directors; and the said Directors, and the Officers and Servants in charge of the Engines and Carriages under their Management, shall (subject to such Compensation as may be agreed on or awarded as hereafter mentioned) have the free Use of the several Stations and Offices belonging to such Companies respectively, for all such Purposes as the same are usually appropriated to, and shall also have the Use of all Tanks and Watering Places belonging to any of the said several Companies, on or adjoining to the said Line, and shall have Power to procure Water therefrom at all Times, for the Purposes of the Engines under their Charge.

Companies aggrieved by any Orders of Directors may appeal.

CCCXLIII. Provided always, and be it enacted, That if any or either of the Companies to whom the several Railways forming the said continuous Line between *Darlington* and *Newcastle-on-Tyne* belong shall feel themselves aggrieved by any Order or Regulation of the said Directors, or shall be dissatisfied with the Amount of Compensation proposed to be paid by the said Directors for the Use of any of the Stations or other Conveniences belonging to the said Companies, or either of them, and which the said Directors are by this Act empowered to use, and shall give Fifteen Days Notice to the said Directors of their Objections to any such Order or Regulation, or to the Amount of Compensation so proposed to be given, then and in such Case, unless the said Directors shall repeal or modify such Order or Regulation, or shall consent to increase the said Amount of Compensation, so as to satisfy the Company aggrieved or dissatisfied as aforesaid, it shall be lawful for such Company to apply to the Lords of the Committee of Her Majesty's Privy Council for Trade to nominate or appoint some Person to inquire into the Justice and Expediency of such Order or Regulation, or into the Sufficiency of such Amount of Compensation, as the Case may be, and such Person shall have Power to order the Repeal or Modification of any such Order or Regulation, or the Increase of such Amount of Compensation, if he shall see fit, or to make such other Award in relation thereto for preventing Injury to any of the said Companies as he may see fit, and the Order or Award of such Person shall be final and without Appeal: Provided always, that if the Lords of the said Committee shall decline to appoint any Person to decide on the Question in dispute, then and in such Case it shall be lawful for either

either of the said Companies, feeling themselves aggrieved by any such Order or Regulation of the said Directors, or dissatisfied with the Compensation proposed to be given by them as aforesaid, to require that the Justice and Expediency of such Order or Regulation, or the Sufficiency of such Compensation, as the Case may be, shall be referred to the Arbitration of some competent Persons, in the same Manner as other Questions of Dispute may be referred to Arbitration under this Act; and the said Arbitrators, or their Umpire, shall have Power to order the Repeal or Modification of the Order or Regulation complained of, or the Increase of the said Amount of Compensation, or to make such other Award in relation thereto, for preventing Injury or Injustice to any of the said Companies, as they may see fit, and the Award of such Arbitrators or their Umpire shall be final.

Books of Account to be kept by Directors.

CCCXLIV. And be it enacted, That the said Directors shall, if they see fit, have Power to appoint proper Officers to receive, and who shall be entitled to receive, all the Tolls and Charges payable for the Conveyance of Passengers and Parcels, and of Her Majesty's Mails on the said continuous Line, between *Darlington* and *Newcastle-on-Tyne*; and the Officers who shall receive the said Tolls and Charges, whether appointed by the said Directors or not, shall cause proper Books of Account to be kept, containing accurate Statements of the Number of Passengers and Parcels conveyed on each and every Portion of the Railways forming the said continuous Line, and of the Sums received by them in respect of such Passengers and Parcels, and of Her Majesty's Mails, conveyed on the said Railways; and such Books of Account, as well as all other Books, Papers, Writings, or Accounts, relating in any Manner or having Reference to the Traffic in Passengers and Parcels and the Conveyance of Her Majesty's Mails on the said continuous Line, shall at all Times be open to the Inspection of the Directors acting under this Act, and the said Directors shall also have Power to take such Copies thereof or Extracts therefrom as they may think fit, without making any Payment for the same: Provided always, that each of the Companies to whom the Railways forming the said continuous Line between *Darlington* and *Newcastle-on-Tyne* respectively belong may receive and appropriate to their own Use, without accounting for the same as lastly herein-before provided, the Rates, Tolls, or Sums which may become exclusively payable to them in respect of the Traffic passing over either of the said Lines alone, and which shall not be conveyed the whole Distance between *Newcastle-on-Tyne* and *Darlington* aforesaid.

How Receipts to be divided.

CCCXLV. And be it enacted, That all Rates, Tolls, and other Payments received in respect of the Traffic in Passengers and Parcels, and the Conveyance of Her Majesty's Mails, on the said Line between *Darlington* and *Newcastle-upon-Tyne* shall be paid into a joint Fund, to be applied in the first instance to the Payment of all Disbursements connected with the said Traffic, and after such Payment to be divided between the several Companies entitled thereto in proportion to the Number of Miles travelled on their respective Railways.

Tolls between Manchester and Newcastle how to be apportioned.

CCCXLVI. And be it enacted, That as regards the Traffic in Passengers and Parcels between *Manchester* and *Newcastle-on-Tyne* aforesaid, the gross Toll or Charges to be taken in respect of the whole Distance traversed by such Traffic between the said Towns shall be settled by Agreement between the Directors of the said *Manchester and Leeds* Railway Company and the Directors acting under this Act, and, when so settled, the Amount, received in respect of such Tolls or Charges shall, after Payment of the Expences attending the Conveyance of such Traffic as aforesaid, be divided among the several Companies to whom the Railways traversed by such Traffic between *Manchester* and *Newcastle-on-Tyne* aforesaid respectively belong, in proportion to the Lengths of the said Railways respectively.

Powers for the Durham Junction and Brandling Junction Railway Companies to lease their Railways.

CCCXLVII. And be it enacted, That it shall be lawful for the said *Durham* Junction Railway Company and for the said *Brandling* Junction Railway Company respectively to demise or lease, and to agree to demise or lease, for such Consideration and for such Term as they shall see fit, to the Company hereby incorporated or to any or either of the Companies herein-before authorized to become Lessees of the Railway by this Act authorized, so much of the said Railways respectively as may form Part of the said continuous Line between *Darlington* and *Newcastle-upon-Tyne* aforesaid; and it shall be lawful for the Company hereby incorporated and for the said last-mentioned Railway Companies, or any of them, to enter into any such Agreement, and to accept any such Lease; and the same shall, during the Continuance thereof, entitle the said Company hereby incorporated, or such of the said last-mentioned Companies as may become Lessees thereof as aforesaid, to the free Use and Enjoyment of the said Railways, and the Works connected therewith, or the Parts of such Railways and Works which may be comprised in any such Lease; and the said Railways and Works, or the Parts thereof so comprised in any such Lease as aforesaid, shall, during the Period of such Lease, be subject to all such and the same Powers and Provisions with regard to the Management of the Traffic upon, and the working and Protection of the said Railways or Portions of Railways so demised as are contained in this Act, with regard to the Management of the Traffic upon and the working and Protection of the Railway by this Act authorized; and the Directors, or *ex officio* Directors, as the Case may be, under whose Control and Management the Line by this Act authorized shall for the Time being be placed, may, during the Continuance of any such Lease, exercise such Powers in like Manner as they might do if the said Railways, or Portions of Railways or Works so demised, formed Part of the Railway by this Act authorized, and had originally been made subject to such Powers and Provisions: Provided always, that in the event of the Company by this Act incorporated accepting any such Lease as aforesaid under the Provisions herein-before contained they may, if they think fit, assign their Interest therein and their Powers in respect thereof to any of the Companies who are herein-before empowered to become Lessees of the Railway by this Act authorized, and who for the Time being may be such Lessees.

Powers to be exercised by ex officio

CCCXLVIII. And be it enacted, That when the said Railway shall have been completed from *Darlington* to *Newcastle-upon-Tyne*, and

and demised or leased under the Powers herein-before contained, the same shall, during the Continuance of such Lease, be placed exclusively under the Control and Management of the *ex officio* Directors, to be appointed as herein-before mentioned; and the Companies who may be Lessees of the said Line may make such Rules and Regulations with regard to the Mode of keeping Accounts by the said *ex officio* Directors, and the Division of Profit or Loss between the said Companies respectively according to their respective Interests, as they may see fit and as may be agreed on between them; and the said *ex officio* Directors shall have Power to make such Bye Laws, Rules, and Regulations for the Government of their Proceedings as to them may seem expedient, and shall, during the Continuance of their Office, have all such and the same Powers (except with regard to any Proceedings against the Shareholders in the Company by this Act incorporated) as are by this Act conferred on the Directors of the said Company.

Directors in the Event of the Line being left on Lease.

CCCXLIX. And be it enacted, That no Part of the Railway between *Darlington* and the *Durham* Junction Railway shall be opened for public Use until the same shall have been completed to the Satisfaction of the Lords of the said Committee of Her Majesty's Privy Council for Trade, and shall have been so certified by them, nor until such Works shall have been done upon the *Brandling* Junction, the *Stanhope and Tyne*, and the *Durham* Junction Railways respectively, as they may consider necessary for the Safety of the Public travelling between *Darlington* and *Newcastle-on-Tyne*; and it shall not be lawful for the Company hereby incorporated to open any Part of their said Railway, or to take or demand Toll in respect thereof, while any Works so required as last aforesaid shall remain in an unfinished State without the special Licence and Consent of the Lords of the said Committee, who, in the event of their granting Permission for any particular Portion of the said Railway to be opened, may impose such Conditions upon the said Company in respect thereof as they shall think proper.

Railway not to be opened until approved by Board of Trade.

CCCL. And be it enacted, That in all Cases where any Damages or Charges are by this Act directed or authorized to be paid, and the Method of ascertaining the Amount thereof is not provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by One or more Justices; and when by this Act any Damages or Charges are directed to be paid, in addition to the Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justice or Justices by whom the Offender shall be convicted of such Offence; and on Nonpayment of the Damages or Charges in any of the Cases aforesaid, on Demand, the same shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

Provision for Damages not otherwise provided for.

CCCLI. And for the Purpose of ascertaining and determining any such Compensation, Expences, Charges, or Damages, be it enacted, That any Justice of the Peace may summon any Person liable

For ascertaining Compensation.

liable to pay the same to appear before him at a Time mentioned in such Summons, and at such Time, either on the Appearance or Default of the Party summoned to appear, to inquire into any such Compensation, Expences, Charges, or Damages, and to determine the same.

Justices to examine Parties and Witnesses.

CCCLII. And be it enacted, That where in this Act any Question of Compensation or Damages is referred to the Determination of any Justice, it shall be lawful for such Justice to examine the Parties to such Question, and their Witnesses, on Oath, and to administer the Oaths necessary for that Purpose; and the Costs of every such Inquiry shall be in the Discretion of such Justice; and if either Party to any such Question fail to appear at the Time and Place appointed by the Justice for going into any such Question, without reasonable Excuse to the Satisfaction of such Justice, due Notice of such Appointment having been given to such defaulting Party, it shall be lawful for such Justice to proceed *ex parte*.

Distress against the Company.

CCCLIII. And with respect to any Sum of Money under the Provisions of this Act adjudged by any Justice to be paid by the Company, for which no other Mode of Proceeding is provided by this Act, be it enacted, That if such Money be not paid by the Company to the Party entitled to receive the same within Thirty Days after Demand thereof in Writing, stating the Order of the Justice for the Payment of such Money, the Amount may be recovered by Distress; and the Justice by whom such Sum of Money shall have been ordered to be paid, or any other Justice, on Application, shall issue his Warrant accordingly; and if sufficient Goods or Effects of the Company cannot be found whereon to levy such Sum of Money, the same may be recovered by Distress of the Goods of the Treasurer of the Company, and the Justice aforesaid, or any other Justice, on Application, shall issue his Warrant accordingly; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, have been given to such Treasurer or left at his Residence.

Distress against the Treasurer.

Reimbursement of Treasurer.

CCCLIV. And be it enacted, That if such Treasurer pay any Money under any such Distress as aforesaid he may retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Company coming into his Custody or Control, or he may sue for the same against the Company by Process of Law.

Publication of Penalties.

CCCLV. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures exigible under this Act, or any Bye Law of the Company, affecting other Persons than the Shareholders, Officers, or Servants of the Company, be it enacted, That from Time to Time the Company shall publish the short Particulars of the several Offences for which any such Penalty is imposed by this Act, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up

or affixed on some conspicuous Part of the principal Place of Business of the Company; and where any such Penalties are of local Application, shall cause such Boards to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have reference; and such Particulars shall be renewed as often as the same or any Part thereof is obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Defacing Boards used for Publication of Bye Laws.

CCCLVI. And be it enacted, That if any Person pull down, or break or deface, any such Board put up or affixed, as required by this Act, for the Purpose of publishing any Bye Law or Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and he shall also defray the Expences attending the Restoration of such Board; and such Expences shall be recoverable as any Penalty by this Act imposed may be recovered.

Penalties to be summarily recovered before Two Justices or more.

CCCLVII. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding, upon Complaint made before Two or more Justices; and on the Complaint being made to any such Justice, he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons, and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending, it shall be lawful for any Two or more Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against or upon the Oath of One credible Witness or more, it shall be lawful for any Two or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties to be levied by Distress.

CCCLVIII. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any Two Justices shall issue their Warrant of Distress accordingly.

Imprisonment in default of Distress.

CCCLIX. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient

Security, by way of Recognizance or otherwise, to the Satisfaction of the Justices, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if, before issuing such Warrant of Distress, it shall appear to the Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justices, then such Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Application of Penalties.

CCCLX. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Justices by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Informer, and the other Half to the Overseers of the Poor of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish; or if the Place wherein the Offence shall have been committed shall be extra-parochial, then such Justices shall direct such Half to be applied for the Benefit of the Poor of such Extra-parochial Place, or of any adjoining Parish or District, and shall order the same to be paid over to the proper Officer for that Purpose.

Penalties to be sued for within Six Months.

CCCLXI. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Penalty on Witnesses making default.

CCCLXII. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act, or any Matter in which such Justice shall have Jurisdiction by the Provisions of this Act, shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath, or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

CCCLXIII. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer or Agent of the Company, and all Persons called by him to his Assistance, may

may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act, and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Form of Conviction.

CCCLXIV. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (G.) to this Act annexed.

Informalities.

CCCLXV. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed, by Certiorari or otherwise, into any of the Superior Courts.

Distress, how to be levied.

CCCLXVI. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress not unlawful for Want of Form.

CCCLXVII. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on acconnt 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 afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Parties may appeal to Quarter Sessions on giving Security.

CCCLXVIII. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Justices under the Provisions of this Act he may appeal to the General Quarter Sessions for the County in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, and unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, and unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they

CCCLXIX. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine

think reasonable. determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Costs.

Railway not to be exempt from Provisions of any general Act.

CCCLXX. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made from the Provisions of any general Act relating to Railways which may pass during the present or any future Session of Parliament.

Interpretation of Act.

CCCLXXI. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless it be otherwise expressed, or there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Month" shall mean Calendar Month:

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*:

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath:

The Word "Secretary" shall include the Word "Clerk:"

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Word "County" shall include any Riding or other like Division of a County:

The Word "Sheriff" shall include Under Sheriff or other legally competent Deputy; and where any Matter in relation to any Lands is required to be done by any Sheriff or by any Clerk of the Peace, the Expression "the Sheriff" or the Expression "the Clerk of the Peace" shall in such Case be construed to mean the Sheriff or the Clerk of the Peace of the County, City, Liberty, or Place where such Lands shall be situated; and if the Lands in question, being the Property of one and the same Party, be situate not wholly in One County, City, Liberty, or Place, the same Expression shall be construed to mean the Sheriff or Clerk of the Peace of any County, City, Liberty, or Place where any Part of the Lands shall be situate:

The Word "Justice" shall mean Justice of the Peace for the County, City, Liberty, or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter;

The

The Word "Toll" shall include any Rate or Charge or other Payment payable under this Act for any Passenger, Animal, Carriage, Goods, Merchandize, Articles, Matters, or Things conveyed on the Railway:

The Expression "the Railway" shall mean the Railway and Branch Railway, and Works connected therewith, by this Act authorized to be made:

The Expression "the Company" shall mean the Company incorporated by this Act; and

The Expressions "the Directors" and "the Secretary" shall mean the Directors, including the *ex officio* Directors, and the Secretary respectively of such Company.

Public Act.

CCCLXXII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Certificate of Share.

THE NEWCASTLE AND DARLINGTON JUNCTION RAILWAY COMPANY.

Number

THIS is to certify, That *A. B.* of is the Proprietor of the Share, numbered of the Newcastle and Darlington Junction Railway Company, subject to the Regulations of the said Company.

Given under the Common Seal of the said Company, the Day of in the Year of our Lord .

SCHEDULE (B.)

Form of Transfer of Shares.

I of in consideration of the Sum of paid to me by of do hereby transfer to the said Share [*or* Shares], numbered in the Undertaking called the Newcastle and Darlington Junction Railway Company, to hold unto the said his Executors, Administrators, and Assigns, [*or* Successors and Assigns,] subject to the several Conditions on which I held the same at the Time of the Execution hereof; and

and I the said do hereby agree to take the said Share [*or* Shares], subject to the same Conditions. As witness our Hands and Seals, the Day of .

SCHEDULE (C.)

Form of Mortgage Deed.

THE NEWCASTLE AND DARLINGTON JUNCTION RAILWAY COMPANY.

Mortgage, Number . £

By virtue of an Act passed, *&c.*, intituled, *&c.*, we, the Newcastle and Darlington Junction Railway Company, in consideration of the Sum of Pounds, paid to us by *A.B.* of do assign unto the said *A.B.*, his Executors, Administrators, and Assigns, the said Undertaking [and (*in case such Loan shall be in anticipation of the Capital authorized to be raised*) all future Calls on Shareholders,] and all the Tolls and Sums of Money arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of the Company in the same, to hold unto the said *A.B.*, his Executors, Administrators, and Assigns, until the said Sum of Pounds, together with Interest for the same at the Rate of for every One hundred Pounds by the Year, be satisfied [the Principal Sum to be repaid at the End of Years from the Date hereof (*in case any Period be agreed upon for that Purpose*)]. Given under our Common Seal, this Day of in the Year of our Lord .

SCHEDULE (D.)

Form of Bond.

THE NEWCASTLE AND DARLINGTON JUNCTION RAILWAY COMPANY.

Bond, Number . £

By virtue of an Act passed, *&c.*, intituled, *&c.*, we, the Newcastle and Darlington Junction Railway Company, in consideration of the Sum of Pounds to us in hand paid by *A. B.* of do bind ourselves and our Successors unto the said *A.B.*, his Executors, Administrators, and Assigns, in the penal Sum of Pounds.

The Condition of the above Obligation is such, that if the said Company shall pay to the said *A.B.*, his Executors, Administrators, or Assigns, on the Day of which will be in the Year One thousand eight hundred and the Principal Sum of Pounds, together with Interest for the same, at the Rate of Pounds per Centum per Annum, payable half-yearly, on the Day of and Day of then the above-written Obligation is to become void, otherwise to remain in full Force. Given under our Common Seal, this Day of One thousand eight hundred and .

SCHE-

SCHEDULE (E.)

Form of Transfer of Mortgage or Bond.

I *A.B.* of in consideration of the Sum of paid to me by *G. H.* of do hereby transfer to the said *G. H.*, his Executors, Administrators, and Assigns, a certain Bond [*or* Mortgage], numbered made by the Newcastle and Darlington Junction Railway Company, to bearing Date the Day of for securing the Sum of and Interest, [*or, if such Transfer be by Endorsement*, the within Security,] and all my Right, Estate, and Interest in and to the Money thereby secured [*and if the Transfer be of a Mortgage*, and in and to the Tolls, Money, and Property thereby assigned]. In witness whereof I have hereunto set my Hand and Seal, this Day of One thousand eight hundred and .

SCHEDULE (F.)

Form of Proxy.

A.B. of one of the Proprietors of the Newcastle and Darlington Junction Railway Company, doth hereby appoint *C.D.* of to be the Proxy of the said *A.B.*, in his Absence to vote in his Name upon any Matter relating to the Undertaking proposed at the Meeting of the Proprietors of the said Company to be held on the Day of next, in such Manner as he the said *C.D.* doth think proper. In witness whereof the said *A.B.* hath hereunto set his Hand, [*or, if a Corporation, say* the Common Seal of the Corporation,] the Day of One thousand eight hundred and .

SCHEDULE (G.)

Form of Conviction.

to wit.

BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.*, one of Her Majesty's of the Peace for the County of *L.* [*here describe the Offence generally, and the Time, Place, when and where committed,*] contrary to the Newcastle and Darlington Junction Railway Act, 1842. Given under my Hand and Seal, the Day and Year first above written.

C. D.

SCHE-

SCHEDULE (H.)

Form of Conveyance.

I of in consideration of the Sum of paid 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 Chancery, ex parte the Newcastle and Darlington Junction Railway Company (*or* to *A.B.* of and *C.D.* of Two Trustees appointed to receive the same] pursuant to an Act passed, *&c.* intituled, *&c.* by the Newcastle and Darlington Junction Railway Company incorporated by the said Act, do hereby convey to the said Company, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by the said Act empowered to convey; 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

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SCHEDULE (I.)

Form of Conveyance on Chief Rent.

I of in consideration of the Rent-charge to be paid to me, my Heirs and Assigns, as herein-after mentioned, by the Newcastle and Darlington Junction Railway Company, established and incorporated by virtue of an Act passed, *&c.*, intituled, *&c.*, do hereby convey to the said Company, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all my Estate, Right, Title, and Interest in and to the same, and every Part thereof; to hold the said Premises to the said Company, their Successors and Assigns, for ever, according to the true Intent and Meaning of the said Act; they, the said Company, their Successors and Assigns, yielding and paying unto me, my Heirs and Assigns, One clear yearly Rent of by equal quarterly [*or* half-yearly, *as agreed upon*] Portions, henceforth on the [*stating the Days*], clear of all Taxes and Deductions. In witness whereof I hereunto set my Hand and Seal, this Day of in the Year of our Lord

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SCHE-

SCHEDULE (K.)

COUNTY OF DURHAM.

Parish of St. Oswald, Township of Shincliffe.

N° on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
*10	A Garden - -	The Dean and Chapter of Durham.	John Battensby -	John Battensby.
*10 *a*	Farm-house and Outhouses, with Stackyard and vacant Ground.	Ditto - -	Ditto - -	Ditto.

Parish of Pittington Hall Garth, Township of Sherburn.

13 *a*	Hemel, Barn, and Stackyard.	William Mitcheson or the Executors to the Will of the late Elizabeth Brown.	- - -	William Mitcheson.
20 *a*	Hemel - -	The Bishop of Durham.	The Executors of the late John Brown, viz. John Brown and Robert Darling, or John Booth and Margery his Wife.	Ralph Gibson.

Parish of St. Giles, Township of St. Giles.

*20	House, Yard, and Outhouse.	John Hall Bainbridge	The Marquis of Londonderry, or Edmund M'Donnell, Esq., his Trustee.	The Marquis of Londonderry, or Edmund M'Donnell, Esq., his Trustee.
*21	Ditto - -	Ditto - -	Ditto - -	Ditto.
*22	Ditto - -	Ditto - -	Ditto - -	Ditto.
*23	Ditto - -	Ditto - -	Ditto - -	Ditto.
*24	Ditto - -	Ditto - -	Ditto - -	Ditto.
*25	Ditto - -	Ditto - -	Ditto - -	Ditto.
*26	Ditto - -	Ditto - -	Ditto - -	Ditto, or Barbara Clark.
*27	Ditto -	Luke Seymour -	- - -	Ditto.
*28	Ditto - -	Ditto - -	- - -	Ditto.
*29	Ditto - -	Ralph Bird - -	- - -	Ditto.
*30	Ditto - -	Ditto - -	- - -	Unoccupied.
*31	Ditto - -	John Taylor -	- - -	Ditto.
*32	Ditto - -	William Johnson -	- - -	Ditto.
*33	A Public House, with Yard and Outhouses.	Launcelot Brown -	- - -	Ditto.
*34	House, Yard, and Outhouse.	Thomas Brayshaw.		
*35	Ditto - -	Ditto - -	- - -	Ditto, or Thomas Spence.
*36	Ditto - -	Ditto - -	- - -	Unoccupied.
*37	Ditto - -	Ditto - -	- - -	Ditto.
*38	Ditto - -	William Heslop -	- - -	Ditto.
*39	Ditto - -	Ditto - -	- - -	Ditto.
*40	Ditto - -	Ditto - -	- - -	Ditto.
*41	Ditto - -	Ditto - -	- - -	Ditto.
42	Ditto - -	Anne Meek - -	- - -	Ditto, or Henry Barras.

N° on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
43	House, Yard, and Outhouse.	Anne Meek -	- - -	The Marquis of Londonderry, or his Trustee aforenamed, or Henry Barras.
*52	Ditto - -	Launcelot Brown -	- - -	Unoccupied.
*67	Ditto - -	George Hunter -	- - -	Ditto.
*68	Ditto - -	Ditto - -	- - -	Ditto.
*69	A common Bakehouse for the Use of the Colliery Houses above mentioned.			
76	Plantation - -	Ralph Stephen Pemberton, Mrs. Thomas Pemberton (now Mrs. Albany Wade), and Richard Pemberton.	- - -	Ralph Stephen Pemberton.
*87 *b*	A Garden - -	The Marquis of Londonderry, or his Trustee aforenamed.	- - -	The Marquis of Londonderry, or his Trustee aforenamed, or William Longstaff.
*87 *c*	A House, Outhouses, and Stables.	Ditto - -	- - -	Ditto, Ditto.
*87 *d*	A House - -	Ditto - -	- - -	Ditto, or George Simpson.
	Parish of Houghton le Spring, Township of Moor House.			
1	A Field with Plantation therein.	The Dean and Chapter of Durham.	John Dunn, Esq. -	John Dunn, Esq.
10	A Plantation - -	Ditto - -	Ditto - -	Ditto.
11	Ditto - -	Ditto - -	The Marquis of Londonderry, or his Trustee aforenamed.	George Hunter.
12	A Brake or Plantation	Ditto - -	Ditto - -	Ditto.
*19	A Garden - -	Ditto or Robert Donnison.	The Owners of Belmont Colliery, viz. William Bell, Edward Backhouse, and Company.	John Tilley.
	Township of West Rainton.			
13	A Garden - -	The Dean and Chapter of Durham.	John Bailey -	Unoccupied.
14	Dwelling House, with Farm Yards, Stables, Gardens, and Outhouses.	Ditto - -	Henry Scorer -	Whitfield Scorer.
16	A Plantation - -	Ditto - -	Ditto - -	Ditto.
17	Houses and Outhouses	Ditto - -	Joseph Peacock -	William Taylor.
18	House and Garden or Orchard and Outhouses.	Ditto - -	Ditto - -	Robert Whitfield.
19	House - -	Ditto - -	Ditto - -	Unoccupied.
20	Ditto -	Ditto - -	Elizabeth Robson -	Thomas Reed.
21	Houses and Outhouses	Ditto - -	Ditto - -	Mary Ann Charlton
22	A Garden - -	Ditto - -	Ditto - -	Thomas Reed.

N° on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
32	Waste Ground, occasionally used as Potatoe Garths.	The Dean and Chapter of Durham.	Philip Thompson, or the Marquis of Londonderry, or his Trustee aforesaid.	The Marquis of Londonderry, or his Trustee aforenamed.
33	A Garden - -	Ditto - -	Ditto, Ditto -	Ditto, or Joseph Walker.
*34	House and Garden -	Ditto - -	Ditto, Ditto -	Ditto, or William Bell.
36	Adventure Coal Pit, with Engine Houses, Blacksmith's Shop, Reservoirs, Aqueducts, and Pit Heaps.	Ditto - -	Ditto, Ditto -	The Marquis of Londonderry, or his Trustee aforenamed.
	Township of East Rainton.			
*3	Farm Yards, Stables, and Outhouses.	The Dean and Chapter of Durham.	The Executors to the Will of the late Sarah Tilley, viz. Charles Garthorn and Robert Burrell.	John Smurfitt.
*5	A Dwelling House and Garden.	Ditto - -	John Smurfitt -	Robert Spoor.
*7	A House - -	Ditto - -	Ditto, or the Executors of the late Sarah Tilley aforenamed.	Jane Haswell (now John Bowring) and Mary Harrison.
	DURHAM BRANCH.			
	Parish of St. Giles, Township of St. Giles.			
*87*b*	A Garden - -	The Marquis of Londonderry, or his Trustee aforenamed.	- - -	The Marquis of Londonderry, or his Trustee aforenamed, or William Longstaff.
*87*c*	A House, Outhouses, and Stable.	Ditto - -	- - -	Ditto - Ditto.
*87*d*	A House - -	Ditto - -	- - -	Ditto, or George Simpson.
103	A Plantation -	William Standish Carr, Esq.	Robert Oliver -	Robert Oliver.
104	A Plantation and Watercourse.	Ditto - -	Ditto - -	Ditto.
106	Ditto - -	Ditto - -	Ditto - -	Ditto.
	Saint Mary Magdaline Close, otherwise Magdalene Close, otherwise Maudline Close, being extra-parochial, or reputed so to be.			
13	A Garden - -	The Dean and Chapter of Durham.	William Coulson -	John Steel.
14	House and Outhouses	Ditto - -	Ditto - -	Thomas Smith.
15	House, Outhouses, and Yard.	Ditto - -	Ditto - -	William Atkinson, Mary Newton, and Thomas Reed.

N° on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
		Parish of St. Giles, Township of St. Giles.		
130	A Street called Gilesgate otherwise Gilligate.	The Commissioners of the City of Durham Paving Trust.		

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