ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

Cap. xxvii.

An Act to facilitate Arrangements consequent upon the Dissolution of the *Stanhope* and *Tyne* Rail-road Company, and to incorporate some of the Proprietors, for the Purpose of continuing the working of a Part of the Railway belonging to the said Company. [13th *May* 1842.]

WHEREAS some Time in or about the Year One thousand eight hundred and thirty-four a Company was established by Deed of Settlement, bearing Date the Third Day of *February* One thousand eight hundred and thirty-four, for the Purpose of working certain Limestone Quarries, situate at or near *Stanhope* in the County Palatine of *Durham*, and certain Coal Mines in the Parish of *Lanchester* in the same County, called the *Pontop* and *Medomsley* Collieries, and for the Conveyance and Carriage of Coal, Coke, Lime, Limestone, Minerals, and other Articles of Merchandize, along a Railway which was then in course of Formation by the said Company, under certain Agreements mentioned or referred to in the said

said Deed of Settlement, and which was called the *Stanhope* and *Tyne* Railroad: And whereas the said Railway (which was completed and opened for Use in or about the Month of *September* One thousand eight hundred and thirty-four) commences at or near certain Lime Quarries in the Parish of *Stanhope* in the County Palatine of *Durham*, and passes into and through the several Parishes, Townships, and Extra-parochial Places of *Stanhope*, *Muggleswick*, *Lanchester*, *Healy Field*, *Bulsfield*, *Rowley*, *Ruffside*, *Conset* and *Knitsley*, *Iveston*, *Medomsley*, *Collierly*, *Greencroft*, *Kyo*, *Chester-le-Street*, *Tanfield*, *Edomsley*, *Pelton*, *Harraton*, *Washington*, *Usworth*, *Barmston*, *Monk Wearmouth*, *Hylton*, *Boldon*, *East Boldon*, *West Boldon*, *Whitburn*, *Cleadon*, *Jarrow*, *Harton*, *Westoe*, and *South Shields*, all in the said County of *Durham*, and terminates at the River *Tyne* in the Town of *South Shields*, and Branches have been made from the said Railway in the said several Parishes, Townships, or Extra-parochial Places of *Lanchester*, *Conset*, *Knitsley*, *Medomsley*, *Collierly*, *Kyo*, *Chester-le-Street*, *Tanfield*, *Iveston*, *Greencroft*, *Pelton*, *Usworth*, and *Washingdon*, for the Purpose of connecting the same with various Collieries: And whereas the said Company have erected and constructed extensive Staiths or Shipping Places, with suitable Machinery for loading and unloading Vessels in the River *Tyne*, at the Termination of their Railway in *South Shields* aforesaid, and have purchased various Freehold and Leasehold Houses, Buildings, Wharfs, Quays, and other Hereditaments at *South Shields* aforesaid, for the Purposes of the said Undertaking: And whereas the Railway herein-before mentioned is Thirty-five Miles in Length or thereabouts, but the upper Part thereof, between the Town of *Stanhope* and a Point called the *Carr House*, near to the *Pontop* and *Medomsley* Collieries, being a Distance of Eleven Miles or thereabouts, has not been used by the said Company since the Year One thousand eight hundred and thirty-nine: And whereas the carrying on of the lower Part of the said Railway between the aforesaid Point near to the *Pontop* and *Medomsley* Collieries and the River *Tyne*, being a Distance of Twenty-four Miles or thereabouts, has opened and rendered marketable an extensive Field of Coal, which previously was comparatively inaccessible, and the Coals so produced are conveyed by means of such Railway for Shipment in the Rivers *Tyne* and *Wear* respectively: And whereas a Part of such Railway, for a Distance of Five Miles or thereabouts, forms the connecting Link between the *Durham* Junction Railway and the *Brandling* Junction Railway, and along this Portion of the Line Passengers and Goods are at present conveyed between the Towns of *Newcastle*, *Gateshead*, *South Shields*, *Sunderland*, *Monk Wearmouth*, and the City of *Durham*, the Towns of *Hartlepool*, *Stockton-upon-Tees*, and *Darlington*, and the adjacent Districts, and it is intended that the last-mentioned Part of the *Stanhope* and *Tyne* Railway should also form a Part of the projected Line of Railway between *Newcastle* and the Great North of *England* Railway, by means of which the Communication with *London* and the Southern and Western Parts of *England* would be perfected: And whereas the Affairs of the *Stanhope* and *Tyne* Railroad Company having become embarrassed, the said Company was, on or about the Fifth Day of *February* One thousand eight hundred and forty-one, under or by virtue of the Powers in the said Indenture of

Settlement contained, declared to be dissolved, and preparatory to the winding up of the Affairs thereof the Directors were authorized by a Resolution of the Company to sell the Whole or any Part of the Property thereof, either by public Sale or private Contract, or at a Valuation to be made by competent Parties, and either to a new Company, or to any other Person or Persons: And whereas the Debts and Liabilities of the Company were, upon an Investigation of the Affairs thereof, ascertained to amount to the Sum of Four hundred and forty thousand Pounds and upwards at the Time when the Dissolution of the said Company was declared, and greatly to exceed the Value of all the Property of the Company: And whereas it is considered by certain Members of the said *Stanhope* and *Tyne* Railroad Company (being the several Persons herein-after named) that so much of the said Undertaking as consists of the Railway between *Pontop* and *Medomsley* and the River *Tyne* at *South Shields* aforesaid, and the Staiths and other Works connected therewith, might be beneficially carried on by an incorporated Company, and they have agreed among themselves, if such Incorporation be procured, to carry on the same accordingly: And whereas several Members of the said *Stanhope* and *Tyne* Railroad Company being incompetent to discharge their Proportions of the aforesaid Debts and Liabilities, the said several Persons herein-after named have entered into a Subscription among themselves for the Purposes herein-after mentioned; (that is to say,) for the Purpose of carrying on the last-mentioned Undertaking, and of providing for the Payment of the whole of the said Debts and Liabilities, amounting to the Sum of Four hundred and forty thousand Pounds and upwards, including not only their own respective Proportions of the same, but also the Proportions thereof which the other Members are incompetent to discharge as aforesaid: And whereas the several Persons herein-after named having so agreed to take upon themselves and pay the whole of the said Debts and Liabilities, it has also been agreed that as a Compensation for such Payment the said several Persons herein-after named should take the several Parts and Shares of the said Members so incompetent to pay their Proportions of Debts and Liabilities as aforesaid, of and in the Property and Effects of the said *Stanhope* and *Tyne* Railroad Company, valued as aforesaid, whereby they the said several Persons herein-after named will become entitled to the whole of the said Property and Effects, subject to the Payment and Discharge of such of the said Debts and Liabilities as yet remain unpaid and undischarged: And whereas the said several Persons herein-after named have already subscribed amongst themselves the Sum of Three hundred and thirty-nine thousand and eight hundred Pounds towards the Purposes aforesaid, and have also paid in different Shares and Proportions in part of such Subscription the Sum of One hundred and forty-eight thousand Pounds, which has been applied so far as the same would extend in Liquidation of the said Debts or Liabilities: And whereas it is intended that so much of the said Railway as lies between *Stanhope* and *Pontop* (the Use of which has been discontinued as aforesaid), and the said Limestone Quarries, Collieries, and such other Parts of the Lands and Tenements of the said *Stanhope* and *Tyne* Railroad Company as are not to be used for the Purposes of this Act, should be sold: And whereas it would

would be of great public and local Advantage if the said Railway from *Pontop* and *Medomsley* to the River *Tyne* at *South Shields*, with the Staiths and Works connected therewith, were kept open and regulated under the Provisions herein-after contained; but the Aid of Parliament is requisite for effecting the several Objects aforesaid: 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, and by the Authority of the same, That *Samuel Arbouin*, *Edward George Barnard*, *James Brown*, *William Banbury*, *Patrick John Caffary*, *Sophia Collins*, *Thomas Du Buisson*, *Joseph Grout* the younger, *John Gray*, *Richard Hollier*, *Ambrose Humphrys*, *Joseph Lidwell Heathorne*, *Alexander Henderson*, *Christopher Harris*, *John Morrice*, *Edward Magrath*, *Joseph Procter*, *Matthew Boulton Rennie*, *James Rennie*, *Robert Stephenson*, *Francis Sapte*, *Francis Tuke*, *John Vere*, and *Richard Wood*, who have already subscribed in manner aforesaid, and all other Parties who shall hereafter subscribe to the said Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be and they are hereby incorporated by the Name of "The *Pontop* and *South Shields* 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.

Incorporation of the Pontop and South Shields Railway Company.

Capital.

II. And be it enacted, That the Sum of Three hundred and thirty-nine thousand and eight hundred Pounds so already subscribed for as herein-before is mentioned, and the further Sum of Sixty thousand and two hundred Pounds, making together the Sum of Four hundred thousand Pounds, shall be the Capital of the Company hereby incorporated.

Shares.

III. And be it enacted, That the said Capital shall be divided into Four thousand Shares, each of the Amount of One hundred 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 has already subscribed or shall subscribe the Sum of One hundred 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 One hundred Pounds so subscribed by him.

Railway Works, &c. of the Stanhope and Tyne Railway

VI. And be it enacted, That from and immediately after the passing of this Act the aforesaid *Stanhope* and *Tyne* Railroad, and all Works attached thereto, or made or provided for the Purposes thereof, or by or for the Use of the said *Stanhope* and *Tyne* Railroad Company,

Company, together with all Stations, Embankments, Drains, Soughs, Tunnels, Arches, Piers, Bridges, Sluices, Gates, Ways, Roads, Landing Places, Quays, Wharfs, Warehouses, Houses, and other Buildings, Cranes, Weighing Machines, Engines, Rails, and Appurtenances to the said Railway, and all Branches, Extensions, and Communications thereto belonging, and all Lands, Tenements, Hereditaments, Easements, Rights, Powers, and Privileges whatsoever of or to which the said *Stanhope* and *Tyne* Railroad Company were seised, possessed, or entitled at Law or in Equity immediately before the passing of this Act shall be well and effectually vested in and belong to the Company hereby incorporated, for their absolute Benefit, but subject to the Payment of the several annual and other Rents and Sums of Money, and to the Performance of the several Covenants and Agreements which by the Grants or Leases, or Agreements for Grants or Leases, under which the Premises respectively are held are reserved and made payable, and are to be performed, and subject also to such Mortgages and other Securities for Monies, Liens, and Charges as are now affecting the Premises or any of them, at Law or in Equity, and subject also to the Provisions for Indemnity herein-after contained.

Company vested in the Pontop and South Shields Railway Company.

Subject to existing Rents, Mortgages, Debts, &c., and to Indemnity after mentioned.

VII. And be it enacted, That from and immediately after the passing of this Act all the Partnership Monies, Goods, Chattels, Steam and other Engines, Carriages, Waggons, Machines, Ropes, live and dead Stock, Shares, Bonds, Deed, Securities, Books, Writings, Maps, Plans, and other Personal Estate and Effects, of or to which the said *Stanhope* and *Tyne* Railroad Company were possessed or entitled at Law, or in Equity, immediately before the passing of this Act, shall be vested in and belong to the Company hereby incorporated, for their absolute Benefit, but subject to such Mortgages and other Securities for Money, Liens, and Charges as affect the Premises or any of them, at Law or in Equity, and subject also to the Provisions for Indemnity herein-after contained; and all Persons and Corporations who immediately before the passing of this Act owed any Sum of Money to the said *Stanhope* and *Tyne* Railroad Company, or to any Person on their Behalf, shall pay the same, together with all Interest, if any, due or to accrue due for the same, to the Company hereby incorporated; and all Debts which immediately before the passing of this Act were due and owing by the said *Stanhope* and *Tyne* Railroad Company shall be paid with all Interest, if any, due and to accrue due thereon, by the Company hereby incorporated; and all Conveyances, Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities made or entered into before the passing of this Act to, with, in favour of, or by or for the said *Stanhope* and *Tyne* Railroad Company, or any Person on their Behalf, shall be and remain as good, valid, and effectual in favour of, against, and with reference to the Company hereby incorporated, and may be proceeded on and enforced in the same Manner to all Intents and Purposes as if the same Company had been a Party to and executed the same, or had been named or referred to therein instead of the Persons, Company, or Party actually named therein respectively; and Receipts in Writing, signed by the Treasurer of the Company hereby incorporated, for any Money, Effects, or Pro-

Personal Estate, Debts, and Liabilities of Stanhope and Tyne Railroad Company vested in Pontop and South Shields Railway Company; subject to Mortgages, Debts, &c., and to indemnity after mentioned.

perty which shall be paid or delivered to the same Company, or any Person on their Behalf, shall effectually discharge the Persons paying or delivering the same from all Liability with respect thereto.

Not to prejudice Creditors of former Company.

VIII. Provided always, and be it enacted, That nothing herein contained shall prejudice, defeat, or otherwise injure any of the Rights or Remedies which any Creditor of the said *Stanhope* and *Tyne* Railroad Company had or was entitled to, or could have resorted to previous to the passing of this Act, for enforcing Payment of any Debt or Claim against the same Company or the Estates and Effects thereof, or against any individual Members thereof or their respective Estates and Effects; neither shall any thing herein contained give any greater Validity to any Debt claimed as due from the same Company than the same would have had if this Act had not been passed.

Indemnity to Members of former Company.

IX. And be it enacted, That from and after the passing of this Act all Persons who were Members of the said *Stanhope* and *Tyne* Railroad Company, and against whom as individual Members thereof any Actions, Suits, Claims, or Demands shall have been or shall be brought, prosecuted, or made in respect of any Debt or Sum of Money due or claimed to be due to any Person by or on behalf of the same Company; and the Heirs, Executors, Administrators, and Assigns of such Persons respectively, and their respective Estates and Effects, shall be fully indemnified by the Company hereby incorporated, against the same Debts, Sums of Money, Actions, Suits, Claims, and Demands, and against all Costs, Charges, Damages, and Expences in respect thereof; and the Directors for the Time being of the same Company shall apply the Funds and Capital of the same Company for the Purposes of such Indemnity, and shall, if necessary for that Purpose, make Calls of the Capital unpaid; and the Persons who shall be entitled to such Indemnity shall have the same Rights and Remedies for recovering the Money necessary to be paid for the Purposes of such Indemnity against the Company hereby incorporated as other Creditors thereof shall by virtue of this Act have for Recovery of Debts due to them; and all Provisions contained in this Act respecting Debts to be due by, and Claims to be made upon, the Company hereby incorporated, shall extend and be applicable to the Indemnity hereby provided as aforesaid.

Registry of Shareholders.

X. 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.

XI. And

Addresses of Shareholders.

XI. 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.

XII. 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.

Certificate to be Evidence.

XIII. 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 destroyed.

XIV. 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 thereinmentioned, 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.

XV. 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

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 Share of the Profits of the said Undertaking, or to vote in respect of such Share.

Transfer not to be made until Calls paid.

XVI. 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 the Transfer Books.

XVII. 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 subsequenlty to such Ordinary Meeting.

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

XVIII. 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 Share 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.

XIX 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 Declarations in the said Register of Transfers.

XX. And

Notices to joint Proprietors of Shares.

XX. 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 Monies payable to Minors, &c.

XXI. 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.

XXII. 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 Dividends 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.

XXIII. 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 Ten 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 Twenty-five 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.

Calls already made to be deemed Calls under this Act.

XXIV. And be it enacted, That Calls which have already been made on account of the Subscriptions towards the Capital of the Company hereby incorporated shall be considered as Calls made under the Authority of this Act, and the Sums already paid in respect of such Capital shall be considered as Payment of Calls under the Authority of this Act.

Interest chargeable on Calls unpaid.

XXV. 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 Interest on Subscriptions before Call.

XXVI. And be it enacted, That the Company may, if they think fit, receive from any of the Shareholders willing to advance the same all

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.

XXVII. 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.

XXVIII. 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 of such Calls), whereby an Action hath accrued to the Company by virtue of this Act.

Matter to be proved in Action for Calls.

XXIX. 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 Ten 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 Twenty-five Pounds in One Year had been made.

To compel Payment of Subscriptions.

XXX. 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.

XXXI. 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.

XXXII. 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 Three 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.

XXXIII. 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.

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

XXXV. 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

upon 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.

XXXVI. 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.

XXXVII. 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.

XXXVIII. 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.

Execution againstShareholders to the Extent of Capital not paid up.

XXXIX. 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 Shares shall not have been fully paid up to the Extent of their Shares respectively on 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 previous 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 proper; 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.

XL. And be it enacted, That if by means of any such Execution any Shareholder shall have paid any Sum of Money beyond the Amount

Amount then due from him in respect of Calls actually made, he shall forthwith be reimbursed such additional Sum by the Directors out of the Funds of the Company.

Power to create preferential Shares.

XLI. And whereas it would much facilitate the raising of Capital in a short Period, for the Purpose of paying off the Debts of the Company, if certain Shares were issued having a prior Right in the Payment of Dividend to other Shares in the Company, be it therefore enacted, That it shall be lawful for the said Company, and they are hereby authorized, with the Consent of Two Thirds in Amount of the Proprietors assembled at a General Meeting to be specially convened for the Purpose, to give to a certain Proportion of the Shares, not exceeding One Fourth of the whole, a Preference or Priority to the rest of the Shares in the Undertaking, by guaranteeing to the Holders or Proprietors of such Shares a certain Amount of Dividend or Interest, not exceeding Five Pounds *per Centum per Annum*, to be paid to them before any Dividend shall be declared or paid in respect of the other Shares in the Undertaking (and such Shares shall be called preferential Shares), and shall be distinguished as such in the Books of the Company, and in the Certificates to be granted as herein-before mentioned.

Holders of preferential Shares not to share in Profits until other Proprietors have received a like Amount.

XLII. And be it enacted, That the Holders of such preferential Shares shall not be entitled to participate in any Dividend that shall be made out of the Profits of the Undertaking until the Proprietors of the other Shares shall have respectively received the same Amount of Dividend or Interest as shall have been guaranteed to the Holders of such preferential Shares; and after all the Proprietors shall have received the same Amount of Dividend as the Holders of the preferential Shares, all the Surplus Profits of the Undertaking shall be divided among the Proprietors of the preferential and other Shares without Distinction.

preferential Shares to be paid in full.

XLIII. And be it enacted, That the Holders of such preferential Shares shall not be entitled to any of the Benefits hereby conferred upon such Shares until the whole Amount of such Shares shall have been fully paid up, and such Shares shall only be issued upon the Condition that such Shares shall be immediately paid in full.

First Offer of Preferential Shares to be made to First Proprietors.

XLIV. Provided always, and be it enacted, That in the event of the Company determining to issue such preferential Shares the same shall in the first instance be offered to all the then Proprietors of the Company, in proportion to the Number of Shares respectively held by them; and it shall not be lawful for the Company to dispose of such preferential Shares to any other Person until the Expiration of One Calendar Month after Notice in Writing shall have been sent to each of the Proprietors, specifying the Number of Shares to which he is entitled, unless such Proprietor shall have previously declared in Writing his Intention to decline such Shares.

Reserving Right of Shareholders in Stanhope

XLV. And be it enacted, That every Person who at the Time of the Dissolution of the said *Stanhope* and *Tyne* Railroad Company held any Shares in the Capital thereof, or was entitled to any equitable

and Tyne Railroad Company to require Shares in new Company to a limited Period.

equitable Interest in any such Shares as Assignee, Mortgagee, Cestuique Trust, or otherwise, and who has not already subscribed to the Capital of the Company hereby incorporated, shall, at any Time during the Space of Twelve Months after the passing of this Act, be entitled to require One Share in the Capital of the Company hereby incorporated, to be allotted or transferred to him in respect of each such Share in the *Stanhope* and *Tyne* Railroad Company to which he may have been so entitled as aforesaid; and the Directors of the Company hereby incorporated shall and they are hereby required to set apart and appropriate a sufficient Number of the Shares in the Capital for this Purpose, and to make such Allotment or Transfer accordingly: Provided always, that every Person requiring such Shares as last aforesaid shall pay the same Sum in respect of each such Share upon the Allotment or Transfer thereof as shall at that Time have been called for upon the other Shares of the said Company, and shall be subject and liable to the Payment of the future Calls to be made in respect of such Shares in the same Manner as any other Shareholder of the said Company: Provided also, that from and after the Expiration of Twelve Months from the passing of this Act, the said Company may and they are hereby authorized to dispose of so many of the Shares so directed to be set apart and appropriated by them as shall not have been applied for or shall not have been paid upon as aforesaid, in such Manner as they shall think fit.

Power to borrow Money for Discharge of existing Incumbrances.

XLVI. And whereas it is expedient that Provision be made for facilitating the Discharge of the Debts and Liabilities of the said *Stanhope* and *Tyne* Railroad Company yet remaining unpaid, be it therefore enacted, That as often as the Company hereby incorporated shall be required or deem it expedient to pay off any such Debts or Liabilities, or any Part thereof, it shall be lawful for the Company hereby incorporated to raise on Loan, either by Mortgage or Bond, or by more than One or each of the said Ways, any Sum which shall be requisite to pay off and discharge the said Debts or Liabilities or any Part thereof, and to apply the Money so to be raised from Time to Time accordingly; and every such Mortgage or Bond may be in the Form in this Act provided for the raising of Money for any other of the Purposes thereof: Provided always, that the Sum so to be borrowed or raised shall not exceed the total Amount herein-after authorized to be borrowed on Mortgage or Bond, and shall be considered as Part of the Money so authorized to be borrowed as herein-after mentioned.

Power to give Securities for existing Incumbrances.

XLVII. And be it enacted, That if any present Creditor of the said *Stanhope* and *Tyne* Railroad Company shall be desirous of having Securities executed to him upon the Property and Effects of the Company hereby incorporated for the Amount of his Debt or Charge, it shall be lawful for the Company hereby incorporated to execute to such Person a Mortgage for the Amount of the Money due to such Creditor, or such Part thereof as may be agreed on, and every Sum so secured shall be considered as a Sum actually raised under the Enactment lastly herein-before contained: Provided nevertheless, that nothing herein contained shall extend to disable the said

Company from paying off any of such Debts due to the present Creditors of the said *Stanhope* and *Tyne* Railroad Company.

Power to borrow Money.

XLVIII. And be it enacted, That after the Whole of the said Sum of Four 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 thirty-three thousand Pounds, and for securing the Repayment of the Money so borrowed, with Interest, to mortgage the Railway, and, 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.

XLIX. 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.

L. 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.

LI. 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.

LII. 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 (in case they shall be comprised in such Mortgage), 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.

LIII. And

Application of Call notwithstanding Mortgage.

LIII. 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.

LIV. And be it enacted, That the respective Obligees in such Bonds shall proportionally, acccording 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 however.

Register of Mortgages and Bonds.

LV. And be it enacted, That a Register of Mortgages 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.

LVI. 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.

Entry of Transfers of Mortgages and Bonds.

LVII. 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.

LVIII. 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.

LIX. And

Transfers of Interest to be stamped.

LIX. 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.

LX. 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.

LXI. 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.

Interest.

LXII. 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, 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.

LXIII. 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 Five thousand Pounds he may alone, or if his Debt does not amount to the Sum of Five 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 Ten thousand

Pounds, require the Appointment of a Receiver by an Application to be made as herein-after provided.

Appointment of Receiver.

LXIV. 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 the said 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.

LXV. 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.

LXVI. 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 Mortagees and Bond Creditors thereof, with Liberty to take Extracts therefrom, without Fee or Reward.

Power to convert Loan into Capital.

LXVII. 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 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

LXVIII. 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 Fines 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.

LXIX. And

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

LXIX. 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; and such new Shares shall be offered to the then Shareholders, in the Proportion of One for every existing Share held by them respectively, at such Price as shall be determined on by the said Company; 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.

LXX. 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.

LXXI. And be it enacted, That all the Money to be hereafter raised by the Company, whether by Subscriptions of the Shareholders, or by Loan, or otherwise, and all other Monies to be paid to the Credit thereof, shall be applied, firstly, in paying the Costs and Expences incurred in obtaining this Act, and all Expences preparatory or relating thereto; secondly, in discharging the Debts and Liabilities of the said *Stanhope* and *Tyne* Railroad Company; and, thirdly, in carrying the Purposes of the Company hereby incorporated into execution.

Ordinary Meetings to be held half-yearly.

LXXII. And with respect to the 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 *August* next, and the future General Meetings shall be held in *February* and *August* in each Year, and the Meetings so appointed to be held as aforesaid shall be called "Ordinary Meetings;" and all Meetings, whether ordinary or extraordinary, shall be held in *London*.

Business at Ordinary Meetings.

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

LXXIV. And

Extraordinary Meetings.

LXXIV. 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.

LXXV. 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.

LXXVI. And be it enacted, That it shall be lawful for Seven or more Shareholders holding in the Aggregate Two hundred Shares, to the Amount of Twenty thousand Pounds, 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.

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

LXXVIII. And be it enacted, That in order to constitute a Meeting, whether ordinary or extraordinary, there shall be present (either personally or by Proxy) Ten or more Shareholders, holding in the Aggregate Three hundred Shares, to the Amount of Thirty thousand Pounds, 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.

LXXIX. And be it enacted, That at every Meeting of the Company the Chairman of the Directors shall preside as Chairman, or in his Absence 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 of all the Directors, any Shareholder to be chosen for that Purpose at such Meeting.

Adjourned Meetings.

LXXX. 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.

LXXXI. 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 Twenty shall have One Vote in respect of each Share, and every Shareholder possessing more than Twenty Shares, but not exceeding Two hundred Shares, an additional Vote for every Five of such Shares exceeding Twenty 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.

LXXXII. 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 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.

LXXXIII. 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.

LXXXIV. 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.

LXXXV. 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.

LXXXVI. And be it enacted, That after the first Ordinary Meeting of the Company the Number of Directors shall be Eight, and that until such first Ordinary Meeting *Thomas Du Buisson*, *Ambrose Humphrys*, *Joseph Lidwell Heathorne*, *Matthew Boulton Rennie*, *Robert Stephenson*, and *Richard Wood*, shall be the Directors of the Company.

Election of future Directors.

LXXXVII. And be it enacted, That the Directors appointed by this Act shall continue in Office until the first Ordinary Meeting to be held

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, and elect Two additional Directors, 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.

LXXXVIII. And be it enacted, That no Person shall be capable of being a Director unless he be a Shareholder possessed of Ten 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 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.

LXXXIX. 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 Ten Shareholders, holding in the Aggregate Shares to the Amount of Thirty 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.

XC. And be it enacted, That the Directors acting under this Act shall retire from Office at the Time and in the Proportions following, the Individuals to retire being in each Instance determined by Ballot or Agreement 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

At the End of the Third Year, One Half of the remaining Number 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.

XCI. And be it enacted, That at the first Ordinary Meeting in every subsequent Year One Fourth of the Directors, 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 shall become vacant.

XCII. 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 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 at any Time cease to be a Holder of Ten 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.

XCIII. And be it enacted, That if any Director of the Company 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.

XCIV. 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 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

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 all Matters necessary for the Transaction of the Affairs of the Company;

They may make and enter into all Arrangements necessary for liquidating the Debts and Liabilities of and Claims against the said *Stanhope* and *Tyne* Railroad Company, or any Members thereof, and confirm any Arrangements respecting the same which have been entered into, and admit such Debts or Claims, or any of them, on such Evidence or Information as they think proper, or resist such of the said Claims as they shall consider proper to be resisted;

They may discontinue and sell and dispose of so much of the said Railway and Works, and the Branches thereof, and the Effects thereon, as lie between *Stanhope* and *Pontop* aforesaid;

They may purchase Lands authorized to be purchased by the Company, and sell such Parts thereof as may not be required for the Purposes of the Company, or as are by this Act directed to be sold;

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

They may make Bye Laws for regulating the Conduct of the Officers and Servants of the Company, and for providing for the due Management 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.

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

XCV. And be it enacted, That the following Powers of the Company, (that is to say,) the Choice and Removal of Directors and 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 (except for the Purpose of discharging or securing to the Creditors of the said *Stanhope* and *Tyne* Railroad Company the Amount of their aforesaid Debts and Liabilities), 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.

XCVI. 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 shall 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 the Directors there shall be present at the least Three 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

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.

XCVII. 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, the Directors present at such Meeting shall choose one of the Directors to act as Chairman of the Directors for the Year following such Choice; and if the 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, 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.

XCVIII. And be it enacted, That if at any Meeting of the Directors the Chairman shall not be present, the Directors present shall choose some one of their Number to be Chairman of such Meeting.

Committee of Directors.

Powers of Committee.

XCIX. 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.

Meetings of Committee.

C. 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 Committee 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.

CI. 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.

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

CII. 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 of such Books shall at all reasonable Times be open to the Inspection of any of the Shareholders: Provided always, that the said Directors shall keep a separate Book, in which shall be entered Minutes or Copies of all Contracts, whether by Parol or otherwise, which shall be made by them with the Owners of any Collieries upon the Line of Railway for leading their Coals along the same, showing the Charges made for such leading, and also for the Shipment thereof, which Book shall at all Times be open for the Inspection of the Owners of the Collieries using the said Railway, or their authorized Agents; and no such Contract as aforesaid shall be binding until a Minute thereof shall have been entered as aforesaid, and in default of the same being made, the said Company shall forfeit and pay any Sum not exceeding Five Pounds for every Day during which the same shall remain unentered after the Expiration of Seven Days after the making thereof.

CIII. And

Informalities in Appointment of Directors not to invalidate Proceedings.

CIII. 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 a Person was disqualified, be as valid as if such Person had been duly appointed, and was qualified to be a Director.

Indemnity of Directors.

CIV. 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.

CV. And with respect to the Appointment of Auditors, be it enacted, That the Company shall, at the first Ordinary Meeting 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 or disqualified, nor having resigned, shall continue to be an Auditor until another be elected in his Stead.

Qualification of Auditors.

CVI. And be it enacted, That every Auditor shall have at least the same Number of Shares as shall be required to qualify a Director, 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.

CVII. 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.

CVIII. 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.

CIX. And

Failure of Meeting to elect Auditors.

CIX. 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.

CX. 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.

Power of Auditors.

CXI. 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.

CXII. 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.

CXIII. 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.

CXIV. 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 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.

CXV. 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.

CXVI. 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.

CXVII. 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.

CXVIII. 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 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.

CXIX. 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.

CXX. And be it enacted, That no such Proceeding 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.

Accounts to be kept.

CXXI. 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.

CXXII. 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 in his Absence by one of the Directors.

Inspection of Accounts by Shareholders.

CXXIII. 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 be 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 Two of the Directors.

Balance Sheet to be produced.

CXXIV. 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 be appointed; to allow Inspection of Books.

CXXV. 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.

CXXVI. 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.

CXXVII. 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

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

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

CXXVIII. 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.

CXXIX. 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.

Dividend not to reduce Capital.

CXXX. And be it enacted, That the Company shall not make any Dividend whereby their Capital Stock will be in any Degree reduced.

Funds for Contingencies.

CXXXI. And be it enacted, That before appropriating 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.

Dividend not to be paid unless all Calls paid.

CXXXII. 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 any other Share held by the Person to whom such Dividend may be payable shall have been paid.

Power to make Bye Laws for the Officers of the Company.

3 & 4 Vict. c. 97.

CXXXIII. 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

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.

Fines for Breach of such Bye Laws.

CXXXIV. 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.

Evidence of Bye Laws.

CXXXV. 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.

Service of Notice upon Company.

CXXXVI. 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.

CXXXVII. 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 Notice, 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.

CXXXVIII. And be it enacted, That all Notices required by this Act to be given by Advertisement in a Newspaper shall be advertised in One or more Newspapers published in the County of *Durham*, and in the Town and County of the Town of *Newcastle-upon-Tyne*, and in the County of *Middlesex*.

Authentication of Notices.

CXXXIX. And be it enacted, That every Summons, Demand, or Notice, or other such Document requiring Authentication by the Company,

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.

CXL. 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.

CXLI. 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 Clerk or Treasurer, and not of the Company.

Tender of Amends.

CXLII. 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 re-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, &c.

CXLIII. 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 over which the said Line of Railway intended to be carried on by virtue of this Act passes, or which they are herein-after authorized to purchase 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 all Rent-charges, Annuities, Mortgages, or other Incumbrances affecting any such Lands, and all other Estates or Interests in such Lands, of what Kind soever.

Parties under Disability enabled to sell and convey.

CXLIV. 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 as aforesaid, 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 enabled to grant Leases for a Term not exceeding Ninety-nine Years in Possession.

CXLV. And be it enacted, That it shall be lawful for all Corporations and other Persons herein-before capacitated to sell Lands to the Company, and all other Persons whomsoever, by Indenture under Seal, or under Hand or Seal, as the Case may be, to grant, demise, and lease to the Company hereby incorporated, for any Term or Number of Years not exceeding Ninety-nine Years, to take effect in Possession and not in Reversion, any Lands upon or over which the said Railway is now constructed, or which may be required for the more convenient Use thereof; and such Leases may contain all such Powers, Liberties, Privileges, Conditions, and Agreements whatsoever as are usually inserted in Leases of Way-leaves in the County of *Durham*, so that upon every such Lease there be reserved and made payable, during the Continuance thereof, the best and most improved yearly Rent or Sum of Money and Reservations that can, under the Circumstances of the Case, be reasonably had or gotten for the same, without taking any Fine or Foregift for the same; and so as in every such Demise, Lease, and Grant so to be made as aforesaid, there be contained a Condition or Power of Re-entry, or a Power to make void or determine the same in case the Rent, Sum of Money, or Reservation thereby respectively reserved and made payable shall be unpaid by the Space of Forty Days; and so as the said Company do execute Counterparts of all such Demises, Leases, or Grants, and enter into such Covenants and Agreements for the due and punctual rendering and paying the Rent and Rents and Reservations to be thereby respectively reserved, and for regulating the Use and Enjoyment of the Liberties and Privileges thereby to be granted and demised as the Persons making such Demises, Leases, and Grants shall deem expedient.

This Act not to be an Authority to

CXLVI. Provided always, and be it enacted, That nothing herein contained shall authorize or empower, or be deemed, construed, or taken

interfere with private Property without Consent.

taken to authorize or empower, the said Company to enter into or upon, or to take, use, damage, or prejudice the Lands of any Person, Body Politic or Corporate whomsoever, without the Licence or Authority in Writing of the Owner and Occupier, or other Person by Law entitled to give or grant such Licence or Authority, first had and obtained.

Parties under Disability may exercise other Powers.

CXLVII. 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.

CXLVIII. And be it enacted, That 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 Lands.

CXLIX. 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.

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

CL. And with respect to 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, be it enacted, That such Consideration Money shall not 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.

CLI. And with respect to the Consideration 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, be it enacted, That such Consideration 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 Money payable to Parties under Disability

CLII. And for the Purpose of providing for the Deposit and Application of the Purchase Money to be paid in respect of any Lands purchased by the Company which may belong to Parties under Disability, be it enacted, That if any such Purchase Money shall

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 *Pontop* and *South Shields* 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 Endorsements thereon, as likewise Endorsements 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 Courts, for the Use 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,)

amounting to 200*l.* to be deposited in the Bank of England.

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

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

Order for Application.

CLIII. 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 Interest, 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 vested in Trustees.

CLIV. And with respect to any such Purchase Money 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 and 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.

CLV. 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.

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.

CLVI. Provided always, and be it enacted, That where any Purchase Money 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 deemed to be the Owner.

CLVII. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been paid or deposited as aforesaid, the Parties respectively in possession or receipt of the Rents of such Lands at the Time of such Lands

Lands being purchased or taken shall be deemed to have been lawfully entitled to such Lands until the contrary be shown to the 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.

CLVIII. 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 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 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 Reinvestment 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.

Release of Part of Lands from Rent Charges, &c.

CLIX. And be it enacted, That if any Part of the Lands charged with any Rent Service, Rent-charge, Chief or other Rent, Payment, or Incumbrance be purchased by the Company, 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; but if the remaining Part of the Lands so jointly subject be a sufficient Security for such Charge, then with the 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 so purchased, on Condition or in Consideration of such other Lands remaining exclusively subject to the whole thereof.

Such Charges to continue on Lands not purchased.

CLX. 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

pany 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 are purchased the Rent to be apportioned.

CLXI. And with respect to any such 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 purchased 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 purchased 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 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 so apportioned in respect of the Lands not purchased 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 purchased for the Purposes of this Act, in the same Manner as they would have done in case such Part of the Land had not been included in the Lease.

Provision respecting Sale of Collieries.

CLXII. And whereas it is expedient that Provision should be made for the Sale of such of the said Lands, Tenements, Rights, and Hereditaments as are not applicable for the Purposes of this Act, and also for the Sale of the Collieries herein-before mentioned; be it therefore enacted, That the Company shall and they are hereby required to sell the said Collieries within the Period of Two Years from and after the passing of this Act.

If not so sold to vest in Reversioner.

CLXIII. And be it enacted, That if the said Collieries shall not be sold at or previously to the Time or Period provided for the Sale thereof in manner aforesaid, all the Estate and Interest of the Company therein respectively shall cease and determine for the Benefit of the Person entitled to the Reversion of the same Hereditaments immediately expectant on the Determination of the Estate and Interest of the Company therein.

Collieries may be

CLXIV. And be it enacted, That until the Period of such Sale or Disposition, or the Forfeiture thereof in manner aforesaid, the said

Collieries,

Collieries, or such of them as the Company shall think fit, may be worked and carried on by them for their Benefit, and the Expences of working the same may be paid out of the Funds of the Company; and the Monies arising by such Sale or Disposition, and by working or carrying on the said Collieries, shall be carried to the Credit of the Company, and be applied for the Purposes thereof.

Collieries may be worked in the mean time.

CLXV. And for the Purpose of making Provision respecting the Sale of Lands purchased or 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 Lands or Hereditaments which may be sold by the Company under this Act for the Purchase Money in such Receipt expressed to be received, and the Purchaser thereof shall not be bound or required to see to the Application of the Money expressed in such Receipt to have been received, or to inquire whether the Debts and Liabilities of the Company have or have not been paid or discharged, and Sales which shall be made under this Act shall take place within Ten Years after the passing thereof.

Lands not wanted to be sold.

CLXVI. And be it enacted, That if the Company do not sell such superfluous Lands as they shall have purchased for Money under the Powers in this Act, 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 not so sold to vest in Owners of adjoining Lands.

CLXVII. Provided always, and be it enacted, That before the Company dispose of any such superfluous Lands as last aforesaid, 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.

Lands to be first offered to original Owners or to adjoining Owners.

CLXVIII. 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 thereupon

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

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.

CLXIX. 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.

Effect of the Word "grant" in Conveyances.

CLXX. 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 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.

CLXXI. And

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

CLXXI. And be it enacted, That for any of the following Purposes it shall be lawful for the Company, in addition to the Lands vested in them, or which they are by this Act authorized to purchase 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 Twenty Acres, or any Easements or Privileges convenient for the Purposes of the Railway as after mentioned; (that is to say,)

For the Purpose of making and providing additional Stations, Yards, Staiths, Wharfs, Places for the Accommodation of Passengers, and for receiving, depositing, and loading or unloading Goods, Coals, Lime, Minerals, Metals, Merchandize, Cattle, or other Things 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, and Drains, Sewers, or Watercourses, or for any other Purpose which may be convenient for 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 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.

CLXXII. 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 Twenty Acres.

Restraint on Purchase from incapacitated Persons.

CLXXIII. And be it enacted, That the Company shall not, by virtue of the Power to purchase Land for additional Purposes, purchase more than Twenty 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.

Power to hire Offices.

CLXXIV. And be it enacted, That the Company may (if they shall think fit) hire or take any Buildings or Lands, for the Purpose of making Offices at a Distance from the said Railway, on Building Leases, or as Tenants for a Term of Years, or from Year to Year, and for that Purpose to enter into and execute all such Agreements, Deeds, Covenants, and Instruments as may be necessary, which shall be binding upon the Company and their Successors.

Power to make private Branch Rail-

CLXXV. And be it enacted, That this Act shall not prevent the Owners, Lessees, or Occupiers of Lands adjoining to the Railway,

ways communicating with the Railway.

way, 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, laden or unladen, to or from or upon such Railway; and the Company shall, if required, at the Expence of such Owners, Lessees, 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 upon or in respect of any Branch so to be made by any such Owner, Lessee, or Occupier, or other Persons; 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 the 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 Railway 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.

Tonnage on Articles of Merchandize.

CLXXVI. 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,)

First. 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 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 Iron Castings not manufactured into Utensils or other Articles of Merchandize, *per* Ton *per* Mile not exceeding One Penny Halfpenny; and if conveyed in Carriages belonging to the Company an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For Coals *per* Ton *per* Mile a Sum not exceeding One Penny; and if conveyed in Waggons or Carriages belonging to the Company an additional Sum not exceeding One Halfpenny *per* Ton *per* Mile:

For all Sugar, Grain, Corn, Flour, Hides, Dye Woods, 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 or Platform belonging to the Company an additional Sum *per* Mile not exceeding Two-pence:

Second. In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows: Tolls for Passengers or Cattle.

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.

CLXXVII. 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, excepting Coals, in addition to the several other Tolls or Sums by this Act authorized to be taken. Toll for propelling Power.

CLXXVIII. And be it enacted, That the Toll which the Company may demand for the Use of Engines for propelling Carriages conveying Coals shall not exceed Three Farthings *per* Ton *per* Mile. Toll for propelling Power for Coal Waggons.

CLXXIX. And whereas on that Part of the said Railway which lies between *Pontop* aforesaid and the Point of Junction with the *Durham* Rates to be charged on stationary Engines.

Durham Junction Railway, there are several Inclined Planes, which are worked by stationary Steam Engines and Ropes, be it enacted, That the said Company may and they are hereby authorized to demand and receive for the Use of such Inclined Planes respectively (including the Use of such Engines and Ropes, where necessary) Double the Amount of Tolls herein-before authorized to be taken in respect of all Minerals, Goods, Wares, Merchandize, Articles, and Things whatever which shall be conveyed along such Planes, according to the Length thereof respectively: Provided always, that nothing in this Act contained shall extend to compel the said Company to convey any Passengers, Cattle, or Animals over such Inclined Planes respectively.

Shipping Places, &c. at South Shields, to remain the Property of the Company.

CLXXX. And be it enacted, That the Shipping Places, Staiths, or Spouts, situate at *South Shields*, which are at present used by the said Company, shall be deemed and taken as Part and Parcel of the said Railway, and shall be used therewith and be carried on by the said Company, and the same shall be vested in and belong to the Company hereby incorporated: Provided always, that it shall be lawful for the said Company, and they are hereby authorized, to demand and take, in addition to the Tolls and Rates herein-before authorized to be taken for the Use of the Railway, a Sum not exceeding Four-pence for every Ton of Goods, Minerals, or other Articles, Matters, or Things that may be shipped from such Shipping Places, Staiths, or Spouts.

Regulations as to the Tolls.

CLXXXI. 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, or 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, Beech, Ash, or Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Tolls for small Parcels and great Weights.

CLXXXII. 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 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 may think fit.

Limit of Weights to be carried on Railway.

CLXXXIII. 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.

CLXXXIV. 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.

CLXXXV. 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.

CLXXXVI. 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

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.

Company to afford equal Facilities to all Parties for the Conveyance of Goods, &c.

CLXXXVII. And be it enacted, That the said Company shall convey along the said Railroad all Goods, Coals, and Waggons offered to them for that Purpose; and if the Demands made upon them for Conveyance are beyond what they have the Power of complying with, they shall then afford to all the Companies and Persons so applying to them for the Conveyance of Goods, Coals, and Waggons equal Facilities and Advantages in proportion to the Trade of such Companies or Persons to be brought on the said Railway; and if any Company or Person shall feel themselves aggrieved by any undue Preference or Partiality shown by the said Railway Company to any other Company or Person, it shall be lawful for the Company or Person so aggrieved to appeal to the Lords of the Committee of Her Majesty's Privy Council for Trade and Plantations; and on the Award of any competent Person or Persons appointed by the said Committee to inquire into the Matter, which Person or Persons the said Committee are hereby authorized to appoint, the said Railway Company shall, if required, modify their Regulations so as, in the Opinion of the said Committee, to obviate in all respects such undue Preference or Partiality.

Taking and Recovery of Tolls.

CLXXXVIII. 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

CLXXXIX. 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 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

be unloaden 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 other such 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 of 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.

CXC. 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.

Dispute as to Amount of Tolls chargeable.

CXCI. 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 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.

Differences as to Weights, &c.

Company to bring back empty Waggons gratis.

CXCII. And be it enacted, That the said Company shall and they are hereby required to re-convey along the said Railway, with all proper and convenient Despatch, all empty and unloaden Waggons and Carriages having been employed in conveying Coals, Goods, Articles, Matters, and Things along the said Railway, and belonging to Persons other than the said Company, to the respective Places at which they were taken upon the said Railway, without demanding or taking any Toll or Charge for such Re-conveyance; and in case the said Company shall unnecessarily detain or wilfully hinder any such Waggon or Carriage repassing along the said Railway, they shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings.

Penalty on Passengers practising Fraud on the Company.

CXCIII. 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.

Detention of Offenders.

CXCIV. 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.

CXCV. 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 of Tolls to be exhibited on Boards.

CXCVI. 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 the Boards are

CXCVII. 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 Milestone, he shall forfeit a Sum not exceeding Five Pounds for every such Offence. exhibited and Milestones set up.

CXCVIII. 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. Regulations as to Toll Collectors.

CXCIX. 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 Offence; (that is to say,) Penalties on Toll Collector.

If he do not place such Board and keep the same 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.

CC. 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 herein-before 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. Toll Collector to be liable for wrongful Detention of Goods.

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

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.

CCII. 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 to 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.

CCIII. 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.

CCIV. 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.

CCV. And be it enacted, That upon such Possession being obtained it shall be lawful for the Company to determine the Lease (if

(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.

CCVI. 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 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 Use of or the Passage of Engines or Carriages on the Railway at all reasonable Times, pursuant to the Provisions hereinbefore contained, 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.

CCVII. 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 Laws be not repugnant to the Laws of *England* or 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 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, Annoy-

ance, 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.

CCVIII. 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.

CCIX. 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 Laws 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.

CCX. 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 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.

CCXI. 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;

CCXII. 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 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

if out of repair, to be removed.

used

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.

Penalties on Persons using improper Engines.

CCXIII. 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 according to the Company's Regulations.

CCXIV. And be it enacted, That no Carriage shall pass along or be upon the Railway (except in directly crossing the same for the Occupation of the respective Lands through which such Railway passes, 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 some Person to be appointed upon the Request of either Party, by the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations.

Regulations to apply also to Company's Carriages.

CCXV. 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.

Penalty for using improper Carriages.

CCXVI. 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

the Charge of such Carriage, shall forfeit a Sum not exceeding Ten Pounds for every such Offence.

Owner's Name, &c. to be registered and exhibited on Carriages.

CCXVII. 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.

Penalty with respect to Carriages.

CCXVIII. 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,)

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 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.

CCXIX. 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

CCXX. 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 Servants.

CCXXI. 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 Servants.

CCXXII. 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.

CCXXIII. 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, Lucifer Matches, 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

same are left at the Time of so sending, he shall forfeit Ten Pounds for every such Offence.

Damage to be made good.

CCXXIV. 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.

CCXXV. 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.

Provision for Damages not otherwise provided for.

CCXXVI. 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 Warrat accordingly.

For ascertaining Compensation.

CCXXVII. 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 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.

CCXXVIII. 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*.

CCXXIX. And

Distress against the Company.

CCXXIX. 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 Ten 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.

CCXXX. 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.

CCXXXI. 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.

CCXXXII. 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.

CCXXXIII. And

Penalties to be summarily recovered before One Justice or more.

CCXXXIII. 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 One 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 One 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 One 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.

CCXXXIV. 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.

CCXXXV. 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.

CCXXXVI. 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.

CCXXXVII. 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.

CCXXXVIII. 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.

CCXXXIX. 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 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.

CCXL. 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.

CCXLI. 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.

CCXLII. 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

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.

CCXLIII. 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.

CCXLIV. 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, 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 think reasonable.

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

Costs.

they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

For the Protection of Robert Swinburne, Esquire.

CCXLVI. Provided always, and be it enacted, That nothing herein contained shall be deemed, taken, or construed to lessen, prejudice, take away, alter, vary, or otherwise affect a certain Indenture of Lease of Lands for the Purposes of the said Railway, bearing Date the Twenty-second Day of *September* One thousand eight hundred and thirty-four, and made between *Thomas Robert Swinburne* Esquire, of the one Part, and *John Fairweather Harrison* Esquire, *Thomas Barnard* Esquire, and *William Harrison* Esquire, of the other Part, or all or any of the Rents, Covenants, Terms, Stipulations, and Agreements therein reserved and contained.

CCXLVII. Pro-

Act not to affect Leases, &c. granted for Purpose of Railway.

CCXLVII. Provided always, and be it enacted, That nothing in this Act contained shall take away, alter, or in any Manner affect any of the Provisions, Covenants, Stipulations, or Reservations contained in any Leases or other Conveyances or Assurances granted or made for the Purposes of the said Railway, but the same Provisions, Agreements, Stipulations, and Reservations shall have the same Force and Effect as if this Act had not passed.

Not to exempt Railway from general Act.

CCXLVIII. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the said Railway between *Pontop* and *South Shields* from the Provisions of any general Act relating to Railways which may pass during the present or any future Session of Parliament.

Interpretation Clause.

CCXLIX. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless 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 "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 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 Works connected therewith to be worked and carried on by virtue of this Act:

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

The Expressions "the Directors" and "the Secretary" shall mean the Directors and the Secretary respectively of such Company.

Public Act.

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

SCHE-

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Certificate of Share.

"THE PONTOP AND SOUTH SHIELDS RAILWAY COMPANY."

Number

THIS is to certify, that *A. B.* of is the Proprietor of the Share, numbered of "The Pontop and South Shields 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 184 .

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 Pontop and South Shields 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 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 PONTOP AND SOUTH SHIELDS RAILWAY COMPANY."

Mortgage, Number £

BY virtue of an Act passed, *&c.*, intituled, *&c.*, we, "The Pontop and South Shields 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]

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 paid 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 PONTOP AND SOUTH SHIELDS RAILWAY COMPANY."

Bond, Number £

By virtue of an Act passed, *&c.*, intituled, *&c.*, we, "The Pontop and South Shields Railway Company," in consideration of the Sum of Pounds to us in hand paid by *A.B.* of do bind ourselves and 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, and 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 .

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 Pontop and South Shields 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 Pontop and South Shields 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 Justices of the Peace for the County of [*here describe the Offence generally, and the Time and Place when and where committed,*] contrary to the Pontop and South Shields Railway Act, 184 . Given under my Hand and Seal, the Day and Year first above written.

C. D.

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