ANNO PRIMO & SECUNDO

GEORGII IV. REGIS.

Cap. xliv.

An Act for making and maintaining a Railway or Tramroad from the River *Tees* at *Stockton*, to *Witton Park Colliery*, with several Branches therefrom, all in the County of *Durham*.

[19th *April* 1821.]

WHEREAS the making and maintaining of a Railway or Tramroad, for the Passage of Waggons and other Carriages from the River *Tees*, at or near *Stockton*, in the County of *Durham*, to *Witton Park Colliery*, in the Township of *Witton*, in the said County of *Durham*, with Five collateral Branches from the said Railway or Tramroad; one of them commencing in the Township of *Egglescliffe*, and terminating at or near *Yarm Bridge*, in the said County of *Durham*; another of such collateral Branches commencing at or near *Lowson's Slack*, and terminating at or near *Northgate Bridge*, in the Township of *Darlington*, in the said County of *Durham*; another of such collateral Branches commencing at or near *Brussleton*, in the Township of *St. Helen's Auckland*, in the said County of *Durham*, and terminating at or near *Coundon* Turnpike Gate, in the Township of *Coundon*, in the said County of *Durham*; another of the said collateral Branches commencing at or near *Norlees House*, in the Township of *West Auckland*, and terminating at or near

Evenwood Lane, in the said County of *Durham*; and the other of such collateral Branches commencing at or near the River *Tees*, and terminating at or near the South-west End of the Town of *Stockton-upon-Tees*, in the said County of *Durham*, will be of great public Utility, by facilitating the Conveyance of Coal, Iron, Lime, Corn, and other Commodities, from the Interior of the County of *Durham* to the Town of *Darlington*, and the Town and Port of *Stockton*, and towards and into the North Riding of the said County of *York*, and also the Conveyance of Merchandize and other Commodities from the said Town and Port of *Stockton* to the said Town of *Darlington*, and into the Interior of the said County of *Durham*, and will materially assist the Agricultural Interest, as well as the general Traffic of that Part of the Country, and tend to the Improvement of the Estates in the Vicinity of the said Railways or Tramroads: And whereas by Levels and Surveys lately made and taken of the Lines of the said proposed Railways or Tramroads, the Practicability of making the said Railways or Tramroads has been ascertained, and the several Persons herein-after named are willing and desirous at their own Expence to make and maintain the said Railways or Tramroads, and such other Works as are herein-after mentioned; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Benjamin Atkinson*, *Jonathan Backhouse* the younger, *Henry Belcher*, *John Baxter*, *Robert Barclay*, *Richard Blanchard*, *Henry Birkbeck*, *Andrew Brown*, *Robert Bald*, Lord Viscount *Barrington*, *Robert Botcherby*, *John Backhouse*, *William Braithwaite*, *Jeremiah Cairns*, *Warcop Consett*, *William Cust*, *John Coates*, *Christopher Dove*, *William Dove*, *William Nicholas Darnell* Clerk, *John Davison*, *Thomas Eeles*, *William Addison Fountaine* Clerk, *Benjamin Flounders*, *John Ralph Fenwick*, *William Gent*, *William Gill*, *Joseph Gurney*, *Joseph John Gurney*, *Samuel Gurney*, *Barrick Hodgson*, *Thomas Jennett*, *Richard Jackson*, *John Janson*, *William Janson*, *John Kitching*, *Robert Kirby*, *William Leatham*, *George Lockwood*, *Thomas Meynell*, *George Meynell*, *Richard Miles*, *Thomas Miles*, *John Mewburn*, *George Middleton*, *Simon Martin*, *Henry Newman* and Brothers, *Joseph Pease* the younger, *Thomas Benson Pease*, *Edward Pease*, *John Pease*, *Daniel Mitford Peacock* Clerk, *Harriet Peacock*, *Richard Pickersgill*, *Matthew Plummer*, *William Richmond*, *Leonard Raisbeck*, *Thomas Richardson*, *Thomas Pickering Robinson*, *Thomas Rogers*, *Richard Scott*, *Matthew Scotson*, *Henry Stapylton*, *Francis Storey*, *Ellen Storey*, *William Skinner*, *William Skinner* the younger, *William Sleigh*, *John Trotter*, *Thomas Taylor*, *Thomas Allison Tennant*, *William Tate*, *George William Todd*, *Anthony Thistlethwaite*, *John Wardell* the younger, *Cuthbert Wigham*, *Matthew Wadeson*, *John Wilkinson*, *Charles Benjamin Walker*, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for making and maintaining the said Railways or Tramroads, and other Works by this Act authorized to be executed, according to the Rules, Orders, and Directions herein-after mentioned and specified; and

Company of Proprietors.

shall for that Purpose be one Body Corporate, by the Name and Style of "The *Stockton* and *Darlington* Railway Company," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued; and that the said Company of Proprietors shall have Power and Authority from and after the passing of this Act, and at all Times hereafter, to purchase and hold Lands and Hereditaments to them and their Successors and Assigns, for the Use of the said Undertaking and Works, and also to sell or dispose of the said Lands and Hereditaments again in manner by this Act directed, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and the said Company of Proprietors shall be and are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain a Railway or Tramroad, passable for Waggons and other Carriages to be constructed as herein-after appointed, from the River *Tees*, at or near *Stockton*, to *Witton Park Colliery* aforesaid, with Five collateral Branches therefrom; one of them commencing in the Township of *Egglescliffe*, and terminating at *Yarm Bridge* aforesaid; another of them commencing at or near *Lowson's Slack* aforesaid, and terminating at or near *Northgate Bridge* aforesaid; another of them commencing at or near *Brussleton* aforesaid, and terminating at or near *Coundon* Turnpike Gate aforesaid; another of them commencing at or near *Norlees House*, and terminating at or near *Evenwood Lane* aforesaid; and the other of them commencing at or near the River *Tees*, and terminating at or near the South-west End of the Town of *Stockton-upon-Tees* aforesaid; and for the Purposes aforesaid, the said Company of Proprietors, their Deputies, Agents, Servants, Surveyors, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate whatsoever, according to the Directions and Provisions of this Act, and to survey and take Levels of the same, or any Part thereof, and to set out, ascertain, and appropriate for the Purposes herein mentioned, such Parts thereof as they shall think necessary and proper for making or altering the said Railways or Tramroads, and all such other Works, Matters, and Conveniences as they shall think proper and necessary, for making, effecting, preserving, improving, completing, maintaining, and using the same, and for the Conveyance of Goods into and out of the said Railways or Tramroads; and for those Purposes to bore, dig, cut, trench, sough, get, raise, remove, take, carry away, lay, use, and manufacture any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Materials or Things which can or may be dug, raised, or gotten in making the said Railways or Tramroads or other Works, out of the Lands or Grounds of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, adjoining or contiguous to such Railways or Tramroads, and which may be proper, requisite, or necessary for making, carrying on, continuing, maintaining, altering, or repairing the said Railways or Tramroads and other Works; and also to make, build, erect, bank, excavate, or set up, in, under, or upon the said Railways or Tramroads and other Works, or upon the Lands adjoining the same, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Basins, Boats, Posts,

Their Name.

Posts, Ropes, and Chains, for passing any Rivers, Brooks, and Streams and other Waters, and such and so many Wharfs, Houses, Warehouses, Toll Houses, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, and other Works and Ways, Roads and Conveniences, where and in such Manner as the said Company of Proprietors shall think necessary and convenient for the Purposes of the said Undertaking; and also from Time to Time to alter, repair, and amend or discontinue the same; and also to place, lay, work, or manufacture the Materials necessary for the making, erecting, maintaining, and repairing the said Railways or Tramroads and other Works, on the Lands or Grounds adjoining to the Place or Places where the said Works, or any of them, shall be or are intended to be made, executed, repaired, or done; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said Railways or Tramroads; and also to make, set out, and appoint such Roads and Ways convenient for hauling or drawing of Waggons and other Carriages passing upon the said Railways or Tramroads, with Men or Horses or otherwise, and proper Places for Waggons and other Carriages to turn, lie, or pass each other, as the said Company of Proprietors shall think convenient; and to construct, erect, and keep in repair any Bridges, Piers, Arches and other Works, in, upon, and across any Rivers or Brooks, for the making, effecting, preserving, improving, completing, using, maintaining, and repairing of the said Railways or Tramroads and other Works; and to construct, erect, make, and do all other Matters and Things which they shall think convenient or necessary for the making, effecting, altering, preserving, improving, completing, and using the said Railways or Tramroads and other Works to be made or constructed in pursuance and according to the true Intent and Meaning of this Act; they the said Company of Proprietors, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction, in manner herein-after mentioned, to the Owners and Proprietors of and all Persons interested in any Lands or other Hereditaments which shall be taken, used, removed, diverted, or injured, for all Damages to be by them sustained in or by the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisoes and Restrictions as are herein-after mentioned and contained.

Crossings.

II. Provided always, and be it further enacted, That where the said Railways or Tramroads shall cross any Turnpike Road or public Highway, the Ledge or Flanch of such Railways or Tramroads, for the Purpose of guiding the Wheels of the Carriages, shall not exceed Three Inches in Height above the Level of such Road.

Regulations as to Ascent to Bridges.

III. Provided always, and be it further enacted, That in all Places where it may be necessary to erect or build any Bridge or Bridges to communicate with any public Carriage Road, the Ascent to every such Bridge

Bridge for the Purpose of such Road shall not be more than One Foot in Thirteen; and that a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge. and Height of adjoining Fences.

IV. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Railways or Tramroads or other Works, or for any other of the Purposes aforesaid, any House or other Building which was erected or built on or before the First Day of *January* One thousand eight hundred and twenty, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent in Writing of the Owners or Occupiers thereof, and Persons interested therein respectively; other than and except those specified in the Schedule annexed to this Act. Houses and Gardens not to be used; except those specified in the Schedule.

V. Provided always, and be it further enacted, That the said Company shall have full Liberty and Power to purchase any Parcel or Parcels of Land, not exceeding Five Acres in the whole, for the Purpose of making a Wharf or Wharfs. Company may purchase Land for Wharfs.

VI. And whereas a Survey has been taken of the Lines of the said Railways or Tramroads, and a Map or Plan, with a Book of Reference thereto, describing the same, has been made and deposited with the Clerk of the Peace for the County of *Durham;* be it therefore enacted, That the said Map or Plan, and Book of Reference thereto, shall remain deposited with the Clerk of the Peace for the County of *Durham*, to which Map, Plan, and Book of Reference all Persons shall have Liberty to resort, and to examine and make Extracts from or Copies of the same as Occasion shall require, paying to the said Clerk for every Inspection the Sum of One Shilling, and for Copies of or Extracts from the said Book of Reference, after the Rate of Sixpence for every One hundred Words; and the said Map or Plan and Book of Reference, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere. Plans and Books of Reference.

VII. And be it further enacted, That the said Company of Proprietors, in making the said intended Railways or Tramroads, shall not deviate more than One hundred Yards from the Course or Direction delineated in the said Map or Plan, and which Deviation shall not extend unto the Lands or Grounds of any Person or Persons not mentioned in the said Book of Reference. Not to deviate more than 100 Yards.

VIII. And be it further enacted, That the said Company of Proprietors may make the said Railways or Tramroads and other Works into, through, across, or over the Lands or Grounds of any Person or Persons whomsoever, Body or Bodies Politic, Corporate, or Collegiate, whose Name or Names shall appear to the Satisfaction of any Two or more Justices of the Peace for the said County of *Durham*, and to be by them certified under their Hands, to be by Mistake omitted in the said Book of Reference, or that instead thereof Land Owners omitted in Book of Reference not to obstruct making the Railways, &c.

the Name or Names of some other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom such last-mentioned Lands or Grounds do not belong, have or hath been by Mistake inserted therein; any thing herein contained to the contrary thereof in anywise notwithstanding.

Breadth of the Land to be taken for the Railways.

IX. And be it further enacted, That the Lands and Grounds to be taken or used for making and using the said Railways or Tramroads shall not exceed Fifteen Yards in Breadth; except in those Places where it shall be judged necessary for Waggons or other Carriages to turn or pass each other, or for raising Embankments for crossing the Vallies or in deep Cuttings, or where any Warehouses, Cranes, or Weighbeams may be erected, or where any Places may be set out or appropriated for the forming of Wharfs, or for the Reception or Delivery of Goods, Wares, and Merchandize, which shall be conveyed on the said Railways or Tramroads; and not above Sixty Yards in Breadth in any Place, without the Consent of the Owners of the Lands or Hereditaments adjoining to the said Railways or Tramroads.

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

X. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall have been set out and ascertained for making the said Railways or Tramroads and other Works, or any Part or Parts thereof, and for providing and constructing the Wharfs and other Works and Conveniences, and for doing the several other Matters or Things which the said Company of Proprietors are by this Act empowered or authorized to do or make, or any of them, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, Administrators, and all other Tenants and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts or Wards, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and to and for all and every other Person or Persons whomsoever, who is or are or shall be seised, possessed of, or interested in any such Lands, Grounds, or Hereditaments as last aforesaid, as shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said Company of Proprietors; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid and effectual in Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all other Persons so conveying as aforesaid, are hereby indemnified for what they shall respectively do by virtue hereof; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company of Proprietors; and such of them as shall be made of any Lands or other Hereditaments to the said Company of Proprietors shall be made according to the following Form; *videlicet*,

'I *A.B.*

'I *A. B.* of in consideration of the Sum of to me paid by do hereby, by virtue of the Powers contained in an Act of Parliament, intituled [*here set forth the Title of this Act*] grant and release to the said Company of Proprietors all [*describing the Premises to be conveyed*], and all my Right, Title, and Interest in and to the same, and every Part thereof; to hold to the said Company of Proprietors and their Successors for ever, by virtue and according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal, the Day of in the Year of our Lord .' Form of Conveyance to the Company.

And if the Premises are Leasehold for Years they shall be assigned by a Form answerable to the above, only substituting the Words applicable to the Assignment of a Chattel; and all such Conveyances and Assignments respectively shall be kept by the Clerk or Clerks to the said Company of Proprietors, who shall from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive the Sum of Sixpence for every One hundred Words, exclusive of Stamps.

XI. Provided always, and be it further enacted, That all Contracts, Agreements, Bargains, and Sales of or concerning any Lands, Tenements, or Hereditaments which shall be Copyhold or Customary, or of the Nature of Copyhold, shall be executed and completed by Surrender thereof in the Court of the Manor of which the same are holden or Parcel, according to the Custom of such Manor; and such Lands, Tenements, or Hereditaments shall continue subject to the same Fines, Rents, and Services as are due and payable and of Right accustomed, in the same Manner as if this Act had not been made, unless the Lord or Lords, Lady or Ladies of the Manor for the Time being, shall be desirous of enfranchising the same, in which Case such Lord or Lords, Lady or Ladies, notwithstanding Coverture, and whether sole or married, is and are hereby empowered so to do, notwithstanding he, she, or they shall be seised of or entitled to the same Manor for a less Interest than an Estate of Inheritance in Fee Simple; but inasmuch as the vesting and continuing of such Copyhold or Customary Premises in the said Company as a Body Corporate would prevent such Lord or Lords, Lady or Ladies, from receiving such Benefit of Fines, Heriots, and other Services due upon Death, Descent, or Alienation, in like Manner as he, she, or they would have done in case such Copyhold or Customary Premises had continued to be the Property of Persons in their natural Capacities, and in case the Lord or Lords, Lady or Ladies of the said Manor, shall decline to enfranchise the respective Parcels of Copyhold or Customary Land held or Parcel of the said Manor which shall be purchased by or vested in the said Company for the Purposes aforesaid, he, she, or they shall be entitled to and shall be paid by the said Company a reasonable Recompence and Satisfaction for the Loss that will arise to him, her, or them, in respect to such Fines, Heriots, and other Services, the Enjoyment of which shall be diminished or lost by the vesting and continuing of such Copyhold or Customary Premises in a Body Corporate; which Recompence and Satisfaction, and also the Appointment Conveyances of Copyholds.

or

or Apportionment of the certain Copyhold or Customary Rents issuing out of such Copyhold or Customary Tenements, of which a Part only shall be taken for any of the Purposes of this Act, if not settled by Agreement between the Parties, shall be ascertained and settled by the Verdict of a Jury, if required, as is herein-after directed.

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

XII. And be it further enacted, That if in making the said Railways or Tramroads any Pieces or Parcels of Ground shall be cut through and divided, so that what shall be left on each or either Side of the said Railways or Tramroads shall be less than One Acre in Quantity, or less than Fifty Yards in Breadth, and if the Owner or Owners of any such Pieces or Parcels of Ground shall not have any other Land or Ground adjoining to what shall be so left on each or either Side of the said Railways or Tramroads, then and in every such Case the said Company of Proprietors shall also take and purchase the Piece or Parcel, Pieces or Parcels of Ground, so left on each or either Side of the said Railways or Tramroads, being less than One Acre in Quantity, or less than Fifty Yards in Breadth as aforesaid, and shall pay for the same after the Rate and in the same Manner as they shall pay for the Land or Ground adjoining thereto which shall be taken and used for making the said Railways or Tramroads; provided the Owner or Owners, or Person or Persons entitled to the Possession, or to the Rents or Profits of such small Pieces or Parcels of Ground respectively, shall require the said Company of Proprietors to take and purchase the same, but not otherwise.

Waste Lands to be conveyed by Lords of Manors.

XIII. And be it further enacted, That in all Cases where in making the said Railways or Tramroads, or other Works hereby authorized, there shall be Occasion to cut through, take, or use any Part of any Commons or Wastes, the Conveyance of such Part of such Commons or Wastes by the Lord or Lords, Lady or Ladies for the Time being of the Manor or Manors in which the same are situate, to the said Company of Proprietors, shall be a good and sufficient Conveyance thereof, and the Lord or Lords, Lady or Ladies of such Manor or Manors respectively, are hereby authorized and required to make and execute such Conveyances accordingly, Compensations for such Part of the said Commons or Wastes as shall be required to be taken for making the said Railways or Tramroads being first made or tendered to the Surveyors of the Highways within the respective Parishes or Townships wherein such Commons or Wastes shall lie; and the Money which shall be paid to such Surveyors respectively for such Compensation shall be by them laid out and applied towards the Repairs of the Highways within their said respective Parishes or Townships, and in no other Manner.

Satisfaction to be made for Lands taken for the Railways or Tramroads.

XIV. And be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees, and other Person or Persons herein-before enabled to sell or convey Lands or other Hereditaments, and any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Hereditaments, through, in, or upon which the said Railways or Tramroads, and other Works hereby authorized shall be made, may accept and receive Satisfaction for the Value of such Lands

Lands and Hereditaments, and also a Compensation for the Damages to be sustained by making or completing the said Works herein-before directed to be made, and also for or by reason of the severing or dividing the same Lands and Hereditaments from the other Lands and Hereditaments belonging to such Body or Bodies Politic, Corporate, or Collegiate, Trustees and other Person or Persons interested therein, and for or on account of the Detriment, Injury, Loss, Damage, or Prejudice which shall or may be sustained by such Body or Bodies Politic, Corporate, or Collegiate, Trustees and other Person or Persons interested therein, such Satisfaction and Compensation respectively to be made and given in gross Sums; and in case the said Company of Proprietors, and the said Parties interested in such Lands or other Hereditaments, cannot agree as to the Amount or Value of such Satisfaction and Compensation, the same shall be ascertained and settled by the Verdict of a Jury, if required, as is herein-after directed.

Differences respecting Price of Land or Damages to be settled by a Jury.

XV. And be it further enacted, That in case of any Difference of Opinion between the said Company of Proprietors or their Agents, and any Body or Bodies Politic, Corporate, or Collegiate, Trustees or other Person or Persons interested in or entitled to any Lands, Tenements, or Hereditaments, relative to the Price or Value, Damages or Recompence to be given for the same, to be taken or used for the Purposes of this Act; and in case such Price or Value, Damages or Recompence cannot be settled, adjusted, and agreed for by and between the said Company of Proprietors or their Agents, and such Proprietors of or Persons interested in the Lands, Tenements, or Hereditaments as aforesaid; or if any such Body or Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons interested or entitled as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money or Recompence as shall be offered to be paid by the said Company of Proprietors; or shall for the Space of Twenty-one Days next after Notice in Writing given to the Principal Officer of any such Body or Bodies Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands or other Hereditaments required for the Purposes of this Act, neglect or refuse to treat; or if any Person or Persons shall by Absence or otherwise be prevented from treating, shall not within the before-mentioned Space of Twenty-one Days produce and fully disclose the State of the Title to the Premises which they are or shall be in Possession of, and to the Interest which they claim therein; then and in every such Case the said Company of Proprietors shall, and they are hereby empowered and required to issue a Warrant, under their Common Seal, to the Sheriff of the County in which the Lands or Hereditaments in question shall be situated, and in case such Sheriff or his Under Sheriff shall be one of the said Company of Proprietors, or enjoy any Office of Trust or Profit under them, or shall be in anyways interested in the Matters in question, then to some one of the Coroners of such County who shall not be so interested as aforesaid, commanding such Sheriff or Coroner to impannel, summon, and return a Jury; and the said Sheriff or Coroner is hereby required accordingly to impannel, summon, and

return a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*, to appear before the Justices of the Peace for the County in which such Lands or Hereditaments shall lie, or the Matter in question or dispute shall arise, at some Court of General or Quarter Sessions of the Peace to be holden for the same County, or at some Adjournment thereof, as in such Warrant or Warrants shall be appointed; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the Clerk of the Peace for the County in which such Lands or Hereditaments shall lie, or the Matter in question or dispute shall arise, or his Deputy, is hereby empowered and required to summon or call before the said Justices all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matter in question, and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matter or Matters in controversy; and such Jury upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Justices are hereby empowered to administer,) shall inquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands or other Hereditaments, or the Recompence to be made for the Damage which shall or may be sustained as aforesaid, and shall assess separate Damages for the same; and the said Justices shall accordingly give Judgment for such Purchase Money or Recompence so to be assessed by such Jury; which said Verdict, and the Judgment thereupon to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes, against all Bodies Politic, Corporate, or Collegiate, and all other Persons whatsoever.

Damages to be ascertained separately from the Value of Lands.

XVI. Provided also, and be it further enacted, That in ascertaining the Sum or Sums of Money to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be taken or made use of for the Purposes of this Act, the Jury shall also ascertain and assess the Compensation and Satisfaction to be made by the said Company for any Damages which shall or may at any Time or Times hereafter be sustained by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons respectively, being Owner or Owners of or interested in such Lands, Tenements, or other Hereditaments, for or by reason of the severing or dividing the same from other Lands, Tenements, or Hereditaments belonging to such Body or Bodies Politic, Corporate or Collegiate, or to any such Person or Persons as aforesaid, and for or on account of the Detriment, Injury, Loss, and Damage or Prejudice which shall or may accrue to or be sustained by such Body or Bodies Politic, Corporate, or Collegiate, Owner or Owners, or other Person or Persons interested in such Lands, Tenements, or other Hereditaments, or any of them, by reason of the

making, using, repairing, or maintaining the said Railways or Tram-roads and other Works and Conveniences belonging thereto, or by reason or means of the Execution of any of the Powers given to the said Company of Proprietors; such Damages and Compensation to be settled and ascertained separately and distinctly from the Value of the Lands, Tenements, and Hereditaments so to be taken and used as aforesaid.

Fine on Sheriff making Default, and for Persons refusing to appear, &c.

XVII. And be it further enacted, That if such Sheriff or his Deputy or other Person so directed to summon and return a Jury as aforesaid, shall make Default in the Premises, he shall for every such Offence forfeit the Sum of Fifty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear without sufficient Excuse, or appearing shall refuse to be sworn or give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Person so to be summoned to give Evidence shall not appear without sufficient Excuse, after having been paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing shall refuse to be sworn, examined, or to give Evidence; then and in every such Case every Person so offending shall forfeit and pay, for the Benefit of the Party for whom or on whose Account such Jury or Witnesses shall be summoned, any Sum not exceeding Ten Pounds, to be levied, by virtue of any Warrant under the Hand and Seal of any One of the said Justices, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, her, or them the Overplus, after such Penalty, and the Charges and Expences of such Distress and Sale, shall be deducted.

Respecting Juries and Witnesses.

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

Expences of Jury how to be paid.

XIX. And be it further enacted, That in every Case where the Verdict of the Jury shall be given for more Money, to be paid as a Recompence or Satisfaction as aforesaid, than shall have been previously offered or tendered by or on behalf of the said Company of Proprietors, or if no such Satisfaction or Recompence shall have been tendered by them or on their Behalf to the Person or Persons competent to accept and take the same, then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, for ascertaining and determining the Recompence and Satisfaction as aforesaid, shall be ascertained by some one or more Justice or Justices of the Peace for the County wherein such Lands, Grounds, or Hereditaments shall lie, not being interested in the Matter in question, who

is and are hereby empowered and required to examine into, ascertain, and settle the same, in case of Nonpayment thereof, by Warrant under the Hand and Seal of such Justice or Justices, by Distress and Sale of the Goods and Chattels of the said Company, or of their Treasurer or Treasurers for the Time being; but if the Verdict of the Jury shall be given for the same Sum or for a less Sum than shall have been previously offered or tendered by or on behalf of the said Company of Proprietors, then such Expences shall be defrayed by the Person or Persons with whom the said Company of Proprietors shall have such Controversy or Dispute; which said Expences, having been ascertained and settled in manner last aforesaid by the said Justice or Justices, shall and may be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as aforesaid, as so much Money advanced to or for his, her, or their Use, and the Payment or Tender of the Remainder of the Money so to be determined or adjudged shall be deemed and taken to all Intents and Purposes whatsoever to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in all Cases where by reason of Absence in Foreign Parts or otherwise any Person or Persons shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges shall be borne and paid by the said Company of Proprietors.

Persons requesting Juries to enter into Bonds to prosecute.

XX. And be it further enacted, That all and every Person or Persons with whom the said Company of Proprietors shall have any such Controversy or Dispute as aforesaid shall, before the said Company of Proprietors shall be obliged to issue out their Warrant or Warrants for the summoning such Jury, first enter into a Bond, with Two sufficient Sureties, to the Treasurer of the said Company of Proprietors, in a Penalty of One hundred Pounds, to prosecute his, her, or their Complaint, and to bear and pay all the Costs and Expences of summoning and returning such Jury and taking such Inquest, and of the summoning and of the Attendance of Witnesses, in case such Costs and Expences shall fall upon him, her, or them, to be paid according to the true Intent and Meaning of this Act.

Compensation Money to be apportioned.

XXI. And be it further enacted, That the said Juries shall and they are hereby respectively empowered to settle what Shares and Proportions of the Purchase Money or Compensation for Damages which shall be agreed, determined, and adjusted or assessed in manner as aforesaid, shall be allowed to any Tenant or other Person or Persons having a particular Estate, Term, or Interest in the Premises, for such his, her, or their Interest or respective Interests therein.

Verdicts to be recorded.

XXII. And be it further enacted, That all the said Verdicts and Judgments shall be kept by the Clerk of the Peace for the County in which the Matter of Dispute shall have arisen, among the Records of the Quarter Sessions for such County, and shall be deemed Records to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have liberty to inspect the same, paying for such Inspection the Sum of One Shilling and no more; and also to take

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and make Copies thereof, paying for each Copy after the Rate of Sixpence for every One hundred Words.

Damages not provided for to be settled.

XXIII. And be it further enacted, That if any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, or other Hereditaments, by reason of the Execution of any of the Powers given by this Act, and through or by Means not herein provided for, then and in every such Case such Damages shall be so settled by the said Company of Proprietors or by a Jury as herein-before mentioned, and the Amount of such Damages may be recovered, levied, and applied in manner herein directed with regard to other Damages; and in every such Case the said Company of Proprietors, or any Three of them, are hereby empowered and required to issue a Warrant or Warrants under their Hands and Seals, to the Sheriff of the said County, commanding him to summon a Jury in manner herein-before mentioned.

Notice of Injury to be given to Proprietors before Complaint made.

XXIV. And be it further enacted, That the said Company of Proprietors shall not nor shall any of them be obliged or allowed, by virtue of this Act, to receive or take notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him or them sustained or supposed to be sustained by virtue or in consequence of the Execution of any of the Powers of this Act, unless Notice shall have been given in Writing in relation thereto, by or on behalf of such Person or Persons, to the said Company or to their Clerk, Ten Days at the least before such Complaint shall be made to the said Company, and within the Space of Six Calendar Months after the Time of such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

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

XXV. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by such Juries in manner aforesaid, for the Purchase of any such Lands, Tenements, or other Hereditaments, or as a Compensation for Damages as herein mentioned to the Proprietor or Proprietors of such Lands, Tenements, or other Hereditaments, or to such other Person or Persons as shall be interested therein or entitled to receive such Money or Compensation respectively, within Three Calendar Months next after the same shall be so agreed for or assessed, upon Payment of the said Sum or Sums of Money within the said Three Calendar Months into the Bank of *England*, as herein-after directed and required, for the Use of the Person or Persons entitled thereto, (but not before,) it shall and may be lawful to and for the said Company of Proprietors, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Tenements, and other Hereditaments respectively; and then and thereupon such Lands and Grounds, Tenements and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of the said Company of Proprietors, to and for the Purposes of this Act for ever; and such Payment shall not only bar all Right, Title, Claim,

Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment as aforesaid it shall not be lawful for the said Company of Proprietors, or any Person acting under their Authority, to dig or cut the Lands or Grounds, Tenements or other Hereditaments, of the Person or Persons entitled to such Payment, for the Purpose of making the said Railways or Tramroads and Works, without the Leave and Consent of such Person or Persons respectively; and in case any Person or Persons shall enter upon any such Premises for any of the Purposes of this Act, before such Payment or Deposit into the Bank of *England* as aforesaid shall have been made, every Person or Persons so offending shall forfeit and pay the Sum of Ten Pounds for every Day he or they shall remain on the said Premises.

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

XXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give to the said Company of Proprietors any Mines of Minerals or of Coals, or any Stone or Slate under any Land taken or purchased by the said Company under the Provisions of this Act; but all such Mines, Minerals, Coals, Stone, or Slate shall be deemed to be excepted out of such Purchase, and may be worked by the Owners or Lessees thereof, under the said Lands, or any Railways or Wharfs of the said Company, as if this Act had not passed, but so as nevertheless not to prejudice or to injure such Railways, Wharfs, or other Works hereby authorized or directed to be made.

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

XXVII. And be it further enacted, That every Tenant at Will, or Lessee for a Year, or any other Person or Persons in Possession of any Lands, Tenements, and Hereditaments, or any Part thereof, which shall be taken or used for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenant at Will or Lessee for a Year, or from Year to Year, shall deliver up the Possession of such Premises to the said Company of Proprietors, or to such Person or Persons as they shall appoint to take Possession of the same, upon having Two Calendar Months Notice to quit such Possession from the said Company, or from the Person or Persons so authorized by them; and such Person or Persons in Possession shall at the End of the said Two Calendar Months, whether such Notice be given with reference to the Time or Times of such Tenant's holding or not, or so soon after as he, she, or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Company, or to the Person or Persons authorized by them to take Possession thereof; and in case any such Person or Persons so in Possession as aforesaid shall refuse to give such Possession as aforesaid, it shall be lawful for the said Company to issue their Precept or Precepts to the Sheriff of the County in which the Premises shall be situate, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly,

and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts, on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

Interest of such Tenants may be settled by a Jury.

XXVIII. Provided also, and be it further enacted, That where any such Tenant or Lessee shall be required to deliver up the Possession of any Premises so occupied by him to the said Company of Proprietors, or to the Person or Persons authorized by them to take Possession thereof as aforesaid, before the Expiration of the Term or Interest of such Tenant or Lessee as aforesaid in the said Premises, the said Company of Proprietors shall and they are hereby directed to make or tender unto such Tenant or Lessee, Satisfaction or Compensation for the Value of his unexpired Term or Interest in the said Premises; which Satisfaction or Compensation, in case of Difference, shall be settled and ascertained in manner herein-before directed with regard to any other Satisfaction or Compensation in and by this Act provided for, and directed to be made and assessed.

Mortgages to be conveyed to the Company after Tender.

XXIX. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on such Lands, Tenements, and Hereditaments, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall, on the Tender of the Principal Money and Interest due thereon, together with the Amount of Three Calendar Months Interest on the said Principal, by the said Company, or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Company, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Company or from such Person or Persons as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Three Calendar Months, to be computed from the Day of giving such Notice, then at the End of the said Three Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the said Company, or to such Person or Persons as shall be appointed in Trust for them; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid, on such Tender or Payment, that then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Principal Sum due upon any such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of the Premises to be taken and made use of for the Purposes of this Act, and which shall be ascertained in manner herein-before directed, then the said Company of Proprietors shall not be liable to pay to the Mortgagee more than such real Value of such Premises so ascertained as aforesaid: Provided also, that in case any such Mortgagee or Mortgagees shall neglect or refuse to convey or assign as aforesaid, then, upon Payment of the Principal Money and Interest due on any Mortgage as aforesaid into the Bank of *England*,

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at the End of Three Calendar Months from the Day of giving such Notice as aforesaid, for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money in like Manner as is herein-after directed in Cases of other Payments into the Bank; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the Premises comprised in such Mortgage or Mortgages, to all Intents and Purposes whatsoever.

Application of Compensation Money when amounting to or exceeding 200*l.*

XXX. And be it further enacted, That if any Money shall be agreed or assessed to be paid for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, or for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, Cestuique Trust, or to any other Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Company of Proprietors of the *Stockton* and *Darlington* Railway; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or in the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited to, or to, for, or upon such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the

the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, to be purchased by virtue of this Act, in case such Purchase and Settlement were made.

When less than 200*l.* and amounting to 20*l.*

XXXI. Provided always, and be it further enacted, That if any Money so agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid at the like Option to Two or more Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Company, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends arising therefrom, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application when the Money is less than 20*l.*

XXXII. Provided also, and be it further enacted, That where such Money so agreed or assessed to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in every such Case the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for any of the Purposes of this Act, in such Manner as the said Company shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank.

XXXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be assessed to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make out a good Title to the Premises to the Satisfaction of the said Company, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered or awarded to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or dis-

discovered, then and in every such Case it shall and may be lawful to and for the said Company to order the said Sum or Sums of Money so ordered or awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where Questions shall arise, Persons in the Possession shall be deemed entitled.

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

Court of Chancery may order Expences to be paid by Company.

XXXV. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act,

it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of the Expences as the said Court shall deem reasonable, together with the necessary Costs and Expences of obtaining such Order, to be paid by the said Company, who shall from Time to Time pay such Sum of Money accordingly, for such Purposes as the said Court shall direct.

Enabling the Company of Proprietors to sell Lands not wanted; and give the first Offer to the Persons from whom it was purchased.

XXXVI. And whereas by means of the Purchases which the said Company of Proprietors are empowered and required to make by virtue of this Act they may happen to be seised of more Land or Ground than will be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall and may be lawful for the said Company of Proprietors to sell and dispose of any Piece or Pieces of such Land or Ground, either together or in Parcels, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Company of Proprietors, before they shall sell and dispose of any such Piece or Pieces of Land or Ground, shall first offer to resell the same to the Person or Persons, his, her, or their Heirs or Assigns, from whom they shall have purchased such Piece or Pieces of Land or Ground, or to the Owner or Owners of the adjoining Land or Ground; and an Affidavit, made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County of *Durham*, by some Person or Persons not interested in the said Piece or Pieces of Land or Ground, stating that such Offer was made by or on behalf of the said Company of Proprietors, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was made, as the Case may be; and in case such Person or Persons shall be desirous of purchasing or repurchasing the same, and he, she, or they and the said Company of Proprietors shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury, in manner herein-before directed with respect to the disputed Value of Premises to be purchased by the said Company of Proprietors in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to Purchases made by the said Company of Proprietors, *mutatis mutandis*; and the Money produced by the Sale or Sales which may be made by the said Company of Proprietors of such Piece or Pieces of Land or Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

The Word "Grant" in Conveyances from the

XXXVII. And be it further enacted, That in all Conveyances to be made by the said Company of Proprietors, under or by virtue or in pursuance of the several Powers and Authorities to them hereby given, the

Company of Proprietors to amount to certain Covenants.

the Word "Grant" shall amount to and be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantee or other Purchasers, his, her, or their Heirs, Executors, Administrators, or Assigns, from the said Company of Proprietors, for themselves and their Successors, that they the said Company of Proprietors, notwithstanding any Act done by them, were at the Time of the Execution of such Conveyance seised of the Hereditaments and Premises thereby granted of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances, for quiet Enjoyment thereof against the said Company of Proprietors, their Successors and Assigns, and all claiming under them, indemnified and saved harmless by the said Company of Proprietors and their Successors from all Incumbrances committed by the said Company; and also for further Assurance of such Hereditaments and Premises thereby granted to be made by the said Company of Proprietors, their Successors and Assigns, and all claiming under them, unless the same shall be restrained and limited by express particular Words contained in such Conveyances or any of them; and that such Purchasers or Grantees, and his, her, and their several Heirs, Executors, Administrators, and Assigns respectively, shall and may, in any Action or Actions to be brought, assign a Breach or Breaches thereupon, as they might do in case such Covenants were expressly inserted in such Conveyances.

Proprietors to raise Money amongst themselves for making Tramroads.

XXXVIII. And be it further enacted, That it shall be lawful for the said Company to raise and contribute amongst themselves, in such Proportions as they shall think proper, a competent Sum of Money for making and completing the said Railways or Tramroads, Wharfs, Bridges, and other Works and Conveniencies belonging or requisite thereto, not exceeding in the whole the Sum of Eighty-two thousand Pounds, except as herein-after mentioned; and the same shall be divided into Shares of One hundred Pounds each, and that such Shares shall be numbered in regular Progression, and every such Share shall always be distinguished by the Number to be applied to the same; and the said Shares shall be and are hereby vested in the several Persons so raising and contributing to the same, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sum they shall severally raise and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Undertaking, and other the Purposes of the said Subscription, shall be entitled to and receive, at such Time and Times as the said Company of Proprietors shall, at a General or Special Meeting, to be convened for that Purpose as Meetings on other Occasions are directed to be convened, direct and appoint, the entire and net Distribution of an equal proportionable Part, according to the Money so by them respectively paid, of the net Profits and Advantages that shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, or received by the said Company, by the Authority of this Act; and every Body Politic, Corporate, or Collegiate, Person and Persons, having such Property in the said Undertaking as aforesaid,

aforesaid, shall bear and pay a proportionable Sum towards carrying on the same, in manner herein directed and appointed; provided always, that all and every the Shares and Proportions of all Bodies Politic, Corporate, or Collegiate, and all other Person or Persons, of and in the said Undertaking, or the Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and be transmissible as such, and not of the Nature of Real Property.

To compel Payment of Subscriptions.

XXXIX. And be it further enacted, That the several Persons who have subscribed or who shall hereafter subscribe to advance any Money for or towards making and maintaining the said Railways or Tramroads and other Works hereby authorized to be made, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the Company under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Company of Proprietors or their Committee in manner herein-after mentioned; and in case any Person or Persons shall refuse or neglect to pay the same at the Time and in the Manner required for that Purpose, it shall and may be lawful for the said Company of Proprietors to sue for and recover the same in any Court of Law or Equity.

Subscribers to be deemed Proprietors.

XL. And be it further enacted, That all and every Body and Bodies Politic, Corporate, or Collegiate, or other Person or Persons who shall by virtue of this Act have subscribed for, or shall become entitled to be and be in the actual Possession of One or more Share or Shares in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, shall be deemed a Proprietor of every such Share, and shall have a Vote for and in respect of every such Share, (provided nevertheless, that no Proprietor shall be entitled to more than Twenty Votes in the whole, notwithstanding the Amount of the Subscription of such Proprietor may exceed such Number of Shares,) in the stated and special General Meetings to be held as herein-after appointed for carrying on the said Undertaking; which Vote or Votes may be given by them, him, or her, or by their, his, or her Proxies or Proxy, constituted under the Seal of such Body Politic, Corporate, or Collegiate, or the Hands of such other Person, every such Proxy being a Proprietor of the said Undertaking; and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if such Principal had voted in Person; and every such Question, Matter, or Thing, which shall be proposed, discussed, or considered in any stated or special General Meeting of the said Company, shall be determined by the Majority of Votes and Proxies then present; the Appointment of which Proxies may be made according to the Form following:

How to vote.

Form of Proxy.

‘ I *A. B.* of One of the Proprietors of
‘ do hereby nominate, constitute, and appoint *C. D.* of
‘ to be my Proxy, in my Name and in my Absence to vote
‘ or give my Assent or Dissent to any Business, Matter, or Thing
‘ relating to the said Undertaking, that shall be mentioned or
‘ proposed

'proposed at any Meeting of the Company of Proprietors of the said 'Undertaking, in such Manner as the said *C. D.* shall think proper, 'according to his Opinion and Judgment, for the Benefit of the said 'Undertaking, or any thing appertaining thereto. In witness whereof 'I have hereunto set my Hand, the Day of .'

And that every Election of Committees and Officers, and Questions, Matters, and Things whatsoever, which shall be proposed, discussed, or considered in any General or Special Meeting of the said Company to be held by virtue of this Act, shall be finally determined by a Majority of Votes and Proxies then present; and that at every such Meeting One of the Proprietors then present shall be appointed Chairman, who shall not only be entitled to vote as a Proprietor or Proxy, but in case of an Equality of Votes shall have a decisive and casting Vote.

Proprietors may raise an additional Sum if necessary.

XLI. And be it further enacted, That in case the Money hereby authorized to be raised shall be found insufficient for the making, completing, and maintaining of the said Railways, Tramroads, and other the Works hereby authorized to be made, and for defraying all necessary Charges and Expences relating thereto, then and in such Case it shall be lawful for the Company to raise and contribute amongst themselves, in Manner and Form aforesaid, and in such Shares and Proportions as to them shall seem meet, or raise by the Admission of new Subscribers, any further or other Sum of Money, for completing and perfecting the said Undertaking, not exceeding the Sum of Twenty thousand Pounds; and every Body Politic, Corporate, or Collegiate, or other Person, being a Subscriber towards raising such further or other Sum of Money, shall be a Proprietor in the said Undertaking, and shall have a like Vote, by themselves, himself, or herself, or their or his or her Proxies or Proxy, in respect of every One hundred Pounds of the said additional Sum so to be raised, and shall also be liable to such Forfeitures, and stand interested in all the Profits and Powers of the said Undertaking, in proportion to the Sum that he, she, or they shall or may subscribe thereunto, as generally and extensively to all Intents and Purposes as if such further or other Sum hereby allowed to be subscribed for and raised had originally been Part of the said Sum of Eighty-two thousand Pounds.

Power to raise Money by Promissory Notes.

XLII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, in case they shall think it meet and expedient, to borrow any Part or Parts of the said original Sum of Eighty-two thousand Pounds which may not have been subscribed before the passing of this Act, or any Part or Parts of the said further Sum of Twenty thousand Pounds, upon Promissory Notes under the Common Seal of the said Company of Proprietors; and that all such Notes shall be made payable in such Manner and at such Time or Times and with such legal Rate of Interest as the said Company of Proprietors shall think proper, and either with or without a Power in the respective Holders of such Notes to have an Option of becoming a Proprietor of One Share of One hundred Pounds in the said Undertaking in lieu of the Principal

Money by such several Promissory Notes to be secured, or so much or such Parts thereof as the said Company of Proprietors or their Committee for the Time being, and the Person and Persons advancing such Money on the Security of the said Notes, shall jointly agree upon: Provided always, that no Person shall in any Case be admitted to be Proprietor of any Share of One hundred Pounds in the said Undertaking, in lieu of a less Principal Sum of Money than One hundred Pounds advanced on the Security of such Notes; and the Terms and Particulars under which the respective Holders of such Notes shall be entitled to such Option of becoming a Proprietor in the said Undertaking shall be fully expressed and set forth in the said several and respective Notes: Provided always, that in case the said Company of Proprietors shall be desirous of raising any Part or Parts of the said original Sum of Eighty-two thousand Pounds, or any Part or Parts of the said further Sum of Twenty thousand Pounds herein-before authorized to be raised by Mortgage of the said Undertaking, it shall be lawful for the said Company of Proprietors, by an Order of any General Meeting of the said Company of Proprietors, to borrow and take up at Interest any Part or Parts of the said Sum of Eighty-two thousand Pounds, and all or any Part of the said further Sum of Twenty thousand Pounds, on the Credit of the said Undertaking, as to them shall seem meet and convenient; and the said Company of Proprietors, or the Committee of the said Company of Proprietors, after an Order has been made for that Purpose by any General Meeting, are hereby authorized and empowered to assign the Property of the said Undertaking, and the Rates arising or to arise by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Rates,) as a Security for any such further Sum or Sums of Money to be borrowed as aforesaid, with Interest, to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance the same; all which said Mortgages or Assignments shall be made under the Common Seal of the said Company of Proprietors in the Words or to the Effect following; (that is to say,)

Power to raise Money by Mortgage.

Form of Mortgage.

(Number)

'BY virtue of an Act made in the Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*], We, the Company of Proprietors of the incorporated by and under the said Act, in consideration of the Sum of to us in Hand paid by of do assign unto the said his [*or* her] Executors, Administrators, and Assigns, the said Undertaking, and all and singular the Rates arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of, in, and to the same, to hold unto the said his [*or* her] Executors, Administrators, and Assigns, until the said Sum of together with Interest for the same after the Rate of for every One hundred Pounds for a Year, shall be fully paid and satisfied. Given under our Common Seal this Day of in the Year of our Lord One thousand eight hundred and .'

And that all and every Person or Persons to whom such Mortgage or Assignment shall be made shall be equally entitled one with the other

other to his, her, or their Proportion or Proportions of the said Rates and Premises, according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of Priority of any such Assignments, or on any other Account whatsoever; and a Memorial of every such Assignment, containing the Date and Name or Names of the Person or Persons to whom made, and the Sum of Money borrowed, and the Rate of Interest, shall be entered in a Book or Books to be kept by the Clerk of the said Company of Proprietors; which said Book or Books shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all and every Person or Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his, her, or their Right and Interest therein to any Person or Persons whomsoever; which Transfer shall and may be in the Words or to the Effect following; (that is to say,)

Form of Transfer.

'I [*or* We] of in consideration of the
'Sum of paid by of do hereby
'transfer a certain Mortgage, Number , made by the Company
'of Proprietors of to bearing
'Date the Day of for securing the Sum
'of and Interest, and all my [*or* our] Right and Pro-
'perty therein, to the said his [*or* her] Executors,
'Administrators, and Assigns. Dated this Day of
' in the Year of our Lord .'

And every such Transfer shall, within Twenty-eight Days after the Date thereof, be produced to the Clerk of the said Company of Proprietors, who shall cause a Memorial to be made thereof in like Manner as the original Mortgages or Assignments, for which the said Clerk shall be paid such Sum as the said Company of Proprietors shall appoint, not exceeding Two Shillings and Sixpence; and after such Entry made every Transfer shall entitle such Assignee or Assignees, his, her, and their Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Person or Persons who shall have made such Transfer to make void, release, or discharge the same, or any Sum or Sums of Money thereon due or thereby secured, or any Part thereof.

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

XLIII. And be it further enacted, That the Interest of the Money which shall be borrowed by Promissory Notes or Mortgages as aforesaid shall be paid Half-yearly to the several Persons entitled thereto, in preference to any Interest or Dividends due and payable by virtue of this Act to the said Company of Proprietors or any of them, and shall from Time to Time be fully paid and discharged or provided for, before the yearly or other Interest or Dividends due to the said Proprietors or any of them shall be paid, made, or provided; and in case the same, or any Part thereof, shall be behind and unpaid by the Space of Twenty-one Days next after the same shall become due and payable as aforesaid, and after Demand made thereof, that then it shall be lawful

lawful for any Two or more Justices of the Peace acting in and for the said County of *Durham*, and they are hereby required, on Request to them made by any Creditor whose Interest shall be so in Arrear, by an Order under their Hands to appoint One or more Person or Persons to receive the Whole, or such Part or Parts of the said Rates as are liable to pay such Interest so due and unpaid as aforesaid, and the Money so to be received by such Person or Persons is hereby declared to be so much Money received by or to the Use of such Person or Persons to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the Rates, shall be fully satisfied and paid; and after such Interest and Costs shall be paid and satisfied, the Power and Authority of such Receiver and Receivers for the Purposes aforesaid shall cease and determine; or otherwise the said Interest so due and unpaid as aforesaid shall be sued for and recovered, with Costs, by Action of Debt in any of His Majesty's Courts of Record at *Westminister*.

Application of Money to be raised.

XLIV. And be it further enacted, That all the Money to be raised by the said Company by virtue of this Act shall be laid out and applied, in the first place, for and towards the Payment, Discharge, and Satisfaction of all Costs, Charges, and Expences in applying for, obtaining, and passing this Act, and all other Expences preparatory and relating thereto; and all the Residue and Remainder of such Money for and towards purchasing Lands and Grounds, making, completing, and maintaining the said Railways or Tramroads, Bridges, and other Works, and other the Purposes of this Act.

First and other General Meetings.

XLV. And be it further enacted, That the First General Meeting of the said Company of Proprietors for putting this Act in execution shall be held at *Darlington* aforesaid within Six Weeks after the passing of this Act, of which Meeting Seven Days Notice at the least shall be given by public Advertisement in some One or more of the Newspapers usually circulated in the County of *Durham*; and the Second and every other General Meeting shall be held at such Times and Places as shall at such First or any subsequent General Meeting be appointed; and One General Meeting shall be holden on the First *Friday* in the Month of *June* in every Year; of which Second, and every future General Meeting, not less than Seven Days Notice shall be given by public Advertisement in such Newspaper as herein-before mentioned; and the said Company of Proprietors at such respective General Meetings, together with such Proxies as shall be then present, shall choose and elect, of such of the said Proprietors as at the Time of such Election shall respectively be possessed in their own Right of Five Shares at the least in the said Undertaking, a Committee to manage the Affairs of the said Company of Proprietors as herein directed, and to consist of Five or more Persons, Three of whom shall at all Meetings of the said Committee be a Quorum; and the said Company of Proprietors shall have Power and Authority at any such General Meeting to remove and displace any Person or Persons who shall have been chosen a Member or Members of the said Committee, or any Officer or Officers under them, and to choose and elect others in case of Death or other Vacancy, and shall also have Power and Authority to

Committee to be elected.

make such new Rules, Bye Laws, and Orders, for the good Government of the said Company of Proprietors, their Agents, and Workmen, for making, maintaining, and using the said Railways or Tramroads or other Works, and all other Conveniences, Matters, and Things that shall be made for the same, and also for and concerning all such Goods and Commodities as shall be conveyed thereon, and also for the well-governing of all Persons who shall be employed in the conveying of any Goods, Wares, and Merchandize, and other Articles and Things, upon any Part of the said Railways or Tramroads or other Works; and from Time to Time to alter and repeal, and again to renew the said Bye Laws, Orders, and Regulations, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the major Part of such General Meetings shall seem meet, not exceeding the Sum of Five Pounds for any Offence; such Fines and Forfeitures to be levied and recovered by such Ways and Means as herein-after mentioned; which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company of Proprietors, shall be printed, and affixed upon the several Toll Houses to be erected on the said Railways or Tramroads and Wharfs, and shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided they be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any Directions in this Act contained; and all such Rules, Bye Laws, and Orders shall be subject to Appeal in manner herein-after mentioned; and every such General Meeting shall have Power to call for, audit, and settle all Accounts for Money received, laid out, and disbursed on account of the said Undertaking, by the Treasurers, Receivers, or Collectors of the Rates and other Officers by them appointed, or by any other Person or Persons employed by or concerned for or under them, in and about the said Railways or Tramroads and the Works thereto belonging; but no Vote or Votes by Proxy shall be given or have any Power in or as to the Audit and Settlement of Accounts; and the said Company of Proprietors shall have Power to adjourn themselves from Time to Time as they shall see Occasion, for the further Execution of this Act.

General Meetings for choosing Committees to consist of Fifty Shares.

XLVI. Provided always, and be it further enacted, That if at any General Meeting there shall not be Persons present who shall be possessed of or entitled to at least Fifty Shares or Subscriptions of Five thousand Pounds or upwards in the said Undertaking, either as Principals or Proxies, no Choice of a Committee, nor any Removal of a Person or Persons from any such Committee, nor any Election of any Person or Persons in the Room of such of the Members of the said Committee who shall die or decline to act, shall be made, nor shall any Bye Law, Rule, or Regulation be made or altered at that Time, but in such Case there shall be another Meeting of the said Company of Proprietors, at the same Place, at the Expiration of Fourteen Days; and if a sufficient Number of Proprietors as Principals, or by Proxies, shall not then attend, the said General Meeting shall stand adjourned to that Day Two Weeks next following; each of such Meetings to be advertised in One or more of the Newspapers usually circulated in the

said County of *Durham*; and such Choice, Removal, or new Appointment of any Member of any such Committee, so before appointed, shall then take place, and not before; and such Committee so before appointed shall continue to act, and have the same Powers as they had and were possessed of, until a new Committee shall be appointed as aforesaid; and in case of Failure of assembling a sufficient Number of Proprietors having such Shares or Subscription as Principals or Proxies at such First General Meeting, every Proprietor who shall not attend such Second Meeting in Person or by Proxy shall forfeit to the said Company of Proprietors, unless he shall have a sufficient Excuse for his Non-attendance, for every Share or Subscription of One hundred Pounds which he or she shall possess in the said Undertaking, the Sum of Five Shillings, to be deducted out of his or her next succeeding Payment of Interest or Dividends of the Profits of the said Undertaking, as the Case may happen; and in case no Interest or Dividend shall be payable to such Person or Persons making Default as aforesaid, within Two Calendar Months next after the making of such Default, then the Payment of the said Forfeiture of Five Shillings may be recovered and enforced by the Ways and Means herein-after appointed for the Recovery of any other of the Penalties or Forfeitures imposed by this Act.

Meetings of Proprietors may be specially convened.

XLVII. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act into Execution a Special General Meeting of the said Company of Proprietors is necessary to be held, it shall be lawful for any Three or more of the said Proprietors, who shall each of them be possessed of or entitled unto Five Shares or Subscriptions of One hundred Pounds each or upwards, at the least, in the said Undertaking, to cause Ten Days Notice at the least to be given in some One or more Newspapers usually circulated in the County of *Durham*, or some other Newspaper as aforesaid, or by giving to each Proprietor, or leaving at his or her usual Place of Abode, a Notice in Writing signed by such Proprietors, or by the Clerk to the said Company of Proprietors for the Time being, or in such other Manner as the said Company of Proprietors shall at any General Meeting direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special General Meeting, and the Time when and the Place where the same shall be held; and the said Company are hereby authorized to meet in pursuance of such Notice; and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company, with respect to the Matters so specified only; and all such Acts of the Proprietors, or the major Part of them met together at every such Special General Meeting, shall be as valid with respect to the Matters specified in such Notice as if the same had been done at a General Meeting at the Time herein-before appointed for holding the same.

General Meetings to appoint Officers.

XLVIII. And be it further enacted, That it shall be lawful for the said Company at any General Meeting, and they are hereby authorized and required from Time to Time to nominate and appoint a Treasurer or Treasurers, and One or more Receiver or Receivers, Collector or Collectors of the said Rates, and also One or more Clerk or

or Clerks to the said Company, and also to such Committee, and such other Officers as they shall think proper, with such Salaries or Salary or Remuneration as shall to the said Company seem proper; and the said Company shall and they are hereby required to take sufficient Security from every such Treasurer, Receiver, Collector, and other Officer having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of their respective Offices, as the said Company shall think proper, and from Time to Time to remove any such Treasurer or Treasurers, Collector or Collectors, Clerk or Clerks, or other Officer or Officers, or any of them; and such Clerk or Clerks shall attend the General Meetings of the said Company and the Meetings of the said Committee, and shall, in a proper Book or Books to be provided by the said Company for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company and Committee respectively; and every Proprietor of the said Undertaking shall and may at all convenient Times have recourse to and peruse and inspect the same *gratis*, and may demand and have Copies thereof, or any Part thereof, paying for every One hundred Words so to be copied the Sum of Sixpence; and if any such Clerk or Clerks to the said Company and Committee shall refuse to permit any Proprietor to inspect or peruse any such Book or Books of Proceedings, at all convenient Times and Seasons, or refuse to make any such Copy or Copies in a reasonable Time, at the Rate or Price aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds for the Benefit of the said Undertaking; and in case any such Treasurer, Collector, or Clerk shall die, be removed from or quit the Service of the said Company, it shall be lawful for the said Company at their said stated or Special General Meetings, or for the Committee of the said Proprietors, to appoint any other fit Person or Persons to execute such Office or Offices, in the Place of such Person or Persons who shall so die, be removed from or quit the Service of the said Proprietors or of the said Committee; but in case any such new Appointment be made by the said Committee, the same shall only continue until the next stated or Special General Meeting of the said Proprietors, when the Appointment of such Person or Persons to such respective Office or Offices shall either be confirmed, or such other fit Person or Persons appointed to succeed to such Office or Offices, as the said Proprietors at such stated or Special General Meeting shall think proper; all which Acts of the said Committee shall be conclusive, unless revoked by the General Meeting holden next after such Acts as aforesaid.

Treasurer, &c. to give Security.

Same Person not to be Clerk and Treasurer.

XLIX. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the

Partner

Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same; to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Powers of Committee and Regulations.

L. And be it further enacted, That such Committee shall, until the next General Meeting to be holden in manner aforesaid, meet at such Times and in such Places, and from Time to Time adjourn themselves to such other Time and Place as they shall think fit; and at all Meetings of the said Committee one of the Members present shall be appointed Chairman; and all Questions, Matters, and Things which shall be proposed, discussed, or considered at such Meetings, shall be finally determined by the Majority of Votes then present, the whole Number present not being in any Case less than Three; and such Committee shall have full Power and Authority to direct and manage all and every the Affairs of the said Company, as well in contracting for and purchasing Messuages, Tenements, or other Hereditaments and Materials for the Use of the said Undertaking, as in employing, ordering, and directing the Works and Workmen, and in placing and displacing Officers, Clerks, Servants, Agents, and Workmen, and in making all Contracts and Bargains touching the said Undertaking; and no Member of the said Committee (although he may be a Proprietor of many Shares in the said Undertaking) shall have more than One Vote in any Committee, except the Chairman, who, in case of an equal Division, shall always have a Second or casting Vote, although he may have given One Vote before; and every such Committee shall keep a regular Minute and Entry of their Proceedings, and from Time to Time make Report of their Proceedings to the said stated General Meetings, and if required, to the Special General Meetings of the Proprietors, and shall obey their Orders and Directions; but no Person holding any Place, Office, or Employment, or being concerned or interested in any Contract or Contracts under the said Company, shall be capable of being chosen to serve on any such Committee during the Time of his Continuance in such Place, Office, or Employment; and in order to defray the Expences of their Meetings the said Committee shall from Time to Time receive, out of the Capital Stock of the said Proprietors, such Sum or Sums of Money as shall be directed, adjusted, and settled at such stated General Meetings; and the said Committee (subject nevertheless at all Times to such Orders and Directions as aforesaid) shall, by themselves or their Clerk or Clerks as aforesaid, keep a full and true Account of all Monies disbursed and Payments made by the said Committee, and by all and every Person and Persons employed by or under them, and of all and every Sum and Sums of Money which they shall receive on behalf of or in respect of such Undertaking, from any Collector or Collectors of the said Rates, or other Officer or Officers, or from any other Person or Persons whomsoever employed in or having any Concerns, Dealings, or Transactions with the said Undertaking, or in or with any Part or Parts thereof;

and shall regularly, by themselves or their Clerk or Clerks aforesaid, write, insert, and enter in a Book or Books to be from Time to Time provided at the Expence of the said Company for that Purpose, Notes, Minutes, or Copies, (as the Case shall require,) of every such Contract, Bargain, Receipt, and Disbursement, and of all other their Orders and Proceedings; which Book or Books shall be deposited with and kept locked up under the Care and Direction of the said Committee: Provided always, that every Proprietor shall have free Access thereto for his or their Inspection, without paying any thing for the same.

Power of Committee to make Calls.

LI. And be it further enacted, That the said Committee shall have Power from Time to Time to make such Call or Calls of Money from the Subscribers to and Proprietors of the said Undertaking, to defray the Expences of or to carry on the same, as they from Time to Time shall find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Twenty Pounds upon each Share which any Person or Persons shall or may be possessed of or entitled unto in the said Undertaking; and such Calls shall not be made but at the Distance of Two Calendar Months at the least from each other, and Ten Days Notice at the least shall be given of all such Calls as aforesaid, by Advertisement in some One or more Newspapers usually circulated in the said County of *Durham;* which Monies so called for shall be paid to such Person and Persons, and in such Manner as the Committee shall from Time to Time appoint and direct, for the Use of the said Undertaking; and every Owner or Owners of any Share or Shares in the said Undertaking, shall pay his, her, or their rateable Proportions of the Monies to be called for as aforesaid, to such Person or Persons, and at such Time and Place, as the said Committee shall from Time to Time direct and appoint; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money so called for as aforesaid, at the Time and Place to be appointed as aforesaid, it shall be lawful for the said Company to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Wager, or Protection of Law, or more than One Imparlance, shall be allowed; or the said Company may and they are hereby authorized at a General Meeting to declare the Shares belonging to any Person refusing or neglecting to pay any such Calls in manner as aforesaid to be forfeited to and for the Use and Benefit of the other Proprietors of the said Undertaking; and all such Forfeitures shall be sold at a public Sale by the said Company for the most Money that can be gotten for the same, and the Produce thereof shall be equally divided amongst the rest of the said Company, in proportion to their respective Shares and Interests in the said Undertaking: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share or Shares in the said Undertaking, until personal Notice in Writing, under the Hand of the Clerk or Treasurer of the said Company, shall have been given to or left at the usual Place or Places of Abode of the Owner or Owners of such Share or Shares respectively, nor until the same Share or Shares shall have been declared to be forfeited at some stated or general Special Meeting of the said Company, which shall be held after the End of Three or more

more Calendar Months from the Day on which such Notice of Forfeiture shall have been given.

Proceedings in Actions for Calls.

LII. And be it further enacted, That in any Action to be brought by the said Company against any Owner or Owners of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in arrear shall amount to, for such and so many Call or Calls of such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be), whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls, or any other Matter whatsoever; and the said Company shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded Twenty Pounds for every Sum of One hundred Pounds, or was made within the Distance of Two Calendar Months from the last preceding Call, or without Notice given in any Newspaper as aforesaid.

Proprietors in arrear not to vote.

LIII. Provided also, and be it further enacted, That no Proprietor in arrear for any Call shall at any Meeting be allowed to vote or give his Voice in the Agitation of any Question respecting the Concerns of the said Proprietors, either personally or by Proxy, until such Time as he shall have paid to the Treasurer all such Arrears as may be due from him in respect of such Calls.

Committee to be under Controul of General Meetings.

LIV. And be it further enacted, That such Committee shall keep a regular Minute or Entry of their Proceedings, and from Time to Time make Reports to, and be subject to the Examination and Controul of the said General and Special Meetings of the said Proprietors as aforesaid, and shall pay due Obedience to all such Orders and Directions in and about the Premises, as shall from Time to Time be made by the said Proprietors at any such General or Special Meeting, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Committee may appoint Sub-committees, with Power to make Contracts, &c.

LV. And be it further enacted, That it shall be lawful for the said Committee to nominate and appoint, out of their own Body, One or more Sub-committee or Sub-committees (every such Sub-committee to consist of Five or more Persons), who shall have full Power and Authority to enter into and make any such Contracts or Agreements on

on behalf of the said Company of Proprietors as aforesaid, and to hire and employ any Agents, Workmen, or Servants in and about the said Undertaking, and to do, execute, and perform all other Matters and Things whatsoever in and about the said Undertaking, which the said Committee are themselves herein-before authorized to do, or such of them as the said Committee shall think proper to entrust to the Care and Management of any such Sub-committee or Sub-committees; (save and except nevertheless the appointing of Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the auditing and settling of the Accounts of the Treasurer or Treasurers, Clerks, Collector, Engineers, Surveyors, and other principal Officers, and making of Calls for Money upon the Proprietors of the said Undertaking); and that it shall be lawful for the said Committee for the Time being, to order and direct such Compensation or Recompence to be made to the Sub-committee or Sub-committees from Time to Time as they shall think reasonable; and it shall be lawful for the said Committee, by an Order or Resolution for that Purpose, to break up and dissolve any such Sub-committee or Sub-committees, or to remove and displace any Member or Members thereof, and to appoint some other or others in his or their Place and Stead, when and as often as such Committee shall think proper and expedient; and such Sub-committees shall have full Power and Authority to meet from Time to Time and adjourn from Place to Place as they shall think proper, and as Occasion shall require, for effectuating the Purposes aforesaid; and all Powers and Authorities hereby vested, or which shall by the said Committee be vested in any such Sub-committee or Sub-committees, within the Intent and Meaning of this Act, shall and may be exercised by the major Part of the Members present at their respective Meetings, the whole Number present not being less than Three; and at all Meetings of such Sub-committees respectively, One of the Members present shall be appointed President or Chairman; and all Questions shall be decided by the Majority of Votes, and the President or Chairman shall have the casting Vote in case of an equal Division, although he may have given One Vote before.

Books of Account to be kept.

LVI. And be it further enacted, That proper Books of Account, and other Matters relating to the said Undertaking, shall be kept; and that all such Books shall be deposited and kept under the Direction of the Committee for the Time being, at such Place or Places as the said Company of Proprietors shall from Time to Time direct; and every Proprietor or Proprietors at all seasonable Times shall have free Access to the same, for his, her, or their Inspection, without Fee or Reward.

On the Death of Subscribers before Shares completed, Executors may complete the same.

LVII. And be it further enacted, That if the Owner or Owners of any Share or Shares in the said Undertaking shall happen to die before such Call or Calls shall have been made for the full Sum to be advanced on any Share or Shares which he, she, or they shall have been possessed of or entitled to, without having made any Provision, by Will or otherwise, how and in what Manner such Share or Shares shall be disposed of, and how or by what Means the future Calls in respect thereof shall be paid to the said Company of Proprietors for the Purpose of the said Undertaking, then and in such Case the Executors

cutors or Administrators of any such Owner so dying, or the Trustee or Trustees, Committee or Committees of any Lunatic or Lunatics, Guardian or Guardians of any Infant or Infants, or of any other Person or Persons entitled to the Estate and Effects of such deceased Owner, shall be indemnified against all and every such Infant or Infants, and against all and every Person and Persons whomsoever, for or on account of his, her, or their having paid any Sum or Sums of Money, when called for as aforesaid, to complete any such Subscription; and if such deceased Owner or Owners shall not have left Assets sufficient, or in case the Executors or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, the said Company of Proprietors shall be and they are hereby authorized and required to admit any other Person or Persons to be a Proprietor or Proprietors of the Share or Shares of such deceased Owner or Owners, on Condition that he, she, or they so admitted do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner or Owners, or to the Trustee or Trustees, Guardian or Guardians of any Infant or Infants, or to any other Person or Persons who shall or may be entitled to his, her, or their Effects, the full Sum or Sums of Money which shall have been paid by such Owner or Owners in his, her, or their Lifetime, by virtue of any Call or Calls, or otherwise, upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for; and in case no Person or Persons shall be found who is or are willing to be admitted on such Conditions as aforesaid, then and in such Case such Share or Shares shall be forfeited to and become vested in the rest of the said Company of Proprietors, in Trust for and for the equal Benefit of all the rest of the said Proprietors, in proportion to their respective Interests in the said Undertaking, and shall be subject to be sold and disposed of in like Manner as other forfeited Shares may be sold and disposed of by virtue of this Act.

Shares may be sold.

LVIII. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, and his, her, or their respective Executors and Administrators, from and after Payment of the Sum of Thirty Pounds *per Centum* by him, her, or them, on his, her, or their Share or Shares in the said Subscription, but not before, to sell and dispose of any Share or Shares to which he, she, or they shall be entitled therein, subject to the Rules and Conditions herein mentioned and provided; and the Form of Conveyance of Shares shall be in the following Words, or to the like Effect, varying the Names and Descriptions of the contracting Parties as the Case may require:

Form of Conveyance.

'I *A.B.* of in consideration of paid to me by *C.D.* of do hereby bargain, sell, assign, and transfer to the said *C.D.* the Sum of Capital Stock of and in the Undertaking called to hold unto the said *C.D.*, his Executors, Administrators, and Assigns, subject to the same Rules, Orders, and Regulations, and on the same Conditions that I held the same immediately before the Execution hereof; and I the said *C.D.* do hereby agree to take and accept of the said Capital Stock or Share of

'subject to the same Rules, Orders, Restrictions, and Conditions.
'As witness our Hands and Seals, the Day
'of .'

And on every such Sale the said Deed or Conveyance (being executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares) shall be kept by the said Purchaser or Purchasers for his, her, or their Security, after the Clerk or Clerks to the said Company shall have entered, in a proper Book or Books to be kept for that Purpose, a Memorial of such Transfers and Sales for the Use of the said Company, and have testified and indorsed the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than Three Shillings and Sixpence, exclusive of Stamps, shall be paid for each Share so transferred, and the said Clerk or Clerks is or are hereby required to make such Entry or Memorial accordingly; and until such Memorial shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share or Shares paid to him, her, or them, nor any Vote or Votes in respect thereof, as a Proprietor or Proprietors of the said Undertaking.

After a Call no Share to be sold until Call shall be paid.

LIX. And be it further enacted, That after any such Call of such Money shall have been made by such Committee as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, although Thirty Pounds *per Centum* shall have been paid thereon, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid or discharged to the Treasurer of the said Company the whole and entire Sum of Money which shall have been called for in respect of each Share so sold or transferred.

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

LX. And for the better Security of the several Proprietors of the said Undertaking to the respective Shares therein, be it further enacted, That the said Company shall and they are hereby required, at their First or some subsequent General Meeting, to cause the Names and proper Additions of the several Persons who shall then be entitled to Shares in the said Undertaking, with the Number of the Shares, and the Amount of all the Subscriptions which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk of the said Company, and after such Entry to cause their Common Seal to be affixed thereto, and also shall cause a Ticket or Instrument, with the Common Seal of the said Company to be affixed thereto, to be delivered to every such Subscriber, on Demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking, every such Proprietor paying to the Clerk Three Shillings and Sixpence, and no more, for every Ticket or Instrument; and such Ticket or Instrument shall be admitted in all Courts whatsoever as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Share or Shares therein specified; but the Want of such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof;

and which said Ticket or Instrument may be in the Words or to the Effect following; *videlicet*,

Form of Ticket.

'THESE are to certify, That *A. B.* of is a Proprietor of the Share Number of the subject to the Rules, Regulations, and Orders of the said Company; and that the said *A. B.*, his [*or* her] Executors, Administrators, or Successors and Assigns, is and are entitled to the Profits and Advantage of such Share. Given under the Common Seal of the said Company, the Day of in the Year .'

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

LXI. And be it further enacted, That if any of the Tickets for or respecting the Shares of the Company of Proprietors aforesaid shall be worn out or damaged, then, upon the same being brought and shown at some General Meeting of the said Company of Proprietors, such Tickets may be cancelled and destroyed, and other similar Tickets given, under the Seal of the said Company of Proprietors, to the Person or Persons in whom the Property of such Tickets, and the Shares therein mentioned, shall be at that Time vested; or in case such Tickets shall be burnt or totally destroyed, then, upon due Proof thereof, like Tickets shall be given to the Person or Persons who was or were the Owner or Owners of or entitled to such Ticket so burnt or destroyed; and a due Entry of the Transfer of such Ticket or Tickets (if any such have been made) shall be entered by the Clerk of the said Company of Proprietors in manner herein directed.

Rate of Tonnage.

LXII. And in consideration of the great Charge and Expence which the said Company of Proprietors must incur and sustain in making and maintaining the said Railways or Tramroads, and other the Works hereby authorized to be made and maintained, be it further enacted, That it shall and may be lawful for the said Company of Proprietors, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company of Proprietors, for the Tonnage of all Goods, Wares, and Merchandize, and other Things which shall be carried or conveyed upon the said Railways or Tramroads, or upon any Part thereof, the Rates, Tolls, and Duties herein-after mentioned; (that is to say),

For all Limestone, Materials for the Repair of Turnpike Roads or Highways, and all Dung, Compost, and all Sorts of Manure, except Lime, which shall be carried or conveyed upon the said Railways or Tramroads, such Sum as the said Company of Proprietors shall from Time to Time direct or appoint, not exceeding the Sum of Four-pence *per* Ton *per* Mile:

For all Coal, Coke, Culm, Cinders, Stone, Marl, Sand, Lime, Clay, Ironstone, and other Minerals, Building Stone, Pitching and Paving Stone, Bricks, Tiles, Slates, and all gross and unmanufactured Articles, and Building Materials, such Sum as the said Company of Proprietors shall from Time to Time direct and appoint, not exceeding the Sum of Four-pence *per* Ton *per* Mile:

For all Lead in Pigs or Sheets, Bar Iron, Waggon Tire, Timber, Staves and Deals, and all other Goods, Commodities, Wares, and Merchandizes, such Sum as the said Company of Proprietors shall from Time

Time to Time direct and appoint, not exceeding the Sum of Sixpence *per* Ton *per* Mile:

For all the Articles, Matters, and Things for which a Tonnage is herein-before directed to be paid, which shall pass the Inclined Planes upon the said Railways or Tramroads, such Sum as the said Company of Proprietors shall appoint, not exceeding the Sum of One Shilling *per* Ton:

And for all Coal which shall be shipped on board of any Vessel or Vessels in the Port of *Stockton-upon-Tees* aforesaid, for the Purpose of Exportation, such Sum as the said Company of Proprietors shall appoint, not exceeding the Sum of One Halfpenny *per* Ton *per* Mile.

Power to reduce the Tolls.

LXIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors from Time to Time, and as often as they shall think fit, to lessen, reduce, and vary the Rates, Tolls, and Duties granted by this Act, for or in respect of all or any of the Articles or Things herein-before specified or mentioned, which shall be conveyed upon all or any of the said Railways or Tramroads, or any Part thereof respectively; and again to raise, advance, and vary the same, so as not at any Time to exceed the respective Amounts herein-before set forth and authorized to be collected.

Regulations as to fractional Parts of a Ton or Mile.

LXIV. And be it further enacted, That in all Cases where there shall be a Fraction of a Ton, a Proportion of the same Rates shall be demanded and taken for such Fraction, according to the Number of Quarters of a Ton contained in such Fraction, and when there shall be a Fraction of a Quarter of a Ton, such Fraction shall be deemed and considered as a whole Quarter of a Ton; and in all Cases where there shall be a Fraction of a Mile in the Distance which any Waggon, Cart, or other Carriage shall pass upon the said Railways or Tramroads, the Tonnage which shall be demanded and taken shall be after the Rate of the Number of Quarters of Miles which the said Waggon, Cart, or other Carriage shall have passed, and when there shall be a Fraction of a Quarter of a Mile, such Fraction shall be deemed and considered as a Quarter of a Mile; and in order to ascertain and calculate with greater Precision and Facility the Distance for which Tonnage shall be demanded and taken upon the said Railways or Tramroads, the said Company of Proprietors shall cause the said Railways or Tramroads to be measured, and Stones or other conspicuous Marks to be set up and for ever maintained at the Distance of One Quarter of a Mile from each other, with proper Inscriptions; and whenever any Waggon shall have passed One or more of such Stones or Marks, or the Place where the same shall have been set up, such Waggon shall be deemed to have passed One or more Quarters of a Mile along the said Railways or Tramroads, and Tonnage for such Distance shall be due and payable, although the Distance actually travelled be more or less than is thus computed.

Company empowered to regulate and fix the Price of small Parcels not ex-

LXV. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, and their Successors, from Time to Time at any General Meeting of the said Company to be held as herein-before is directed, with the Consent of the

the major Part of the said Company of Proprietors assembled at any such Meeting to be held as herein-before directed, to make such Bye Law or Bye Laws, for ascertaining and fixing the Price or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel (not exceeding Five hundred Pounds Weight), upon the said Railways or Tramroads, or any Part thereof respectively, and from Time to Time to repeal, alter, or vary the said Rates, as to them shall seem meet, fitting, and reasonable; and that the said Company of Proprietors shall from Time to Time affix and stick up, or cause to be affixed and stuck up, upon every Public Wharf, and upon every Stop Gate or Toll House on the said Railways or Tramroads, in some conspicuous Part there, in large and legible Characters, an Account or List of the several Rates of Tonnage which the said Company of Proprietors shall from Time to Time so direct and appoint, and of the Price or Prices, Sum and Sums of Money so allowed to be taken for the Carriage of all and every such Parcel and Parcels, not exceeding Five hundred Pounds Weight as aforesaid, upon the said Railways or Tramroads, or any Part thereof; and in case any Owner or Master or other Person belonging to any Waggon or other Carriage passing upon the said Railways or Tramroads, or any Collector of the Rates, Tolls, or Duties aforesaid, shall, after such Account or List shall be affixed and stuck up as aforesaid, demand or take more than the Price or Sum or Sums of Money therein specified and ascertained, such Owner, Master, Collector, or other Person as aforesaid, shall forfeit any Sum not exceeding Five Pounds; and such Bye Laws shall be valid and binding in all Cases upon all Persons whomsoever.

ceeding 500lbs. Weight.

Persons demanding more subject to Penalty.

LXVI. And be it further enacted, That the Rate of Tonnage herein authorized and demanded to be taken shall be paid to such Person or Persons, at such Place or Places at, upon, or near the said Railways or Tramroads, in such Manner and under such Regulations as the said Company of Proprietors at some General or Special Meeting or Meetings, or as the Committee shall, by Notice to be annexed to the Account or List of Tonnage, direct or appoint; and in case of Refusal or Neglect of Payment of such Rates, Tolls, or Duties, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company of Proprietors may sue for the same in any of His Majesty's Courts of Record, or the Person or Persons to whom such Rates, Tolls, or Duties ought to have been paid may, and he or they is or are hereby authorized to seize the Goods or other Things for or in respect whereof any such Rates, Tolls, or Duties ought to have been paid, or any Part thereof, and the Horse, Cattle, Waggon, or other Carriage laden therewith, and detain the same until such Payment shall be made; and if such Goods shall not be redeemed within Five Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent.

Recovery of Rates.

LXVII. And be it further enacted, That if any Person or Persons shall fraudulently carry or convey any Article or Thing whatsoever on the said Railways or Tramroads, on Payment of a lower Rate, Toll, or Duty than that to which such Articles or Things are hereby

Penalty on Persons claiming Exemptions from Tolls unlawfully.

hereby subject or liable, and shall be thereof convicted before any Justice of the Peace for the said County of *Durham*, every such Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors or their Successors any Sum not exceeding Ten Shillings, over and above the Rate, Toll, or Duty to which such Articles or Things are liable, to be levied and recovered in the same Manner as any other Penalty or Forfeiture under this Act can or may be levied and recovered.

Disputes about the Amount of Tolls.

LXVIII. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of the Rates, Tolls, or Duties due, or the Charges occasioned by any Distress, it shall be lawful for the Collector or Person distraining to detain such Distress, or the Money arising from the Sale thereof, (as the Case may happen,) until the Amount of the Rates, Tolls, or Duties due, and the Charges of seizing, distraining, keeping, or selling such Distress, (as the Case shall happen,) shall be ascertained by One or more Justice or Justices of the Peace for the said County of *Durham*, who, upon Application made to him or them for that Purpose, shall examine the said Matter upon Oath of the Parties or other Witness or Witnesses, and determine the Amount of the Rates, Tolls, or Duties due; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the Parties to the other of them as he shall think just and reasonable; and in case of Nonpayment thereof on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, by Warrant under the Hand and Seal of such Justice.

Company empowered to lease the Rates.

LXIX. And be it further enacted, That it shall be lawful for the said Company of Proprietors at any of their General Meetings, by Writing under their Common Seal, at any Time or Times to let to farm the Rates, Tolls, and Duties hereby made payable, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Railways or Tramroads, unto any Person or Persons, for any Term or Time which they shall think proper, not exceeding Three Years from the Commencement of any Lease; and every such Lease shall be valid and effectual; and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates, Tolls, and Duties so let, shall, during the Continuance of any such Lease, be deemed Collectors of the Rates so let, but for the proper Use of such Lessee or Lessees, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company of Proprietors; provided public Notice of the Intention to let the said Rates, Tolls, and Duties, or any Part thereof, be given in Writing by the said Committee, or any Three or more of them, or by the Clerk to the said Company of Proprietors, by Advertisement published in such Newspaper, or by Notice to such Proprietors as aforesaid, at least Twenty Days prior to any such General Meeting at which the said Rates, Tolls, and Duties, or any Part thereof, are proposed to be let as aforesaid.

LXX. And

Owners of Waggons to give an Account in Writing of Lading.

LXX. And for better ascertaining and more easily collecting the said Rates, Tolls, and Duties, be it further enacted, That the Owner or Owners, or Person or Persons having the Care of any Waggon or other Carriage passing upon the said Railways or Tramroads, or any Part thereof, shall give an exact and true Account in Writing, signed by him or them, to the Collectors of the said Rates and Tolls, at the Place or Places where they shall attend for that Purpose, of what Quantity of Goods and other Things as aforesaid shall be in such Waggon or other Carriage, and with respect to such Waggon or other Carriage, from whence brought, and where the same are intended to be unloaded or left; and in case any Person shall neglect or refuse to give such Account, or to produce his Bill of Lading to any Collector demanding the same, or shall give a false Account, or shall deliver any Part of his Lading or Goods at any other Place than what is or are mentioned in such Account, with an Intent to avoid the Payment of the said Rates, Tolls, and Duties, or any Part of them, he shall forfeit and pay any Sum not exceeding Ten Shillings for every Ton of Goods and other Things, and so in proportion for any less Quantity than a Ton which shall be in such Waggon or other Carriage, of which such Account shall be so refused to be given, or which shall be fraudulently delivered out as aforesaid, as the Case shall happen to be, over and above the respective Rates, Tolls, and Duties directed to be paid for the same by virtue hereof.

Weight of Tonnage ascertained.

LXXI. And for better ascertaining the Tonnage of Timber, Goods, and other Things to be charged with the Payment of such Rate as aforesaid, be it further enacted, That One hundred and twelve Pounds Weight shall for the Purposes of this Act be deemed, rated, or estimated as for One Hundred Weight, any Usage to the contrary notwithstanding.

If any Differences concerning Weight, Collectors may weigh or measure Waggons.

LXXII. And be it further enacted, That if any Differences shall arise between any Collector of the said Rates, Tolls, and Duties, and the Owner or Owners, or Person having the Charge of any Waggon or other Carriage, or the Owner of any Goods or other Things, it shall be lawful for any such Collector to stop and detain any such Waggon or other Carriage, and to weigh, measure, and gauge, or cause to be weighed, measured, or gauged, such Waggon or other Carriage, and all such Goods and other Things as shall be therein respectively contained; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than what is set forth and contained in the Account given thereof as aforesaid, then the Owner or Person giving in such Account shall pay the Costs and Charges of such weighing, measuring, and gauging; all which Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied by such Ways and Means, and in such Manner, as the said Rates, Tolls, and Duties are hereby appointed to be recovered and levied; but if such Goods and other Things shall appear to be of the same or less Weight or Quantity than the same shall by such Account appear to be of, then the said Collector shall pay the Costs and Charges of such weighing, measuring, or gauging, and also pay to such Owner or Owners of such Goods or

other

other Things, such Damages as shall appear to the said Justice, on the Oath of any credible Witness (which Oath such Justice is hereby empowered to administer), to have arisen from such Detention; and in default of immediate Payment thereof by the Collector, the same may be recovered from the said Company of Proprietors, by Distress and Sale of the Goods of the said Company of Proprietors, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), upon Demand, after deducting the Costs of such Distress and Sale, to the said Company of Proprietors.

Owners to put their Names on the Outside of their Waggons.

LXXIII. And be it further enacted, That the Owner or Owners of any Waggon or other Carriage passing along the said Railways or Tramroads shall cause his, her, or their Name or Names, and Place or Places of Abode, and the Number of his, her, or their Waggon or other Carriage, to be entered with the Clerk or Clerks of the said Company, and shall also cause such Name or Names, and Number, to be painted in large White Capital Letters and Figures on a Black Ground, Three Inches high at the least, and of a proportionate Breadth, on some conspicuous Part of the Outside of every such Waggon or other Carriage, and shall permit and suffer every such Waggon or other Carriage to be gauged, weighed, and measured at the Expence of the said Company, whenever it shall be required by them, or any Person or Persons by them appointed for that Purpose; and every Owner or Owners, or other Person having the Care of any Waggon or other Carriage, or who shall conduct the same upon any of the said Railways or Tramroads, without having such Waggon or other Carriage previously gauged, weighed, and measured, or without having such Names and Figures thereon respectively as herein-before directed, or who shall alter, erase, or deface such Names and Figures, or any of them, or any Part thereof, or shall fix thereon any false Name or Figure, or who shall refuse to permit and suffer such Waggon or other Carriage to be gauged, weighed, and measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Owners of Waggons to be accountable for Damages done by their Servants.

LXXIV. And be it further enacted, That the Owner or Owners of any Waggon or other Carriage passing upon the said Railways or Tramroads shall be, and he, she, and they is and are hereby respectively made answerable for any Trespasses, Damages, Spoil, or Mischief that shall be done by his, her, or their Waggon or other Carriage, or by any of the Waggoners or other Person or Persons belonging to or employed in or about the same respectively, to the said Railways or Tramroads, Bridges, Engines, and other Works or Conveniences made by virtue of this Act, either by the loading or unloading of any Waggon or other Carriage, or by any Means whatsoever, or to the Owners or Proprietors of any Building or other Erection, Lands, Tenements, or Hereditaments adjoining or lying near the same, or any other Trespass whatsoever; and the said Owner or Owners of such Waggon or other Carriage shall for every such Damage, upon Conviction of such Person or Persons before One Justice of the Peace, either by the Confession of the Party or Parties offending, or upon Oath or Oaths of One or more credible Witness or Witnesses, (which Oath or Oaths such Justice is hereby

hereby empowered and required to administer), pay the Person or Persons injured the Damages to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Twenty Pounds, and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Forty Shillings, and all the Costs, Charges, and Expences attending such Conviction; which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners of any such Waggon or Carriage, by Warrant or Warrants under the Hand and Seal of such Justice, and the Overplus (if any), after such Penalty, Damages, and the Costs and Charges of such Distress and Sale, are deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; or if the Damages shall exceed the Sum of Twenty Pounds, then and in such Case the Owner or Owners of such Waggon or other Carriage may be sued and prosecuted for the same in any of His Majesty's Courts of Record; and if a Verdict or Judgment shall be given against him, either on Proof made, or by Default, or upon Demurrer, the Plaintiff in any such Case shall recover his Damages thereby sustained, with full Costs of Suit; and if the Owner or Owners of any Waggon or other Carriage passing the same Railways or Tramroads shall be compelled to make any Satisfaction for any Damages, by reason of any wilful Act, Neglect, or Default of his or their Servant or Servants or Waggoners, then and in such Case every such Servant or Waggoner shall be liable to repay such Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners; and in case of Non-payment thereof on Demand, the same shall be recovered in like Manner as any Penalty can or may by virtue of this Act be recovered.

Penalty on Persons obstructing the Passage of Waggons.

LXXV. And be it further enacted, That if any Person or Persons shall suffer the Loading of any Waggon or other Carriage using the said Railways or Tramroads to be over the Sides thereof, or shall overload any Waggon or other Carriage, or shall leave, place, or suffer any Waggon or other Carriage to be left or remain on any Part of the said Railways or Tramroads or other Works as aforesaid, so as to obstruct the Passage of any other Waggon or other Carriage, and shall not immediately upon Notice given of such Obstruction remove the same so as to make a free Passage for other Waggons or other Carriages passing thereon respectively, every such Owner or Owners, or other Person or Persons having the Care of such Waggon or other Carriage, shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds; and if any Person shall throw any Gravel, Stones, or Rubbish, or any other Matter or Thing, upon any Part of the said Railways or Tramroads to be made by virtue of this Act, or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, or shall do any other Act, Matter, or Thing to obstruct the free Passage of the said Railways or Tramroads, or any Part thereof, every Person so offending in any of the Cases aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Penalty on destroying Works.

LXXVI. And be it further enacted, That if any Person shall wilfully and maliciously, and to the Prejudice of the said Undertaking, break,

break, throw down, destroy, steal, carry or take away any Part of the said Railways or Tramroads, or other Works to be erected and made by virtue of this Act, and be thereof lawfully convicted, such Person shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person to be transported for the Term of Seven Years; or, in Mitigation of such Punishment, such Court may, if they think fit, award such Sentence as the Law directs in Cases of Petit Larceny.

Company or Committee to regulate the Passage on Railway.

LXXVII. And be it further enacted, That it shall be lawful for the said Company from Time to Time to make such Rules, Orders, and Regulations as they shall think proper, for or relating to Waggons or other Carriages passing along or using the said Railways or Tramroads and other Works; and all such Rules, Orders, and Regulations shall be binding upon and be conformed to by the Owners or Persons having the Care or Conduct of such Waggons or other Carriages, upon pain of forfeiting a Sum not exceeding Forty Shillings for every Default; and if any Waggon or other Carriage shall be placed or suffered to remain in any Part of the said Railways or Tramroads or other Works, so as to obstruct the Passage thereof, and the Person having the Care of such Waggon or other Carriage shall not immediately upon Request made remove such Waggon or other Carriage, he shall forfeit for every such Offence any Sum not exceeding Five Shillings for every Hour such Obstruction shall continue after the making of such Request; and it shall be lawful for any Agent or Officer to the said Company to cause any such Waggon or other Carriage to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction, and to detain such Waggon or other Carriage and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Removal shall be paid.

The Company not liable to pay Toll to the Trustees of any Turnpike Road.

LXXVIII. Provided also, and be it further enacted, That neither the said Company of Proprietors, nor any Person or Persons whomsoever, shall be subject or liable to pay to the Trustees of any Turnpike Road or Roads any Toll whatsoever, for any Waggons, Carts, Teams or Carriages, when passing and repassing along and upon the said Railway or Tramroad, or collateral Branches, or upon any Part thereof, or for the Horses, Mules, or Cattle when employed in drawing the same thereon, notwithstanding any such Waggons, Carts, Teams or Carriages, Horses, Mules, or Cattle, shall or may pass or repass across or along the Side of any such Turnpike Road or Roads; any Law or Statute to the contrary notwithstanding.

Company empowered to make and erect Gates, &c. under Direction of Justices of the Peace.

LXXIX. And be it further enacted, That the said Company of Proprietors shall, at their own Expence, Costs, and Charges, within Twelve Calendar Months next after any Part of the said Railways or Tramroads shall be laid out and formed, make, erect, and set up, and from Time to Time maintain and support, such and so many convenient Gates in and upon the said Railways or Tramroads, and also all Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages over and under or by the Side of the said Railways or Tramroads, of such Dimensions and in such Manner as Two or more Justices of the

Peace for the said County of *Durham* shall from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same, for the Use of the Owners or Occupiers of the Lands and Grounds through which such Railways or Tramroads shall be made, or for protecting the said Lands and Grounds from Trespass, or the Cattle or other Property of the Owners or Occupiers thereof from straying or escaping thereout, by reason of such Railways or Tramroads, or any other Matter or Thing to be done in pursuance of this Act; and all such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages so to be made as aforesaid, shall from Time to Time, and at all Times thereafter, be supported, maintained, and kept in sufficient Repair and Condition by the said Company of Proprietors; and in case the said Company of Proprietors shall refuse or neglect to make, erect, or set up such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages as herein-before directed, or to maintain and support the same or any of them when erected, set up, and made in manner aforesaid, for the Space of Thirty Days next after the Time to be appointed for those Purposes respectively by such Justices, then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said Lands or Hereditaments who shall find himself, herself, or themselves aggrieved by such Neglect or Refusal, to make, erect, and set up all such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages as the said Justices shall have before directed or appointed to be made, erected, and set up as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, the said Railways or Tramroads, Buildings, and other Things hereby authorized to be made or erected by the said Company of Proprietors, shall not be obstructed or injured for any longer Space of Time or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Justices, shall be repaid to the respective Owners or Occupiers of the Lands and Hereditaments who shall have so erected and made, repaired or maintained such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, by the said Company of Proprietors, within the Space of Thirty Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof, to and from the said Company of Proprietors; and in default of Payment of the said Costs and Charges within the Time aforesaid, the said Justices shall and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company of Proprietors, for the Use of such Person or Persons to whom such Costs and Charges shall have been allowed, rendering to the said Company of Proprietors the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices; and every or any of the said Owners or Occupiers, upon Refusal or Neglect by the said Company of Proprietors to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against them, or any of them, for the Reco-

Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is by this Act directed.

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

LXXX. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or other Hereditaments through which the said Railways or Tramroads shall be made, do or shall at any Time or Times hereafter apprehend that any of the Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, and Passages respectively, which the said Justices shall have so directed or appointed to be made by the said Company of Proprietors, are insufficient, either in their Number or Situation, for the commodious Use and Occupation of the respective Lands or Hereditaments through which the said Railways or Tramroads shall pass, then, and so often and in any such Case, it shall be lawful for any such Owners or Occupiers, with the Consent and Approbation of the said Company of Proprietors, upon Request made to them, or in case of their Refusal for the Space of Thirty Days next after such Request, then with the Consent and Approbation of the said Justices, to make, fix, and erect, at their own Costs and Charges, any other Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, or Passages, of the same or like Construction or Form with those made and erected by the said Company of Proprietors, in, upon, along, or near to the said Railways or Tramroads, in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands or Hereditaments, and to repair and support the same at their own Costs and Charges, as Occasion shall require, so that the Passage through or along the said Railways or Tramroads be not prevented or obstructed thereby for any longer Space of Time or any other Manner than the same would necessarily have been if such Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, and Passages had been made or erected by the said Company of Proprietors: Provided always, that it shall be lawful for the Owners and Occupiers of the respective Lands or Grounds through which the said Railways or Tramroads shall be made, and his and their Servants and Workmen, Cattle and Carriages, at all Times to pass and repass directly over and across such Part of the said Railways or Tramroads as shall be made in and upon the said Lands or Grounds respectively, not damaging or obstructing the same or the Passage thereof, without Payment of any Toll or Tonnage for the same, provided they shall not pass along any other Part of the said Railways or Tramroads; provided also, that it shall be lawful for the Occupier or Occupiers of the respective Lands or Grounds through which the said Railways or Tramroads shall be made, and his, her, and their Servants, having Authority for all or any of such Purposes in Writing from the said Company of Proprietors or their Committee, to ride, lead, or drive any Horse, Mule, or Ass, Cow or other Neat Cattle, Sheep, Swine, or any other Beast along the said Railways or Tramroads, as far only as the Lands in his own Occupation shall extend, for the Purpose of occupying the same Lands, such Person or Persons not damaging or obstructing the said Railways or Tramroads, or the Passage thereof.

Owners and Occupiers to pass along Railways without Payment of Toll.

Passage upon Railway to be free on

LXXXI. And be it further enacted, That all Persons shall have free Liberty to use with Horses, Cattle, and Carriages, the Roads, Ways, and

and Passages for the Purpose of conveying any Timber, Goods, Wares, Merchandize, or other Thing to or from the said Railways or Tramroads, and every Part thereof, and also to pass upon and use the said Railways or Tramroads, with Carts, Waggons, or other Carriages properly constructed as herein-after mentioned, and to employ the Wharfs and Quays for loading and unloading such Goods and other Things, upon Payment only of such Rates and Tolls as shall be demanded by the said Company of Proprietors, not exceeding the respective Sums herein mentioned, and subject to the Rules and Regulations which shall be from Time to Time made by the said Company of Proprietors by virtue of the Powers herein granted; provided the said Waggons or other Carriages shall not, without the Licence and Consent of the said Company or their General Committee, pass upon the said Railways or Tramroads at any other Times than between the Hours of Seven in the Morning and Six in the Evening during the Months of *November*, *December*, *January*, and *February*, and between the Hours of Six in the Morning and Eight in the Evening during the Months of *March*, *April*, *September*, and *October*, and between the Hours of Five in the Morning and Ten in the Evening during the Months of *May*, *June*, *July*, and *August*, in every Year.

Payment of Tonnage.

LXXXII. And be it further enacted, That if any Person or Persons (save and except the said Proprietors, and the Agents or Servants employed by them,) shall ride, lead, or drive, or cause to be rode, led, or driven, upon such Railways or Tramroads or any Part thereof, any Horse, Mule, or Ass, or shall lead or drive, or cause to be led or driven thereon, any Cow or other Neat Cattle, Sheep, Swine, or any other Beast or Animal, except only in directly crossing the same at Places to be appointed for that Purpose, and for the necessary Occupation of the respective Farms through which the said Railways or Tramroads may be laid, he or they shall forfeit and pay to the said Company of Proprietors any Sum not exceeding Forty Shillings: Provided always, that nothing herein contained shall extend or be construed to extend to subject any Person or Persons, having any Goods or Merchandize hauled along the said Railways or Tramroads, to any Penalty for passing along the same for the *bonâ fide* Purpose of superintending the Carriage and Delivery of such Goods.

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

LXXXIII. And be it further enacted, That no Person or Persons whomsoever shall pass upon any Part of the said Railways or Tramroads, with any Waggon or other Carriage whatsoever, unless the same shall be constructed agreeably to the Orders and Regulations of the said Company, which Orders and Regulations shall be fixed upon a conspicuous Part of every Toll House erected on such Railways or Tramroads for the collecting of the Rates and Tolls by this Act imposed, (except in crossing the said Railways or Tramroads, for the convenient Occupation of the adjacent Grounds, or in passing any public or private Carriage Road which may happen to cross the said Railways or Tramroads); and if any Person or Persons whomsoever shall pass upon any Part of the said Railways or Tramroads with any Waggon or other Carriage not constructed in the Manner herein-before directed or referred to (except as aforesaid), he, she, or they

No Waggon to pass unless constructed as directed by the Company.

so offending shall for every such Offence forfeit to the said Company any Sum not exceeding Five Pounds.

For fencing off Railways through private Lands.

LXXXIV. Provided always, and be it enacted, That the said Company of Proprietors shall and they are hereby empowered and required, at their own proper Charges, after any Land shall be taken for the Use of the said Railways or Tramroads and other Works, to divide and separate, and keep constantly divided and separated, the same from the Lands or Grounds adjoining to such Railways or Tramroads and other Works, with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, in case the Owner or Owners of such Lands or Grounds adjoining to such Railways or Tramroads and other Works, or any of them respectively, shall at any Time desire the same to be fenced off, or in case the said Company of Proprietors shall think proper to fence off the same, instead of Gates being erected as aforesaid; and the said Company of Proprietors shall also make and maintain all necessary Gates and Stiles, in all such Fences to be made as aforesaid, all such Gates being made to open towards such Lands and Grounds; and in every such Case the Powers, Provisions, Directions, and Regulations herein-before contained, with respect to the Gates and other Works as aforesaid, shall extend and apply to the making and maintaining of such Fences, as fully and effectually, to all Intents and Purposes, as if the said Powers, Provisions, Directions, and Regulations were here repeated and enacted with respect to such Fences.

Gates to be shut and fastened after Waggons shall have passed through them.

LXXXV. And be it further enacted, That all and every Person or Persons opening any Gate set up across the said Railways or Tramroads shall, and he, she, and they is and are hereby directed and required, as soon as he, she, or they, and the Waggon or other Carriage, shall have passed through the same, to shut and fasten the said Gate; and every Person neglecting so to do shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, to be levied and recovered as herein-after mentioned; and the Money arising by such Forfeiture or Forfeitures shall be applied in the Manner following; (that is to say), Twenty Shillings, Part thereof, shall be paid to the Informer, and the Residue thereof to the Poor of the Township or Parish where such Offence shall be committed.

Allowing the Owners of Land within Five Miles of the Tramroad to make Branches to communicate therewith.

LXXXVI. And be it further enacted, That nothing herein contained shall extend to prevent the Owners and Occupiers of the respective Lands or Grounds lying within Five Miles of the said Railways or Tramroads, from laying down, either upon their own Lands or upon the Lands of other Persons, with the Consent of such other Persons, any collateral Branch or Branches from their respective Lands or Grounds, to communicate with the said Railways or Tramroads, nor for making at their own Expence such Openings in the Ledges or Flanches of the said Railways or Tramroads as may be necessary and convenient for effecting such Communication; and that the said Company shall not receive any Tonnage for the passing of any Goods or other Things along such Branch or Branches.

LXXXVII. And

Lords of Manors and Owners may erect Wharfs on their own Lands.

LXXXVII. And be it further enacted, That it shall be lawful for the Lord or Lords, Lady or Ladies of any Manor or Manors, and the Owner or Owners of such Lands or Grounds near to, through, or by which the said Railways or Tramroads, or any Part thereof, shall be made, to erect and use any Wharfs, Landing Places, Cranes, Weighbeams, or Warehouses, in or upon his, her, or their respective Wastes, Lands, or Grounds adjoining or near to the said Railways or Tramroads, or any of them, and to land any Goods or other Things upon such Wharfs or Landing Places, or upon the Banks lying between the same and the said Railways or Tramroads, or any Part thereof, and also to make and use proper and convenient Places for Waggons, Carts, and other Carriages to lie and turn in and pass each other, so that the making or using thereof do not obstruct or prejudice the Passage of the said Railways or Tramroads; and that all Rates or Tolls which shall be paid for the Use of such Wharfs, Landing Places, Cranes, Weighbeams, and Warehouses respectively, shall be and the same are hereby accordingly vested in the Lord or Lords, Lady or Ladies of such Manors, or the Owner or Owners of such Lands or Grounds who shall make and erect the same as aforesaid, and his, her, or their Representatives, so that the Rates and Powers herein granted to the said Company of Proprietors be not thereby reduced, altered, or infringed.

But if they refuse when required by the Company, the Company may erect the same.

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

Compensation to be made for Lands taken for Wharfs, &c.

LXXXIX. And be it further enacted, That the said Company of Proprietors shall make Satisfaction for the Lands or Grounds taken and used by them, for the Purpose of making any such Wharfs, Landing Places, Warehouses, Buildings, and Roads as aforesaid, in such

such Manner as is herein directed with respect to any other Lands or Grounds which shall be taken or used by the said Company of Proprietors for the Purposes of this Act.

Regulations respecting private Wharfs.

XC. And be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any other Person or Persons, to make use of any Wharfs, Quays, Landing Places, Cranes, Weighbeams, or Warehouses, which shall be set out, erected, or made by the Lord or Lords, Lady or Ladies of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near to the said Railways or Tramroads, for his, her, or their private Use only, or to set up, erect, or use any Cranes or Weighing Machines in or upon any such Wharfs, Quays, or Landing Places, without the Consent of such Lord or Lords, Lady or Ladies, Owner or Owners.

Wharfingers not to give Preference.

XCI. And be it further enacted, That if any Wharfinger or other Servant belonging to the said Company of Proprietors shall give any undue Preference, or show any Partiality in loading and unloading any Goods or other Things at any of the Wharfs, Warehouses, Weighbeams, Cranes, or other Machines belonging to the said Company of Proprietors, any Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings to the Informer.

Limiting the Wharfage to be taken by Individuals who may erect Wharfs.

XCII. And be it further enacted, That no more than the Sum of One Penny *per* Ton shall be demanded or taken by any such Lord or Lords, Lady or Ladies, Land Owner or Owners, who shall make, erect, or build any such Wharfs or Quays, in pursuance of the Notice to be given by or on behalf of the said Company of Proprietors to such Lord or Lords, Lady or Ladies, Owner or Owners, for that Purpose as aforesaid, or by the said Company of Proprietors themselves, under the Power herein for that Purpose contained, (as the Case may be,) for the Wharfage of Coals, Culm, Lime, Limestone, Clay, Iron, Iron Stone, Lead Ore, or any other Ores, Timber, Stone, Brick, Tiles, Slates, Gravel, or other Things; nor more than Two-pence for the warehousing of every Package not exceeding Fifty-six Pounds; nor more than Four-pence for the warehousing of every Package above Three hundred Pounds Weight, and not exceeding Six hundred Pounds Weight; and not more than Sixpence *per* Ton for the warehousing any Package exceeding One thousand Pounds Weight, which shall be respectively placed upon any of the Wharfs or Warehouses hereby authorized to be made, and which shall be placed and remain in and upon any such Wharfs, Quays, or Warehouses, and shall not continue thereupon for a longer Space of Time than Forty-eight Hours: Provided always, that in case any of the said Articles shall be left and remain in and upon any such Wharfs, Quays, or Warehouses over and above the Time hereby limited for the same respectively, then the Owner or Owners of such Articles shall pay, to the Proprietors of such Wharfs, Quays, or Warehouses, the further Sum of One Penny *per* Ton for Wharfage, and Two-pence *per* Ton for warehousing, for the next Seven Days; and the like Sum of One Penny or Two-pence respectively *per* Ton for every further Seven Days which such Articles shall remain upon such Wharfs, Quays, or Warehouses, after the Expiration of the said first-mentioned Seven Days: Provided also, that it shall be lawful for

the said Company of Proprietors to erect, repair, and use any Cranes or Weighing Machines upon any such Wharfs or Quays last mentioned, for the more convenient loading and unloading and weighing of any such Minerals or other Goods, Wares, Merchandize, or Commodities, in case the Proprietors of such Wharfs or Quays shall refuse or neglect to make and erect the same for the Space of Six Calendar Months after they shall have received Notice in Writing for that Purpose from the said Company of Proprietors, or when so erected neglect or refuse to keep the same in repair; any thing in this Act contained to the contrary thereof notwithstanding.

Company may contract for the Works.

XCIII. And be it further enacted, That the said Company, or such Person or Persons as they shall for that Purpose appoint, is and are hereby authorized to contract and agree with any Person or Persons for making the said Railways or Tramroads, or any Part or Parts thereof, or any other of the Works hereby authorized to be made or done by the said Company, in such Manner and for such Sum and Sums of Money, and under such Regulations and Restrictions as the said Company shall think proper; and all Contracts in Writing for any of the Purposes aforesaid shall be binding upon the said Company and all other the Parties thereto, and their respective Successors, Heirs, Executors, or Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the said Company, or either of the Parties failing in the Execution thereof.

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

XCIV. And be it further enacted, That in all Cases wherein it may be necessary or requisite for any Person or Persons, or Party or Parties, to serve any Notice or Notices, or any Writ or Writs or other legal Proceedings upon the said Company, Service thereof respectively upon any One of the Members of the said Committee, or left at his last or usual Place of Abode, or upon the Clerk of the said Company, or left at the Office of such Clerk, or at his last or usual Place of Abode, or at the Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any other Agent of or Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Whole of Expence to be subscribed before Work is commenced.

XCV. And whereas the probable Expence of making the said Railways or Tramroads and other Works hereby authorized to be made will amount to the Sum of Eighty-two thousand Pounds, and the Sum of Sixty-six thousand Pounds, being more than Four Fifths Parts thereof, has been already subscribed by several Persons, under a Contract, binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them subscribed respectively; be it further enacted, That the whole of the said Sum of Eighty-two thousand Pounds shall be subscribed in like Manner before any of the Powers given by this Act shall be put in force.

If Railway not completed in Five Years, Powers to cease, except as to such

XCVI. Provided always, and be it further enacted, That in case the said intended Railways or Tramroads shall not have been completed and made (unless prevented by inevitable Accidents) within the Space of Five Years, to be computed from the passing of this Act, then, from and after the Expiration of the said Term of Five Years, all the Powers, Authorities, and Privileges given by this Act shall cease

Part, if any, as shall be completed.

cease and determine, save only and except as to so much (if any) of the said intended Railways or Tramroads and Works as shall have been declared and certified to have been completed within the said Term by the Justices of the Peace of the said County of *Durham*, assembled at any Quarter Sessions of the Peace to be holden in and for the said County, at any Time before the Expiration of the said Term of Five Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of One or more Witness or Witnesses upon Oath, to be produced before them for that Purpose.

Power to re-enter.

XCVII. And be it further enacted, That in case all or any of the Tolls or Duties arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof, shall be in arrear or unpaid for the Space of Fourteen Days next after any of the Days on which the same ought to be paid, pursuant to the Lease, Agreement, or Contract for demising or letting the same Tolls or Duties; or in case any temporary or other Collector of the said Tolls and Duties shall be discharged from his Office by virtue of this Act, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family or other Representatives of any Collector who shall die, abscond, absent himself, or be discharged, or any other Person or Persons, shall refuse to deliver up the Possession of any Toll House or Toll Houses, Weighing Machine or Weighing Machines, or other Building or Buildings, with the Gardens and other Appurtenances thereto respectively belonging, to be erected, built, constructed, or set up by virtue of this Act, for the Space of Four Days after Demand thereof made in Writing, given or left at such Toll House, Weighing Machine, or Building, or at any One of such Toll Houses, Weighing Machines, or Buildings which shall be or have been in the Possession or Occupation of such Collector or other Person or Persons, such Demand in Writing to be signed by any Three or more of the Committee of Management of the said intended Railways or Tramroads (although not assembled at a Meeting), or by the Clerk or Treasurer for the Time being of the said Company of Proprietors; or in case any such Lease, Agreement, or Contract shall in any other Manner become void, then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the said County of *Durham*, upon Application made by the said Committee, or any Three or more of them, or by the Treasurer for the Time being of the said Company of Proprietors, by Warrant under their respective Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any such Toll House, Weighing Machine, or other Building, with the Garden and all other the Appurtenances thereto belonging, and to remove and put such Lessee or Lessees, Farmer or Farmers, or other the Person or Persons who shall be found therein, together with his, her, or their Goods, from and out of the same and the Possession thereof, and from the Collection of such Tolls and Duties, and to put the said Company of Proprietors, or any One of them, or their new Lessee, Farmer, or Collector, Lessees, Farmers, or Collectors, into the

Possession thereof; and thereupon it shall be lawful for the said Committee, or any Three or more of them, if they shall see fit, to vacate and determine the Lease, Contract, or Agreement (if any) which was previously subsisting, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants and Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part,) as if such Lease, Contract, or Agreement had never been made; and it shall be lawful for the said Committee, or any Three or more of them, in every such Case, again to demise or let to farm the said Tolls and Duties to any other Person or Persons, or cause them to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

Recovery and Application of Penalties.

XCVIII. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in this Act mentioned, in relation to which the Manner of convicting the Offenders is not particularly mentioned or directed, shall be adjudged by and recovered before any Justice or Justices of the Peace for the said County of *Durham*, in a summary Way, and who is and are hereby authorized and empowered to convict the Offender or Offenders, upon Information, by the Oath or Affirmation of any Person or Persons, or on the Confession of the Party offending (which Oath or Affirmation such Justice is hereby authorized to administer); and that in default of Payment of such Penalties or Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice or Justices, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted), and one Moiety of the Penalties and Forfeitures when recovered shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer of the said Company of Proprietors, for the Use and Benefit of the said Company; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and required to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before such Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant of Distress, (such Day or Days not being more than Seven Days from the taking of any such Security,) and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then and in such Case it shall be lawful for such Justice or Justices of the Peace, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for the County or Place where such Offence shall be committed, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture shall be sooner paid and satisfied.

XCIX. And

Persons aggrieved by Irregularity in Distress, to recover Damages.

XCIX. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

For securing transient Offenders.

C. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Collectors, Surveyors, and other Persons under this Act; be it further enacted, That it shall and may be lawful to and for the said Collectors and Surveyors and other Officers respectively, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and convey him, her, or them before any One or more of the Justice or Justices of the Peace for the said County of *Durham*, without any other Warrant or Authority than this Act for so doing; and such Justice or Justices of the Peace respectively is and are hereby respectively empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders.

Form of Conviction.

CI. And for the more easy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up according to the following Form, or any other Form to the same Effect, as the Case shall happen; *videlicet*,

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted 'before me, *C. D.*, One of His Majesty's Justices of the Peace for the 'County of [*specifying the County, the Offence, and the 'Time and Place when and where committed, as the Case may be,*] contrary 'to an Act passed in the Second Year of the Reign of King *George* 'the Fourth, intituled [*here set forth the Title of this Act*]. Given 'under my Hand and Seal the Day and Year first above written.'

Persons aggrieved may appeal to the Quarter Sessions.

CII. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given, in pursuance of any Rule, Bye Law, or Order of the said Company or Committee, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, may, within Three Calendar Months next after such Order, Judgment, or Determination shall have been made or given (first giving Fourteen Days Notice of such Complaint and of the Nature thereof) to the Person or Persons against whom such Complaint is intended to be made, or to the Clerk of the said Company, as the Case may be; and forthwith after such Notice entering into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon, appeal to the Justices of the Peace at the next General Quarter Sessions to be held in and for the County

County wherein such Cause of Appeal shall happen or arise, who shall in a summary Way either hear and determine the said Complaint at such General Quarter Sessions, or, if they think proper, adjourn the Hearing thereof to the next following General Quarter Sessions of the Peace to be held for such County; and the said Justices may, if they see Cause, mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, or Determination, and may also order and award such further Satisfaction and Costs to be made and paid to the Party injured, as they shall adjudge reasonable; but no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

Limitation of Actions.

CIII. And be it further enacted, That no Action, Suit, or Information shall be brought, commenced, or prosecuted against any Person or Persons, for any thing done or to be done in pursuance of this Act, or in the Execution of the Powers or Authorities, or any of the Orders made, given, or directed in, by, or under this Act, unless Fourteen Days previous Notice shall be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Information to the said Company, or their Clerk or Treasurer for the Time being; nor unless such Action, Suit, or Information shall be brought or commenced within Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Four Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall be laid and brought in the County where the Matter in Dispute or Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall happen to have been so done, or if any such Action, Suit, or Information shall have been brought or commenced before or after the Time to be limited for bringing the same, or in any County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall (if the Judge before whom the Cause is tried shall certify the same to have been vexatious) have Costs, and shall have such Remedy for recovering the same as any Defendant hath for recovering Costs of Suit in any other Case by Law.

Public Act.

CIV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

SCHEDULE above referred to.

No. on Plan.	Landowners Names.	Occupiers Names.	Description of Premises.	Parishes.
1	John Douthwaite Neasham, Esq.	Edward Davison	Ship Yard	Stockton.
2	Thomas Emerson Headlam, Esq.	Henry Markham	Do.	
3	Samuel Smith	Edward Garmondsway Waldy, Esq.	Small Pleasure Ground	
4	Thomas Emerson Headlam, Esq.	Leonard Raisbeck, Esq.	Do.	
5	Leonard Raisbeck, Esq.	Himself	Do.	
6	Do.	John Stagg		
7	William Wilson	Ralph Atkinson		
8	Do.	Himself		
8*	Henry Robert Eustatia Wright, Esq.	Himself		
9	Mrs. Jane Allison	Merchants Shipping Company at Stockton		
10	Samuel Smith	Joseph Douthwaite		
11	Do.	Himself		
12	John Hutchinson, Esq.	John Hutchinson and Thomas Place		
13	Benjamin Atkinson	Himself		Do.
14	James Wilkinson	John Appleton		
16	John Wilkinson	Himself		
17	William Braithwaite	Christopher Martin	Wharfs	
18	Do.	Himself		
20	Mayor and Corporation of Stockton	Themselves		
21	John Richardson and Christopher Martin	Paul Garratt		
22	Do.	William Russel		
23	Do.	Themselves		
24	Do.	Margaret Grey		
25	Matthew Wadeson	James Allison		
26	Do.	Margaret Grey		
27	Aaron Richardson	Robert Lamb		
28	Cuthbert Robinson	Himself		
29	Martha Howson	Herself		

No. on Plan.	Landowners Names.	Occupiers Names.	Description of Premises.	Parishes.
30	James Crowe - - -	James Crowe and Co. & James Atkinson & Sons		
31	James Atkinson and Co. -	Themselves - -		
32	Ralph Lodge - - -	Thomas Jackson -		
33	Matthew Davison - -	William Davison -		
34	William Sleigh and Thomas Robinson Grey, Esqrs. Devisees in Trust of the Will of George Sutton, Esq., deceased - -	John Wilkinson - -		
36	James Crowe and Francis Richardson Richmond, Devisees in Trust of the Will of Matthew Crowe, deceased - - -	James Crowe and Co. and Matthew Wadeson -	Wharfs -	Stockton.
37	Do. - - - -	William Cust - -		
38	Colling Cook - - -	Himself - - -		
39	Mayor and Corporation of Stockton - - -	Themselves - -		
40	Do. - - - -	Edward Fawell - -		
41 42	Do. - - - -	Robert Botcherby & Co. and Benjamin Atkinson -		
66 67	David Burton Fowler, Esq.	John Elstob - -	Small Plantation of Forest Trees - -	
88	Thomas Wetherell - -	Himself - - -	Do. and Road to the House	Egglescliffe.
90	Do. - - - -	Do. - - - -	Farm-yard & Garden -	Do.
109	Ralph Carr and George Fenwick, Esquires -	Robert Wallace - -	Farm-yard -	Middleton St. George's.
122	The Reverend William Addison Fountain - -	Robert Wallace - -	Small Plantation of Forest Trees - -	Do.
124	Elisha Cocks, Esq. and others as Trustees -	William Wodehouse -	Garth - -	Do.
158	Miss Susannah Hardcastle	Herself - - -	Orchard - -	Houghton le Skerne.
160	Robert Thornton - -	Himself - - -	Garth - -	Do.
271	Trustees of West Auckland Charity School - -	Matthew Gibbon -	Paddock - -	Do.
280	Sir Robert J. Eden, Bart.	John Garry - -	Garth - -	Do.
324	Joseph Stabler - -	Jane Lucas - -	Garden - -	Do.
327	The Lord Bishop of Durham	William Proud - -	Farm-yard & Garden - -	Do.

BRANCH TO COUNDON TURNPIKE GATE.

No. on Plan.	Landowners Names.	Occupiers Names.	Description of Premises.	Parishes.
382	Thomas Bowman - - -	Thomas Bowman - -	Yard - - -	St. Andrew Auckland.

BRANCH TO EVENWOOD LANE.

386	Sir Robert J. Eden, Bart.	Himself - - -	Plantation -	Do.
399	William Cummins - -	William Cummins -	Do. - -	Do.
407	Thomas Humphreys -	Himself - - -	Paddock -	Do.
408	Do. - - - -	Himself - - -	Do. - -	Do.

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