ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

****

Cap. xc.

An Act for the maintaining and better regulating of the *Stockton and Hartlepool* Railway, and for incorporating the Proprietors thereof.

[30th *June* 1842.]

WHEREAS a Joint Stock Company, trading under the Style of "The *Stockton and Hartlepool* Railway Company," have made a Railway from and out of the *Clarence* Railway at or near the Three-and-a-quarter Mile Post on the Side of such Railway, in the Parish of *Billingham* in the County of *Durham*, to certain Property lately purchased by the *Hartlepool* Dock and Railway Company, called the *Middleton House* Estate, and situate in the Parish of *Stranton* in the same County, as the same Railway so made passes through or into the several Parishes, Townships, Hamlets, or Places of *Billingham, Cowpen-Bewley, Greatham-Hospital, Greatham, Seaton-Carew*, and *Stranton*, all in the said County of *Durham:* And whereas the said Joint Stock Company have, with the Permission of the said *Hartlepool* Dock and Railway Company, under an Agreement dated the Seventh Day of *February* One thousand eight hundred and thirty-nine, extended the said Railway by carrying the same through the said *Middleton House* Estate to or near to a Granary now or late in the Occupation of one *William Lisle*, and being at or near the North-western Extremity of such Estate: And whereas the maintaining and keeping up and regulating, under the Provisions herein-after

contained, the said Railway so made, would be of great public Advantage; but in order to do so, and to incorporate the Persons herein-after named, and to enable Parties to grant long Leases or convey Lands required for the Purposes of the said Railway so made, the Aid and Authority of Parliament are requisite: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Company incorporated.

That *Henry Vansittart*, *William Thomas Salvin*, *Francis Henry Salvin*, *Bertie Cornelius Cator*, *John Labouchere*, the Honourable *Augustus Barrington*, *George Braithwaite*, *Robert Moses Dinsdale*, *Cuthbert Wigham*, *Robinson Watson*, *Stephen Walton*, *John Stagg*, *Robert Rayson*, *Richard Dickson*, *Charles Barrett*, *James Langley*, *Ralph Park Philipson*, *George Wall*, *Charles Wightman*, *Thomas Cargill*, *George Baynes*, *Robert Robinson*, *John Vickers*, *Camilla Leighton*, *William Sleigh*, *Ann Swinburne*, *Charles Swainson*, *Edwin Ward Jackson*, *Joshua Milne*, *Henry Blanshard*, *Folliot Scott Stokes*, *Edward Moore Noble*, *William Wood*, *John Blacket*, *Henry Garrett Key*, *Frederick Barry*, *James Franck*, *Samuel Ball*, *George Hutton Wilkinson*, *John Ridout*, *Henry Foulis*, *Robert Swales*, *Abel Chapman*, *Israel Hutchinson*, *William Close*, *James Freeman*, *George Thompson*, *John Burrell*, *Thomas Wood*, *Richard Pickering*, *John Fenwick*, *Robert Sheraton*, *Thomas Atkinson*, *Richard Fenwick*, *Robert Marshall*, *Sarah Swinburne*, *Nicholas Bailey*, *John Dalton*, *George Bury*, *Thomas Featherston*, *George Barnes*, *James Atkinson*, *Daniel Stephenson*, *George Lloyd*, *Cuthbert Smith Fenwick*, *Henry Richardson*, *George Carrington*, *Robert Matthew Parke*, *Alexander Gibbon*, and *Sarah Bailey*, and all other Parties who were immediately before the passing of this Act Proprietors of Shares in the said Joint Stock Company, or shall hereafter become Proprietors of Shares in the Company hereby established, and their Executors, Administrators, Successors, and Assigns respectively, (Proprietors for the Time being of Shares in the Capital of the Company hereby established,) shall be united into and form and be a Company for the Purpose of completing, making, maintaining, and supporting the said Railway and Works of every Description already made by the said Joint Stock Company, and hereafter to be made by the Company hereby established under or by virtue of the Provisions of this Act, and for the Purpose aforesaid shall be incorporated by the Name of "The *Stockton and Hartlepool* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession, and such Company shall have Power to take, purchase, and hold Lands, within the Restrictions herein-after contained, for the Purposes of the said Undertaking.

Deed of Settlement of Joint Stock Company to cease, except as to any Breach of any Covenant, or any

II. And be it further enacted, That from and immediately after the passing of this Act all and singular the Provisions, Clauses, Articles, Matters, and Things contained in the Deed of Settlement of the said Joint Stock Company bearing Date the Twelfth Day of *March* One thousand eight hundred and thirty-nine shall cease and determine, except as to any Breach or Breaches of any Covenant, Article, or Provision in such Deed of Settlement contained which may have been made or have taken place previously to the passing of this Act,

and except as to any Act, Deed, Forfeiture, Matter, or Thing which may previously to the passing of this Act have been done, executed, performed, or declared, or have taken place under or in pursuance of such Deed of Settlement, or some or one of its Provisions; and as to which said Breach or Breaches such and the like Remedies may be taken and pursued thereupon, and as to which said Acts, Deeds, Forfeitures, Matters, and Things, the same shall be and remain in as full force and virtue, and may in all Cases commenced and actually proceeded in but not fully completed at the Time of the passing of this Act (if all the Purposes intended to be effected thereby cannot be completed under the Provisions of this Act) be proceeded in and carried on in such and the like Manner as if this Act had never been passed, and the Company hereby established (where the Circumstances of the Case will admit) shall in respect thereof stand in the Place of and be substituted for the said Joint Stock Company.

Act done thereunder.

III. And be it further enacted, That from and immediately after the passing of this Act the Railway so made and extended by the said Joint Stock Company as aforesaid, and all and singular the Warehouses, Toll Houses, Houses, and other Buildings, Cranes, Weighing Machines, Engines, and other Works, of every Description whatsoever, to the said Railway belonging, and all and every other the Lands and Hereditaments, Rights and Estates, Easements and Appurtenances whatsoever, of or to which the said Joint Stock Company, or any Person or Persons in Trust for them, was or were by any Means whatsoever seised, possessed, or entitled, at Law or in Equity, immediately before the passing of this Act, shall henceforth be well and effectually vested in the Company hereby established, for all and singular the Estates, Rights, and Interests which the said Joint Stock Company, or the said Person or Persons in Trust for them, had therein immediately before the passing of this Act: Provided nevertheless, that where any Term or Terms, Estate or Estates, Interest or Interests, in or upon any Lands or Hereditaments hereby vested in the said Company hereby established shall have been assigned to attend, or is or are by the Rules of Equity, or by any other Means, now attendant upon the Freehold or Inheritance of such Lands or Hereditaments, the same shall not by the aforesaid Provision be merged or extinguished, but, on the contrary, the same shall remain and be vested in the Person or Persons in whom the same was or were vested immediately before the passing of this Act, and be accordingly held in Trust for and be disposed of as directed by the said Company hereby established.

Railway and Works made by the Joint Stock Company vested in Company now incorporated.

IV. And be it further enacted, That from and immediately after the passing of this Act all the Monies, Goods, Chattels, Effects, Bonds, Deeds, Books, Writings, Maps, Plans, and Personal Estate of the said Joint Stock Company, and whether vested in any Person as Trustee for such Company or not, shall be and the same are hereby vested in the Company hereby established; and all Persons and Corporations who immediately before the passing of this Act owed any Sum of Money to the said Joint Stock Company shall pay the same, together

Personal Estate, Contracts, and Liabilities of Joint Stock Company vested in Company now incorporated.

together with all Interest (if any) due or to accrue due for the same, to the Company hereby established; and all Debts, Engagements, and Liabilities of the said Joint Stock Company (whether contracted by such Joint Stock Company, or by any of its Members, Directors, Trustees, Officers, or Agents on its Behalf,) shall be paid by and be binding on the Company hereby established, in such and the like Manner as if the same had originally been contracted by the Company hereby established; and all Tolls which immediately before the passing of this Act were due and payable, or then accruing due, to the said Joint Stock Company, shall be and become due and payable to the Company hereby established, and shall and may be collected and recovered by the same Ways and Means, and under the same Restrictions and Regulations in respect thereof, as the Tolls by this Act made payable to the Company hereby established; and all Contracts, Agreements, Bonds, Covenants, and other Securities whatsoever, made, granted, or entered into before the Time of the passing of this Act, to, with, in favour of, or for or on behalf of, or in reference to the said Joint Stock Company, and all other the Rights and Remedies of the same Company, or of any Person as Trustee for such Company, shall be and remain as good, valid, and effectual in favour of and with reference to the Company hereby established, and may be proceeded on and enforced by the Company hereby established, in the same Manner, to all Intents and Purposes, as if the Company hereby established had been then subsisting, and had been a Party to and executed the same, or had been named or referred to therein, or the same Rights and Remedies, or the Causes out of which the same arose, had arisen to the same Company instead of the said Joint Stock Company, or the Trustees, Agents, or other Persons acting on their Behalf.

Reservation of the Rights of existing Creditors and others, in respect of Liabilities of Joint Stock Company.

V. Provided always, and be it enacted, That nothing in this Act contained shall abrogate, destroy, defeat, prejudice, or in anywise prejudicially affect the Rights or Remedies of any Person or Corporation (whether a Member, Director, Trustee, Clerk, or other Officer of the said Joint Stock Company or not, and whether as Principal, Surety, or otherwise howsoever,) in respect of any Engagement, Liability, or Debt of or owing or becoming due and payable by, or entered into on behalf of or with reference to the said Joint Stock Company, at or previously to the Time of the passing of this Act, and not at the Time of the passing of this Act barred, released, or extinguished, whether such Engagements, Liabilities, or Debts arise under any Contract, Agreement, Lease, Conveyance, Mortgage, Annuity Deed, Debenture, Note, Bill, Bond, Covenant, or other Security, of any Description whatsoever, given, granted, or entered into before the Time of the passing of this Act by the said Joint Stock Company, or any of its Members, Directors, Trustees, or other Party whatsoever for or on behalf of or in reference to such Company, or arise from the Rules and Principles of Law or Equity, or otherwise howsoever; but, on the contrary, all such Engagements, Liabilities, Debts, Contracts, Agreements, Mortgages, Annuity Deeds, Debentures, Notes, Bills, Bonds, Covenants, and other Securities, shall be and remain as good, valid, and effectual, and may be proceeded on and enforced in the same Manner and against the same Parties,

Parties, to all Intents and Purposes, as if this Act had never been passed, any thing in this Act contained to the contrary in anywise notwithstanding.

Actions not to abate.

VI. And be it further enacted, That no Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the said Joint Stock Company, or any of its Members or Trustees, or other Party on its Behalf, or in reference thereto, previously to the passing of this Act, shall abate or be discontinued or prejudicially affected by this Act; but on the contrary, the same shall continue and take effect in the same Manner in all respects as the same would have continued and taken effect if this Act had not been passed, substituting only the Company hereby established in reference thereunto (where the Circumstances of the Case will permit) for or in the Stead of the said Joint Stock Company.

Transfers of Shares in Joint Stock Company to remain in force.

VII. And be it further enacted, That all Sales and Transfers, and all Bequests contained in any Will or Codicil (whether the Testator be living or dead), and all other Dispositions whatsoever, made, executed, or entered into before the passing of this Act, of any Share in the said Joint Stock Company, shall, in reference to the Company hereby established, be as good, valid, and effectual, and be available in all respects whatsoever, in such and the like Manner as the same would have been in reference to the said Joint Stock Company if this Act had not been passed.

Capital and Shares.

VIII. And whereas the Capital or Joint Stock of the said Joint Stock Company consisted of the Sum of Sixty thousand Pounds, which was divided into One thousand two hundred Shares of Fifty Pounds each, and the whole of which Sum of Sixty thousand Pounds has been paid up, with the Exception of the Sum of Two thousand nine hundred and fifty Pounds; be it enacted, That the Capital or Joint Stock of the Company hereby established shall (until increased by the Creation of new Shares as herein-after provided) be and remain divided into One thousand two hundred Shares, being the same Shares as the said Capital of the said Joint Stock Company was divided into immediately before the passing of this Act; and the said Shares are hereby respectively vested in the several Persons and Corporations who immediately before the passing of this Act were Proprietors of Shares in the Capital or Joint Stock of the said Joint Stock Company, according to their respective Rights and Interests in the same Company immediately before the passing of this Act, and shall be and are hereby vested in them respectively for the Benefit of the same Persons and Corporations, and upon the same Trusts, for the same Intents and Purposes, and with and subject to the same Powers and Provisoes respectively, (substituting only the Company hereby established for the said Joint Stock Company in Cases where any are held for or belong to such Joint Stock Company,) as the Shares so held by them respectively in the Capital or Joint Stock of the said Joint Stock Company; and as well the present as future Shares in the Company hereby established shall remain and be numbered in arithmetical Progression, beginning with the

Number One, and every such Share shall be distinguished by its appropriate Number.

Shares to be Personal Estate.

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

Registry of Shareholders.

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

Certificates of Shares.

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

Addresses of Shareholders.

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

Certificate to be Evidence.

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

Certificate to be renewed when lost or destroyed.

XIV. And be it enacted, That if any such Certificate to be delivered up as aforesaid be worn out or damaged, or any Proprietor should be desirous to change his Certificate, whether by reason of the

same being given by the said Joint Stock Company, or from the same embracing more than One Share, or from any other Cause whatsoever, then, upon the same being produced at some Meeting of the Directors, such Directors may order the same to be cancelled, and thereupon another Certificate or Certificates, in the Form or to the Effect aforesaid, shall be given to the Party in whom the Property of such Certificate and of the Share therein mentioned shall be at the Time vested; or if any Certificate as aforesaid, whether given by the said Joint Stock Company, or under the Provisions of this Act, be lost or destroyed, then, upon Proof thereof, a Certificate, in the Form or to the Effect aforesaid, shall be given to the Party entitled to the Certificate so lost or destroyed; and in either Case a due Entry of the substituted Certificate shall be made by the Secretary in the Register of Shareholders, and for every such Certificate so given or exchanged the Company may demand any Sum not exceeding Two Shillings and Sixpence.

Transfers of Shares to be registered, &c.

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

Transfers not to be made until all Calls are paid.

XVI. And be it enacted, That no Shareholder shall be entitled to transfer any Share until he shall have paid all Calls on every Share held by him, in respect of which the Time for Payment has arrived or elapsed.

Closing of Transfer Books.

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

XVIII. And

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

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

Proof of Transmission by Marriage, Will, &c.

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

Transmissions of Shares on Death,

XX. And be it further enacted, That in case of a Will or Intestacy the Share or Shares of the said Testator or Intestate shall be considered as devolving upon the Executor or Administrator, and such Share or Shares shall be registered in the Name of such Executor or Administrator accordingly, and shall not vest in or devolve upon the Legatee or next of Kin, without a Transfer thereof to him or them by such Executor or Administrator; and the said Company shall not be bound to take any Notice whatever of the Interest or Right of such Legatee or next of Kin, until such Transfer shall have been made to him or them as aforesaid.

No Fractions of Shares.

XXI. Provided always, and be it further enacted, That no Person or Corporation shall be a Proprietor of any Part or Fraction of a Share in the Company, but any Share may be held by Two or more Persons as joint Proprietors thereof.

XXII. And

Notices to joint Proprietors of Shares.

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

Receipts for Money payable to Minors, &c.

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

Restrictions as to Number of Shares.

XXIV. Provided always, and be it enacted, That no Proprietor shall have more than One hundred and fifty Shares in the Company, except under a future Increase of the Number of Shares in the Company under the Powers and Provisions herein contained, in which Case the Limit of the Number of Shares shall be increased in the same Proportion as the total Number of Shares shall have been so increased; and if any such Proprietor shall hold more than the prescribed Number of Shares, and shall not dispose of the Excess within Two Months after receiving Notice so to do from the Secretary of the Company, under the Direction of the Directors, then and in any such Case the Directors may at any Time thereafter sell the Excess of Shares for the Time being existing, in like Manner, and with the like Powers and Privileges, and especially with the like Exemptions as to Purchasers seeing to the Application of the Purchase Money, and as to not being affected in Title on account of any Irregularity in the Proceedings, as are herein-after contained in reference to the Sale of forfeited Shares: Provided nevertheless, that the Company shall, on the Demand of the Proprietor, his Executors, Administrators, or Assigns, whose Share or Shares shall be so sold, and on his or their delivering up the Certificates in respect thereof to be cancelled, hand over to him or them the Produce of such Sale remaining after Payment of all Expences.

Company not bound to regardTrusts.

XXV. And be it enacted, That the Company shall not be bound to see to the Execution of any Trust, whether express, implied, or constructive, to which any of the said Shares may be subject; but the Trustee of any Share in the Company shall, as between the Cestuique Trust and the said Company, be and be considered, to all Intents and Purposes, as absolute Owner of such Share, and act accordingly.

Power to make Calls.

XXVI. And be it enacted, That from Time to Time the Company may make such Calls of Money upon the respective Shareholders entitled to any new Shares which may be created in pursuance of the Provisions of this Act in respect of the Amount of Capital respectively subscribed or owing by them as they shall think fit, provided that Forty Days Notice at the least be given of each Call, and that no Call exceed the Amount of Ten Pounds *per* Share, and that successive Calls be not made at less than the Interval of Sixty Days, and that the aggre-

gate Amount of Calls made in any One Year do not exceed the Amount of Forty Pounds *per* Share; and every Shareholder shall be liable to pay the Amount of the Calls so made in respect of the Shares held by him to the Persons, and at the Times and Places, from Time to Time appointed by the Company.

Interest on Calls unpaid.

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

Payment of Subscriptions before Call.

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

Enforcement of Calls by Action.

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

Declaration in Action for Calls.

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

Matter to be proved in Action for Calls.

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

given, or that the Interval of Sixty Days between Two successive Calls had not elapsed; or that Calls amounting to more than the Sum of Forty Pounds in One Year had been made.

Proof of Proprietorship.

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

Forfeiture of Shares for Nonpayment of Calls.

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

Notice of Forfeiture to be given before Declaration thereof.

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

Forfeiture to be confirmed by a General Meeting.

XXXV. And be it enacted, That such Declaration of Forfeiture shall not take effect so as to authorize the Sale or other Disposition of any Share until such Declaration have been confirmed at some General Meeting of the Company to be held after the Expiration of Two Months at the least from the Day on which such Notice of Intention to make such Declaration of Forfeiture shall have been given; and it shall be lawful for the Company to confirm such Forfeiture at any such Meeting, and by an Order at such Meeting, or at any subsequent General Meeting, to direct the Share so forfeited to be sold or otherwise disposed of; and after such Confirmation the Directors may sell the forfeited Share, either by public Auction or private Contract; and if there be more than One such forfeited Share, then either separately or together, as to them shall seem fit.

Evidence as to Forfeiture of Shares.

XXXVI. And be it enacted, That a Declaration in Writing by some credible Person not interested in the Matter, made before any Justice, or before any Master or Master Extraordinary in the High Court of Chancery, that the Call in respect of a Share was made, and Notice thereof given, and that Default in Payment of the Call was made,

made, and that the Forfeiture of the Share was declared and confirmed in manner herein-before required, shall be sufficient Evidence of the Facts therein stated; and such Declaration, and the Receipt of the Treasurer of the Company for the Price of such Share, shall constitute a good Title to such Share, and thereupon such Purchaser shall be deemed the Holder of such Share, discharged from all Calls made prior to such Purchase; and a Certificate of Proprietorship shall be delivered to such Purchaser, and he shall not be bound to see to the Application of the Purchase Money, nor shall his Title to such Share be affected by any Irregularity in the Proceedings in reference to any such Sale.

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

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

On Payment of Calls forfeited Shares to revert.

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

Extent of Liability of Shareholders.

XXXIX. And be it enacted, That no Shareholder of the Company shall be liable for or charged with the Payment of any Debt or Demand incurred by the Company after the passing of this Act beyond the Extent of his Share in the Capital of the Company not for the Time being paid up.

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

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

XLI. And

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

XLII. And whereas the said Joint Stock Company, in making the Railway and carrying on their Concerns, have incurred Debts exceeding in the whole the Sum of One hundred and twenty thousand Pounds: And whereas, in order to provide Means for the Liquidation of the said Debts, and to enable the Company hereby established to carry on their Concerns, it is expedient that they should be empowered to raise a Sum not exceeding in the whole the Sum of One hundred and twenty thousand Pounds by the Means following; be it therefore enacted, That a General Meeting of the Shareholders in the Company hereby established, specially convened for the Purpose, shall from Time to Time have Power to divide the Sum of One hundred and twenty thousand Pounds Sterling, or any Portion or Portions of such Sum, proportionally amongst the whole of the Shareholders for the Time being in the Company, burthening each Shareholder with a Sum bearing the same Proportion to the Sum for the Time being intended to be raised which his Share in the Company bears to the total Number of Shares in the Company; and after such Division every Person and Corporation who shall at the Time of such Division be a Shareholder in the said Company shall be liable to the Payment of the Sum put or burthened upon him and them respectively, and shall pay the same, at such Time or respective Times, and Place or respective Places, and to such Person or Persons, and in such Manner, whether in one Sum or by Instalments, or otherwise, in all respects as such General Meeting shall order and direct, and which Order and Direction such General Meeting is hereby empowered to make: Provided always, that where Two or more Persons shall be jointly possessed of any Share in the Company, then such Persons shall be jointly burthened in respect of such Share, and they shall be liable to the Payment of the Sum put or burthened on them, and shall pay the same at the Time or Times, and Place or Places, and to the Person or Persons, and in the Manner herein-before mentioned: Provided also, that no such Division shall take place unless there be present at such General Meeting, either in Person or by Proxy, more than One Half in Value of the Proprietors of Shares in the Company. General Meeting may allocate the Sum of 120,000*l.*, for Payment of the Debts of the Company, upon the Shareholders.

XLIII. And be it further enacted, That in case any Person or Corporation shall at any Time refuse or neglect to pay the Sum which he or they shall, under any such Division, be liable to, or any Part of such Sum, at such Time and Place, and to such Person, and in such Manner, as the said General Meeting shall order, it shall be lawful for the Company to sue for and recover such Sum, or the Part thereof remaining unpaid, by Action of Debt or otherwise in any of Her Majesty's Courts of Record at *Westminster*, together with lawful Interest for the same from such appointed Time of Payment, and all Costs of Suit from such Person or Corporation respectively: Provided always, that in Cases where Two or more Persons shall be jointly possessed of any Share in the Company, the Company shall and may in In case any Person shall not pay his Proportion of the Division, the Company empowered to sue him

in manner aforesaid sue for and recover the Sum to which such Persons shall be liable under any such Division, or the Part thereof remaining unpaid, with Interest and Costs as before mentioned, from all or any or either of such joint Proprietors.

and in default of Payment, the Directors may declare his Shares to be forfeited.

XLIV. And be it further enacted, That if any Person or Corporation shall at any Time refuse or neglect to pay the Sum which he or they shall under any such Division be liable to, or any Part of such Sum, by the Time appointed for Payment of such Sum, and also for the Space of Thirty Days after Notice of his or their Liability to pay the same shall have been given by the Secretary for the Time being of the Company to the Person or Corporation so refusing or neglecting, either by leaving such Notice at or by sending a Letter by the Post to his or their usual or last known Abode or Description, as the same is to be found in the Books of the said Company, then and in every such Case (whether the same Sum shall then have been sued for in any Court of Law or Equity or not) it shall be lawful for the Directors to declare that the Shares upon or in respect of which such Refusal or Neglect shall have been made, and all Profit and Advantage to arise therefrom, shall be forfeited, and the same shall thereupon be forfeited accordingly, and be vested in the Company in Trust for and for the Benefit of the rest of the Shareholders in proportion to their respective Interests in the said Company; and all Shares and Parts of Shares which shall or may be so forfeited shall or may at any Time thereafter be sold by or by the Order of the Directors for the most Money that can be gotten for the same, and the Produce thereof shall form Part of the Funds of the said Company.

Proceedings in Actions for Division.

XLV. And be it further enacted, That in any Action to be brought by the Company against any Person or Corporation refusing or neglecting to pay the Sum which he or they shall under any such Division be liable to, or any Part of such Sum, it shall be sufficient for the Company to declare and allege, that the Defendant being a Proprietor of such or so many Share or Shares in the Company (as the Case may be) is indebted to the Company in such a Sum of Money as his Liability under any such Division shall amount to, for his Liability under Division made under the Authority of this Act of the said Sum of One hundred and twenty thousand Pounds, or of a Portion of such Sum (as the Case may be), whereby an Action hath accrued to the Company by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant at the Time of the making such Division was a Proprietor of such Share or Shares in the Company, and that such Division for the Time being made in fact took place, and it shall not be necessary to prove any other Matter or Thing whatsoever, and the Company shall thereupon be entitled to recover what shall appear to be due.

Trustees may sell Shares to pay up Sum apportioned on them.

XLVI. And be it further enacted, That for the Purpose of raising a sufficient Sum of Money to pay the proportional Sum so put or allocated on any Person in respect of any Share or Shares, the beneficial Interest of which may be in Settlement, or the legal or beneficial

beneficial Interest of which may belong to any Legatees, next of Kin, Idiot, Lunatic, or Person *non compos mentis*, or Infant, it shall be lawful for the Person who according to this Act shall be the Proprietor of such Share or Shares, or his Committee (in case of Idiotcy, Lunacy, or *non compos mentis*), or Guardian (in case of Infancy), to sell and transfer such Share (if but One), or (where more than One) so many of such Shares as may be requisite to raise such proportional Sum; and the Surplus (if any) of the Monies to be produced by such Sale shall be held and applied in such Manner as will best correspond with the Rights or Interests which immediately before such Sale were subsisting or capable of taking effect in or concerning such Share or Shares, and this Act shall be a sufficient Indemnity to the Party so selling such Share or Shares: Provided always, that the Receipt of the Persons selling such Share or Shares shall be a good and sufficient Discharge for the same, and expressly discharge the Purchaser from being bound to see to the Application of the Purchase Money, or from being affected in Title, although such Sale was improper, and the Money was not required for the Purpose aforesaid: Provided also, that this present Clause, or any thing herein contained, shall not in any Degree derogate from the Provision herein contained exonerating the said Company from being bound by or affected with Notice of any Trust.

Debt of 120,000*l.* may be raised by Creation of new Shares instead of Allocation.

XLVII. And be it enacted, That it shall be lawful for the Company, if they think fit, to raise the said Sum of One hundred and twenty thousand Pounds so herein-before authorized to be raised as aforesaid, or any Part or Parts thereof, by creating new Shares in the Company, but no such Augmentation of Capital as aforesaid shall take place without the Authority of an Order of a General Meeting of the Company called for the Purpose previously obtained: Provided always, that nothing in this Act contained shall prevent both of the said Methods for raising such Sum of One hundred and twenty thousand Pounds being put in force, but, on the contrary, both such Methods may be adopted at one and the same Meeting, or one Method may be adopted at one Meeting, and the other Method at another Meeting, and so on from Time to Time; but no more than the Sum of One hundred and twenty thousand Pounds in the whole shall be raised under all such Methods.

Money raised by either Mode to be applied in Extinction of the Debts.

XLVIII. And be it further enacted, That the Money to be raised by the Company by means of such Division or such Creation of new Shares, or by both the aforesaid Means, shall be applied, first, in or towards the Extinction of the Debt or Debts of the Company, and, subject thereto, the Surplus (if any) shall be applied for the General Purposes of the Company.

Power to borrow 60,000*l.*

XLIX. And be it enacted, That after One Half of the Sum of One hundred and eighty thousand Pounds (the aggregate Amount of the said Sums of Sixty thousand Pounds, the present Capital of the Company, and One hundred and twenty thousand Pounds, the Capital so authorized to be raised by as well such Division as aforesaid as such Creation of new Shares as aforesaid,) shall have been raised

raised and paid, it shall be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of a General Meeting of the Company, not exceeding in the whole the Sum of Sixty thousand Pounds, and for securing the Repayment of the Money so borrowed, with Interest, to mortgage the Tolls by this Act authorized to be taken, or to give Bonds in manner herein-after mentioned.

Re-borrowing.

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

Evidence of Authority for borrowing.

LI. And be it enacted, That the Certificate of a Justice that One Half of the said Sum of One hundred and eighty thousand Pounds has been paid up, together with a Copy of the Order of a General Meeting of the Company authorizing the borrowing of any Money, certified by One of the Directors or by the Secretary to be a true Copy, shall be sufficient Evidence of the Fact of the Capital required to be paid up having been so paid up, and of the Order for borrowing Money having been made; and upon Production to any Justice of the Books of the Company, or of such other Evidence as he shall think sufficient, such Justice shall grant the Certificate aforesaid.

Mortgages and Bonds.

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

Rights of Mortgagees.

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

Rights of Obligees.

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

Register of Mortgages and Bonds.

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

Transfer of Mortgages and Bonds.

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

Entry of Transfers of Mortgages and Bonds.

LVII. And be it enacted, That within Thirty Days after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Secretary, and thereupon the Secretary shall cause an Entry or Memorial thereof to be made, in the same Manner as in the Case of the original Mortgage; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Bond in all respects; and no Party, after having made such Transfer, shall have Power to make void, release, or discharge the Mortgage or Bond so transferred, or any Money thereby secured; and for such Entry the Company may demand a Sum not exceeding the Amount of Two Shillings and Sixpence: Provided nevertheless, that if any such Transfer shall not be produced to the Secretary at the Time above specified, then upon the Production thereof to him the same shall (subject to any Act which may have been done or taken place in the meantime) be entered as above mentioned.

Payment of Interest on Loans.

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

Transfers of Interest to be stamped.

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

Repayment of Money borrowed at a Time fixed.

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

Repayment of Money borrowed

LXI. And be it enacted, That if no Time be fixed in the Mortgage Deed or Bond for the Repayment of the Money so borrowed, the

where no Time fixed.

the Party entitled to the Mortgage or Bond may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Mortgage or Bond, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose, and the Company may at all Times pay off the Money borrowed, or any Part thereof, on giving the like Notice; and such Notice, if given by a Mortgagee or Bond Creditor, shall be by Writing delivered to the Secretary, and if given by the Company shall be by Writing given either personally to such Mortgagee or Bond Creditor, or if such Mortgagee or Bond Creditor be unknown, or cannot be found, such Notice shall be given by Advertisement in the *London Gazette*, and in some Newspaper, as after mentioned; and at the Expiration of the said Notice, when given by the Company, Interest shall cease to be payable on the Money secured by such Mortgage or Bond, unless, on Demand of such Money, the Company fail to pay the same, pursuant to such Notice.

For enforcing Payment of Arrears of Interest.

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

Principal and Interest.

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

Appointment of Receiver.

LXIV. And be it enacted, That every such Application for a Receiver in the Cases aforesaid shall be made to Two or more Justices of the County of *Durham;* and on any such Application so made, and after hearing the Parties, it shall be lawful for such Justices, by Order in Writing, to appoint some Person to receive the Whole or a competent Part of the Tolls or Sums liable to the Payment of such Interest, or such Principal and Interest, (as the Case may be,) until such Interest, or until such Principal and Interest, (as the Case may be,) together with all Costs, including the Charges of receiving the Tolls or Sums aforesaid, be fully paid; and upon such Appointment being made all such Tolls and Sums of Money as aforesaid shall be

paid

paid to and received by the Person so to be appointed, and the Money so to be received shall be so much Money received by or to the Use of the Party to whom such Interest, or such Principal and Interest, (as the Case may be,) shall be then due, and on whose Behalf such Receiver shall have been appointed; and after such Interest and Costs, or such Principal, Interest, and Costs, have been so received, the Power of such Receiver shall cease.

Mortgagees not to vote.

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

Access to Account Books by Mortgagees.

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

Power to convert Loan into Capital.

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

New Shares to be considered same as original Shares.

LXVIII. And be it enacted, That the Capital to be raised by the Creation of new Shares under the Provisions of this Act shall be considered as Part of the general Capital, and shall be dealt with accordingly; and every Person and Corporation who shall become the Proprietor of any such new Share shall (subject to the Provisions herein contained with reference to the Payment of Calls, and the Forfeiture of Shares on Nonpayment of Calls, and to other the Provisions herein contained, until the whole of the Instalments on such Shares are paid up) be entitled to the same Powers and Privileges in all respects, and especially as regards Dividends, as any Proprietor of old Shares.

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

LXIX. And be it enacted, That if at the Time of any Augmentation of Capital taking place by the Creation of new Shares the then existing Shares of the Capital Stock of the Company be at a Premium, or of greater actual Value than Fifty Pounds *per* Share, then the Sum so to be raised shall be divided into Shares of such Amount as will conveniently allow the said Sum to be apportioned among the then Shareholders in proportion to the existing Shares held by them respectively; and such new Shares shall be offered to the then Shareholders, in the Proportion of One for every existing Share held by them respectively; and such Offer shall be made by Letter, under the Hand of the Secretary, given to or sent by Post to each Shareholder, or left at his Address appearing in the "Shareholders

Address Book;" and such new Shares shall vest in and belong to Shareholders who shall accept the same, and pay the Value thereof to the Company, at the Time and by the Instalments which shall be fixed by the Company; and if any Shareholder fail for Two Calendar Months after such Offer of new Shares to accept the same, and pay the Instalment called for in respect thereof, it shall be lawful for the Company to dispose of such Shares to any Party willing to become the Purchaser thereof, for such Sum as the Company can obtain for the same.

Trustees may sell Shares to pay Purchase Money on Shares apportioned to them.

LXX. And be it further enacted, That for the Purpose of enabling every Proprietor, whether a Trustee, or under Disability or otherwise, to avail himself of the Opportunity of taking the new Shares which may at any Time or Times, under any of the Provisions of this Act, be apportioned in respect of his Shares, and for the Purpose of raising a sufficient Sum of Money to pay the Amount of Purchase Money which may from Time to Time become payable on the new Shares apportioned in respect of any Shares the beneficial Interest of which may be in Settlement, or the beneficial Interest of which may belong to any Idiot, Lunatic, or Person *non compos mentis*, or Infant, it shall be lawful for the Person who, according to the Provisions of this Act, shall be the Proprietor of any Share or Shares in respect of which any new Shares may be allotted or apportioned, or his Committee or Guardian, at any Time or Times to take the new Share or Shares so to be at any Time or Times allotted or apportioned to him or to the Person of whom he is such Committee or Guardian (as the Case may be), and to sell and transfer such or so many of such old and new Shares, or either of them, as may be required to raise such Amount, or any Part thereof; and the Surplus (if any) of the Monies to be produced by such Sale shall be held and applied in such Manner as will best correspond with the Rights or Interests which immediately before such Sale were subsisting or capable of taking effect in or concerning such Share or Shares; and this Act shall be a sufficient Indemnity to the Party so selling such Share or Shares, and his Receipt for the Price of such Share shall be a good and sufficient Discharge for the same, and expressly discharge the Purchaser from being bound to see to the Application of the Purchase Money, or from being affected in Title, although such Sale was improper, and the Money was not required for the Purposes aforesaid: Provided always, that this present Clause, or any thing herein contained, shall not in any degree derogate from the Provision herein-before contained exonerating the said Company from being bound by or affected with Notice of any Trust.

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

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

Application of Capital.

LXXII. And be it enacted, That all the Monies raised by the Company by Loan or otherwise, which are not expressly directed to be otherwise applied, shall be applied, first, in paying the Costs and

Expences incurred in obtaining this Act, and all Expences preparatory or relating thereto, and, secondly, in carrying the Purposes of the Company into execution.

Ordinary Meetings to be held yearly.

LXXIII. And with respect to General Meetings of the Company, be it enacted, That the First General Meeting of the Shareholders of the Company shall be held in the Month of *September* One thousand eight hundred and forty-two, and the future General Meetings shall be held in the same Month of *September* in each succeeding Year, and the Meetings so appointed to be held as aforesaid shall be called "The Annual General Meeting," and the same is, in some of the Provisions of this Act, termed the Ordinary Meeting; and all Meetings, whether annual or extraordinary, shall be held in the Town of *Stockton* in the County of *Durham*, or at some Place within One Mile of the same Town.

Business at Ordinary Meetings.

LXXIV. And be it enacted, That all Matters (except such as are appointed by this Act to be done in some other Manner) may be transacted at an Ordinary Meeting; but when any Matter is required to be done at a Meeting called or convened for the Purpose, then no such Matter shall be done at any such Ordinary Meeting, unless special Notice of such Matter have been given in the Advertisement convening such Meeting.

Extraordinary Meetings.

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

Business at Extraordinary Meetings.

LXXVI. And be it enacted, That no Extraordinary Meeting shall enter upon any Business not set forth in the Requisition or in the Notice upon which it shall have been convened; any thing in this Act contained, or which might, in any of the Provisions herein contained, be inferred to the contrary notwithstanding.

Extraordinary Meetings may be convened by Shareholders.

LXXVII. And be it enacted, That it shall be lawful for Twenty or more Shareholders, qualified to vote as herein is provided, and holding in the Aggregate Two hundred Shares, by Writing under their Hands, at any Time to require the Directors to call an Extraordinary Meeting of the Company, and such Requisition shall fully express the Object of the Meeting required to be called, and shall be left with the Secretary of the Company, or given to at least Three Directors, either by delivering the same personally to them, or leaving the same at their last or usual Places of Abode, or partly in the one way and partly in the other; and forthwith upon the Receipt of such Requisition the Directors shall convene a Meeting of the Shareholders, and if for Ten Days after such Notice the Directors fail to call such Meeting, the said Number of Shareholders, qualified as aforesaid, may call such Meeting.

Notice of Meetings.

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

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

Quorum for a General Meeting.

LXXIX. And be it enacted, That in order to constitute a Meeting (whether ordinary, extraordinary, or by Adjournment,) there shall be present, in Person, and not by Proxy, Twelve or more Shareholders, qualified to vote as herein-after is mentioned, and holding in the aggregate, in themselves or as Proxy, Two hundred Shares, and that Number shall be sufficient to constitute a Quorum, and may proceed in the Business for which such Meeting is held; but no Questions or Business shall be entered into, discussed, or decided unless the said Number of Shareholders qualified as aforesaid, and holding such Amount of Shares, be so present as aforesaid; and if within One Hour from the Time appointed for such Meeting the said Number of Shareholders, qualified as aforesaid, be not present, no Business shall be transacted at the Meeting, but the same shall be held to be adjourned *sine Die*; and if within One Hour after it shall have been discovered that the said Number of Shareholders, qualified as aforesaid, and holding such Amount of Shares, is not present at any Meeting which shall in the first place have been properly constituted, such a Number shall not be so present as aforesaid, then no further Business shall be transacted at the Meeting, but the same shall be held to be adjourned *sine Die*; provided nevertheless, that in every Case of Adjournment for Want of a sufficient Number of Proprietors duly qualified, and holding such Amount of Shares as aforesaid, being present to constitute a Meeting or conduct the Business thereof, the Directors shall with all convenient speed convene the adjourned Meeting, and fix the Time, Place, and Hour of Meeting, giving such Notice thereof as is herein required for the convening of an Ordinary General Meeting.

Chairman at General Meetings.

LXXX. And be it enacted, That at every Meeting of the Company one or other of the following Persons shall preside as Chairman; (that is to say,) the Chairman of the Directors, or in case of his Absence or declining to take the Chair, the Deputy Chairman; or in case of both the Chairman and Deputy Chairman being absent, or declining to take the Chair, some one of the Directors of the Company, to be chosen for that Purpose by the Meeting, and not declining to take the Chair; or in case of the Chairman and Deputy Chairman, and all the Directors, being absent or so declining, then some Shareholder to be chosen for that Purpose at such Meeting, and not declining as aforesaid; and if there be an equal Division of Votes upon any Subject at any such Meeting the Chairman, in addition to his Vote (if any) as one of the Shareholders, shall have a casting Vote as Chairman: Provided always, that the Chairman may, with Leave of the Meeting at which he presides, leave the Chair, and another shall be appointed as in the first instance: Provided always, that no Protest against any Person taking the Chair at a General Meeting, on

any

any Account whatsoever, shall be of any Avail unless made at the Time of taking the Chair, or before the Business of the Meeting has been commenced and entered upon.

Adjourned Meetings.

LXXXI. And be it enacted, That every Meeting of the Shareholders properly constituted, and at which there may be at the Time of Adjournment the proper Number of Shareholders duly qualified as aforesaid to conduct the Business thereat, may be adjourned from Time to Time, and from Place to Place, provided the Place be in the Town of *Stockton* aforesaid, or at some Place within One Mile of the same Town, and no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place; and it shall not be necessary to give any Notice of any Adjournment which may take place under this present Provision; and at every Meeting of Shareholders by Adjournment under this present Provision, the Person in the Chair at the Meeting from whence such Adjournment took place shall (if present) continue in the Chair, but if not present, then the Chair shall be taken as herein-before is provided.

Votes of Shareholders.

LXXXII. And be it further enacted, That at every General Meeting of Proprietors, whether annual or extraordinary or by Adjournment, all Questions, Motions, Rules, Orders, and Regulations which may be brought forward or proposed for the Discussion, Opinion, or Decision of the Proprietors shall be determined and decided by a Majority of Votes of the Proprietors then and there present, either in Person or by Proxy, as herein-after provided, but so that each Holder of Five Shares or upwards, but less than Ten Shares, shall have One Vote only; each Holder of Ten Shares or upwards, but less than Twenty Shares, shall have Two Votes only; each Holder of Twenty Shares or upwards, but less than Thirty Shares, shall have Three Votes only; each Holder of Thirty Shares or upwards, but less than Forty Shares, shall have Four Votes only; each Holder of Forty Shares or upwards, but less than Fifty Shares, shall have Five Votes only; each Holder of Fifty Shares or upwards, but less than Sixty Shares, shall have Six Votes only; and each Holder of Sixty Shares or upwards shall have Seven Votes and no more: Provided always, that no Shareholder shall be entitled to vote at any General Meeting unless he shall have paid all the Calls then payable upon all or any Shares held by him.

Ballot may be demanded.

LXXXIII. Provided always, and be it further enacted, That if Twenty or more Proprietors personally present at any such General Meeting, and qualified to vote as herein is mentioned, and holding in the aggregate, in themselves or by Proxy, Five hundred Shares at the least, shall, previously to any Question being decided in the ordinary Way, demand that the Votes thereupon be ascertained and taken by Ballot, then the same shall be done accordingly, but unless Twenty or more of such Proprietors so duly qualified, and having such Amount of Shares as aforesaid, do so require, no Ballot shall take place; but in case a Ballot shall be duly required, each Proprietor present, and duly qualified to vote at such Meeting, shall deposit in a Ballotting Box, to be provided by the Secretary for

the Time being, a Piece of Paper on which shall be written his own Name, and the Number of Votes which he in any Character whatsoever, whether as representing himself or others, shall claim to exercise, and also the Christian and Surname of each or any Person for whom such Proprietor shall vote, in case the Question for Ballot be the Election of a Director, Auditor, or other Officer of the Company, but if the Subject of Ballot relate to any other Matter, then there shall also be written on such Piece of Paper the Assent or Dissent of the said Proprietor to or from the Question or Matter under Consideration; and one of the Directors present, and not declining to act, to be chosen by the Chairman, assisted by Two Persons to be chosen by the Meeting as Scrutineers, or if there be no such Director, then any other Proprietor to be chosen by such Chairman, and so assisted as aforesaid, shall thereupon retire and report to the Meeting, or any Adjournment thereof, the Result of such Ballot, and the same shall be declared by the Chairman, and entered in the Book of Proceedings as the Decision of the Meeting accordingly; but in Case of Equality of Votes, the Chairman at the Meeting where the Result is declared shall have the casting Vote: Provided always, that if the Question to be decided be the Election of some Person or Persons, and any Proprietor shall vote for more Persons than there are Vacancies to be supplied, such Paper shall not be taken into account, but shall be deemed void, and in like Manner any other Ballotting Paper appearing to be decidedly irregular to the Person so chosen by the Chairman and the Scrutineers, or the Majority of such Person and Scrutineers, shall be rejected.

Manner of voting.

LXXXIV. And be it enacted, That all Votes at any such General Meeting may be given, either personally or by Proxies, being Shareholders entitled themselves to vote, and authorized by Writing, according to the Form in the Schedule (F.) to this Act annexed, or in a Form to the like Effect, under the Hand of the Shareholder nominating such Proxy, or if such Shareholder be a Corporation, then under their Common Seal; and every Proposition at any such Meeting shall be determined, as herein-before is provided, by the Majority of Votes of the Parties present thereat, in Person or by Proxy, the Chairman of the Meeting being entitled, as herein-before is provided, to vote, not only as a Principal or Proxy, but to have a casting Vote if there be an Equality of Votes; provided nevertheless, that in no Case whatsoever shall any Proxy have any Validity beyond the particular Meeting for which the same is given, and all Adjournments thereof.

Regulations as to Proxies.

LXXXV. Provided also, and be it enacted, That no Person shall be entitled to vote as a Proxy unless the Instrument appointing such Proxy have been transmitted to the Secretary of the Company Three Days before the holding of the Meeting at which such Proxy is to be used, and that no Person shall at any One Meeting represent as Proxy more than Five Shareholders.

Votes of joint Shareholders.

LXXXVI. And be it enacted, That if several Persons be jointly entitled to a Share, the Person whose Name stands first in the Register of Proprietors or Shareholders as one of the Holders of such Share shall,

shall, for the Purpose of voting at any Meeting, be deemed the sole Proprietor thereof; and on all Occasions the Vote of such first-named Shareholder, either in Person or by Proxy, shall be allowed as the Vote in respect of such Share, without Proof of the Concurrence of the other Holders thereof.

Votes of Lunatics, Minors, &c.

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

Directors named in the Act.

LXXXVIII. And be it enacted, That the Number of Directors shall be Nine, and that *Henry Vansittart* of *Kirkleatham* in the County of *York*, Esquire, *William Thomas Salvin* of *Croxdale* in the County of *Durham*, Esquire, *Francis Henry Salvin* of the same Place, Esquire, *George Braithwaite* of *Kendal* in the County of *Westmorland*, Merchant, *Robert Rayson* of *Stockton* in the County of *Durham*, Gentleman, *Charles Barrett* of *Sedgefield* in the same County, Gentleman, *John Stagg* of *Stockton* aforesaid, Merchant, *Cuthbert Wigham* of the same Place, Banker, and *Robinson Watson* also of the same Place, Merchant, shall be the present Directors of the Company, and the said *Henry Vansittart* is hereby appointed their Chairman, and the said *Robert Rayson* their Deputy Chairman.

Election of future Directors.

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

Qualification and Disqualification of Directors.

XC. And be it enacted, That no Person shall be capable of being a Director unless he be a Shareholder possessed of Ten Shares; and that no Person holding an Office or Place of Trust or Profit under the Company, or interested in any Contract with the Company, shall be capable of being a Director; and that no Director shall be capable of accepting any other Office or Place of Trust or Profit under the Company, or of being interested in any Contract with the Company, during the Time he shall be a Director.

Failure of Meeting for Election of Directors.

XCI. And in order to provide for the Accident of a sufficient Number of Directors not being elected at any Meeting at which Directors are to be elected, be it enacted, That if at any Meeting at which an Election of Directors ought to take place the sufficient

Number shall not be elected, the existing Directors shall continue to act and retain their Powers until all the Vacancies shall be filled up by a General Meeting; and in the meantime any new Director, unless he be one of the Directors going out of Office, shall not act, or in anywise interfere as a Director.

Permanent Rotation of Directors.

XCII. And be it enacted, That at the First Ordinary Meeting after the first Election of Directors, and at the Ordinary Meeting in every subsequent Year, Two of the Directors, being those who have been longest in Office, shall go out of Office and cease to be Directors, and their Places shall be supplied in like Manner; nevertheless every Director so retiring from Office may be re-elected immediately or at any future Time, and after such Re-election shall, with reference to the going out by Rotation, be considered as a new Director: Provided always, that in all Cases where any Directors shall have been in Office for the same Period it shall, as amongst them, be determined by Lot which shall go out of Office; but if from any Cause it shall not have been so decided previously to the General Meeting at which new Directors are to be chosen, then the Meeting shall decide the Point.

List of Persons qualified to be Directors to be made out.

XCIII. And be it further enacted, That for the better regulating the Elections of Directors at Ordinary General Meetings the Directors shall, at least Fourteen Days before the same, cause to be made out and copied in a fair and legible Hand a List containing the Christian and Surname, and the Residences, as far as they shall be known, of the Proprietors of the Company who shall then be qualified to be Directors; and such List shall remain with the Secretary of the Company, and be open to the Inspection of each Proprietor who shall apply to see the same, and each Proprietor shall be at liberty to take Extracts from or Copies of such List.

Cases in which Office of Director shall become vacant.

XCIV. And be it enacted, That if any of the Directors at any Time subsequently to his Election accept or continue to hold any other Office or Place of Trust or Profit under the Company, or be either directly or indirectly concerned in any Contract with the Company, or participate in any Manner in the Profits of any Work to be done for the Company, or if such Director at any Time cease to be a Holder of Ten Shares in the Company, then in any of the Cases aforesaid the Office of such Director shall become vacant, and thenceforth the Person in respect of whom the Office of Director shall so have become vacant shall cease from voting or acting as a Director.

Removal of Directors.

XCV. And be it enacted, That any General Meeting called for the Purpose may remove any Director for Misconduct, or any other Cause that may seem to such Meeting sufficient, and the same Meeting may appoint another in his Stead, or leave the Vacancy to be supplied under the Provision next herein-after contained.

Occasional Vacancies in the Office of Directors

XCVI. And be it enacted, That if any Director of the Company die or resign, or decline the Office, or be removed, or become disqualified or incompetent to act as a Director, or cease to be a Director

Director by any other Cause than that of going out of Office by Rotation as aforesaid, the remaining Directors, if they think proper so to do, may, at any Time before the Vacancy is filled up by a General Meeting, elect in his Place some other Shareholder, duly qualified, to be a Director; and any Shareholder elected to fill up any such Vacancy shall (subject to the Proviso herein-after contained) continue in Office as a Director so long as the Person in whose Place he shall have been elected would have been entitled to continue if he had remained in Office: Provided always, that the next Ordinary Meeting of Proprietors, or any Extraordinary Meeting (such Extraordinary Meeting to be specially called for the Purpose), may, in case of any such Election by the Directors, annul the same as from the Time of holding the Meeting, and appoint another Director in his Stead, or, in case of no such Election, may supply the Vacancy. to be supplied.

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

They may appoint and displace any of the Officers (except any Member of their own Body and the Auditors, and except the Secretary and the Treasurer, and as to the Appointment of such, they may only do so where expressly authorized);

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

They may make and enforce the Calls upon the new Shares;

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

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

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

They may make and enter into all Mortgages and Bonds touching the Company's Affairs;

They may settle all Compensations and Damages to be paid to or by the Company;

They may institute, prosecute, and defend all Suits, Actions, and other Proceedings, and compromise and submit to Arbitration all Disputes and Questions affecting the Company, or relating to the Affairs thereof;

They may make or present any Application or Petition to Parliament on the Part of the Company (except for the Purpose of obtaining a new or amended Act), and affix the Common Seal of the Company to such Application or Petition, on behalf of the Company, accordingly;

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

They

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

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

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

XCVIII. And be it enacted, That, except when otherwise provided, the following Powers of the Company, (that is to say,) the Choice and Removal of Directors and Auditors, the Appointment and Removal of the Treasurer and Secretary, the Determination as to the Remuneration of the Directors and of the Auditors, and of the Treasurer and Secretary, the Determination as to the borrowing of Money on Mortgage or Bond, the Determination as to any future Augmentation of Capital, the Determination as to the leasing of Tolls, and the Declaration of Dividends, shall be exercised only at a General Meeting of the Company.

Meetings of Directors.

XCIX. And be it enacted, That the Directors shall meet at Twelve of the Clock at Noon on the First and Third *Saturday* in every Month, at the Office of the Company in or near *Stockton* aforesaid, or at such other Hour and Day in every Month and at such other Place as they may determine; and the Directors shall and may hold Meetings at such other Times and at such other Places as they shall appoint for the Purpose, and they may meet and adjourn, as they think proper, from Time to Time, and from Place to Place; and at any Time any Two of the Directors may require the Secretary to call a Meeting of the Directors by sending or addressing to each of the other Directors a Letter by Post, to be put in the Post Office Four clear Days previously to the Time of Meeting, specifying the Place, Day, and Hour fixed for the Meeting, and the Purpose thereof; and in order to constitute a Meeting of Directors there shall be present during the transacting of the Business at the least Three of the Directors; and all Questions, Matters, and Things considered at any such Meeting shall be determined by a Majority of Votes, and no Director, except the Chairman, shall have more than One Vote at any such Meeting, and if there be an equal Division of Votes upon any Subject entertained by such Meeting, the Chairman, in addition to his Vote as one of the Directors, shall have a casting Vote as Chairman.

Permanent Chairman of Directors.

C. And be it enacted, That at the First Meeting of the Directors after each annual Appointment of Directors the Directors present at such Meeting shall choose one of the Directors to act as Chairman and another to act as Deputy Chairman of the Directors for the Year following such Choice; and if any such Chairman or Deputy Chairman shall die, or resign, or cease to be a Director, or otherwise become disqualified to act, the Directors present at the Meeting next after the Occurrence of such Vacancy shall choose some other of the Directors to fill such Vacancy; and every such Chairman or Deputy Chairman so to be elected as last aforesaid shall continue in Office

so

so long only as the Person in whose Place he may have been so elected would have been entitled to continue if such Death, Resignation, Removal, or Disqualification had not happened.

Occasional Chairman of Directors.

CI. And be it enacted, That if at any Meeting of the Directors the Chairman shall not be present, then the Chair shall be taken by the Deputy Chairman, and if the Deputy Chairman shall be absent, the Directors present shall choose some one of their Number to be Chairman of such Meeting; and in the event of the Chairman or Deputy Chairman, or any other Person appointed as Chairman, refusing to take or desiring to leave the Chair on any Occasion, whether on account of Illness, or being himself personally interested in the Question, or on any other Account, the Directors present shall choose some one of their Number to be Chairman of such Meeting.

Committee of Directors.

Powers of Committee.

CII. And be it enacted, That the Directors may appoint One or more Committees, consisting of such Number of Directors as they think fit, being not less than Three, and may grant to any such Committee Power on behalf of the Company to do any Acts relating to the Railway or the Affairs of the Company which the Directors themselves have Power to do, and shall from Time to Time think proper to intrust to such Committee (except to make Calls for Money upon the Shareholders).

Meetings of Committee.

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

Contracts by Committee or Directors.

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

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

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

With respect to any Contract which if made between any private Persons would by Law be valid, although made by Parol only,

and not reduced into Writing, such Committee or the Directors may make such Contract on behalf of the Company by Parol only, without Writing, and in the same Manner may vary or discharge the same:

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

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

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

Informalities in Appointment of Directors not to invalidate Proceedings.

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

Indemnity to Directors.

CVII. And be it enacted, That no Director by, at any Time after the passing of this Act, being a Party to, or making, signing, or executing, in his Capacity of Director, any Contract or other Instrument on behalf of the Company, or otherwise lawfully executing any of the Powers given to the Directors, shall be subject to be sued or prosecuted, either collectively or individually, by any Person whomsoever; and the Bodies or Goods or Lands of the Directors, or any of them, shall not be liable to Execution of any legal Process by reason of any Contract or other Instrument so entered into, signed, or executed by them or any of them, or by reason of any other lawful Act done by them or any of them in the Execution of any of their Powers as Directors; and the Directors, their Heirs, Executors, and

Administrators, shall be indemnified out of the Capital of the Company for all Payments made or Liability incurred in respect of any Acts done by them, and for all Losses, Costs, and Damages which they may incur in the Execution of the Powers granted to them; and the Directors for the Time being of the Company shall apply the existing Funds and Capital of the Company for the Purposes of such Indemnity, and shall, if necessary for that Purpose, make Calls of any augmented Capital remaining unpaid.

Indemnity to the Directors and other Officers of the late Company.

CVIII. And be it enacted, That all the Directors, Trustees, Members, Clerks, and other Officers of the said late Joint Stock Company (whether such at the Time of the passing of this Act, or at any Time previously), and their respective Heirs, Executors, Administrators, and Assigns, shall from Time to Time and at all Times be saved harmless and kept indemnified, out of the Capital of the Company hereby established, from and against all Monies, Costs, Charges, Losses, Damages, Disbursements, and Expences which they respectively shall or may pay, expend, incur, sustain, or be put unto by reason of any Contract, Engagement, or Liability at any Time or Times heretofore entered into by or on behalf of, or in reference to, or for the Purposes of the said late Joint Stock Company, whether on account of the Rents reserved or limited, and the Covenants, Powers, Conditions, and Agreements contained by and in any Deeds of Conveyance, Demise, Lease, or other Instrument or Assurance relating to the Lands, Buildings, and other Property at any Time or Times heretofore purchased or leased by or belonging to the said Joint Stock Company, or on account of any other Concern of the said Joint Stock Company, and the Directors for the Time being of the Company shall apply the existing Funds and Capital of the Company for the Purposes of such Indemnity, and shall, if necessary for that Purpose, make Calls of any Capital remaining unpaid: Provided always, that this present Clause, or any thing herein contained, shall not in any degree derogate from the Provision herein-before contained declaring that nothing in this Act contained shall abrogate, destroy, defeat, prejudice, or in anywise prejudicially affect the Rights or Remedies of any Person or Corporation in respect of any Engagement or Liability, Debt or Sum of Money of or owing or becoming due and payable by or entered into on behalf of the said Joint Stock Company at or previously to the Time of the passing of this Act, and not at the Time of the passing of this Act barred, released, or extinguished.

Election of Auditors.

CIX. And with respect to the Appointment of Auditors, be it enacted, That the Number of Auditors shall be Three, and that *Thomas Atkinson* of *Newcastle-upon-Tyne*, Banker, *Robert Robinson* of the same Place, Stationer, and *James Atkinson* of *Leeds*, Gentleman, shall be the present Auditors of the Company, and they shall continue in Office until the First Ordinary Meeting to be held in the Month of *September* One thousand eight hundred and forty-two, and at such Meeting the Shareholders may either continue in Office the Auditors by this Act appointed, or may elect a new Body, the Auditors by this Act appointed being eligible as Members of such

new

new Body; and at the Ordinary General Meeting to be held every Year thereafter the Shareholders present shall elect the Person to supply the Place of the Auditor retiring from Office; and every Auditor so elected, being neither removed nor disqualified, nor having resigned, shall continue to be an Auditor until another be elected in his Stead.

Qualification of Auditors.

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

Rotation as to Auditors.

CXI. And be it enacted, That One of such Auditors (to be determined, while more than One of the same Standing, between themselves, by Lot, and if not so determined, then by the General Meeting at which another is to be appointed, and afterwards by Seniority,) shall go out of Office at the General Annual Meeting (except nevertheless in the Month of *September* One thousand eight hundred and forty-two, for which Provision is already made), but the Auditor so going out shall be immediately re-eligible, and after any such Re-election shall, with respect to the going out of Office by Rotation, be deemed a new Auditor.

Removal of Auditors.

CXII. And be it enacted, That any General Meeting called for the Purpose may remove any Auditor for Misconduct, or any other Cause that may seem to such Meeting sufficient; and the same Meeting may appoint another in his Stead, or leave the Vacancy to be supplied under the Provision next herein-after contained.

Vacancies in the Office of Auditor.

CXIII. And be it enacted, That if any Vacancy take place among the Auditors in the course of the current Year for the Time being, then at any General Meeting of the Company the Vacancy may, if the Company think fit, be supplied; and any Person appointed to supply the Vacancy shall remain in Office for the Period of the Person whose Place he shall supply, and no longer.

Failure of Meeting to elect Auditor.

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

Duty of Auditors.

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

Powers of Auditors.

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

CXVII. And

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

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

CXIX. And be it enacted, That at the First General Ordinary Meeting after the passing of this Act, or at any previous Extraordinary Meeting called for the Purpose, the Company shall elect a Secretary and Treasurer, and any subsequent General Meeting called for the Purpose may remove from Office any such Secretary or Treasurer, and such Meeting, or any other General Meeting which may have been called for the Purpose, may appoint another Secretary or Treasurer in the Place of the one so removed; and if such Secretary or Treasurer die or resign another Secretary or Treasurer shall be elected in his Place at a General Meeting called for the Purpose; and from Time to Time any General Meeting may fix the Salary or other Emolument to be allowed to such Secretary or Treasurer respectively, as they think proper. Company to appoint a Secretary and Treasurer.

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

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

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

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

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

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

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

Security to be taken.

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

Officers to account on Demand.

CXXIII. And be it enacted, That every Officer or Person employed by the Company shall from Time to Time, when required by the Directors, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Company; and such Account shall state how, and to whom, and for what Purpose such Monies shall have been disposed of; and together with such Account such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Directors, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Summary Remedy against Parties failing to account.

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

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

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

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

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

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

Sureties not to be discharged.

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

Accounts to be kept.

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

Books to be balanced.

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

Inspection of Accounts by Shareholders.

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

Balance Sheet to be produced.

CXXIX. And be it enacted, That at such Ordinary Meeting the Directors shall produce to the Shareholders assembled such Balance Sheet

Sheet as aforesaid applicable to the Period immediately preceding such Meeting.

Book-keeper to allow Inspection.

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

Accounts of Tolls rateable to the Poor to be kept.

CXXXI. And for the Purpose of providing for the proper Rating of the Railway for the Relief of the Poor, be it enacted, That the Company shall keep an Account of the whole Tolls received by them, and rateable for the Relief of the Poor, showing the gross Amount of the monthly Receipts in respect of such Tolls received in every Year, and the Amount and Particulars of the Expenditure in every such Year on account of any Expences, the probable annual Average Cost of which is to be taken into account in ascertaining the net annual Value of the Railway for the Purpose of rating the same for the Relief of the Poor; and if the Company carry for their own Benefit any Passengers, Cattle or other Animals Goods, or other Matters, they shall keep a separate Account showing the Amount of Tolls or Sums which would have been received by the Company in every such Year for the Use of the Railway, in respect of such Passengers, Cattle, Goods, or other Matters, if the same had been carried by any other Party, and the Amount of Tolls or Sums which shall have been actually received by the Company for the Carriage of the same.

Power to Overseers of Poor to the inspect Accounts.

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

Annual Account to be made up, and a Copy transmitted to the

CXXXIII. And be it enacted, That the Company shall in every Year cause an annual Account in Abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Thirty-first Day of *August*, or some

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

CXXXIV. And be it enacted, That previously to every Ordinary Meeting the Directors shall cause a Scheme to be prepared, showing the Profits (if any) of the Company for the Period current since the immediately preceding Ordinary Meeting, and apportioning the same among the Shareholders according to the Shares held by them respectively, and shall exhibit such Scheme at such Ordinary Meeting; and at such or any subsequent General Meeting (such subsequent Meeting to be specially called for the Purpose) a Dividend may be declared, but it shall not be necessary to adopt such Scheme; and any such Meeting may give such Order as to the Payment of the said Dividend, either in One Payment or by Instalments, and may fix such Day or Days for Payment, and may give such Directions as to setting apart a proper Amount of Funds for Payment of any such Dividend, as to the said Meeting may seem fit. Declaration of Dividends.

CXXXV. And be it enacted, That the Company shall not make any Dividend whereby their Capital Stock will be in any degree reduced. Dividend not to reduce Capital.

CXXXVI. And be it enacted, That the Directors may, if they think fit, recommend that out of the Profits a Sum may be set aside to meet Contingencies, or for enlarging, repairing, or improving the Works connected with the Railway, or any Part thereof, or to prevent a Fluctuation in the Amount of Dividends, or for any other Purpose connected with the Company, and thereupon the Ordinary General Meeting, or any other Meeting at which a Dividend may be declared, may adopt the Recommendation in the whole or in part, or reject the same, and the Directors may invest such Fund in the Name of the Company or in the Names of any Three Directors, in the Parliamentary Stocks or public Funds of *Great Britain*, or in Navy or Exchequer Bills, or in Government Securities, or by way of Mortgage upon any Hereditaments, or on personal Security, or in such other Manner as they may think best, and may from Time to Time alter and vary the Nature of the Investments, and add the Interest and annual Produce arising therefrom to the Principal, so as to accumulate or increase the same, and such Fund may be had recourse to by the Company on any Occasion or Emergency. Funds for Contingencies.

CXXXVII. And be it enacted, That no Dividend shall be paid in respect of any Share until all Calls due in respect of that or of any Dividend not to be paid unless all Calls paid,

any other Share held by the Person to whom such Dividend may be payable shall have been paid: Provided always, that in the Construction of this Provision a Call shall not be considered as actually due until the Day fixed for the Payment of such Call by the Advertisement calling the same.

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

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

3 & 4 Vict. c. 97.

Fines for Breach of such Bye Laws.

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

Evidence of Bye Laws.

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

Two Extraordinary Meetings may alter the Method of calling General Meetings, the Number of Directors, and apply for a new Act.

CXLI. And be enacted, That Two Extraordinary General Meetings specially called for the Purpose shall have Power to alter the Method of calling General Meetings, and also the Time and Place of Meeting of such Assemblies, and also to reduce the Number of Directors not below the Number of Five, and again to increase the same to any Number not exceeding Nine, and so on from Time to Time as Occasion may require, and also to make any Application to Parliament for any Purpose whatsoever relating to or affecting the said Company or their Affairs.

General Meetings may call for Explanation of Accounts, and give Orders to Directors

CXLII. And be it enacted, That (subject to the Restrictions herein-before contained as to the Business to be transacted at any Extraordinary Meeting) every General Meeting of Proprietors to be holden according to the Provisions of this Act, shall have Power and Authority to call for any Explanation from any Officer or Servant of the Company respecting the Accounts of any Monies received

or laid out on account of the said Company, or the Works or Affairs thereof, and shall have Power and Authority (acting in all Cases in accordance with any express Provision where any such may be) to appoint and remove any Officer or Servant of the Company, and shall have full Power and Authority to give any Orders and Directions respecting the protecting, defending, or supporting of the Rights and Interests of the Company, and also to give any Orders and Directions to the Directors concerning, and to do any other Matters and Things whatsoever respecting either the Management of the Railway and other Works of the said Company, or the Affairs of such Company, so as the same be not inconsistent with or in contradiction to any express Provision which may in that Behalf be in this Act contained. respecting Company's Affairs.

CXLIII. And for the Purpose of providing as to the Determination of any Dispute or Question authorized or directed by this Act to be settled by Arbitration, be it enacted, That every such Matter or Dispute shall be referred to the Arbitration of Three Persons, or a Majority of them, One of such Persons to be named by One of the Parties in difference, another of such Persons to be named by the other of such Parties, and the Third to be named by the Two Arbitrators so first chosen, within Fourteen Days of the Appointment of such One of the said Two Arbitrators as shall last have been chosen; and the said Arbitrators, or the Majority of them, shall hear, settle, and determine the Matter in question or dispute, and make their Award under their Hands, which shall be final and conclusive; and all such Acts, Deeds, Matters, and Things shall forthwith be had, made, done, and executed as shall be required by the said Award; and after the Two first Arbitrators shall have been chosen neither Party shall have Power to revoke any such Appointment without the Consent of the other: Provided nevertheless, that in case either of the Parties shall refuse or neglect to appoint an Arbitrator on his or their Behalf, for the Space of Fourteen Days next after he or they shall have been thereunto requested, by Notice in Writing to be given to him or them by or on behalf of the other of the Parties, or shall for the Space of such Fourteen Days refuse or neglect to make known to the Party making such Request the Name of the Arbitrator appointed by the Party to whom such Request is made, it shall be lawful for the Party making such Request, at any Time after such Refusal or Neglect, to appoint an Arbitrator on behalf of the Party so refusing or neglecting, and the Arbitrator so appointed shall have the same Powers in all respects as if duly appointed by the Party so refusing or neglecting; provided also, that as well such Notice as also the Notice mentioned in the succeeding Enactment may be given, either by delivering the same personally to the Party, or by leaving the same at his then present or then last known Abode in *England*, or at his principal Office or Place of Business in *England*; provided also, that the Notice first mentioned shall state the Name of the Arbitrator appointed by the Party making such Request as aforesaid. Arbitrators to be appointed.

CXLIV. And be it enacted, That in case of the Death, or Incapacity by reason of Lunacy or other mental Infirmity to act, of any of the Vacancy of Arbitrators to be supplied.

the said Arbitrators, another shall be appointed by the Party by whom such Arbitrator was appointed, or by the said Two Arbitrators first chosen (if he were appointed by them), with all convenient Speed after the Notice of such Death or Incapacity; and in case such Arbitrator shall have been appointed by either of the Parties in difference, and the Party by whom he was appointed shall refuse or neglect to appoint another Arbitrator in his Stead within Fourteen Days after being thereunto required by Notice in Writing, to be given to such Party by or on behalf of the other of the Parties in difference, it shall be lawful for the other of the Parties to appoint an Arbitrator on behalf of the Party so refusing or neglecting, and the Arbitrator so appointed shall have the same Powers in all Matters not previously awarded upon as if duly appointed by the Party so refusing or neglecting; provided also, that if any Arbitrator shall neglect, refuse, or decline to act, or act any further, then and in such Case the Matter shall be settled and determined as soon as conveniently may be by the Two Arbitrators not declining to act, and their Determination shall be final and conclusive on both Parties, and if they disagree as to any Question, then they shall appoint a Third Arbitrator to act with them, who shall have the same Powers in all Matters not previously awarded upon as if duly appointed in the first instance; provided also, that every Award to be made in pursuance of this Act shall be valid and binding on all Parties whomsoever, and on their respective Representatives, notwithstanding any of the Parties shall die pending the Arbitration, and before the Award or Awards shall be made; provided also, that the Arbitrators, or any Two of them, may make One or more Award or Awards, and that the Costs attending every such Reference, and the making of any such Award, shall be in the Discretion of the Arbitrators.

Power of Arbitrators to call for Books, &c.

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

Service of Notices upon the Company.

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

Service by Company on Shareholders.

CXLVII. And with respect to any such Notice required to be served by the Company upon the Shareholders, be it enacted, That, unless any such Notice be expressly by this Act required to be served personally, it shall be sufficient to transmit the same by Post, directed according to the registered Address in the "Shareholders Address Book," or other

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

Notices by Advertisement.

CXLVIII. And be it enacted, That all Notices required by this Act to be given by Advertisement shall be advertised in One of the *London* Newspapers, and in One of the Newspapers published and circulated in the County of *Durham*, and in One of the Newspapers published and circulated in the County of *Northumberland*, and in One of the Papers published and circulated in the County of *York*.

Authentication of Notices.

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

Releases to Witnesses.

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

Proof of Debts in Bankruptcy.

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

Tender of Amends.

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

Company authorized to maintain the Railway already made.

CLIII. And be it enacted, That the Company may from Time to Time and at all Times hereafter, for and during the respective Estates, Rights, and Interests therein respectively of the Company, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, support, maintain, keep up, and repair the Railway so already made and extended as aforesaid, and all and singular the Embankments, Culverts, Drains, Soughs, Tunnels, Arches, Bridges, Fences, Ways, Roads, Landing Places, Wharfs, Warehouses, Toll Houses, Erections, and other Buildings, Cranes, Weighing Machines, Engines, and other Works, Appendages, Conveniences, and Appurtenances thereto belonging and herein-before vested in the Company.

Power to incapacitated Persons to grant Leases for Ninety-nine Years, and to extend Leases already granted to Ninety-nine Years.

CLIV. And whereas in respect of the Railway already made as far as the said *Middleton House* Estate the Trustees for the said Joint Stock Company in making the same have in some Instances purchased the Lands over which the Railway passes or is made, and have in other Instances taken Leases and Grants, or Agreements for Leases and Grants, of such Lands, or of the Right and Liberty passing thereover, for a Term of Twenty-one Years, or some other long Period: And whereas it is expedient to enable the Parties making the same Leases and Grants or Agreements to extend the Terms already granted or agreed to be granted; be it therefore enacted, That it shall and may be lawful to and for all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Married Woman seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in Trust for charitable or other Purposes, Executors and Administrators, not only for and on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, Expectancy, Contingency, or for any other future or other Estate or Interest after them, and as to such Married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability, by any Deed or Instrument in Writing, either referring or not referring to this present Power, to demise and lease to the Company for any Term or Number of Years not exceeding Ninety-nine Years, to take effect in Possession, and not in Reversion, any Lands which may from Time to Time be required for the Purpose of the Railway as far as the said *Middleton House* Estate, together with such Liberties, Powers, Easements, Rights, and Privileges in connexion therewith as may be deemed requisite or expedient, or to grant to the Company for any Term or Number of Years not exceeding Ninety-nine Years, to take effect in Possession,

and not in Reversion, as well full and free Liberty, Licence, Power, and Authority in, upon, through, and over any such Lands, to make, support, and maintain, alter, and vary the said Railway, with all necessary By-ways, Side-ways, Bridges, Embankments, Culverts, Drains, Inclined Planes, Works, Appendages, and other Conveniences, as also such other Way-leaves, Easements, Liberties, Powers, Authorities, and Privileges upon or over the said Lands as may be required or deemed expedient by the Company, so that upon every such Lease; or Grant there be reserved and made payable during the Continuance thereof a fair and reasonable yearly Rent or Rents, without taking any Fine or Foregift for the same; and so as in every such Lease or Grant there be contained a Condition or Power of Re-entry, or a Power to make void or determine the same in case the Rent or Rents thereby respectively reserved and made payable shall be unpaid for the Space of Forty Days; and so as the Company do execute a Counterpart of such Lease or Grant, and enter into such Covenants and Agreements for the due and punctual rendering and paying the said Rent and Rents, and for regulating the Use and Enjoyment of the Premises thereby to be respectively granted and demised, as the Corporation or Person making any such Lease or Grant shall deem expedient: Provided always, that in any Case where any Premises not being Part of the said *Middleton House* Estate (whether consisting of Lands, or of only a Way-leave, Easement, Liberty, or Licence over Lands, or otherwise,) have already been granted or agreed to be granted to any Trustee or Trustees, for or on behalf of the said Joint Stock Company, for any Term or Number of Years, and where no Premium or Foregift was taken for granting or agreeing to grant the same, every Grant, Demise, or Lease made by any such Corporation or Person so empowered as aforesaid, of the same Premises, to the Company, for any new or extended Term not exceeding Ninety-nine Years from the Execution of any such Grant, Demise, or Lease, under this present Power, and in which Grant, Demise, or Lease at least the Rent or Rents already reserved and made payable, or agreed to be reserved or made payable, in respect thereof, be reserved during the whole of the new or extended Term for the Time being granted, and in which no Fine, Premium, or Foregift be taken on the granting thereof, and in which the Term granted be made to commence in Possession, shall be absolutely good and valid, any thing herein-before contained or any Law to the contrary notwithstanding.

Power of leasing may be exercised, subject to the Rights of under Lessees.

CLV. And whereas at the Time of making the said Leases, Grants, or Agreements referred to in the preceding Enactment as heretofore made, some of the Hereditaments comprised therein were in the Hands of Lessees or Tenants (either under a Lease or some other Holding) of whom the said Joint Stock Company purchased their Tenant Right: And whereas such Tenant Right (whether created by Lease or otherwise) may not in all Cases have been duly surrendered, and it may also happen that at the Time of exercising the Power given by the preceding Enactment some Tenant Right may be actually subsisting in the Premises thereby demised or granted, or intended so to be; be it therefore enacted, That the Powers given by the preceding Enactment (subject to the Rights or Interests, if any,

any, of any Lessees or Tenants,) shall and may be exercised in such and the like Manner as if no such Rights or Interests, Lease or Tenant Right, existed, and as if the same had been duly surrendered previously to the Exercise thereof.

Parties empowered to lease may sell Fee Simple if they prefer it, and Company consent to purchase.

CLVI. Provided always, and be it further enacted, That if any Person or Corporation hereby empowered to lease as aforesaid shall at any Time or Times be desirous to sell the Fee Simple of any Lands required for the Purposes of the Railway already made as far as the said *Middleton House* Estate, and the Company shall consent to purchase the same, then and in such Case it shall be lawful for such Person or Corporation, either before or after any such Lease, not only for and on the Behalf of himself and themselves, but also on other the Behalf mentioned in the Provision authorizing such Lease, to sell and dispose of the same Lands and the Fee Simple thereof to the Company.

Act not to affect Rights of Hartlepool Dock and Railway Company under Agreement of 7th February 1839, but Powers of leasing and selling to extend over Middleton House Estate on Terms being come to.

CLVII. And whereas, as regards the Railway made by the said Joint Stock Company through the said *Middleton House* Estate, the same was made, as herein-before is mentioned, with the Permission of the said *Hartlepool* Dock and Railway Company, under the said Agreement of the Seventh Day of *February* One thousand eight hundred and thirty-nine, and which Agreement was made binding for not less than Three Years, computed from the Period therein mentioned: And whereas, for the Purpose of enabling the Company hereby established to continue the Railway through the *Middleton House* Estate, it is desirable that the Company hereby established should be empowered to come to an Arrangement respecting such Estate, or the Part required by them, with the said *Hartlepool* Dock and Railway Company, or other the Party or Parties for the Time being empowered under this Act to sell the same Estate, or the Part thereof required by the Company hereby established; now be it enacted, That nothing in this Act contained shall extend or be construed to extend to take away, prejudice, or affect the Rights of the said *Hartlepool* Dock and Railway Company under the said Agreement of the Seventh Day of *February* One thousand eight hundred and thirty-nine; and also that in case the said Company hereby established come to any Arrangement in respect of the said Property called the *Middleton House* Estate, or the Part thereof by them required, either with the said *Hartlepool* Dock and Railway Company, their Successors or Assigns, or with other the Party for the Time being empowered to treat for the Lease or Sale of the said Property, or the Part so required, then and in such Case every Corporation and Party who, if the same were Lands required for the Purposes of the said Railway already made as far as the said *Middleton House* Estate, would under the Powers and Provisions of this Act be empowered to lease or sell the same to the Company hereby established, shall and may at any Time or Times lease or convey to the Company hereby established any Part or Parts of the said Property called the *Middleton House* Estate for the Time being required by such Company for the Purpose of continuing or establishing the Railway through such Property or any Part thereof, whether in its present or any other Line or Course, in as full and ample a Manner to all Intents and Purposes

Purposes as if the Part or Parts so required had been Lands required for the Purpose of the said Railway already made as far as the said *Middleton House* Estate.

Company not to take any Lands by Compulsion.

CLVIII. Provided always, and be it further enacted, That nothing in this Act contained shall authorize the Company to take or enter upon any Lands by Force, or without the Consent in Writing of the Person or Corporation herein-before authorized to demise Lands required for the Purposes of the Railway.

Power to purchase Lands.

CLIX. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Company to agree with the Owners of the Lands which they are hereby authorized to enter into and take for the Purposes of the Railway, for the absolute Purchase, for a Consideration in Money, of any such Lands, or such Parts thereof as they shall think proper, and of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all Commonable or other Rights to which such Lands may be subject, and all other Estates or Interests in such Lands, of what Kind soever.

Consideration to be in a gross Sum.

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

Acceptance of Compensation for Price of Lands.

CLXI. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may agree upon the Rent or Value of such Lands, or any Estate or Interest therein which such Party shall be entitled to lease or convey.

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

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

Purchase of Lands on Chief Rents.

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

the Company to the Person or Corporation so selling and conveying, and to his Heirs and Assigns, or Successors and Assigns, (as the Case may be,) or in consideration partly of a gross Sum and partly of a Rent-charge.

Payment of such Rents to be charged on the Tolls.

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

Form of Conveyances.

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

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

CLXVI. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life, or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall, under the Powers of this Act, be enabled to convey or dispose of the same, shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* "The *Stockton and Hartlepool* Railway Company," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign
12 G. 1. c. 32. of His late Majesty King *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds and Indorsements thereon, as likewise Indorsements on* South Sea *Bonds,*

and pursuant to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest therefrom for answering the Charges of the Office of the Accountant General of the said Court;* and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,) 12 G. 2. c. 24.

Application of Monies deposited.

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

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

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

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

Order for Application.

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

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

CLXVIII. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture,

Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Company approve thereof, and of the Trustees named for the Purpose, such Approval to be signified by Writing under their Common Seal; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

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

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

Application of Monies so deposited.

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

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

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

Party in possession to be deemed the Owner.

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

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

Costs in Cases of Money deposited.

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

Release of Part of Lands from Rent-charge.

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

Charge to continue on Lands not taken.

CLXXV. And be it enacted, That if any such Lands be so released from any such Charge or Incumbrance, or Portion thereof, to which they were subject jointly with other Lands, such last-mentioned Lands shall alone be charged with the whole of such Charge, or with the Remainder thereof, as the Case may be, and the Party entitled to the Charge shall have all the same Rights and Remedies over such last-mentioned Lands for the whole or for the Remainder of the Charge, as the Case may be, as he had previously over the whole of the Lands subject to such Charge; and if upon any such Charge

or Portion of Charge being so released the Deed or Instrument creating or transferring such Charge be tendered to the Company for the Purpose, they shall affix their Common Seal to a Memorandum of such Release endorsed on such Deed or Instrument, declaring what Part of the Lands originally subject to such Charge shall have been purchased by virtue of this Act, and if the Lands be released from Part of such Charge, what Proportion of such Charge shall have been released, and how much thereof continues payable, or, if the Lands purchased or taken by the Company shall have been released from the whole of such Charge, then that the remaining Lands are thenceforward to remain exclusively charged therewith; and such Memorandum shall be made and executed at the Expence of the Company, and shall be Evidence in all Courts and elsewhere of the Facts therein stated, but not so as to exclude any other Evidence of the same Facts.

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

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

Lands not wanted to be sold.

CLXXVII. And whereas the said Joint Stock Company have purchased, or acquired in the Names of Trustees, divers Lands which are by this Act vested in the Company hereby established, but which may not be necessary to be retained by the Company; now, for the Purpose of making Provision respecting the Sale of Lands acquired or to be acquired by the Company under the Provisions of this Act, but which shall not be required for the Purposes thereof, be it enacted, That the Company shall sell all such superfluous Lands in such Manner, and under such Conditions and Terms, as they may deem most advantageous, and convey the same to the Purchasers thereof, by Deed, under the Common Seal of the Company, and a Receipt under such Common Seal shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and such Sales and Conveyances shall take place within Ten Years after the passing of this Act.

CLXXVIII. And

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

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

Lands subsequently acquired to be offered to original or adjoining Owners.

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

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

CLXXX. And be it enacted, That if such respective Persons be desirous of purchasing such Land, then, within Sixty Days after such Offer of Sale, they shall signify their Desire in that Behalf to the Company in Writing, and they shall then be bound to purchase the same in accordance with the Provisions of this Act, or if they decline such Offer, or if for Sixty Days they neglect to signify their Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer shall cease; and thereupon a Declaration in Writing, made before a Justice, by some Person not interested in the Matter in question, stating that the Person or all the Persons entitled to the Right of Pre-emption were out of the Country, or could not be found, or were not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made, and was refused, or not accepted within Sixty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence of the Facts therein stated.

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

CLXXXI. And be it enacted, That if any Person entitled to such Pre-emption signify, within the Time allowed by this Act, his Desire to purchase any such Lands, and such Person and the Company do not agree as to the Price thereof, then such Price shall be ascertained by Arbitration, in the Manner provided by this Act for settling any Dispute or Difference by this Act to be settled by Arbitration; and upon Payment or Tender to the Company of the Purchase Money so agreed upon or determined, they shall convey such Lands to the Party so entitled to purchase the same, and every such Conveyance shall be effectual for vesting the Lands comprised therein in the Purchaser thereof, for the Estate which shall so have been purchased by him; and the Money produced by the Sale of such Lands shall be applied by the Company as Part of their Capital.

CLXXXII. Pro-

Proviso as to Sale of Lands within a Town.

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

Effect of the Word "grant" in Conveyances.

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

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

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

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

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

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

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

For the Purpose of making and providing additional Stations, Yards, and Places for the Accommodation of Passengers, and for receiving, depositing, and loading or unloading Goods or Cattle on and to be conveyed upon the Railway, and for the Erection of

Weighing Machines, Toll Houses, Offices, Warehouses, and other Buildings and Conveniences of the like Kind and for the same Purpose:

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

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

Authority to Company to sell and repurchase such Lands.

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

Restraint on Purchase from incapacitated Persons.

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

Power to hire Offices.

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

Where the Railway crossesRoads on a Level, Company to erect Gates.

CLXXXVIII. And whereas the Railway so made crosses on a Level certain Roads in the Townships of *Billingham*, *Cowpen*, *Bewley*, *Greatham*, and *Seaton Carew*, all in the said County of *Durham*, the Locality of which said Roads is shown on the Plan of the Line of Railway deposited with the Clerk of the Peace for the said County on or before the First Day of *March* One thousand eight hundred and forty-one, preparatory to the Application for this Act, and it is expedient that Gates should be erected on the Side of the Railway where the same crosses such Roads, as a Protection to Persons using the same; be it enacted, That where the Railway crosses the said Roads the Company shall erect, and at all Times maintain, good and sufficient Gates on both Sides of the Railway at the Point where it crosses such Roads, which Gates shall be constantly kept shut

by some Person appointed by the Company, (and which Person the said Company are hereby required to appoint under a Penalty of Five Pounds for each Default,) except during the Times when Persons passing along the said Roads shall have to cross the Railway, and then the same Gates shall be opened for the Purpose of letting such Persons pass through, unless an Engine, Carriage, or Train be in view or immediately expected, and in such Case, with all Speed after the same Engine, Carriage, or Train shall have passed, and such Gates shall be so constructed as when opened for Passage along the said Roads they shall close the Passage of the Railway at the Point where it crosses such Roads, and the Person intrusted with the Care of such Gates shall cause every such Gate to be shut as soon as such Persons shall have passed through the same.

Road substituted in Township of Stranton, not to be interfered with by the Company.

CLXXXIX. And whereas the Railway passes over a certain Road in the Township of *Stranton* in the said County of *Durham*, leading to the Sea, and which said Road is shown in the Plan showing the Line of the Railway, and deposited with the Clerk of the Peace of the said County of *Durham* on or before the First Day of *March* One thousand eight hundred and forty-one, preparatory to the Application for this Act: And whereas the said Joint Stock Company in making the Railway substituted another Road to the entire Satisfaction of the Township of *Stranton* aforesaid; be it enacted, That the Road so substituted shall not be interfered with by the Company, but shall for ever remain and be substituted for the said first-mentioned Road.

Knowles Mill to be disused, or Screen erected before it.

CXC. And whereas near the said Road substituted by the preceding Provision, in lieu and in the stead of the said Road first mentioned in such Provision, there is standing, on Property belonging to the said Joint Stock Company, a certain Windmill commonly called or known by the Name of "*Knowles Mill;*" be it enacted, for the Avoidance of Accidents on the Road so substituted as aforesaid, That the Company shall cause the said Mill to be disused as or for a Windmill, or shall, before any Use of the same as or for a Windmill, cause some good or sufficient Screen, Wall, or other Protection to be made and set up, to the Satisfaction and under the Superintendence and according to the Directions of an Architect or other competent Person, to be selected by Two Justices of the Peace for the County of *Durham* in Petty Sessions assembled, who, on Application for that Purpose, are hereby required to appoint such Person, and the Certificate in Writing of the Person so selected, that the Works required to be done for the Purpose aforesaid have been set up, shall in all Courts of Law and elsewhere be deemed good and sufficient Evidence of the Fact, without any further Proof whatsoever; and the same Works shall for ever thereafter be maintained by the Company, their Successors or Assigns.

Road substituted in Township of Stranton to be made to the Satis-

CXCI. And be it further enacted, That before the Company shall stop up the said first-mentioned Road in the Township of *Stranton* leading to the Sea they shall make (if not already done) the Access to the Sea Shore under the Bridge at *New Burn* Brewery in the said Township of *Stranton* as safe and commodious as Circumstances will

will permit, and to the entire Satisfaction of a Majority of Persons who reside within the said Township, and who are rated to the Relief of the Poor for the same Township, assembled at a public Meeting to be convened by the Company by public Advertisement to be inserted in Three Newspapers usually circulated in the County of *Durham*, each such Advertisement to be inserted at least Ten Days before the Day of Meeting, and to specify the Hour and Place of Meeting.

Satisfaction of Majority of Rate-payers.

CXCII. And whereas the said Joint Stock Company purchased a certain Piece of Land upon Part of which that Portion of the Railway of the Company which is commonly called the *Norton* Curve is situate: And whereas on other Part of the said Piece of Land there stands a certain Messuage, lately used as a Public House, known by the Sign of "*The Junction* Inn," and it is expedient that the same Messuage should be disused as a Public House, and be converted into a Railway Station House; be it therefore enacted, That the Company shall, within One Year after the passing of this Act, cause the said Messuage to be disused as a Public House, and shall, within the said Year, cause the same to be converted into a Station House, and used for no other Purposes than the ordinary Purposes of a Railway Station House; and in case any Breach shall be made in this present Provision, then and in such Case, and so often as the same shall happen, the Company shall forfeit the Sum of Fifty Pounds for every Offence, and also the Sum of Five Pounds for every Day during which any Breach shall continue.

The Junction Inn to be disused and converted into a Station House.

CXCIII. And whereas the said *Norton* Curve crosses a certain Highway or Road; now be it enacted, That the Company shall cause good and sufficient Gates across the said Highway or Road on both Sides of the said Crossing, or in a convenient and proper Situation near thereto, or in such other Situation as shall be directed by the Lords of the Committee of Privy Council for Trade to be provided, and at all Times hereafter maintained and kept in good and proper Repair, Order, and Condition, and shall at all Times hereafter provide and employ, or cause to be provided and employed, an active and intelligent Person to attend solely to the opening and shutting of such Gates, and to the Signals herein-after mentioned, and his sole Employment shall be to attend to the opening and shutting of such Gates and to the said Signals, and the said Gates shall be constantly kept shut by him, except during the Times when Persons passing along the said Highway or Road shall have to cross that Portion of the said Highway or Road which lies between the said Gates, and then the same Gates shall be opened for the Purpose of letting such Persons pass through, unless an Engine Carriage or Train be in view or approaching, and in such Case with all Speed after the same Engine Carriage or Train shall have passed; and in case the Company shall at any Time hereafter neglect to maintain and provide such good and sufficient Gates as aforesaid, or shall at any Time hereafter neglect to provide and employ, or cause to be provided or employed, such active and intelligent Person as aforesaid, then and in any such Case, and so often as the same shall happen, upon Complaint made

Company to provide good and sufficient Gates at Crossings, &c.

made of any such Neglect to One or more Justice or Justices of the Peace, such Justice or Justices shall summon or cause to be summoned the Secretary of the Company before him or them, and such Justice or Justices may, upon hearing the Matter (whether such Secretary shall attend or not), adjudge the Company to pay as a Penalty any Sum not exceeding Fifty Pounds for every Neglect, and also any Sum not exceeding Five Pounds for every Day during which any such Neglect shall continue, together with such Costs as to such Justice or Justices shall seem fit; and in case the Person for the Time being provided and employed by the Company to attend to the opening and shutting of such Gates shall at any Time refuse, neglect, or omit to open or shut the Gates in the Manner herein-before provided, or shall use any scurrilous or abusive Language to any Person requesting or desiring to pass through such Gates, or shall in the Opinion of the Justice or Justices before whom the Complaint is heard in any Manner misbehave himself or neglect his Duty, then the Person so offending shall forfeit and pay as a Penalty not exceeding Five Pounds for every such Offence.

Signals to be kept at Crossings.

CXCIV. And be it enacted, That the Person appointed to watch the Gates on the Railway at the *Norton* Crossing shall keep proper Signals at all Times so as to show whether the Road across the Railway is open to Persons travelling on the said Road or not, and in case he shall at any Time neglect to keep such Signals he shall forfeit for every Offence any Sum not exceeding Five Pounds.

No Engine to pass along the Norton Curve at a greater Speed than Six Miles an Hour.

CXCV. And be it enacted, That no Engine of the Company shall at any Time pass along the said *Norton* Curve or any Part thereof at a greater Speed than at the Rate of Six Miles an Hour; and in case any such Engine shall at any Time hereafter pass along such Curve or any Part thereof at a greater Speed than at the Rate of Six Miles an Hour, then the Company shall forfeit and pay as a Penalty not exceeding Fifty Pounds for every such Offence, and the Driver or other Person having the Command of such Engine shall forfeit and pay as a Penalty not exceeding Five Pounds for every such Offence.

Screen for Turnpike Roads.

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

CXCVII. And

Penalty for failing to construct.

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

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

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

Tonnage on Articles of Merchandize.

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

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

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

For all Coals, Coke, Culm, and Cinders, which shall be shipped on board of Vessels for Exportation, whether Foreign or Coastwise, any Sum not exceeding Three Farthings *per* Ton *per* Mile, and if conveyed by Carriages belonging to the

Company an additional Sum not exceeding One Halfpenny *per* Ton *per* Mile:

For all Coals, Coke, Culm, and Cinders not so shipped as aforesaid, and all Lime and Limestone to be used in any other way than as Manure, or in the Repair of public Roads or Highways, and all Stones, Flags, Bricks, Tiles, Slates, Clay, Gravel, Sand, Earth, Ironstone, Iron Ore, Lead Ore, and other Metallic Ore and Minerals, (except such as are actually used in the Repair of public Roads or Highways, and are herein-before charged with a less Toll,) any Sum not exceeding Two-pence *per* Ton *per* Mile, and if conveyed by Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For all Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Staves, Deals, Timber, Lead, Pig Iron, Rod Iron, Hoop Iron, Sheet Iron, and all other similar Descriptions of Wrought Iron, and Iron Castings not manufactured into Machinery, Utensils, or into other Articles of Merchandize, and all other Metals, any Sum not exceeding Four-pence *per* Ton *per* Mile; and if conveyed by Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny:

For all Fish, any Sum not exceeding One Shilling and Sixpence *per* Ton *per* Mile, and if conveyed by Carriages belonging to the Company an additional Sum *per* Ton *per* Mile not exceeding One Penny:

For every Carriage, Cart, or Vehicle of whatever Description, not weighing more than One Ton, carried or conveyed on a Truck or Platform, any Sum not exceeding Eight-pence *per* Mile;

And a Sum of Two-pence *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage, Cart, or Vehicle may weigh; and if conveyed on a Truck or Platform belonging to the Company an additional Sum *per* Mile not exceeding One Penny:

For all Cotton and other Wool, Sugar, Drugs, Manufactured Goods, and other Wares and Merchandize, and all other Articles, Matters, and Things of every Description not herein-before charged with Toll, any Sum not exceeding Five-pence *per* Ton *per* Mile; and if conveyed by Carriages belonging to the Company an additional Sum *per* Ton *per* Mile not exceeding One Penny:

II. In respect of Passengers and Animals conveyed in Carriages upon the Railway or any Part thereof, as follows:

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

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, conveyed

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

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

Tolls for propelling Power.

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

Standage Tolls.

CCI. And inasmuch as Articles are frequently permitted to remain at the Depôts or other Works of the Company for a considerable Period, be it enacted, That the Company may demand for all Aticles remaining at, in, or upon any of the Stations, Standing Places, Staiths, Depôts, or Works of the Company, now existing or hereafter to be made, over and above the Tolls herein-before mentioned, the further Tolls following; (that is to say,)

For any Article which shall remain for the Space of Six Hours, and not beyond the Space of Twenty-four Hours, at, in, or upon any Station, Standing Place, Staith, Depôt, or other Works of the Company, now existing or hereafter to be made at either Terminus for the Time being of the Railway, or within Half a Mile of either such Terminus, any Sum not exceeding Two-pence *per* Ton, and any additional Sum not exceeding Four-pence *per* Ton for every Two Days during which any such Articles shall remain upon any such Station, Standing Place, Staith, Depôt, or other Works, after the Expiration of such Twenty-four Hours, and so after that Proportion for any less Period than Two Days:

For any Article which shall remain for the Space of Six Hours, and not beyond the Space of Twenty-four Hours, at, in, or upon any Station, Standing Place, Staith, Depôt, or other Works of the Company now existing or hereafter to be made, at any other Place than at either such Terminus for the Time being of the Railway, or within Half a Mile of either such Terminus, any Sum the Company and the Owner of such Articles may agree upon, and if no Agreement be come to, then not exceeding the Sum of Two-pence *per* Ton; and if any such Articles shall remain upon any such Station, Standing Place, Staith, Depôt, or other Works after the Expiration of such Twenty-four Hours, then any Sum such Company and Owner may agree upon, and if no Agreement be come to, then any Sum not exceeding Four-pence *per* Ton for every Two Days such Articles shall so remain after the Expiration of such Twenty-four Hours, and so after that Proportion for any less Period than Two Days.

CCII. And

Warehousing Tolls.

CCII. And be it further enacted, That the Company may demand for the warehousing of all Packages and Articles placed in any Warehouse of the Company, now made or hereafter to be made, over and above the Tolls herein-before mentioned, the further Tolls following; (namely,)

For every Package or Article which shall be placed in any such Warehouse, and shall remain therein for any Space of Time not exceeding Forty-eight Hours, any Sum not exceeding as follows:

The Sum of Two-pence for every Package or Article not exceeding Fifty-six Pounds Weight:

The Sum of Four-pence for every Package or Article above Fifty-six Pounds Weight, and not exceeding Three hundred Pounds Weight:

The Sum of Five-pence for every Package or Article above Three hundred Pounds Weight, and not exceeding Six hundred Pounds Weight:

The Sum of Sixpence for every Package or Article above Six hundred Pounds Weight, and not exceeding One thousand Pounds Weight:

The Sum of Seven-pence for every Package or Article above One thousand Pounds Weight, and not exceeding One Ton in Weight; and if any such Package or Article shall weigh several Tons, then the Sum of Seven-pence for each Ton:

And if any such Package or Article shall weigh a Ton or Tons, and a Pound or some Pounds over, then such Pound or Pounds over shall be charged according to the Rates before mentioned in addition to the Charge for such Ton or Tons:

And if any such Package or Article shall remain in any such Warehouse over and above such Forty-eight Hours, then the Company may demand any additional Sum not exceeding One Penny *per* Package or Article under a Ton in Weight, or Two-pence *per* Ton *per* Package or Article if above a Ton in Weight, for every Two Days which the same shall remain in any such Warehouse after the Expiration of such Forty-eight Hours, and so after that Proportion for any less Period than Two Days.

Tolls for weighing and Carriage.

CCIII. And be it further enacted, That it shall be lawful for the Company from Time to Time and all Times hereafter to demand, over and above the several Tolls herein-before mentioned, the further Tolls following; (that is to say,)

For the weighing of all Articles whatsoever which the Owner thereof shall be desirous of having weighed, any Sum which the Company shall from Time to Time direct, not exceeding the Sum of Two-pence *per* Ton:

For the Use of any Crane now erected and made or hereafter to be erected and made, any Sum which the Company shall from Time to Time direct, not exceeding the Sum of Two-pence *per* Ton.

CCIV. And

Regulations as to the Tolls.

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

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

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

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

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

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

Tolls for small Parcels and great Weights.

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

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

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

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

Limits of Weights to be carried on Railway.

CCVI. And be it enacted, That no Carriage shall carry or bear at any One Time upon the Railway, including the Weight of such Carriage, more than the Weight of Four Tons, except any One Boiler,

Boiler, Cylinder, Bob, or Piece of Machinery, or any One Piece of Timber or Stone, or any other single Article; and no such excepted Article, the Weight of which, including the Carriage, shall exceed Eight Tons, shall be carried upon any Part of the Railway without the special Licence of the Company.

Passengers Luggage.

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

Tolls to be charged equally.

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

Railway to be free on Payment of Tolls.

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

Taking and Recovery of Tolls.

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

respect of the same be paid, then the Company may recover such Tolls by Action at Law.

Account of Lading, &c. to be given.

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

Penalty for not giving Account of Lading.

Disputes as to Amount of Tolls chargeable.

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

Differences as to Weights, &c.

CCXIII. And be it enacted, That if any Difference shall arise between any Toll Collector or other Officer or Servant of the Company and any Owner of or Person having the Charge of any Carriage passing or being upon the Railway, or of any Articles conveyed by such Carriage, respecting the Weight, Quantity, or Nature of such Articles, such Collector or other Officer may lawfully detain such Carriage, and

and examine, weigh, gauge, or otherwise measure such Carriage, and all Articles conveyed thereby; and if upon such measuring such Articles appear to be of greater Weight or Quantity, or of other Nature, than shall have been stated in the Account given thereof, then the Person who shall have given such Account shall pay, and the Owner of such Carriage, or the respective Owners of such Articles, shall also, at the Option of the Company, be liable to pay, the Costs of such measuring; but if such Articles appear to be of the same or less Weight or Quantity than shall have been stated in such Account, then the Company shall pay such Costs; and they shall also pay to such Owner of or Person having Charge of such Carriage, and to the respective Owners of such Articles, such Damage (if any) as shall appear to any Justice, on a summary Application to him for that Purpose, to have arisen from such Detention.

Penalty on Passengers practising Fraud on the Company.

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

Detention of Offenders.

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

Milestones.

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

List of Tolls to be exhibited on a a Board.

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

CCXVIII. And

Tolls to be taken only whilst Board exhibited, and Milestones set up

CCXVIII. And be it enacted, That no Tolls shall be demanded or taken by the Company for the Use of the Railway during any Time at which the Boards herein-before directed to be exhibited shall not be so exhibited, or at which the Milestones herein-before directed to be set up and maintained shall not be so set up and maintained; and if any Person wilfully pull down, deface, or destroy any such Board or Milestone, he shall forfeit a Sum not exceeding Five Pounds for every such Offence: Provided always, that if any such Board or Milestone shall be destroyed, injured, or obliterated, the Tolls shall continue to be payable during such Times as may be reasonably required for the Restoration or Reparation of such Board or Milestone in the same Manner as if such Board or Milestone had continued affixed and in the State required by this Act.

Except during the Time required for renewing same when destroyed, &c.

Regulations as to Toll Collectors.

CCXIX. And with respect to the Collectors of such Tolls, be it enacted, That every such Toll Collector shall place in the Front, or on some other conspicuous Part of the Toll House or other Building where he shall be on Duty, his Christian and Surname, in legible Characters; and each of the Letters of such Names shall be at least Two Inches in Height, and of a Breadth in proportion, and painted either in White Letters on a Black Ground or in Black Letters on a White Ground, and he shall continue the same so placed during the whole Time he is on Duty.

Penalties on Toll Collector for Misbehaviour.

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

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

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

If he refuse to tell his Christian Name and Surname to any Person demanding the same, who shall have paid or tendered the Tolls demanded of him, or if he give a false Name to any such Person:

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

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

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

Toll Collector liable for wrongful Detention of Goods.

CCXXI. And be it enacted, That if at any Time it be made to appear to any Justice, upon the Complaint of the Company, that any such Detention and measuring of any Carriage or Goods as herein-before mentioned was without reasonable Ground, or that it was vexatious on the Part of such Collector or other Officer, then the Collector or other Officer shall himself pay the Costs of such Detention and measuring, and the Damage occasioned thereby, and in default of immediate Payment of any such Costs or Damage, the same

same may be recovered by Distress of the Goods of such Collector, and such Justice shall issue his Warrant accordingly.

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

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

Power to lease the Tolls.

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

Lessees to be deemed Collectors.

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

Lessees making default to be removed.

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

belonging to the Company, and remove from the same the Lessee or Collector or other Person found therein, together with his Goods, and take possession thereof, and of all Property found therein belonging to the Company, and deliver the same to any Person appointed by them for that Purpose.

Power of re-letting Tolls.

CCXXVI. And be it enacted, That upon such Possession being obtained it shall be lawful for the Company (if not previously done) to determine the Lease (if any) previously subsisting, and upon the Determination of any such Lease the same shall accordingly be utterly void, except as to the Remedies of the Lessors for Payment of the Rent due, or in respect of unperformed or broken Obligations or Conditions on the Lessee's Part, all which Remedies shall remain in full Force; and in every such Case, either during such Proceedings or on the Termination thereof, the Company may again let the Tolls to the same or any other Person, or cause them to be collected in the same Manner as if no such former Lease had been made relative thereto.

Company to regulate the Use of the Railway.

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

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

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

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

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

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

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

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

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

CCXXVIII. And be it enacted, That for better enforcing the Observance of all or any of such Regulations it shall be lawful for the Company, subject to the Provisions of an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for regulating Railways*, to make Bye Laws, and from Time to Time to repeal or alter such Bye Laws and make others, provided that such Bye Laws be not repugnant to the Laws of *England* or the Provisions of this Act; and such Bye Laws shall be reduced into Writing, and shall have affixed thereto the Common Seal of the Company; and any Person offending against any such Bye Law shall forfeit for every such Offence any Sum not exceeding Five Pounds, to be imposed

imposed by the Company in such Bye Laws as a Penalty for any such Offence; and if the Infraction or Non-observance of any such Bye Law or other such Regulation as aforesaid be attended with Danger or Annoyance to the Public or Hindrance to the Company in the lawful Use of the Railway, it shall be lawful for the Company summarily to interfere to obviate or remove such Danger, Annoyance, or Hindrance, and that without Prejudice to any Penalty incurred by the Infraction of any such Bye Law.

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

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

Publication of such Bye Laws.

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

Such Bye Laws to be binding on all Parties.

CCXXXI. And be it enacted, That such Bye Laws, when so confirmed, published, and affixed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Persons acting under the same; and with respect to Proof of the Publication of any such Bye Laws, it shall be sufficient to prove that a printed Paper or painted Board, containing a Copy of such Bye Laws, was affixed and continued in manner by this Act directed, and in case of its being afterwards displaced or damaged, then that such Paper or Board was replaced as soon as conveniently might be.

Engines to consume their Smoke.

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

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

CCXXXIII. And be it enacted, That no locomotive or other Engine, or other Description of moving Power, shall at any Time be brought upon or used on the Railway unless the same have first been approved of by the Company; and, within Fourteen Days after Notice given to the Company by any Party desirous of bringing any such Engine on the Railway, the Company shall cause their Engineer or other Agent to examine such Engine, at any Place within

Three Miles Distance from the Railway, to be appointed by the Owner thereof, and to report thereon to the Company; and within Seven Days after such Report, if such Engine be proper to be used on the Railway, the Company shall give a Certificate to the Party requiring the same of their Approval of such Engine; and if at any Time the Engineer or other Agent of the Company report that any Engine used upon the Railway is out of repair, or unfit to be used upon the Railway, the Company may require the same to be taken off, or may forbid its Use upon the Railway, until after the same shall have been repaired to the Satisfaction of the Company; and upon the Engine being so repaired the Company shall give a Certificate to the Party requiring the same of their Approval of such Engine; and if any Difference of Opinion arise between the Company and the Owner of any such Engine, as to the Fitness or Unfitness thereof for the Purpose of being used on the Railway, such Difference shall be settled by Arbitration.

Unfit Engines to be removed.

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

Penalties on Persons using improper Engines.

CCXXXV. And be it enacted, That no Carriage shall pass along or be upon the Railway (except in passing along any Carriage Road crossing the Railway) unless such Carriage be at all Times, so long as it shall be used or shall remain on the Railway, of the Construction and in the Condition which the Regulations of the Company for the Time being shall require; and if any Dispute arise between the Company and the Owner of any such Carriage, as to the Condition thereof, in reference to the then existing Regulations of the Company, such Dispute shall be settled by Arbitration.

Carriages to be constructed according to Company's Regulations.

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

Regulations to apply also to Company's Carriages.

CCXXXVII. And be it enacted, That if any Carriage, not in the Condition which the Regulations of the Company for the Time being require, be made to pass or be upon any Part of the Railway (except as

Penalty for using improper Carriages.

as aforesaid), the Owner thereof, or any Person having for the Time the Charge of such Carriage, shall forfeit a Sum not exceeding Ten Pounds for every such Offence.

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

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

Penalties with respect to Carriages.

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

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

If any Person bring on the Railway any Carriage without having such Name, Place of Abode, Number, Weight, and Gauge marked thereon in the Manner herein-before directed, or if any Person alter, erase, deface, or hide such Name, Place of Abode, Number, Weight, or Gauge, or any of them, or any Part thereof:

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

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

Penalty for Obstructions by improperly loading Carriages.

CCXL. And for preventing any Collision between the Carriages travelling on the Railway, or any Obstruction to the Use of the Railway, be it enacted, That if the Loading of any Carriage using the Railway extend more than Thirty Inches beyond the Flanch or Lip of any Wheel thereof, and the Person having the Care of such Carriage do not forthwith remove such Loading upon Request made to him for the Purpose by some Officer of the Company; or if any Person having the Care of any Carriage, or of any Goods or Things upon the Railway, suffer the same, or any Part thereof, to remain on the Railway so as to obstruct the Passage or working thereof, every such Person shall forfeit for every such Offence a Sum not exceeding Five Pounds for every Hour during which such Obstruction shall

continue after the making of such Request, and so in proportion for any less Period than an Hour; and every such Penalty shall be imposed without Prejudice to any other Provision in this Act contained.

Removal of Obstructions.

CCXLI. And be it enacted, That it shall be lawful for the Company to cause any such Carriage, Goods, or Things improperly loaded or improperly placed to be unloaded, if necessary, and to be removed in any Manner proper for preventing such Collision or removing such Obstruction, and to detain such Carriage, Goods, or Things, or any Part thereof, until the Expences occasioned by such Unloading, Removal, or Detention be paid; and the Company shall not, nor shall any Agent or Officer of the Company, be liable for any Damage or Loss occasioned by any such Unloading, Removal, or Detention, or for any Delay occasioned thereby, or in any other way relating thereto, except for Damage wilfully or negligently done to any Carriage, Goods, or Things so unloaded, removed, or detained, nor shall they be liable for the safe Custody of any such Carriage or any Goods or Things so detained, unless the same be wrongfully detained by the Company, or by such Agent or Officer, and then only for so long a Time as the same shall have been so wrongfully detained.

Owners liable for Damage by their Servants.

CCXLII. And be it enacted, That the respective Owners of Engines and Carriages passing or being upon the Railway shall be answerable for any Trespass or Damage done by their Engines or Carriages, or by any of the Servants or other Persons belonging to or employed by them, to or upon the Railway, or the Machinery or Works belonging thereto, or to or upon the Property of any other Person; and every such Servant or other Person may lawfully be convicted of such Trespass or Damage before any Justice of the Peace, either by the Confession of the Party offending, or upon the Oath of some credible Witness, and upon such Conviction every such Owner shall pay to the Company, or to the Person injured, as the Case may be, the Damage, to be ascertained by such Justice, so that the same do not exceed Fifty Pounds.

Owners may recover from their Servants.

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

Penalty for bringing dangerous Goods on Railway.

CCXLIV. And be it enacted, That no Person shall be entitled to carry, or to require the Company to carry, upon the Railway, any Aquafortis, Oil of Vitriol, Gunpowder, or any other Goods which in the Judgment of the Company may be of a dangerous Nature; and if any Party send by the Railway any such Goods without distinctly marking their Nature on the Outside of the Package containing the same, or otherwise giving Notice in Writing to the Bookkeeper or other Servant of the Company with whom the same are left,

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

Damage to be made good.

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

Penalty on Persons omitting to fasten Gates.

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

Provision for Damages not otherwise provided for.

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

For ascertaining Compensation.

CCXLVIII. And for the Purpose of ascertaining and determining any such Compensation, Expences, Charges, or Damages, be it enacted, That any Justice of the Peace may summon any Person liable to pay the same to appear before him at a Time mentioned in such Summons, and at such Time, either on the Appearance or Default of the Party summoned to appear, may inquire into any such Compensation, Expences, Charges, or Damages, and may determine the same.

Justices to examine Parties and Witnesses.

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

Distress against the Company.

CCL. And with respect to any Sum of Money under the Provisions of this Act adjudged by any Justice to be paid by the Company,

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

Distress against the Treasurer.

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

Reimbursement of Treasurer.

CCLII. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures exigible under this Act, or any Bye Law of the Company, affecting other Persons than the Shareholders, Officers, or Servants of the Company, be it enacted, That from Time to Time the Company shall publish the short Particulars of the several Offences for which any such Penalty is imposed by this Act, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Place of Business of the Company; and where any such Penalties are of local Application, shall cause such Boards to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have Reference; and such Particulars shall be renewed as often as the same or any Part thereof is obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Publication of Penalties.

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

Defacing Boards using for such Publication.

CCLIV. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided

Penalties to be summarily recovered before a Justice.

provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding, upon Complaint made before One or more Justices; and on the Complaint being made to any such Justice, he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons, and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for any One or more Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any One or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction, as such Justice shall think fit.

Penalties may be levied by Distress.

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

Imprisonment in default of Distress.

CCLVI. And be it enacted, That it shall be lawful for the Justice to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justice, for his Appearance before him on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if, before issuing such Warrant of Distress, it shall appear to the Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture, and Costs, he may, if he think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justice, then such Justice shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Application of Penalties.

CCLVII. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Justice by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Informer, and the other Half to the Overseers of the Poor of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish; or if the Place wherein the Offence shall have been committed shall be extra-

extra-parochial, then such Justices shall direct such Half to be applied for the Benefit of the Poor of such Extra-parochial Place, or of any adjoining Parish or District, and shall order the same to be paid over to the proper Officer for that Purpose.

Penalties to be sued for within Six Months.

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

Penalty on Witnesses making default.

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

Transient Offenders.

CCLX. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer or Agent of the Company, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him with all convenient Despatch before some Justice, without any Warrant or other Authority, and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Form of Conviction.

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

Informalities.

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

Distress, how to be levied.

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

the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress not unlawful for Want of Form.

CCLXIV. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Parties may appeal to Quarter Sessions on giving Security.

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

Court to make such Order as they think reasonable.

CCLXVI. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction

Costs.

to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Provision for general Railway Act.

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

Interpretation of Act.

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

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

Words importing the Masculine Gender shall include Females:

The Word "Month" shall mean Calendar Month:

The

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

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

The Word "Secretary" shall include the Word Clerk:

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

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

The Word "Toll" shall include any Rate or Charge or other Payment payable under this Act:

The Expression "the Railway" shall include the Railway and all the Works connected therewith, maintained under or by virtue of the Provisions of this Act:

The Expression "the Company" or "the Company hereby established" shall mean the Company incorporated by this Act:

The Expression "the Joint Stock Company" or "the said Joint Stock Company" shall mean the Joint Stock Company trading immediately before the passing of this Act under the Style of "The *Stockton and Hartlepool* Railway Company."

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

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

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Certificate of Share.

"THE STOCKTON AND HARTLEPOOL RAILWAY COMPANY."

Number

THIS is to certify, That *A. B.* of is the Proprietor of the Share, Number of "The Stockton and Hartlepool Railway Company," subject to the Regulations of the said Company. Given under the Common Seal of the said Company, the Day of in the Year of our Lord 184 .

SCHEDULE (B.)

Form of Transfer of Shares.

I of in consideration of the Sum of £ paid to me by of do hereby transfer to the said Share [*or* Shares], numbered in the Undertaking called "The Stockton and Hartlepool Railway Company," to hold unto the said his Executors, Administrators, and Assigns, [*or* Successors and Assigns,] subject to the several Conditions on which I held the same at the Time of the Execution hereof; and I the said do hereby agree to take the said Share [*or* Shares], subject to the same Conditions. As witness our Hands and Seals, the Day of in the Year of our Lord 184 .

SCHEDULE (C.)

Form of Mortgage Deed.

THE STOCKTON AND HARTLEPOOL RAILWAY COMPANY.

Mortgage, Number £

BY virtue of an Act passed, *&c.*, intituled, *&c.*, we, "The Stockton and Hartlepool Railway Company," in consideration of the Sum of £ paid to us by *A.B.* of do assign unto the said *A.B.*, his Executors, Administrators, and Assigns, all and singular the Tolls and Sums of Money arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of the Company in the same, to hold unto the said *A.B.*, his Executors, Administrators, and Assigns, until the said Sum of £ together with Interest for the same at the Rate of for every One hundred Pounds by the Year, be satisfied [the Principal Sum to be repaid at the End of Years from the Date hereof (*in case any Period be agreed upon for that Purpose*)]. Given under our Common Seal, this Day of in the Year of our Lord 184 .

SCHEDULE (D.)

Form of Bond.

THE STOCKTON AND HARTLEPOOL RAILWAY COMPANY.

Bond, Number £

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

The Condition of the above Obligation is such, that if the said Company shall pay to the said *A.B.*, his Executors, Administrators, or Assigns, on the Day of which will be in

in the Year 18 the Principal Sum of £ together with Interest for the same after the Rate of £ per Centum per Annum, payable half-yearly, on the Day of and Day of then the above-written Obligation is to become void, otherwise to remain in full Force. Given under our Common Seal, this Day of 18 .

SCHEDULE (E.)

Form of Transfer of Mortgage or Bond.

I *A.B.* of in consideration of the Sum of £ paid to me by *G. H.* of do hereby transfer to the said *G. H.*, his Executors, Administrators, and Assigns, a certain Bond [*or* Mortgage], Number made by "The Stockton and Hartlepool Railway Company," to bearing Date the Day of for securing the Sum of £ and Interest, [*or, if such Transfer be by Endorsement,* the within Security,] and all my Right, Estate, and Interest in and to the Money thereby secured [*and if the Transfer be of a Mortgage,* and in and to the Tolls, Money, and Property thereby assigned]. In witness whereof I have hereunto set my Hand and Seal, this Day of 18 .

SCHEDULE (F.)

Form of Proxy.

A.B. of one of the Proprietors of "The Stokton and Hartlepool Railway Company," doth hereby appoint *C.D.* of to be Proxy of the said *A.B.*, in his Absence to vote in his Name upon any Matter relating to the Undertaking proposed at the Meeting of the Proprietors of the said Company to be held on the Day of next, and at all Adjournments thereof, in such Manner as he the said *C.D.* shall think proper. In witness whereof the said *A.B.* hath hereunto set his Hand, [*or, if a Corporation, say* the Common Seal of the Corporation,] the Day of 18 .

SCHEDULE (G.)

Form of Conviction.

To wit.

Be it remembered, That on the Day of in the Year of our Lord 18 *A. B.* is convicted before me *C. D.*, one of Her Majesty's Justices of the Peace for the County of Durham, [*here describe the Offence generally, and the Time and Place when and where committed,*] contrary to the Stockton and Hartlepool Railway Act, passed in the Year 1842. Given under my Hand and Seal, the Day and Year first above written.

C. D.

SCHE-

SCHEDULE (H.)

Form of Conveyance.

I of in consideration of the Sum of £ paid to me [*or, as the Case may be,* into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery, ex parte "The Stockton and Hartlepool Railway Company" (*or* to *A.B.* of and *C.D.* of Two Trustees appointed to receive the same)] pursuant to an Act passed, *&c.* intituled, *&c.* by the [*here name the Company*], incorporated by the said Act, do hereby convey to the said Company, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by the said Act empowered to convey, to hold the Premises to the said Company, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal, the Day of in the Year of our Lord 18 .

SCHEDULE (I.)

Form of Conveyance on Chief Rent.

I of in consideration of the Rent-charge to be paid to me, my Heirs and Assigns, as herein-after mentioned, by "The Stockton and Hartlepool Railway Company," established and incorporated by virtue of an Act passed, *&c.*, intituled, *&c.*, do hereby convey to the said Company, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all my Estate, Right, Title, and Interest in and to the same and every Part thereof, to hold the said Premises to the said Company, their Successors and Assigns, for ever, according to the true Intent and Meaning of the said Act, they the said Company, their Successors and Assigns, yielding and paying unto me, my Heirs and Assigns, One clear yearly Rent of £ by equal quarterly [*or* half-yearly, *as agreed upon,*] Portions, henceforth on the [*stating the Days*], clear of all Taxes and Deductions. In witness whereof I have hereunto set my Hand and Seal, this Day of in the Year of our Lord 18 .

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