



ANNO DECIMO

GEORGIIV. REGIS.

Cap. cvi.

An Act to enable the *Clarence* Railway Company to vary and alter the Line of their Railway, to abandon some of the Branches thereof, and to make other Branches therefrom; and for altering, amending, and enlarging the Powers of the Act passed for making and maintaining the said Railway. [1st June 1829.]

WHEREAS by an Act passed in the Ninth Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Railway from the River Tees, near Haverton Hill in the Parish of Billingham, to a Place called Sim Pasture Farm in the Parish of Heighington, all in the County of Durham, with certain Branches therefrom*, several Persons were united into one Body Politic and Corporate by the Name and Style of "The Company of Proprietors of the *Clarence* Railway," and were empowered to make such Railway and Branches in the Lines or Directions described in a Map or Plan deposited, together with a Book of Reference, with the Clerk of the Peace of the said County of *Durham*, and with other Works for carrying the said Act into execution; and by the said Act the said Company of Proprietors were authorized to raise among themselves, for making and completing the said Railways or Tramroads and other Works, a Sum of Money not exceeding the Sum of One hundred thousand Pounds, to be divided into Shares not exceeding

[Local.] 28 K ing

9 G. 4. c. 61.

ing One hundred Pounds each; and the said Company were empowered to demand and receive the Tolls, Rates, and Duties therein mentioned for the Tonnage of Goods, and Commodities carried and conveyed upon the said Railways or Tramroads, and also to raise the further Sum of Sixty thousand Pounds upon Mortgage of the said Tolls, Rates, and Duties for making and completing the said Railways or Tramroads and other Works: And whereas it hath been ascertained that the Main Line of the said Railway or Tramroad from the River *Tees* near *Haverton Hill* aforesaid to *Sim Pasture Farm* aforesaid would be materially improved by making the Deviations and Alterations herein-after described or referred to, and that it would be much more useful and advantageous to the Public that the Branch Railways or Tramroads herein-after described should be made in lieu of the Two several Branch Railways authorized by the said recited Act, and herein-after particularly described and mentioned as to be abandoned, and that it would also be useful and advantageous to the Public that the additional Branch Railways herein-after mentioned should be made: And whereas a further Sum of Money, in addition to the Sums authorized to be raised by the said Act, will be necessary to complete the said Railway or Tramroad and the several Branches therefrom: And whereas it is expedient that several of the Powers and Provisions contained in the said recited Act should be altered, amended, enlarged, and repealed in the Manner herein-after mentioned: And whereas the several Purposes aforesaid cannot be accomplished without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all and every the Powers and Provisions, Restrictions, Limitations, Penalties, Forfeitures, Tolls, Rates, Duties, Payments, Exemptions, Remedies, Matters, and Things therein contained, shall (so far as the same respectively are applicable to this Act, and not hereby repealed, varied, altered, or otherwise provided for,) be as good, valid, and effectual for carrying this Act into execution as if the same had been repeated or re-enacted in this Act.

Provisions of former Act extended to this Act, except as hereby repealed.

Company empowered to make Deviations and new Branches, and to abandon Two of the Branch Railways described in former Act.

II. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, subject to the Provisoes and Enactments herein-after contained, to make several Deviations in the Main Line of the said Railway or Tramroad authorized to be made by the said recited Act; and also to abandon the Branch Railway by the said recited Act authorized to be made from the said Main Line, commencing at or near to *How Hills* in the Parish of *Aycliffe* otherwise *Great Aycliffe* in the Township of *Preston-le-Skerne* in the County of *Durham*, to or near to *Broom Hill* in the Township of *Hett* and Parish of *Merrington* otherwise *Kirk Merrington* in the said County; and also to abandon the Branch Railway by the same Act authorized to be made from the said Main Line, commencing at or near to *Harrogate House* otherwise *Harget's House*, in the Township and Parish of *Norton* in the said County, to or near to the Town of *Stockton* at *Brown's Bridge* in the Township and Parish of *Stockton* in the said County; and by themselves,

selves, their Deputies, Agents, Officers, Contractors, Workmen, and Servants, to make, complete, and maintain the said Main Railway or Tramroad, with such Deviations or Variations, and such Branch Railways or Tramroads in lieu of the Branch Railways or Tramroads which are to be abandoned, and such Extensions and additional Branch Railways or Tramroads as herein-after are described or referred to; (that is to say,) the Deviations and Alterations in the Main Line of the said Railway or Tramroad shall be made within or pass from, in, through, and into the several Townships, Hamlets, or Places of *Billingham, Norton, Blakiston, Carlton, Whitton, Stillington, and Preston-le-Skerne*, in the Parishes of *Billingham, Norton, Red Marshall, Grindon, and Aycliffe* otherwise *Great Aycliffe*, all in the said County of *Durham*; and either the said Main Railway or Tramroad shall be extended, or an additional Branch Railway or Tramroad shall be made from and out of the said Main Railway or Tramroad, or a diverted Part thereof, at or near to *Haverton Hill* aforesaid, to the said River *Tees* at or near to *Samphire Beacon*, upon or near to *Samphire Batts*, all in the Township or Parish of *Billingham*; and also in lieu of the Branch Railway authorized to be made by the said recited Act from the said Main Line, commencing at or near to *How Hills* aforesaid, to *Broom Hill* aforesaid, which is intended to be abandoned, to make and maintain a Branch Railway or Tramroad to be called the City of *Durham* Branch Railway, from and out of the said Main Railway, commencing at or near to a Farm House called *Stillington Moor House*, in the Township of *Stillington* in the Parish of *Red Marshall*, to or near to a Close now in the Occupation of *John Mellanby*, adjoining the East End of *Old Elvet Street* in the Barony or Borough of *Elvet* in the Parish of *Saint Oswald* in *Durham*; and to make, construct, and maintain a Bridge over the River *Wear*, in the Line of the same intended Branch Railway, in the Townships of *Shincliffe* and *Elvet* in the Parish of *Saint Oswald* aforesaid; and which said last-mentioned Branch Railway or Tramroad and the said intended Bridge are intended to pass from, in, through, and into the several Townships, Hamlets, or Places of *Stillington, Foxton, Shotton, Foxton-cum-Shotton, Morden, Sedgfield, Bradbury, Woodham, Nunstainton, Chilton, Great Chilton, Little Chilton, Mainsforth, Thrislington, Ferryhill, Hett, Cornforth, Thinford, Cassop, Tursdale, Croxdale, Sunderland Bridge, Butterby, Quarrington, Shincliffe, Old Durham, and Elvet*, in the several Parishes of *Red Marshall, Sedgfield, Aycliffe* otherwise *Great Aycliffe, Merrington* otherwise *Kirk Merrington, Bishop Middleham, Kelloe, Croxdale, Saint Oswald, and Saint Giles*, in the said County; and also in lieu of the Branch Railway or Tramroad authorized to be made by the said recited Act from the said Main Line, commencing at or near *Harrogate House* otherwise *Harget's House* aforesaid, to or near to *Brown's Bridge* aforesaid, which is intended to be abandoned, to make and maintain a Branch Railway or Tramroad, to be called the *Stockton* Branch Railway, from and out of the said Main Railway, commencing at or near to the second Close on the East Side of the public Highway, formerly Part of the *Durham* and *Yarm* Turnpike Road, between *Norton* and *Blakiston*, in the Township and Parish of *Norton*, to the River *Tees* in a certain Close in the Occupation of *John Atkinson* and *William Hill*, in the Township

New Branch
to the Tees
at Samphire
Beacon.

Branch from
Stillington to
the City of
Durham.

Branch from
Durham and
Yarm Road
to the Tees
at Stockton.

Additional
Branch from
City of Dur-
ham Branch
to the Sher-
burn and
Easington
Road.

Additional
Branch from
the City of
Durham
Branch to
Old Park at
Byers Green
Road.

Township and Parish of *Stockton* in the said County; which said last-mentioned Branch Railway or Tramroad is intended to pass from, in, through, and into the Townships of *Norton* and *Stockton* in the Parishes of *Norton* and *Stockton*; and also to make and maintain an additional Branch Railway or Tramroad to be called the *Sherburn Branch Railway*, from and out of the said intended Branch to be called the *City of Durham Branch Railway*, commencing at or near to a certain Field in the Occupation of *George Pickering*, in the Township of *Ferryhill* in the Parish of *Merrington* otherwise *Kirk Merrington*, to a certain public Highway leading from *Sherburn* to *Easington* in the Township of *Sherburn* in the Parish of *Pittington* otherwise *Pittington Hallgarth* in the said County; which said Branch Railway or Tramroad is intended to pass from, in, through, and into the several Townships, Hamlets, or Places of *Ferryhill*, *Thrislington*, *Thinford*, *Cornforth*, *Quarrington*, *Coxhoe*, *Cassop*, *Shadforth*, *Sherburn House*, *Sherburn*, and *Pittington* otherwise *Pittington Hallgarth*, in the Parishes of *Merrington* otherwise *Kirk Merrington*, *Bishop Middleham*, *Kelloe*, *Sherburn House*, *Sherburn*, and *Pittington Hallgarth*, all in the said County; and also to make and maintain another additional Branch Railway or Tramroad, to be called the *Byers Green Branch Railway*, from and out of the said Branch Railway or Tramroad to be called the *City of Durham Branch Railway*, commencing at or near to a certain Close in the Occupation of *George Pickering*, in the Township of *Ferryhill* in the Parish of *Merrington*, to a public Highway leading from *Old Park* to *Byers Green* in the Township of *Byers Green* in the Parish of *Saint Andrews Auckland* and *Whitworth* in the said County; which said last-mentioned Branch Railway or Tramroad is intended to pass from, in, through, and into the several Townships, Hamlets, or Places of *Ferryhill*, *Butcher Race*, *Merrington* otherwise *Kirk Merrington*, *Middleston*, *Westerton*, *Tudhoe*, *Whitworth*, *Old Park*, and *Byers Green*, in the several Parishes of *Merrington* otherwise *Kirk Merrington*, *Brancepeth*, *Whitworth*, and *Saint Andrews Auckland*, all in the said County; and also, subject to the Provision in this Act contained, to alter, straighten, and divert any Streams, Brooks, or Watercourses which may interfere with the making and maintaining any of the said Railways or Tramroads; and also to make, construct, and maintain Quays, Wharfs, Staiths, and Landing Places upon any Lands belonging to the said Company of Proprietors, to communicate with so much of the intended Railway or Tramroad or the additional Branch Railway or Tramroad first herein-before mentioned, as shall be situated between *Haverton Hill* aforesaid and the Termination of the said Railway at or near to the said Place called *Samphire Beacon*, upon or near to *Samphire Batts*, or any Part thereof, for the Purpose of the loading and unloading of Ships and Vessels in the River *Tees*; and also to make, erect, set up, construct, and maintain such Engines, Machines, Inclined Planes, Roads, Works, Accommodations, and Conveniences, and do, perform, and exercise such Powers and Authorities, Matters, and Things, for making, effecting, preserving, improving, completing, maintaining, and using the said Railway or Tramroad and Branch Railways or Tramroads, Quays, Wharfs, Staiths, and Landing Places and other Works intended to be made by virtue of this Act, as they were by the said

said recited Act authorized to make, erect, set up, construct, maintain, do, perform, and exercise with respect to the Railways or Tramroads and other Works thereby authorized to be made.

III. Provided always, and be it further enacted, That in carrying the said Branch Railway called the City of *Durham* Branch Railway, in or through the Township of *Mainsforth* aforesaid, the same shall be taken and carried to the Westward of the Line laid down on the Plan and Section lodged in the Office of the Clerk of the Peace for the County of *Durham*, so as to take the said Line as much out of the Township of *Mainsforth* aforesaid as the Power of Deviation of One hundred Yards herein-after mentioned and contained will allow.

Branch through the Township of Mainsforth.

IV. Provided always, and be it enacted, That no locomotive or moveable Steam Engine shall be used on such Part of the City of *Durham* Branch as passes through or into the said Townships of *Mainsforth* and *Chilton*, or either of them, without the Consent in Writing of *Robert Surtees* Esquire, of *Mainsforth*, his Heirs or Assigns, for that Purpose first had and obtained: Provided always, that no Staiths, Wharfs, Depôts, or Landing Places, or any Buildings, shall be made or erected by the said Company in or upon any Lands or Grounds in the said Townships of *Mainsforth* and *Chilton*, or either of them, or in or upon certain Lands and Grounds called *Cleves Cross*, in the said Township of *Ferryhill*, and belonging to the Dean and Chapter of *Durham*.

No locomotive Engine to be used on the Branch passing through Mainsforth and Chilton, without Consent.

V. Provided always, and be it further enacted, That no locomotive or moveable Steam Engine shall be used on such Part of the said additional Branch to *Byers Green Road* as passes through or into the said Township of *Whitworth*, or through the Lands of *Robert Eden Duncombe Shafto* Esquire; and that no Staiths, Wharfs, Depôts, or Landing Places, or any Buildings, shall be made or erected in or upon the said Lands of the said *Robert Eden Duncombe Shafto*, without the Consent in Writing of the said *Robert Eden Duncombe Shafto*, his Heirs or Assigns, or any future Owners of his said Lands, for that Purpose first had and obtained; and in making the said additional Branch Railway or Tramroad to *Byers Green Road* aforesaid over the said Lands of the said *Robert Eden Duncombe Shafto*, the same shall run in such Direction over the same Lands as shall be required by him the said *Robert Eden Duncombe Shafto*, his Heirs or Assigns, or any future Owners of his said Lands, or his or their Agents; but the same shall not deviate more than One hundred Yards from the Line delineated on the said Map or Plan.

No locomotive Engines to be used on the Lands of R. E. D. Shafto Esq. at Whitworth.

VI. And be it further enacted, That the said Company of Proprietors, nor any Person or Persons claiming under them, shall not build or erect any Messuages, Dwelling Houses, Cottages, or other Buildings whatsoever for the Purpose of Habitation, and shall not permit or suffer any Person or Persons employed by or in the Service of the said Company, or such other Person or Persons, to reside in or upon, or to occupy for the Purpose of Residence or otherwise, any other Erection or Building to be erected or built by the said Company for the Purposes of the said Railway or Tramroad, in the

No Habitation to be erected in the Township of Thrislington.

Township of *Thrislington*, without the previous Consent in Writing of *Robert Hopper Williamson* of *Newcastle-upon-Tyne*, Esquire, his Heirs or Assigns, or other the Proprietor or Proprietors of the said Township of *Thrislington* for the Time being.

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

VII. And whereas a Map or Plan, describing the Lines or Courses of the said Deviations and Alterations, and the said other Railways or Tramroads, and the Lands or Grounds in, through, across, under, over, or upon which the same are proposed to be carried or made, together with a Book of Reference thereto, containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands and Grounds, have been deposited at the Office of the Clerk of the Peace for the said County of *Durham*, in which Plan the Line authorized to be taken by the said recited Act is drawn in Black, and the Deviations therefrom intended to be made pursuant to this Act are drawn in Red; be it therefore further enacted, That the said Map or Plan and Book of Reference so deposited shall remain with and be kept by the said Clerk of the Peace, to the End and Intent that all Persons interested therein may have Liberty to inspect and peruse the same, and to make Extracts therefrom and Copies thereof, at all seasonable Times, on Payment to the Clerk of the Peace of One Shilling for each Inspection, and of One Shilling more for every Hour during which such Inspection shall continue after the first Hour, and also paying for every Copy not exceeding One hundred Words the Sum of Sixpence, and so in proportion for any greater Number of Words; and the said Map or Plan and Book of Reference, or true Copies thereof or of so much thereof as shall relate to any Matters which may be in question, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Not to deviate more than 100 Yards from Plan.

VIII. And be it further enacted, That the said Company of Proprietors, in making the said Railway or Tramroad and Branch Railways or Tramroads, shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Map or Plan.

Line from Haverton Hill to Billingham Beck.

IX. Provided also, and be it further enacted, That the said Company of Proprietors shall use and observe the Line drawn in Red in the said Plan, (with such Deviation only as authorized by the Power herein-before contained,) from *Haverton Hill* aforesaid to a Place called *Billingham Beck*, and shall in no Case make use of the old intended Line between the said Place called *Billingham Beck* and the River *Tees*, or any Part thereof, notwithstanding the same is laid down in the said Map or Plan in a Black Line as herein-before stated.

So much of former Act as empowered the Company to erect Staiths at Haverton Hill repealed.

X. Provided always, and be it further enacted, That so much of the said recited Act as authorized and empowered the said Company of Proprietors to inclose and maintain by an Embankment, for the Purpose of erecting Staiths therefrom, and other Accommodations and Conveniences for the shipping and landing of Coals and other Merchandize, a certain Part of the Bed or Soil of the said River *Tees* in the said County of *Durham*, situated at or near or adjoining to *Haverton*

Haverton Hill aforesaid in the said County of *Durham*, in the Township and Parish of *Billingham* in the same County, shall be and the same is hereby repealed.

XI. Provided also, and be it further enacted, That the said Railway or Tramroad, or the additional Branch Railway or Tramroad first herein-before mentioned, at the End thereof nearest to *Samphire Beacon* aforesaid, shall be made to terminate within the Land of which *Robert Appleby* Esquire is Proprietor or Lessee, and which is now in the Occupation of *John Bamlett*, called *Samphire Batts*, and shall not extend further than a perpendicular Line drawn from the Summit of the Embankment there, leaving a Space of Twenty Yards at the least between the Termination of the said Railway and the Low-water Mark on the North-western Side of the Creek which extends from the River *Tees* in the Direction of *Haverton Hill* aforesaid.

Railway at *Samphire Beacon* to terminate within the Land of *Robert Appleby* Esq.

XII. And be it further enacted, That the said Company of Proprietors shall and may make the said Railway or Tramroad and Branch Railways or Tramroads, and other Works, in, through, across, or over any Lands or Grounds described or intended to be described in the said Map or Plan, although the Name or Names of the Owner or Owners, Occupier or Occupiers thereof, is or are omitted or mis-stated in the said Book of Reference, in case it shall be made to appear to any One or more of His Majesty's Justices of the Peace for the said County of *Durham*, and be by them certified under their Hands, that such Omission or Mis-statement proceeded from Mistake: Provided always, that nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage any House or other Building which was erected or built on or before the Thirtieth Day of *November* One thousand eight hundred and twenty-eight, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent in Writing of the Owners thereof or Persons interested therein respectively, other than and except those specified in the Schedule annexed to this Act.

Misnomers in Book of Reference not to obstruct making the Railway, &c.

Houses not to be taken without Consent, except those mentioned in the Schedule.

XIII. Provided always, and be it further enacted, That in case the said Company shall not, within the Space of Five Years from the passing of this Act, purchase the Houses and Gardens which they are by the said recited Act authorized to purchase, all the Powers granted by the said Act for purchasing, taking, or using the same, or such of them as shall not then have been purchased, shall cease and determine, save and except with the Consent of the Owners thereof for the Time being.

Limiting the Time of purchasing Lands, &c. to Five Years.

XIV. Provided also, and be it further enacted, That the City of *Durham* Branch Railway herein-before mentioned and the *Stockton* Branch Railway herein-before mentioned shall be made and completed at the same Time as or before the Completion of the said Main Railway from the River *Tees* to any other Point or Place; and also such Part

Certain Branches to be made simultaneously with Main Line.

of

of the said Main Railway or Tramroad as lies between the *Stockton* and *Darlington* Railway, at or within *Sim Pasture Farm* in the Parish of *Heighington* in the said County, and a Farm called *Stillington Moore House*, in the Township of *Stillington* in the Parish of *Red Marshall* in the said County, and also the *Byers Green* Branch Railway herein-before mentioned, shall be made and completed at the same Time as or before the Completion of the *Sherburn* Branch Railway herein-before mentioned; and that the said Part of the said Main Railway or Tramroad between the said *Stockton* and *Darlington* Railway and *Stillington Moor House* shall be completed at the latest within Two Years from and after the Completion of the said City of *Durham* Branch Railway, and within Six Years from the passing of this Act.

Company not to divert Streams communicating with River Tees, nor to impede the Navigation of that River.

XV. And be it further enacted, That nothing in this Act contained shall authorize or empower, or be construed to authorize or empower, the said Company of Proprietors to alter, straighten, or divert any Streams, Brooks, or Watercourses from flowing into or communicating with the said River *Tees*, or to construct any Quays, Wharfs, Staiths, or Landing Places in such a Manner as that the same or any of them or any Part thereof shall, by projecting into the said River, in any Manner tend to injure or impede the Navigation thereof, or to do any other Act which may in any Manner tend to injure or impede such Navigation, without the Consent of the *Tees* Navigation Company in Writing first had and obtained for that Purpose.

Former Act repealed as to such Part of the old Line as is now abandoned.

XVI. Provided always, and be it further enacted, That from and after the passing of this Act all the Powers, Authorities, and Privileges granted by the said recited Act to the said Company shall immediately cease and determine so far only as relates to those Parts of the Line of the said Main Railway or Tramroad which shall be abandoned, and the said Two before-mentioned Branch Railways or Tramroads; (that is to say,) the Branch from *How Hills* aforesaid to *Broom Hill* aforesaid, and the Branch from *Harrogate House* otherwise *Harget's House* aforesaid to *Brown's Bridge* aforesaid, therein authorized to be made, except only so far as the same may have been acted upon previously to the passing of this Act.

Power to raise a further Sum of Money.

XVII. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, (in addition to the Sums authorized to be raised by the said recited Act,) to raise any Sum or Sums of Money, not exceeding in the whole the Sum of One hundred thousand Pounds, by both or either of the Ways and Means by which the said Company are authorized by the said recited Act to raise any Sum or Sums of Money.

Company may raise the same, or any Part of it, upon Bond or by Mortgage.

XVIII. Provided always, and be it further enacted, That it shall be lawful for the said Company of Proprietors, after the Order or Direction of any General or Special General Meeting of the said Company authorizing them so to do, but not otherwise, to borrow and take up at Interest from any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall be willing to lend the same, the Whole or any Part of the said Sums of One hundred thousand

the said Bonds so transferred, or any Sum of Money thereon due or thereby secured, or any Part thereof.

Bondholders not to be deemed Proprietors.

XIX. Provided always, and be it further enacted, That no Person to whom any such Bond shall be given shall thereby be deemed a Proprietor of any Share, or shall thereby be rendered capable of acting as such at any Meeting of the said Company, for or on account of his or her having lent or advanced any Sum or Sums of Money on such Bond.

Power to pay off Bonds.

XX. Provided always, and be it further enacted, That it shall be lawful for the said Company and they are hereby empowered from Time to Time to pay off and discharge all or any of the said Bonds, before the Days respectively appointed for Payment thereof, upon giving Three Calendar Months Notice to the Holder or Holders of the said Bonds respectively of their Intention so to do.

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

XXI. And be it further enacted, That in case the said Company shall be required or shall be desirous to pay off, and shall accordingly pay off, all or any of the said Bonds, then and in every such Case it shall be lawful for the said Company, and they are hereby authorized and empowered, immediately or at any Time or Times thereafter, again to raise, in lieu of the Principal Money so paid off or to be paid off by them, so much of such Sum or Sums of Money as they shall from Time to Time have paid off or be required or be desirous to pay off to the Holders of the said Bonds, or any of them, by the Issue of fresh Bonds, and so from Time to Time as often as the same shall happen, but so nevertheless that the said Company shall not in any event borrow or raise by such Means and be indebted more than the said Sum of One hundred and sixty thousand Pounds in the whole at any One Time.

Interest of the Money borrowed on Bond to be paid in preference to Dividends.

XXII. And be it further enacted, That the Interest of the Money which shall become due and payable on any Money to be raised by Bond as aforesaid shall be paid to the several Persons entitled thereto in preference to any Interest or Dividends to become due and payable to the said Company, or any of them, under the Provisions of this Act or of the said recited Act; and in case such Interest or any Part thereof shall be behind and unpaid for the Space of Sixty Days next after the same shall have become due and payable, and the same shall not be paid within Thirty Days next after Demand thereof in Writing shall have been made of the said Company, then, in addition to such Remedies as the Obligee or Obligees or Assignee or Assignees of such Bond or Bonds may be entitled to at Law or in Equity, it shall be lawful for Two or more Justices of the Peace acting for the said County of *Durham*, and they are hereby required, on Request to them made by or on behalf of any such Obligee or Obligees or Assignee or Assignees whose Interest shall be so in arrear, by an Order under the Hands of such Justices, to appoint some Person or Persons to receive the Whole or any Part of the Rates, Tolls, and Duties arising or to arise by virtue of the said recited Act and of this Act, or either of them, until all such Interest in arrear, together with all the Costs and Charges of recovering and receiving such Rates,
Tolls,

Tolls, or Duties, shall be fully satisfied and paid; and the Money so to be received by such Person or Persons is hereby declared to be so much Money received by or to the Use of the Person or Persons to whom such Interest shall be then due; and after such Interest and Costs shall have been paid and satisfied the Power and Authority of such Receiver or Receivers for the Purposes aforesaid shall cease and determine.

XXIII. And be it further enacted, That in case the said Company of Proprietors shall raise any Part of the said Sums of One hundred thousand Pounds and Sixty thousand Pounds upon Mortgage, and shall afterwards be required or be desirous to pay off, or shall pay off, all or any Part of the Principal Sum or Sums secured or intended to be secured by such Mortgages, then and in every such Case it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, again to raise, in lieu of the Principal Money or Principal Monies so paid or to be paid off by them, so much and such Sum or Sums of Money as they shall from Time to Time have paid off or be required or desirous to pay off to the Holders of the said Mortgages, or any Part or Parts thereof; and all Interest upon the said Mortgages shall from Time to Time be paid and discharged by the said Company of Proprietors by, with, and out of the Receipts, Tolls, Duties, and Profits arising or to arise from the said Railways or Tramroads, or other Effects of the said Company, in preference to any Interest or Dividends to become due and payable to the said Company, or any of them, under the Provisions of this Act or of the said recited Act; so as the said Company of Proprietors shall not in any event borrow upon Mortgage more than the Principal Sum of One hundred and sixty thousand Pounds in the whole.

In case Mortgages shall be paid off, Power to raise the Amount again.

XXIV. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, to contract and agree with any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, who shall be willing to sell the same, for the Purchase of any Parcel or Parcels of Lands or Hereditaments, not exceeding in the whole Sixty Statute Acres, in such Place or Places as shall be deemed by the said Company eligible and convenient for the Purpose of making, constructing, erecting, forming, and providing Coal or other Yards, Staiths, Wharfs, Quays, Landing Places, Messuages, and any other Buildings or Conveniences whatsoever for the Purpose of loading or unloading of Vessels, or of loading, receiving, or conveying, or for the Purpose of depositing or keeping, Coals, Culm, Cinders, Stone, Lime, and other Minerals, and also Goods, Wares, and Merchandizes carried or to be carried or conveyed upon the Railway or Tramroad or Branch Railways or Tramroads which the said Company are now authorized to make, or for making convenient Roads, Avenues, and Ways leading thereto, or for any other Purposes whatsoever connected with the said Undertaking which the said Company shall judge requisite and necessary; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, and all other Persons whomsoever, to sell and grant or convey

Company empowered to purchase Sixty Acres of Land.

Company to sell Lands not required for the Purposes of the Act, and to purchase and sell again within the Quantity prescribed.

Treasurer, upon Payment of Money, to give Receipts.

Lands intended to be resold to be first offered to the Owners of the adjoining Lands.

convey to the said Company and their Successors any Lands, Tenements, or Hereditaments whatsoever for the Purposes aforesaid, in the Manner directed by, and under and subject to the Provisions, Restrictions, Rules, Regulations, and Directions and other Matters contained in the said recited Act in reference to Lands, Messuages, Buildings, and Hereditaments to be purchased or taken under the Powers of the said Act for the Purpose of forming, making, and maintaining the Railways or Tramroads thereby authorized to be made, and that without inquiring or ascertaining, or being bound to inquire or ascertain, that the Lands and Hereditaments so sold, granted, or conveyed to the said Company of Proprietors and their Successors for the Purposes aforesaid, or any of them, will not, together with any other Lands purchased by the said Company for the same Purposes, or any of them, amount to or make up a greater Quantity of Land than Sixty Acres ; and it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, from Time to Time and at any Time or Times hereafter to sell and dispose of any Lands, Tenements, and Hereditaments whatsoever which they are hereby authorized and empowered to purchase for the Purpose of making such Coal or other Yards, Staiths, Wharfs, Quays, Landing Places, and Conveniences as last aforesaid, and shall have actually purchased for such Purposes, or so much and such Part or Parts of the same Messuages, Lands, Tenements, and Hereditaments as the said Company of Proprietors shall think proper, and either together or in Parcels, by public Auction or private Contract, as shall be thought expedient, to any Person or Persons who shall be willing to become the Purchaser or Purchasers thereof, and again from Time to Time to contract for and to purchase any other Messuages, Lands, Tenements, or Hereditaments more eligible or convenient for such Purposes or any of them, and afterwards to sell and dispose of the same as aforesaid, so that the total Quantity or Number of Acres to be purchased by the said Company of Proprietors for any of such Purposes shall not exceed at any one Time the Quantity or Number of Acres by this Act specified or allowed for the same respective Purposes ; and upon Payment of the Money which shall arise by the Sale or Sales of such last-mentioned Messuages, Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Company of Proprietors to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for such Messuages, Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof as shall be sold, or for so much thereof as in such Receipts respectively shall be expressed to be received ; and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof.

XXV. Provided always, and be it further enacted, That the said Company of Proprietors, before they shall sell and dispose of any such Messuages, Lands, Tenements, and Hereditaments as aforesaid, or any Part or Parts thereof respectively, shall first offer to resell the same to the Person or Persons whose Lands shall adjoin thereto ; and

in

in case he, she, or they shall be desirous of purchasing the same, he, she, or they shall signify such his, her, or their Desire and Intention in that Behalf to the said Company of Proprietors through their Clerk within Twenty-one Days after such Offer of Sale shall have been made; and in case such Person or Persons shall refuse or decline to avail himself, herself, or themselves of such Offer, or shall neglect or omit to signify his, her, or their Desire and Intention to purchase such Messuages, Lands, Tenements, and Hereditaments, for the Space of Twenty-one Days, then and in every such Case, an Affidavit being made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace of the said County of *Durham*, by some Person or Persons not interested in the same Messuages, Lands, Tenements, or Hereditaments, stating that such Offer was made by or on behalf of the said Company of Proprietors, and that such Offer was refused or declined, or was not accepted and agreed to, by the Person or Persons to whom the same was made, within the said Space of Twenty-one Days from the Day or Time of making the same, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused or declined, or was not accepted and agreed to, within the Time aforesaid, by the Person or Persons to whom such Offer was made, as the Case may be; and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they and the said Company of Proprietors shall differ and not agree with respect to the Price thereof, in such Case the Price and Prices thereof shall be ascertained by a Jury in the Manner directed in and by the said recited Act with respect to disputed Value of the Premises to be purchased by the said Company of Proprietors in pursuance thereof; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as in and by the same Act and this Act is directed with respect to the Purchases made by the said Company of Proprietors, *mutatis mutandis*; and the Money produced by the Sale or Sales which may be made by the said Company of Proprietors of such Messuages, Lands, Tenements, and Hereditaments as aforesaid shall be applied to the Purposes of this Act and the said recited Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money, or be bound or liable in any Case whatever to inquire or ascertain whether the said Company of Proprietors have or have not purchased a greater Quantity of Land in the whole for any of the Purposes herein-before mentioned than is in and by this Act specified and allowed.

XXVI. And whereas the said Company of Proprietors are enabled to purchase Sixty Acres of Land by virtue of this Act for the Purposes last aforesaid, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Persons whomsoever, are empowered to sell such Quantity or Number of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling any such Lands so purchased from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or

Restraining the Company from purchasing more than Sixty Acres of Land from incapacitated Persons.

other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants for Life or in Tail, and Persons to whom and for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, and again purchasing other Lands from the same or any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, in lieu or stead of the Lands so sold; be it therefore further enacted, That it shall not be lawful for the said Company of Proprietors to purchase from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, more than such Sixty Statute Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Sixty Statute Acres so purchased, it shall not be lawful for the said Company to purchase of, or for the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, to sell to the said Company any other Lands in lieu or instead of the said Sixty Statute Acres, or any Part thereof, so sold or disposed of by the said Company.

Expences of Conveyances of Lands to be paid by the Company.

XXVII. And be it further enacted, That the Costs, Charges, and Expences of all Conveyances and other Assurances of any Lands and Hereditaments which shall be purchased by the said Company for the Purposes of this Act or the said recited Act, and of obtaining the Execution of such Conveyances and Assurances by the Party or Parties thereto, and of all attested or other Copies, Extracts, or Abstracts of any Deeds, Evidences, or Writings relating to the Title to such Lands and Hereditaments, and which shall be required by the said Company, and all Expences incident to or attending the Investigation of the Title to the Lands and Hereditaments so to be purchased as aforesaid, when required by the said Company, shall be exclusively borne and paid by the said Company.

Power to take Tolls for Coaches and other Carriages going

XXVIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, or cause to be asked, demanded, taken, recovered, and received, to and for the Use
and

and Benefit of the said Company of Proprietors, for every Coach, Chariot, Chaise, Car, Gig, Landau, Waggon, Cart, and other Carriage which shall be drawn or used on the Railway or Tramroad and Branch Railways or Tramroads which the said Company are now authorized to make, or any of them, for the Conveyance of Passengers or small Packages or Parcels, such Sum for each and every Mile as the said Company of Proprietors shall think proper, not exceeding Sixpence.

along the
Railway.

XXIX. And whereas by the said recited Act it is enacted, that in all Cases where there shall be a Fraction of a Ton a Proportion of the said Rates should be demanded and taken for such Fraction according to the Number of Quarters of a Ton contained therein, and where there shall be a Fraction of a Quarter of a Ton such Fraction shall be deemed and considered a full Quarter of a Ton; and in any Case where there shall be a Fraction of a Mile, such Fraction shall be deemed and taken to be a whole Quarter of a Mile; and that, in order to ascertain and calculate with greater Certainty and Facility the Distance which any Waggon or other Carriage shall pass upon the said Railways or Tramroads, the said Company of Proprietors shall cause the same to be measured, and Stones and other conspicuous Marks to be set up and for ever afterwards maintained on the Side or Sides thereof, at the Distance of One Quarter of a Mile from each other, with proper and legible Marks thereon, denoting their Distance from such Places as shall be thought proper; and whenever any Waggon or other Carriage shall pass any such Stone or Mark, or the Place where the same shall be set up, the Rates, Tolls, and Duties shall be paid for a full Quarter of a Mile: And whereas it is not thereby provided that in Cases where there shall be a Fraction of a Mile a Proportion of the said Rates shall be demanded and taken for such Fraction according to the Number of Quarters of a Mile contained therein: And whereas it is expedient that such Cases should be provided for; be it therefore further enacted, That the said recited Provisions shall be and the same are hereby declared to be repealed.

Repealing
Clause in
former Act
as to frac-
tional Part of
a Ton and
Mile.

XXX. And be it further enacted, That in Cases where there shall be a Fraction of a Ton in the Weight of any Articles which shall be carried along the Railway or Tramroad and Branch Railways or Tramroads which the said Company are now authorized to make a Proportion of the Rates by the said recited Act and hereby respectively authorized to be taken shall be demanded and taken for such Fraction according to the Number of Quarters of a Ton contained therein, and where there shall be a Fraction of a Quarter of a Ton such Fraction shall be deemed and considered a full Quarter of a Ton; and in Cases where there shall be a Fraction of a Mile a Proportion of the said Rates shall be demanded and taken for such Fraction according to the Number of Quarters of a Mile contained therein, and when there shall be a Fraction of a Quarter of a Mile such Fraction shall be deemed and considered a full Quarter of a Mile; and in order to ascertain and calculate with greater Certainty and Facility the Distance which any Waggon or other Carriage shall pass upon the said Railway or Tramroad and Branch Railways or Tramroads,

Regulation
as to frac-
tional Parts
of a Ton and
Mile.

Tramroads, the said Company of Proprietors shall cause the same to be measured, and Stones and other conspicuous Marks to be set up and for ever afterwards maintained on the Side or Sides thereof, at the Distance of One Quarter of a Mile from each other, with proper and legible Marks thereon, denoting their Distance from such Places as shall be thought proper; and whenever any Waggon or other Carriage shall pass any such Stone or Mark, or the Place where the same shall be set up, the said Rates, Tolls, and Duties shall be paid for a full Quarter of a Mile, although such Waggon and other Carriage shall not actually have passed a full Quarter of a Mile.

Clerk of the
Company
may grant
Releases to
Witnesses.

XXXI. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under the said recited Act or this Act, or otherwise, for any Claim or Compensation against or for or on behalf of the said Company, and also in Prosecutions commenced and instituted by or on behalf of the said Company, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for the Clerk for the Time being of the said Company, in his Name, for or on behalf of the said Company, to make, sign, seal, execute, and deliver all and every such general or other Release and Releases as may be or may be deemed to be necessary for the Purpose of exonerating, releasing, and discharging all and every and any Person or Persons who shall or may be produced as a Witness or Witnesses in any such Actions, Suits, Prosecutions, Arbitrations, References, or other Proceedings as aforesaid, from all or any Claims or Demands which may be necessary to be released by the said Company to qualify such Person or Persons to give Evidence as a Witness or Witnesses in any such Actions, Suits, Prosecutions, Arbitrations, References, or other Proceedings as aforesaid, and also to do any other Act, Matter, or Thing in any such Actions, Suits, Prosecutions, Arbitrations, References, or other Proceedings which any Plaintiff or Defendant may do in any Action, Suit, or Prosecution, Arbitration, Reference, or other Proceedings; and every such Release, Act, Matter, and Thing respectively shall be as valid and effectual in all respects and to all Intents and Purposes whatsoever as if the same were made under the Common Seal of the said Company.

Power to add
Six to the
Committee.

XXXII. Provided always, and be it further enacted, That it shall and may be lawful for the said Company of Proprietors at any General Meeting to nominate and appoint Six Persons, in addition to the Twelve Persons by the said recited Act directed to be nominated and appointed, as a Committee for managing and conducting the Affairs and Business of the said Company; and the Six Persons so to be nominated and appointed shall have the same Qualifications and Powers, and shall be subject to the same Provisions, Rules, Orders, and Regulations, as in the said recited Act are contained relative to the Twelve Persons so to be nominated and appointed in pursuance thereof in the same Manner in all respects as if the Number originally by the said recited Act directed to be nominated and appointed had been Eighteen.

XXXIII. And

XXXIII. And whereas it is in and by the said recited Act enacted, that in every Case where the Verdict of a Jury shall be given for more Money to be paid as a Recompence or Satisfaction as therein-before mentioned than shall have been previously offered or tendered by or on behalf of the said Company of Proprietors, or if no such Satisfaction or Recompence shall have been tendered by them or on their Behalf to the Person or Persons competent to accept and take the same, then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses for ascertaining and determining the Recompence and Satisfaction as aforesaid shall be ascertained by some One or more Justice or Justices of the Peace for the said County Palatine of *Durham*, not being interested in the Matter in question, who is and are thereby empowered and required to examine into, ascertain, and settle the same; and in case of Non-payment thereof by the said Company of Proprietors for the Space of Ten Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof to and from the said Company of Proprietors, then the said Justice or Justices shall and he and they is and are thereby required, by Warrant under his or their Hand and Seal or Hands and Seals, to levy the same by Distress and Sale of any of the Goods and Chattels of the said Company of Proprietors, for the Use of such Person or Persons to whom such Costs and Expences shall have been allowed, rendering to the said Company of Proprietors the Overplus, if any, after deducting the reasonable Charges of making such Distress and Sale; and every or any of such Person or Persons, upon Refusal or Neglect of the said Company of Proprietors to pay the said Costs and Expences as aforesaid, shall and may also have such and the like Remedy against them for the Recovery thereof by Action at Law to be commenced and prosecuted in such Manner as in other Cases is by the said recited Act described and directed; but if the Verdict of the Jury shall be given for the same Sum or for a less Sum than shall have been previously offered or tendered by or on behalf of the said Company of Proprietors, then and in every such Case one Moiety of such Expence shall be defrayed by the Person or Persons with whom the said Company of Proprietors shall have such Controversy or Dispute, and the other Moiety thereof shall be defrayed by the said Company; which said Expences, having been ascertained and settled in manner last aforesaid by the said Justice or Justices, shall and may be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as aforesaid, as so much Money advanced to or for his, her, or their Use; and the Payment or Tender of the Remainder of the Money so to be determined or adjudged shall be deemed and taken to all Intents and Purposes whatsoever to be a good Payment or Tender in satisfaction of the whole thereof; provided always, that in all Cases where by reason of Absence in Foreign Parts, or otherwise, any Person or Persons shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges shall be borne and paid by the said Company of Proprietors: And whereas Cases may arise in which a Moiety of the said Costs and Expences shall or may exceed in Amount the Money determined or adjudged to be paid to such Person or Persons as a Recompence or Satisfaction as aforesaid, and it is not by

Repealing
so much of
former Act
as relates to
the Expences
of summon-
ing and main-
taining a
Jury and
Witnesses.

the said Act provided or declared in what Manner the Residue or Surplus of such Moiety of such Costs and Expences shall in that Case be recovered by the said Company of Proprietors; and the said last-mentioned Clause is in other respects defective; be it therefore further enacted, That so much of the said recited Act as is last herein-before recited, relative to the Costs and Expences of summoning and maintaining the Jury and Witnesses for ascertaining and determining such Recompence and Satisfaction as aforesaid, shall be and the same is hereby declared to be repealed.

Expences of
Juries and
Witnesses
how to be
paid.

XXXIV. And be it further enacted, That in every Case where a Jury shall or may be summoned, or any Witness or Witnesses examined, for any of the Purposes or under the Powers or Authorities of the said recited Act or of this Act, the Costs and Expences of summoning and maintaining such Jury and Witness or Witnesses, including a reasonable Recompence for the Expences and Trouble of their Journey and Attendance, and all other Costs and Expences incident to or attending the obtaining of a Verdict in any Matter or Question in dispute as in the said Act mentioned, shall be ascertained and settled by some One or more Justice or Justices of the Peace for the County wherein the Lands, Grounds, or Hereditaments in question shall lie, or the Matter in dispute shall arise, not being interested in the Matter in question, who is and are hereby empowered and required to examine into, and, on the Production of proper Vouchers or other Evidence, to ascertain, assess, and settle the same; and in each and every Case where a Verdict has been or shall or may be given for more Money as a Recompence or Satisfaction for the absolute Sale of any Lands or Hereditaments of any Person or Persons whomsoever, or as a Compensation for any Damages done or to be done to such Lands or other Hereditaments or Property, than had been previously offered by or on behalf of the said Company of Proprietors, or where any Verdict shall be found for any Damages where the Dispute is for Damages only, and where no Compensation had been previously offered or tendered in respect thereof by or on behalf of the said Company of Proprietors, or where, by reason of Absence or other Impediment or Disability, there shall not be found any Person or Persons at hand who may be legally, by virtue of the Powers of the said recited Act or of this Act, or otherwise, capacitated to enter into a Contract with and make Conveyances to and receive Compensation from the said Company of Proprietors as in the said Act is provided or mentioned, then and in all such Cases all the Costs and Expences of summoning and maintaining such Jury and Witness or Witnesses, taking such Verdict, and all the other Costs and Expences aforesaid, having been ascertained and settled in the Manner herein-before mentioned, shall be defrayed by the said Company of Proprietors, and, in case of Nonpayment thereof, on Demand made, to the said Company, shall be levied, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices as aforesaid, by Distress and Sale of the Goods and Chattels of the said Company, or of the Goods and Chattels of the Treasurer to the said Company; but if any Verdict has been or shall or may be given for the same Sum as had been previously offered, or for any less Sum than had been previously offered, by or on behalf of the said Company of Proprietors, or
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in case no Damages have been or shall be given by the Verdict, where the Dispute is for Damages only, or in case of Refusal to enter into Treaty with or make Conveyances to or receive Compensation from the said Company of Proprietors by any Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of the said recited Act or of this Act, or otherwise, legally capacitated to treat and convey and receive such Compensation as aforesaid, then and in all such Cases (except when by reason of Absence or otherwise any Person or Persons shall have been prevented from treating and agreeing as aforesaid), the said Costs and Expences having been ascertained and settled as aforesaid, one Moiety or Half Part thereof shall be borne and paid by the said Company, and the other or remaining Moiety shall be borne and paid by the Person or Persons with whom the said Company of Proprietors shall or may have such Controversy or Dispute; which last-mentioned Moiety of such Costs and Expences shall and may be deducted and retained by the said Company of Proprietors, out of the Money so assessed and adjudged by such Verdict as aforesaid, as so much Money advanced to or for the Use of such Person or Persons; and the Payment or Tender of the Remainder (if any) of such Sum or Sums of Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged, in case such Moiety of the Costs and Expences shall not exceed the Amount of the Sum or Sums so assessed and adjudged; but if such Moiety of the Costs and Expences aforesaid shall happen to exceed the same, then the Balance may be recovered by the said Company of Proprietors against the Person or Persons with whom they shall have had or shall or may have such Controversy or Dispute by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Pleas at *Durham*.

XXXV. And be it further enacted, That if any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, or other Hereditaments by reason of the Execution of any of the Powers given by the said recited Act or this Act, and through or by means not provided for in such Acts, then and in every such Case such Damages shall be so settled by the said Company of Proprietors or by a Jury as in the said recited Act and in this Act mentioned, and the Amount of such Damages may be recovered, levied, and applied in manner by such Acts directed with regard to other Damages; and in every such Case the said Company of Proprietors shall and they are hereby empowered and required to issue a Warrant or Warrants under their Common Seal to the Sheriff of the County in which the Lands or Hereditaments in question shall be situated, and in case such Sheriff or his Under Sheriff shall be one of the said Company of Proprietors, or enjoy any Office of Trust or Profit under them, or shall be in any way interested in the Matters in question, then to some One of the Coroners of such County who shall not be so interested as aforesaid, commanding such Sheriff or Coroner to empanel, summon, and return a Jury, which Jury shall accordingly be empanelled, summoned, and returned, in the Manner directed and provided in and by the said recited Act or this Act.

Damages not provided for how to be settled.

XXXVI. And

Receipt of
Parents or
Guardians of
Minors to
be a sufficient
Discharge.

XXXVI. And be it further enacted, That in all Cases where Money shall be payable under the Provisions of the said recited Act and of this Act, or either of them, to any Proprietor in the said Undertaking who shall be a Minor under the Age of Twenty-one Years, the Receipt of the Parent or Guardian for the Time being of such Minor shall be a sufficient Discharge to the said Company and their Treasurer for the same.

What shall
be considered
Coal for Ex-
portation.

XXXVII. And be it further enacted, That all Coal, Culm, Coke, Cinders, and other Articles which shall be shipped on board any Vessel in the River *Tees*, and entered at the Custom House of the Port of *Stockton-upon-Tees*, shall be deemed and taken to be for Exportation under the said recited Act and this Act.

The Word
"grant" in
Conveyances
from the
Company of
Proprietors
to amount to
certain Cove-
nants.

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

Power to
Justices to
administer
Oaths, &c.

XXXIX. And be it further enacted, That in all Cases where any Justice or Justices of the Peace is or are by the said recited Act and this Act, or either of them, authorized to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice or Justices, and he and they is and are hereby empowered and required, to administer an Oath to or to receive the Affirmation of any such Person before he shall be so examined.

Repealing
Clauses in
former Act
as to Com-

XL. And whereas by the said recited Act it is enacted, that in case the said then intended Railways or Tramroads shall not have been completed and made, so that Waggons and other Carriages may
pass

pass along the whole Lines thereof, within the Space of Six Years, to be computed from the passing of the said recited Act, then from and immediately after the Expiration of the said Term of Six Years all the Powers, Authorities, and Privileges given by the said recited Act shall cease and determine: And whereas it is expedient to grant further Time for completing the Railway or Tramroad and Branch Railways or Tramroads which the said Company are now authorized to make; be it further enacted, That the said Provision shall be and the same is hereby repealed.

pletion of
Railway.

XLI. Provided always, and be it further enacted, That in case the Railway or Tramroad and Branch Railways or Tramroads which the said Company are now authorized to make (except the Branch Railway commencing at or within *Sim Pasture Farm* aforesaid, and running to or near to the Deanery in the Parish of *Saint Andrew's Auckland* in the said County of *Durham*, which it is by the said recited Act enacted shall not be made without the Consent in Writing of the Right Honourable *John Earl of Eldon*, his Heirs and Assigns, first had and obtained, and which said Branch Railway or Tramroad it shall be lawful for the said Company of Proprietors to make and construct at any Time after procuring such Consent as aforesaid,) shall not have been completed and made, so that Waggons and other Carriages may pass along the whole Lines thereof, within the Space of Six Years, to be computed from the passing of this Act, then from and immediately after the Expiration of the said Term of Six Years all the Powers, Authorities, and Privileges given by this Act shall cease and determine.

If Railway
is not com-
pleted in Six
Years,
Powers to
cease.

XLII. And be it further enacted, That the Costs, Charges, and Expences of obtaining and passing this Act, and of making the Surveys, Plans, and Estimates, and all other Costs, Charges, and Expences relating to or concerning the same, or in any Manner incident thereto, shall be borne and defrayed by the said Company out of the Money already received, or out of the first Money to be received by virtue of the said recited Act or this Act, or either of them, in preference to all other Payments whatsoever.

Expences of
Act.

XLIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, impeach, abridge, restrain, alter, prejudice, or affect any Rights, Estates, Anchorage, Plankage, or other Duties, Tolls, Customs, Powers, Jurisdictions, Privileges, or Advantages whatsoever of or belonging to the Lord Bishop of *Durham* or his Successors, or any Person or Persons claiming under him, them, or any of them, or of or belonging to the Mayor, Aldermen, the Burgesses of the Borough of *Stockton* aforesaid, or of any Person or Persons claiming under them, or of or belonging to the *Tees Navigation Company*, or of any Person or Persons claiming under them; but saving and reserving to the several Parties herein-before mentioned all such Rights, Titles, and Interests as they or any of them had, exercised, and enjoyed before the passing of this Act, or as they could or might have had, exercised, or enjoyed if this Act had not been passed.

For preserv-
ing the
Rights of the
Bishop of
Durham, the
Town of
Stockton,
and the *Tees*
Navigation
Company.

Public Act.

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

The SCHEDULE to which the foregoing Act refers.

OWNERS.	OCCUPIERS.	Description of Property.
J. E. Denison and Edward Wilkinson, Esquires - - - }	R. & R. Johnson	Garden.
Robert Hopper Williamson, Esquire	Thomas Gibson	Plantation.
Ditto - - - - -	Ditto - -	Ditto.
Bryan John Salvin, Esquire - -	Himself - -	Ditto.
William Salvin, Esquire - -	Ditto - -	Ditto.
Philip Pearson - - - - -	Ditto - -	Orchard.
Ingleby Thomas Miller - -	John Prince -	Garth.
Reverend Dean and Chapter of Durham	Themselves - -	Plantation.
Bryan John Salvin - - - - -	Himself - -	Ditto.
William Cook - - - - -	F. Richardson -	Ditto.
R. E. D. Shaftoe, Esquire - -	J. Pattison -	Stack Yard.
R. E. D. Shaftoe, Esquire - -	Himself - -	Plantation.
R. Wharton Middleton, Esquire -	Himself - -	Ditto.
Ditto - - - - -	Ditto - -	Ditto.

THE SCHEMATIC TO WHICH THE FOLLOWING ARE REFERRED

Reference	Author	Title
1	W. H. D. Shaffer	...
2	W. H. D. Shaffer	...
3	W. H. D. Shaffer	...
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W. H. D. SHAFER, JR., Editor-in-Chief