



ANNO QUARTO

GEORGIIV. REGIS.

Cap. xxxiii.

An Act to enable the *Stockton and Darlington Railway Company* to vary and alter the Line of their Railway, and also the Line or Lines of some of the Branches therefrom, and to make an additional Branch therefrom, and for altering and enlarging the Powers of the Act passed for making and maintaining the said Railway.

[23d May, 1823.]

WHEREAS an Act was passed in the Second Year of the Reign of His present Majesty, intituled *An Act for making, and maintaining a Railway or Tramroad from the River Tees at Stockton to Witton Park Colliery, with several Branches therefrom, all in the County of Durham, which Railway or Tramroad, and the several Branches therefrom, were by the said Act authorized and directed to be made in the Line or Direction or several Lines or Directions, described and set forth in a certain Map or Plan and Book of Reference deposited with the Clerk of the Peace for the said County of Durham, as in the said Act is mentioned; and by the said Act several Persons are united and made One Body Politic and Corporate by the Name and Style of "The *Stockton and Darlington Railway Company*," for making such Railway, and the several Branches therefrom, and the several other Works necessary*

2 G. 4. c. 44.

[Local.]

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for

for carrying the said Act into execution. And whereas it has been found and ascertained, in the Course of the Operations now in progress under the Powers of the said recited Act, that the Line of the said Railway or Tramroad, and of some of the Branches thereof, are thereby authorized to be made, may be materially improved by making the Deviations and Alterations herein-after described or referred to. And whereas by Levels and Surveys lately made and taken it appears that a Branch Railway or Tramroad may be made, as herein-after described, to join or communicate with the said Railway or Tramroad at or near a certain House called Mill House, belonging to John Allan Esquire, and situate in Darlington Bondgate in the said County of Durham, and now in the Occupation of Anthony Simpson, and extending from thence to or near the East End of Croft Bridge in the Parish of Hurworth in the said County of Durham, which will be of considerable public Utility. And whereas it is found to be expedient that several of the Powers and Provisions contained in the said recited Act should be respectively altered, amended, enlarged and repealed in the Manner herein-after mentioned.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 it shall and may be lawful to and for the said Company of Proprietors, and they are hereby authorized and empowered, to make such several Deviations in the main Line of the said Railway or Tramroad, and in the Line or Lines of some of the Branches thereof, as are authorized, to be constructed as in the said recited Act mentioned, as are herein-after expressed and specified; (that is to say,) one of the said Deviations in the said main Line of the said Railway or Tramroad to be made from or near a certain Place called Cottage Row, situate in the Township of Stockton aforesaid, to join or communicate with the Line of the said Railway or Tramroad, as authorized to be made by the said recited Act, at or near the Western Extremity of the Boundary Fence between the Lands and Grounds belonging to the Lord Bishop of Durham, situate in the Township of Stockton aforesaid, and now in the Occupation of Martha Howson, and the Lands and Grounds belonging to and in the Occupation of Master John Jackson, and situate in the same Township; another of the said Deviations in the said main Line to be made from or near a certain Close or Field called Willow Close, Part of a Farm called Oak Tree House, situate in the Township of Middleton S. d. in the County of Durham, and belonging to Elisha Cooks Esquire, and the Trustees under the Will of Elizabeth Pemberton deceased, and now in the Occupation of John Oliver, to join or communicate with the Line of the said Railway or Tramroad, as authorized to be made by the said recited Act, at or near a certain Field (Part of a Farm called Whetoe) situate in the Townships of Whetoe and Houghton in the said County of Durham, belonging to and in the Occupation of the said John Jackson; another of the said Deviations in the said main Line to be made from or near a certain Close or Field, Part of a Farm called Mids Platt, belonging to Dorothy & Dunn, Ann Chrishop, and Christopher Terry, and situate in the said Township of Whetoe, and now in the Occupation of Robert Pallister, to join or communicate with the Line of the said Railway or Tramroad,

Power to alter the Line of Railway
 Powers made as additional Branch.

Plan and Book of Reference deposited with the Clerk of the Peace to remain there.

hath been deposited at the Office of the Clerk of the Peace for the said County of *Durham*; be it therefore further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace for the said County, to the End and Intent that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies thereof or Extracts therefrom, at their Will and Pleasure, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies of or Extracts from the said Book of Reference.

Line not to deviate more than 100 Yards.

IV. And be it further enacted, That the said Company of Proprietors, in making the said Deviations from or Alterations in the main Line of the said Railway or Tramroad and Branches therefrom, and in making the said new or additional Branch Railway or Tramroad by this Act respectively authorized to be made, shall not deviate more than One hundred Yards from the Course or Direction delineated in the said last-mentioned Map or Plan, nor so as to extend into the Lands or Grounds of any Person or Persons not mentioned in the said last-mentioned Book of Reference.

Land Owners omitted in the Book of Reference not to obstruct the making of the Deviations from the old Line, or of the new Branch.

V. And be it further enacted, That the said Company of Proprietors may make the said Deviations from or Alterations in the said main Line of the said Railway or Tramroad and the Branches therefrom, and may make the said new or additional Branch Railway or Tramroad, and other Works, into, through, across, or over the Lands or Grounds of any Person or Persons whomsoever, Bodies Politic, Corporate, or Collegiate, whose Name or Names shall appear to the Satisfaction of any Two or more Justices of the Peace for the said County of *Durham*, and to be by them certified under their Hands to be by Mistake omitted in the said Book of Reference, or that instead thereof the Name or Names of some other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom such last-mentioned Lands or Grounds do not belong, hath or have been by Mistake inserted therein, any thing herein contained to the contrary thereof in anywise notwithstanding.

Houses and Gardens not to be injured, except such as mentioned in the Schedule.

VI. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the making or maintaining of the said Deviations or Alterations in the said main Line of the said Railway or Tramroad, and in the Line or Lines of the said Branches therefrom, or for making and maintaining the said new or additional Branch Railway or Tramroad, and other Buildings and Works hereby authorized to be made, or any of them, or for any other of the Purposes of this Act, any House or other Building which was erected and built on or before the Fourth Day of *February* One thousand eight hundred and twenty-three, or any Land or Ground which on or before the said Fourth Day of *February* One thousand eight hundred and twenty-three was set apart and used as or for any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent in Writing of the Owners and Occupiers thereof

thereof and Persons interested therein respectively (other than and except those specified in the Schedule annexed to this Act).

VII. And whereas it will be expedient and necessary for the said Company of Proprietors to erect Steam Engines or other proper Machines in certain Places upon or near to the said Railways or Tramroads by the said recited Act and this Act directed or authorized to be made for the Purpose of facilitating the Transport, Conveyance, and Carriage of Goods, Merchandize, and other Articles and Things upon and along the same; be it therefore further enacted; That it shall and may be lawful for the said Company of Proprietors; and they are hereby authorized and empowered, from and after the passing of this Act, by themselves, or by their Deputies, Agents, Officers, Workmen, or Servants, to make, erect, and set up one permanent or fixed Steam Engine or other proper Machine in such convenient Situation at or near each of the Inclined Planes, which shall be made by virtue or in pursuance of the said recited Act or of this Act, as the said Company of Proprietors shall think proper, and to take and purchase from any Person or Persons, Bodies Politic, Corporate, or Collegiate, or Corporation Aggregate or Sole, who shall be willing to sell the same, any Lands, Tenements, or Hereditaments which may be necessary or convenient for that Purpose, so as the entire Quantity of the Lands, Tenements, or Hereditaments to be taken and appropriated for the Purpose aforesaid do not exceed in the whole Two Acres for any one Engine; and also, with the Consent of the Owner or Owners of the Lands in or through which the same shall be made, to make such and so many Wells, Watercourses, Drains, and other Works for supplying the said Steam Engines and other Machines with Water as shall be deemed requisite or convenient, and for the Purposes aforesaid, or any of them to purchase, take, and use the Lands and Grounds of any Person or Persons, Bodies Politic or Collegiate, who shall be willing to sell the same.

Power for the Company to erect Steam Engines, and to purchase Land, not exceeding Two Acres in the whole, for the Purposes

Power to make and use loco-motive or moveable Engines on the Railway

VIII. And be it further enacted, That it shall and may be lawful for and for the said Company of Proprietors, or any Person or Persons authorized or permitted by them, from and after the passing of this Act, to make and erect such and so many locomotive or moveable Engines as the said Company of Proprietors shall from Time to Time think proper and expedient, and to use and employ the same in or upon the said Railways or Tramroads, or any of them, by the said recited Act and this Act directed or authorized to be made for the Purpose of facilitating the Transport, Conveyance, and Carriage of Goods, Merchandize, and other Articles and Things upon and along the same Roads, and for the Conveyance of Passengers upon and along the same Roads.

Power to make and use loco-motive or moveable Engines on the Railway

IX. And whereas it is in and by the said recited Act enacted, that the said Company of Proprietors shall have full Liberty and Power to purchase any Parcel of Land, not exceeding Five Acres in the whole, for the Purpose of making a Wharf or Wharfs: And whereas it may tend to the public Advantage and Accommodation if the said Company of Proprietors be empowered to purchase a greater Quantity of Land than Five Acres, and also to purchase any Messuages or other Buildings for the Purpose of making and erecting a Wharf or Wharfs, and also for the

Repealing the Part of the recited Act which relates to the Quantity of Land to be purchased for Wharfs.

[Local.]

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Purpose

And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered to contract with any Person or Persons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, for the Purchase of any Parcel or Parcels of Land, Messuages, Buildings, or Hereditaments (not exceeding in the whole Twenty Statute Acres), in such Place or Places as shall be deemed eligible or convenient for the Purpose of making and erecting a Wharf or Wharfs, and also for the Purpose of making, erecting, forming, and providing any Coal Yards, Staiths, Messuages, Warehouses, and other Buildings and Conveniences, for the Purpose of receiving, lodging, depositing, or keeping any Goods, Merchandize, or other Things carried or conveyed, or intended to be carried or conveyed, upon the said Railways or Tramroads, or any of them; or for making any convenient Roads, Avenues, or Ways leading thereto, or for any other Purposes whatsoever connected with the said Railways or Tramroads, or any of them, which the said Company of Proprietors shall judge requisite and necessary; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate, and Sole, and all other Persons whomsoever, to sell and grant or convey to the said Company of Proprietors, and their Successors any Parcel or Parcels of Land, Messuages, Buildings, and Hereditaments whatsoever, for the Purposes last aforesaid or any of them, in the same Manner as Parties are authorized and empowered to convey Lands under and by virtue of the said recited Act, 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 last aforesaid or any of them, will not, together with any other Lands and Hereditaments previously purchased by the said Company of Proprietors for the same Purposes or any of them, amount to or make up a greater Quantity of Land than Twenty Acres in the whole.

Empowering the Company to purchase Twenty Money Agreements Land.

X. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered to contract with any Person or Persons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, for the Purchase of any Parcel or Parcels of Land, Messuages, Buildings, or Hereditaments (not exceeding in the whole Twenty Statute Acres), in such Place or Places as shall be deemed eligible or convenient for the Purpose of making and erecting a Wharf or Wharfs, and also for the Purpose of making, erecting, forming, and providing any Coal Yards, Staiths, Messuages, Warehouses, and other Buildings and Conveniences, for the Purpose of receiving, lodging, depositing, or keeping any Goods, Merchandize, or other Things carried or conveyed, or intended to be carried or conveyed, upon the said Railways or Tramroads, or any of them; or for making any convenient Roads, Avenues, or Ways leading thereto, or for any other Purposes whatsoever connected with the said Railways or Tramroads, or any of them, which the said Company of Proprietors shall judge requisite and necessary; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate, and Sole, and all other Persons whomsoever, to sell and grant or convey to the said Company of Proprietors, and their Successors any Parcel or Parcels of Land, Messuages, Buildings, and Hereditaments whatsoever, for the Purposes last aforesaid or any of them, in the same Manner as Parties are authorized and empowered to convey Lands under and by virtue of the said recited Act, 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 last aforesaid or any of them, will not, together with any other Lands and Hereditaments previously purchased by the said Company of Proprietors for the same Purposes or any of them, amount to or make up a greater Quantity of Land than Twenty Acres in the whole.

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

XI. And be it further enacted, That it shall and may 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, and shall have actually purchased for the Purposes of this Act or the said recited Act, on any of them, 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 advisable or 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

tract for the Purchase of any other Messuages, Lands, Tenements, and Hereditaments more eligible or convenient for the Purposes aforesaid for 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 the Purposes herein before mentioned shall not exceed at any one Time the Quantity or Number of Acres by this Act or the said recited Act specified or allowed for the same respective Purposes.

XII. Provided always, and be it further enacted, That upon Payment of the Money which shall arise by the Sale or Sales of such 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 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 Non-appropriation of such Purchase Money, or any Part thereof.

XIII. Provided also, 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, his, her, or their Heirs, Sequels in Right, Executors, Administrators, or Assigns, from whom they shall have purchased such Messuages, Lands, Tenements, or Hereditaments, and such Person or Persons, in case he, she, or they shall be desirous of repurchasing the same, shall signify such his, her, or their Desire, and Intention, in that Behalf to the said Company of Proprietors, through their Chief Clerk or Chief Clerks, within Fifteen Days after such Offer of Re-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 repurchase such Messuages, Lands, Tenements, and Hereditaments for the Space of Fifteen Days, then and in every such Case an Affidavit, 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 for 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 a further Affidavit, made and sworn in like Manner by the Chief Clerk or Chief Clerks of the said Company, 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 Fifteen Days from the Day or Time of making the same, shall in all Courts whatever 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 or repurchasing the

the Company of Proprietors to purchase Money to give Receipts And

Lands intended to be resold to be first offered to former Owners.

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

the same, and he, she, or they, and the said Company of Proprietors, shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in the Manner directed in and by the said recited Act with respect to the disputed Value of 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 is directed with respect to Purchases made by the said Company of Proprietors, *mutatis mutandis*, and the Money produced by the Sale or Sales which may be made by the said Company of Proprietors of such Messuages, Lands, Tenements, and Hereditaments, as aforesaid, shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money, or 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 respectively specified or allowed.

Mode of proceeding where Persons having preferable Right to purchase are absent.

XIV. Provided always, and be it further enacted, That in all Cases where, by reason of Absence or otherwise, the Person or Persons from whom the Lands or Buildings to be resold shall have been purchased, or who would have been then entitled thereto as aforesaid, cannot be found, it shall and may be lawful to and for the said Company of Proprietors, by public Advertisement inserted Three successive Weeks in some Newspaper published within the County in which such Lands or Buildings shall be situated, or in case there shall be no such Paper then in *The London Gazette*, to offer to resell such Lands or Buildings to the said Person or Persons; and if no Application shall be made to the said Company of Proprietors, signed by or on behalf of the said Person or Persons, accepting such Offer, within Two Calendar Months from the Date of the said Advertisement, such Omission or Neglect shall be considered, deemed, and taken as a Refusal on the Part of such Person or Persons to repurchase the same.

Restraining the Company from purchasing more than Twenty Acres of Land from incapacitated Persons, &c.

XV. And whereas the said Company of Proprietors are enabled to purchase Twenty Statute Acres of Land by virtue of this Act, for the Purposes thereof and of the said recited Act, and all Bodies Politic, Corporate, or Collegiate, Corporations, Aggregate or Sole, and all other 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 other Trustees for or in 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, and again purchasing other Lands from 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,

trustees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Females 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 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 Foffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Females 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 Twenty Statute Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Twenty 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 Foffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Females 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 those Twenty Statute Acres, or any Part thereof, so sold or disposed of by the said Company.

XVI. And whereas in and by the said recited Act, after stating or taking notice that the probable Expence of making the said Railways or Tramroads, and other Works thereby authorized to be made, would amount to the Sum of Eighty-two thousand Pounds, and that the Sum of Sixty-six thousand Pounds, being more than Four-fifth Parts thereof, had been then subscribed by several Persons under a Contract, binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them subscribed respectively, it was further enacted, that the whole of the said Sum of Eighty-two thousand Pounds should be subscribed in like Manner before any of the Powers given by the same Act should be put in force: And whereas the probable Expence of making the said Railways or Tramroads, with the Deviations or Alterations, and the said new or additional Branch authorized to be made by this Act, will amount to the Sum of Seventy-four thousand three hundred Pounds, and no more, and the whole of the said Sum of Seventy-four thousand three hundred Pounds hath been already subscribed by several Persons under the Contract herein before referred to; be it therefore further enacted, That the said Provision in the said recited Act contained, restraining or prohibiting the putting in force the Powers thereby given, shall be and the same is hereby repealed; and that the said Sum of Seventy-four thousand three hundred Pounds, so subscribed as herein before mentioned, shall be applied in making and maintaining as well such Part of the said Railways or Tramroads, and Branch Railways or Tramroads (including the Branch Railway to Ewen-

Recital of former Act as far as concerns the Estimate of Expence of and Subscriptions entered into for making the Railway.

[Local.]

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Wood

wood Lanes respectively authorized, to be made by the said recited Act; and the same shall be intended to be as the said Deviations or Alterations, and the said new or additional Branch Railway or Tramroad, and other Works by this Act authorized to be made; and that the several Persons who have signed and executed the said Contract shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Company of Proprietors or their Committee, under and by virtue of the Powers and Directions contained in the said recited Act at such Times and Places, and to such Person and Persons, as the said Company of Proprietors or their Committee shall direct, and in such Manner as in the same Act is mentioned; and that in case any Person or Persons shall refuse or neglect to pay the same at the Time and in the Manner so required or directed by the said Company of Proprietors shall have all such Remedies and Powers for the recovering and obtaining Payment thereof as are given and provided in that behalf by the said recited Act.

XVII. And whereas by the Marriage or Death of Proprietors of Shares in the said Railways or Tramroads, by the said recited Act and this Act authorized to be made, it may be difficult to ascertain to whom the Dividends arising hereon becoming due upon such Shares ought to be paid or may belong, be it therefore enacted, That before any Person or Persons who shall claim any Part of the Profits of the said Railways or Tramroads in right of Marriage shall be entitled to receive the same, or to vote in respect of any Shares, an Affidavit or in case of a Person being of the Society called Quakers a solemn Affirmation, in Writing, containing a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, shall be made and sworn to, or solemnly affirmed, by some credible Person before a Master or a Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace, and shall be transmitted to the Chief Clerk or Chief Clerks of the said Company of Proprietors, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk or Clerks for the Entry of Transfers or Sales of Shares of the said Railways or Tramroads; and that before any Person or Persons who shall claim any Part of the Profits of the said Railways or Tramroads by virtue of any Bequest or Will, or of any Administration, shall be entitled to receive the same, or to vote in respect of any Shares, the said Will, or the Probate thereof, or the Letters of Administration, shall be produced and shown to the said Clerk or Clerks, or a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or a Copy of such Letters of Administration, in case of Intestacy, shall be made and sworn, or solemnly affirmed to, by the Executor or Executors of the said Will, or the Administrator or Administrators of the Intestate, before a Master or a Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace, as aforesaid, and shall also be transmitted to the said Clerk or Clerks, who shall file and enter the same as herein before mentioned; and that in all Cases other than therein before mentioned, whether the Right and Property of any Share or Shares in the said Railways or Tramroads shall pass from the Proprietor or Proprietors to any other Person, the same shall be held to be held on the First Friday in the Month

Receipt of Parents or Guardians of Minors Subscribers to be a sufficient Regulation as to Acquisition of Shares. In case Mortgage shall be paid off, Power to raise the Amount arising

General Meetings

thereof to any other Person or Persons, by any other legal Means than by a Transfer and Conveyance thereof as herein directed and an Affidavit or solemn Affirmation in Writing shall be made and sworn or solemnly affirmed to, by One or more credible Person or Persons before a Master or a Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons; and such Affidavit or solemn Affirmation shall be transmitted to the Chief Clerk or Chief Clerks of the said Company, who shall thereupon enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors of the said Railways or Tramroads; and in such manner as in the same Act is mentioned; and in case any Person or Persons shall refuse or neglect to pay the same as to XVIII. 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: And be it also enacted, That in the said Railways or Tramroads in the said Act mentioned, it may be difficult to ascertain to whom the Dividend is due, and be it further enacted, That in such Cases the said Company of Proprietors shall raise any Part of the additional Sum of Twenty thousand Pounds in and by the said recited Act authorized and empowered to be raised and borrowed upon Mortgage or Promissory Notes in the Manner therein mentioned, or by either of those Modes, and shall afterwards be required or be desirous to pay off or shall pay off all for any Part of the Principal Sum or Sums secured or intended to be secured by such Mortgage or Promissory Notes, or any one either of them, 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 by either of the said Ways or Means, 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 Mortgage or Promissory Notes, or any of them, or any Party or Parties thereof, but all Interest upon the said Mortgage and Notes 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; so that the said Company of Proprietors shall not in any Event borrow upon Mortgage or Promissory Notes more than the Principal Sum of Twenty thousand Pounds in the whole, and in case of Intestment of such Letters of such Letters of Executors or Executors of the said Company of Proprietors, or by the said recited Act directed, that One General Meeting of the said Company of Proprietors shall be holden on the First Friday in the Month of June in every Year, and in regard that it will be more convenient to the said Company of Proprietors that their General Annual Meeting shall be holden on the Second Tuesday in the Month of July in every Year, be it therefore enacted, That so much of the said recited Act as directs the General Annual Meeting of the said Company of Proprietors to be holden on the First Friday in the Month

Receipt of Parents or Guardians of Minors Subscribers to be a sufficient Discharge of the same as to notice of shares

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

General Meetings

of

courses, Feeders, Drains, and Bridges as the said Justices shall have
 before directed or appointed to be made as aforesaid, and to repair and
 maintain the same from Time to Time as Occasions shall require so that
 in making and maintaining such Watercourses, Feeders, Drains, and
 Bridges as aforesaid the said Railways or Tramroads and other Things
 hereby or by the said recited Act authorized to be made by the said Com-
 pany of Proprietors, shall not be obstructed or hindered for any longer
 Space of Time or in any other Manner than shall be necessary for the
 doing thereof; and all the reasonable Costs and Charges thereof, to be
 settled and allowed by the said Justices, shall be repaid to the respective
 Owners or Occupiers of the said Lands and Hereditaments who shall
 have so made, repaired, or maintained such Watercourses, Feeders,
 Drains, and Bridges as aforesaid or any of them, by the said Company
 of Proprietors by the Space of thirty Days next after the same shall
 have been so settled and allowed, and an Account and Demand in writ-
 ing shall have been delivered and made thereof to and from the said
 Company of Proprietors; and in default of Payment of the said Costs
 and Charges within the time aforesaid the said Justices shall and they
 are hereby required by Warrant under their Hands and Seals, to levy
 the said Costs and Charges by Distress and Sale of any of the Goods
 and Chattels of the said Company of Proprietors for the Use of such
 Person or Persons to whom such Costs and Charges shall have been allowed,
 rendering to the said Company of Proprietors the Overplus (if any)
 after deducting the reasonable Charges of making such Distress and Sale,
 to be settled by the said Justices, and every or any of the said Owners
 or Occupiers upon Refusal or Neglect by the said Company of Prop-
 rietors to pay the said Costs and Charges as aforesaid, shall and may
 also have such and the like Remedy against them or any of them for
 the Recovery thereof by Action at Law, and to be commenced and pro-
 secuted in such Manner as in other Cases is by the said recited Act and
 this Act, or by either of them prescribed and directed to be done in
 or near to or adjoining the said additional Branch Railway or Tramroad,
 and XXVII Provided always, and be it further enacted, That if the Owners or
 Occupiers of any Lands or other Hereditaments through which the said
 Railways or Tramroads shall be made do or shall at any Time or Times
 hereafter apply to the said Justices for any of the Watercourses, Feeders, and
 Bridges respectively which the said Justices shall have so directed or
 appointed to be made by the said Company of Proprietors, or which
 without such Direction shall have been made by them, are insufficient,
 either in their Number, Size, Length, or Situation, for the commodious
 and effectual supplying of the Cattle to be depastured or kept in or upon
 the said Lands for the Hereditaments with Water, according to the true
 Meaning of this Act, then and in every such Case, and so often as the
 same shall happen, it shall be lawful for any such Owners or Occupiers,
 with the Consent and Approbation of the said Company of Proprietors
 upon Request made to them, or in case of their Refusal for the Space
 of thirty Days next after such Request, then with the Consent and
 Approbation of the said Justices, to make and furnish at their own Costs
 and Charges any such Watercourses, Feeders, Drains, and Bridges
 along the Side of any of the said Railways or Tramroads, in such
 Places as shall be found and adjudged most necessary and convenient for
 the better supplying of such Cattle with Water as aforesaid, and for the
 better

Provision of
 former Act
 to apply to
 this

Proprietors
 and Occu-
 piers to make
 Watercourses
 at their own
 Expence.

Alteration
 and new
 Branches
 not com-
 pleted within
 five Years
 Powers of
 this and the
 former Act
 to cease ex-

better Use, Cultivation, Improvement, and Occupation of such Lands or Hereditaments, and for repair and support of the same at their own Costs and Charges as Occasions shall require, so that their Passage through or along the said Railways or Tramroads be not prevented nor obstructed thereby for any longer Space of Time than in any Manner that the same would necessarily have been if such Water courses, Fences, Drains, and Bridges had been made by the said Company of Proprietors.

XXVI. And be it further enacted, That the said recited Act, and the several Powers, Privileges, Authorities, Advantages, Directions, Restrictions, Provisions, Rates, Duties, and other Matters and Things therein contained, so far as the Nature and Circumstances of the Case will admit (except such as are by this Act altered or repealed) shall be used, enjoyed, exercised, and enforced by the said Company of Proprietors and their Deputies, Agents, Workmen, Surveyors, and Servants, for making, completing, preserving, maintaining, directing, and managing, as well the said Branch Railway or Tramroad terminating at or near the East End of *Croft Bridge* aforesaid, and the said Deviations hereby authorized to be made in the said main Line of the said Railway or Tramroad, and of the said Branches therefrom terminating at or near *Cotton Turnpike Gate*, and *Northgate Bridge* respectively, as if such Parts of the said Railway or Tramroad, and the said Branches therefrom, as have been or are meant and intended to be made by virtue of the said recited Act, and also for making, erecting, executing, performing, supporting, and preserving all such other Works, Matters, and Things as shall be deemed necessary or expedient for the said Undertaking, and for defraying the Expenses thereof; and also shall and may be used and exercised by the Owners and Proprietors of Lands lying near to or adjoining the said Deviations or Alterations in the said main Line of the said Railway or Tramroad, and the Branches therefrom, and also lying near to or adjoining the said additional Branch Railway or Tramroad, or any of them respectively, in such and the like Manner and as fully and effectually in all respects, and to all Intents and Purposes, as if the said several Powers, Privileges, Authorities, Advantages, Directions, Restrictions, Provisions, Rates, Duties, and other Matters and Things contained or enacted in the said recited Act, were repeated and re-enacted in this present Act, and as if the Deviations from or Alterations in the said main Line of the said Railway or Tramroad, and the Branches therefrom, and the said new or additional Branch Railway or Tramroad, and other Works by this Act authorized to be made, completed, and maintained, had been described in the said recited Act, as Part of the Railway or Tramroad, and Branches and other Works authorized to be made by virtue of the same Act.

Provisions of former Act to apply to this.

Proprietors and Occupiers to make Watercourses at their own Expense.

XXVII. Provided always, and be it further enacted, That in case the said intended Deviations from or Alterations in the main Line of the said Railway or Tramroad, and in the Line or Lines of the said Branches therefrom, and also the said new or additional Branch Railway or Tramroad, and all the Works, Matters, and Things belonging thereto, are not completed, or finished within the Space or Term of Five Years, to be computed from

Alterations and new Branches not completed within Five Years, Powers of this and the former Act to cease ex-

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4 GEORGII IV. Cap. xxxiii.

cept as to such Parts as shall be then completed.

the passing of this Act, then from, and after the Expiration of the said Term of Five Years, all the Powers, Authorities, and Privileges by this Act, and also by the said recited Act given to or conferred upon the said Company of Proprietors, for making such several Deviations or Alterations, and such new or additional Branch Railway or Tramroad respectively, shall cease and determine, save only and except as to so much of the said intended Deviations or Alterations, and of the said new or additional Branch Railway or Tramroad, and the several Works, Matters, and Things respectively belonging thereto or connected therewith, or any of them, as shall have been declared and certified to have been made, completed, and finished within the said Term by the Justices of the Peace of the said County of *Durham* assembled at any General Quarter Sessions of the Peace to be holden in and for the said County, within Six Calendar Months next after the Expiration of the said Term, upon the Evidence of One or more Witness or Witnesses to be examined before them upon Oath for that Purpose.

Justices at their General Quarter Sessions to extend the Time for Two Years.

XXVIII. Provided also, and be it further enacted, That notwithstanding any thing in this Act or in the said recited Act contained to the contrary, in case it shall be proved and made to appear to the said Justices assembled at any General Quarter Sessions of the Peace to be holden in and for the said County of *Durham* at any Time before the Expiration of the said Term of Five Years, upon the Evidence of Two or more Witnesses to be examined before them upon Oath, that the said Company of Proprietors have been prevented from making, completing, and finishing the said intended Deviations from or Alterations in the main Line of the said Railway or Tramroad, and in the Line or Lines of the said Branches therefrom, and also the said new or additional Branch Railway or Tramroad, and all the Works, Matters, and Things respectively belonging thereto or connected therewith, or any of them, by any inevitable Accidents or unforeseen Contingencies, or that the said Company of Proprietors have used all due and reasonable Diligence to make, complete, and finish the same respectively and every of them within the said Term of Five Years, then and in such Case it shall be lawful for the said Justices assembled as aforesaid to extend or enlarge the Time for making, completing, and finishing the said several Deviations or Alterations, and the said new or additional Branch Railway or Tramroad, Works, Matters, and Things, and every or any of them, for the further Space or Term of Two Years, to commence and be computed from the Expiration of the said Term of Five Years.

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

XXIX. Provided always, and be it further enacted, That the said recited Act, so far as the same relates to or concerns any Lands, Grounds, or Hereditaments through, in, or upon which so much and such Part or Parts of the said Railway or Tramroad, and Branches therefrom, thereby authorized to be made, as shall be relinquished or shall not be made by reason of the Deviations or Alterations in and by this Act directed to be made as aforesaid, was or were originally intended to pass, shall be and the same is hereby repealed, except only so far as the same may have been acted upon previously to the passing of this Act.

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

Expences of the Act shall be made out of the Money received or to be received or raised by virtue of the said recited Act and this present Act, or either of them, in preference to all other Payments whatsoever.

XXXI. 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. And the said Act shall be held in and for the said County, within six Months next after the Expiration of the said Term, upon the Evidence of One or more Witnesses or Witnesses to be examined before them upon Oath for that Purpose.

Public Act.

XXVIII. Provided also, and be it further enacted, That notwithstanding any thing in this Act or in the said recited Act contained to the contrary, in case it shall be proved and made to appear to the said Justices assembled at any General Quarter Sessions of the Peace to be holden in and for the said County of Durham at any Time before the Expiration of the said Term of Five Years, upon the Evidence of Two or more Witnesses to be examined before them upon Oath, that the said Company of Proprietors have been prevented from making, completing, and finishing the said intended Deviations from or Alterations in the main Line of the said Railway or Tramroad, and in the Line or Lines of the said Branches therefrom, and also the said new or additional Branch Railway or Tramroad, and all the Works, Matters, and Things respectively belonging thereto or connected therewith, or any of them, by any inevitable Accidents or unforeseen Circumstances, or that the said Company of Proprietors have used all due and reasonable Diligence to make, complete, and finish the same respectively and every of them within the said Term of Five Years, then and in such Case it shall be lawful for the said Justices assembled as aforesaid to extend or enlarge the Time for making, completing, and finishing the said several Deviations or Alterations, and the said new or additional Branch Railway or Tramroad, Works, Matters, and Things, and every of them, for the further Space or Term of Two Years, to commence and be computed from the Expiration of the said Term of Five Years.

Justices at their General Quarter Sessions to extend the Time for Two Years.

XXIX. Provided always, and be it further enacted, That the said recited Act, so far as the same relates to or concerns any Lands, Tenements, or Hereditaments through, in, or upon which so much and such Part of the Line of the said Railway or Tramroad, and Branches therefrom, as shall be relinquished or shall not be relinquished, shall be authorized to be made, as shall be directed by this Act directed to be made as aforesaid, was or were originally intended to pass, shall be and the same is hereby repealed, except only so far as the same may have been acted upon previously to the passing of this Act.

Justices at their General Quarter Sessions to extend the Time for Two Years.

The SCHEDULE referred to by the foregoing Act.

4^o GEORGE IV. Cap. xxxiii.

Numbers in the Plan.	Land Owners Names.	Occupiers Names.	Description of Premises.	Parishes.
MAIN LINE.				
126	Sir R. J. Eden Bart. - -	Henry Thomson - - -	Garth - - -	St. Andrew's, Auckland.
33	Sir P. Musgrave Bart. - -	John Parker - - -	Fold Yard - - -	Heighington.
140	James Crow - -	Himself - - -	Plantation of Forest Trees - -	Houghton.
BRANCH TO COUNDON.				
206	Josiah Smithson - -	John Burton - - -	Plantation of Forest Trees - -	St. Andrew's, Auckland.
BRANCH TO CROFT.				
310	Thomas Davison - -	Himself - - -	Plantation of Forest Trees - -	Harworth.
320	Ditto - -	George Coates - - -	Garden - - -	Ditto.
321	Ditto - -	Phillis Snaith - - -	Ditto - - -	Ditto.
322	Ditto - -	Robert Marshall - - -	Ditto - - -	Ditto.
DARLINGTON BRANCH.				
253	William Backhouse - -	Himself - - -	Shrubbery - - -	Darlington.
256	George Allan Esq. - -	W. Walters - - -	Garden - - -	Ditto.
257	Ditto - -	Ditto - - -	Ditto - - -	Ditto.