



ANNO NONO

GEORGII IV. REGIS.

Cap. lx.

An Act to enable the Company of Proprietors of the *Stockton and Darlington* Railway to make a Branch therefrom in the Counties of *Durham* and *York*, and to amend and enlarge the Powers and Provisions of the several Acts relating thereto. [23d May 1828.]

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*: And whereas another Act was passed in the Fourth Year of the Reign of His said present Majesty, intituled *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*: And whereas another Act was passed in the Fifth Year of the Reign of His said present Majesty, intituled *An Act to authorize the Company of Proprietors of the Stockton and Darlington Railway to relinquish one of their Branch Railways, and to enable them to make another Branch Railway in lieu thereof; and to enable the said Company to raise a further Sum of Money, and to enlarge the Powers and Provisions of the several Acts relating to the said Railway*: And whereas

[Local.] 15 G it

1 & 2 G. 4.
c. 44.

4 G. 4. c. 33.

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5 G. 4. c. 48.

Powers of
recited Acts
(except as
herein al-
tered) applied
to this Act.

Company
authorized
to make a
new Branch
Railway.

it would be of public Advantage if a new Branch Railway were made from and out of the said Main Railway, to commence at or near to that Part of such Main Railway where it crosses a certain Lane or Road called *Bowesfield Lane*, in the Township of *Stockton* in the County of *Durham*, and to extend thence to and to terminate in or near to a certain Close or Parcel of Ground adjoining the River *Tees* in the Township of *Linthorpe* otherwise *Leventhorpe*, or *Middlesbrough* or *Acklam*, in the North Riding of the County of *York*, in the Occupation of *William Cass*, and belonging to *Thomas Hustler* of *Acklam Hall* in the said North Riding of the County of *York*, Esquire: And whereas it is expedient that some of the Powers and Provisions contained in the said recited Acts, or in some of them, should be repealed or altered, amended, extended, enlarged, and explained, and that further and more effectual Powers and Provisions should be granted and made, and that Money should be raised in manner herein-after mentioned: And whereas the several Purposes herein-before mentioned 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 Acts, and all and every the Powers and Provisions, Restrictions, Limitations, Rates, Tolls, Duties, Penalties, Forfeitures, Payments, Exemptions, Remedies, Matters, and Things therein respectively contained, shall (so far as the same respectively are applicable to this Act, and are not 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 and re-enacted in this Act.

II. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make and maintain a new Branch Railway from and out of the said Main Railway, commencing at or near to that Part of such Main Railway where it crosses a certain Lane or Road called *Bowesfield Lane*, in the Township of *Stockton* in the County of *Durham*, and passing thence through or into the Township of *Stockton* aforesaid, thence over and across the River *Tees*, (by means of a Passage or Bridge to be erected from or near to a certain Close called *Peel Nook*, in the Township of *Stockton* aforesaid, to the opposite Shore in the Township of *Thornaby* in the North Riding of the County of *York*, called *Carr-House Field*;) and thence passing through or into the several Parishes, Townships, Hamlets, or Places of *Thornaby* aforesaid, and of *Stainsby*, *Stainton*, *Acklam*, *Newport*, *Middlesbrough*, *Linthorpe* otherwise *Leventhorpe*, and *Ormesby*, in the North Riding of the County of *York*, and terminating in or near to a certain Close or Parcel of Ground adjoining the said River *Tees* in the Township of *Linthorpe* otherwise *Leventhorpe*, or *Middlesbrough* or *Acklam* aforesaid, in the Occupation of *William Cass*, and belonging to *Thomas Hustler* of *Acklam Hall* in the said North Riding of the County of *York*, Esquire; and also to dig and make proper Foundations for the

the Purpose of erecting the Passage or Bridge upon the Line of the said new Branch Railway as aforesaid, and all necessary Piers and Abutments, and for other Purposes connected therewith, and to cut and level the Banks of the said River *Tees*, and to cut, remove, take and carry away, or use all Beds of Gravel, Sand, Mud, or other Impediments whatsoever, and to make, construct, do, execute, perform, and maintain all such Works, Matters, and Things as shall be requisite or expedient for making, maintaining, and repairing the said new Branch Railway, Passage, or Bridge, and other Works by this Act authorized, in manner by this Act directed, and according and subject to the Provisions and Restrictions contained in the said recited Acts and this Act.

III. Provided always, and be it further enacted, That one of the Arches of the Passage or Bridge to be erected across the River *Tees* by virtue of this Act shall be Seventy-two Feet wide at the least, and the under Keystone of such Arch shall not be less than Nineteen Feet in Height from the Surface of the Low Water Mark, to the Intent that the Navigation of the said River *Tees* may not in anywise be defeated, prejudiced, or obstructed.

Prescribing
Width and
Height of
Passage over
the *Tees*.

IV. And be it further enacted, That the Distance between the inside Edges of the Rails of the said new Branch Railway or Tramroad shall not be less than Four Feet and Eight Inches, and that the Distance between the outside Edges of the Rails of the said Railway or Tramroad shall not be more than Five Feet and One Inch.

Width of
Rails of
Railway.

V. And whereas a Map or Plan, describing the Line of the said new Branch hereby authorized to be made, and the Lands in, upon, or through which the same is to be made or carried, together with a Book of Reference thereto, containing Lists of the Names of the Owners or reputed Owners and of the Occupiers of such Lands, hath been deposited at the respective Offices of the Clerk of the Peace for the County of *Durham*, and the Clerk of the Peace for the North Riding of the County of *York*; be it therefore further enacted, That the said several Maps or Plans and Books of Reference shall remain in the Custody of the said respective Clerks of the Peace with whom they have been deposited as aforesaid, to the end that all Persons may at all seasonable Times have Liberty to inspect the same, and to take Copies thereof or Extracts therefrom at their Pleasure, paying to the respective Clerks 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 same; and the said Company of Proprietors, in making the said new Branch Railway and other Works by this Act authorized as aforesaid, shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Maps or Plans, nor in such a Manner as to extend into any Land or Ground, the Owners of which are not mentioned in the said Books of Reference.

Plan and
Book of Re-
ference to
remain de-
posited with
Clerk of
Peace.

Proprietors
not to deviate
from Plan.

VI. Provided nevertheless, and be it further enacted, That the said Company may make the said new Branch Railway and other Works hereby authorized into, through, across, or over and upon the

Errors in
Books of Re-
ference not to
obstruct the

making the
new Branch
Railway.

the Lands or Grounds of any Person or Persons, or of any Body or Bodies Politic, Corporate, or Collegiate, if it shall appear to the Satisfaction of any Two or more Justices of the Peace for the County within which such Lands or Ground may be, (and shall be by them certified in Writing under their Hands,) that the Name or Names, Title or Titles, Designation or Designations of such Person or Persons, Body or Bodies, shall have been by Mistake omitted in the said Maps or Plans or Books of Reference, or across any Roads, Brooks, or Rivulets which shall so appear and be certified to have been omitted by Mistake in manner aforesaid, and that instead thereof the Name or Names, Title or Titles, Designation or Designations of some other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom such Lands or Grounds do not belong, shall 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 are men-
tioned in the
Schedule.

VII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of this Act, any House or other Building, or any Ground which on or before the First Day of *December* One thousand eight hundred and twenty-seven formed the Site of any House or other Building, or any Land or Ground which at that Period was set apart and used as and for a Garden, Orchard, Yard, Park, Curtilage, Paddock, Plantation, planted Walk, or Avenue to a House, without the Consent in Writing of the Owners and Occupiers thereof, and Persons interested therein respectively, other than and except such as are specified in the Schedule to this Act annexed.

Deficiencies
in Land Tax
to be made
good by the
Company.

VIII. And whereas by reason of the Exercise of the Powers granted by this Act, there may be Deficiencies in the Assessments for Land Tax in the several and respective Parishes, Townships, Hamlets, or Places from, in, through, or into which the Works hereby authorized may pass or be situate; be it therefore enacted, That the said Company shall, from and after they shall have become seized and possessed, by virtue of the Powers of this Act, of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, (unless the said Company shall think fit to redeem the same under the Powers of the Act for the Redemption of the Land Tax,) be subject and liable from Time to Time to pay and make good to or in aid of the said several Parishes, Townships, Hamlets, or Places respectively, out of the Monies to arise by virtue of this Act, all such Sum and Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said several Parishes, Townships, Hamlets, or Places respectively, by reason or means of taking down or using, or cutting through, over, or upon, for the Purposes of this Act, any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act, and the Treasurer, Collector, or Receiver of the said Company shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collectors of the said Assessments.

IX. Pro-

IX. Provided also, and be it further enacted, That if the said Company shall not, within the Space of Three Years, to be computed from the passing of this Act, agree for, or cause to be valued and paid for, as in this Act is mentioned or referred to, the Premises which they are by this Act empowered to purchase (or so much thereof as shall be deemed necessary or proper for the Purposes of this Act), then and from thenceforth the Powers which are hereby granted to them for such Purpose only shall cease, determine, and be utterly null and void.

If Land not contracted for within Three Years, Power of purchasing to cease.

X. Provided always, and be it further enacted, That in case the said new Branch Railway and other Works by this Act authorized to be made shall not have been completed within the Space or Term of Five Years, to be computed from the passing hereof, then from and after the Expiration of the said Term of Five Years, all the Powers, Authorities, and Privileges by this Act given for executing such new Branch Railway and other Works as aforesaid, shall cease and determine, save only and except as to so much of the said new Branch Railway and other Works as shall have been declared and certified to have been made and completed within the said Term by the Justices of the Peace of the said County of *Durham*, or of the North Riding of the said County of *York* (as the Case may be), assembled at any Quarter Sessions of the Peace to be holden in and for either of the said Counties, at any Time before the Expiration of the said Term of Five Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of Two or more Witnesses, upon Oath or Affirmation, to be produced before them for that Purpose, and which Oath or Affirmation such Justices are hereby empowered to administer.

If the new Branch Railway is not completed within Five Years, the Powers of the Act to cease, except as to Parts then completed.

XI. Provided always, and be it further enacted, That if the said new Branch Railway to be made and completed under the Authority of this Act, or any Part thereof, shall at any Time hereafter be abandoned or given up by the said Company, or shall not, for the Space of Five Years, be used and employed as a Railway, then and in such Case the Land or Ground so purchased or taken by the said Company for the Purposes of this Act, or the Part or Parts thereof over which the said Branch Railway, or any Part or Portion of such Branch Railway which shall be so abandoned or given up by the said Company, shall pass, shall vest in the Owner or Owners of the Land adjoining that which shall be so abandoned or given up, in manner following; that is to say, One Half Part thereof in the Owner or Owners of the Lands on the one Side, and the other Half Part thereof in the Owner or Owners of the Land on the other Side thereof.

If Railway is abandoned by the Company, Land to vest in the Owners of Land adjoining.

XII. Provided always, and be it further enacted, That in all Cases in which any Person or Persons shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest in any Lands, Tenements, or Hereditaments through, in, or upon which the said Main Railway or Branch Railways, or other Works by the said recited Acts and by this Act authorized to be made, do pass or are intended to pass or be made, under or by virtue of any Demise, Lease, or other Grant thereof, the said Company shall and they are hereby

Tenants of Lands through which the Railway passes to produce their Leases upon claiming Satisfaction.

[*Local.*]

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authorized

authorized to require such Person or Persons to produce and show the Lease, Demise, or Grant in respect of which such Claim to Satisfaction or Compensation shall be made; and if such Lease, Demise, or Grant shall not be so produced and shown when so required, the Person or Persons claiming under the same shall be considered as holding only from Year to Year.

Empowering
the Company
to purchase
Thirty Sta-
tute Acres
of Land
additional.

XIII. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, to contract and agree with any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, who shall be willing to sell the same, for the Purchase of any Parcel or Parcels of Land or Hereditaments (in addition to the Number of Acres authorized to be purchased in and by the said recited Act of the Fourth Year of His present Majesty's Reign), not exceeding in the whole Thirty 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, Stairs, Wharfs, Quays, Landing Places, Messuages, and any other Buildings or Conveniences whatsoever, for the Purpose of loading or unloading of Vessels in the River Tames, and of landing, receiving, conveying, 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 said Railway and Branches by the said recited Acts and this Act authorized to be made, or for making convenient Roads, Avenues, or 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 and Sole, and all other Persons whomsoever, to sell and grant or 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 Restrictions contained in the said recited Acts or any of them; in reference to the Lands, Messuages, Buildings, and Hereditaments to be purchased or taken under the Powers of such Acts respectively, for the Purpose of forming, making, and maintaining the said Railway and Branches.

Company
may sell
Lands not
required for
the Purposes
of the Act,
and after-
wards pur-
chase and sell
again from
from Time to
Time, within
the Quantity
prescribed.

XIV. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, from Time to Time, and at any Time hereafter, to sell and dispose of such additional Lands, Tenements, or Hereditaments as they are hereby authorized and empowered to purchase, and shall have actually purchased, for the Purposes of this Act, or so much and such Part or Parts thereof as the said Company shall think proper, and either together or in Parts, 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 for and to purchase any other Lands, Tenements, or Hereditaments more eligible or convenient for the Purposes aforesaid, or any of them, and afterwards to sell and dispose of the same as aforesaid, so that the total Number

or Quantity of Acres to be purchased by the said Company for any of the Purposes herein-before mentioned shall not exceed at any one Time the Quantity or Number of Acres by this Act specified or allowed for such respective Purposes.

XV. And be it further enacted, That it shall not be lawful for the said Company to purchase from any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, 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 Quantity in Number of Acres as are herein-before specified; and in case the said Company shall afterwards sell the Whole or any Part of such last-mentioned Quantity of Land, it shall not be lawful for the said Company to purchase of or from the same or of or from any other Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, 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, nor for the same nor for any other Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, or other Persons being under legal Disability or Incapacity, to sell to the said Company any other Lands in lieu or stead of such last-mentioned Quantity of Land, or any Part thereof, so sold or disposed of by the said Company as aforesaid.

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

XVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, Collegiate, Ecclesiastical, or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Company of Proprietors of the *Stockton and Darlington* Railway, pursuant to the Method prescribed by an Act passed

Application of Compensation Money amounting to 200*l.*

1 G. 4. c. 35.

passed in the First Year of the Reign of His present Majesty King George the Fourth, intituled, *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax charged upon, or in or towards the Discharge of any Debt or Debts or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or any other Lands, Tenements, or Hereditaments standing settled therewith to the same or to the like Uses, Trusts, Intents, and Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or applied, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing and undetermined or capable of taking effect; and in the meantime, and until such Purchase can be made, the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold, called in, or realized for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by the Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled, in case the same had been actually purchased, conveyed, and settled.*

When less
than 200l.
and not less
than 20l.

XVIIth Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes of this Act, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy,

Lunacy, or other Incapacity, to be signified in Writing under their Common Seal, or respective Hand or Hands, (as the Case may require,) be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option and with the like Approbation, to Two or more Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased and settled, such Nomination to be approved of by the said Company, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seal of the nominating and approving Parties; and the Money so paid to such Trustees, and the Produce arising thereon and therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England*, without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

XVIII. Provided also, and be it further enacted, That if any Money so agreed or awarded to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in every such Case the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then to the Guardian or Guardians, Committee or Committees, Trustee or Trustees of such Person or Persons, to and for the Use and Benefit of the Person or Persons respectively entitled thereto.

When less than 20*l.*

XIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be agreed or awarded to be paid as aforesaid shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Company, or in case such Person or Persons cannot be found, or if the Person or Persons so entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Company to order the said Sum or Sums to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them if known,) subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the

In case of not making out Titles, or Persons entitled not being found.

[*Local.*]

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said

said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* receiving such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums into the Bank of *England* as aforesaid.

Persons in Possession presumptively entitled.

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

The Court may order reasonable Expences of Purchases to be paid by Company.

XXI. And be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Company empowered to raise 100,000*l.* by the Means

XXII. And to the end that the said Company may be enabled to make, complete, carry on, and maintain the said Main Railway, and the several Branches therefrom, by the said recited Acts and by this Act authorized to be made, and to defray all necessary Expences

Expences relating thereto, and to pay and discharge all such Sums of Money as the said Company have already borrowed and taken up at Interest for the making and completing of the said Main Railway, and the several Branches therefrom, and the Works and Conveniences connected therewith respectively; be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, to raise (over and above and in addition to the several Sums authorized to be raised by the said recited Acts, or any or either of them,) any Sum or Sums of Money, not in the whole exceeding the Sum of One hundred thousand Pounds, by all or any or either of the Ways or Means by which the said Company are authorized to raise any Sum or Sums of Money by virtue of the said recited Acts, or any or either of them, save and except by Promissory Notes.

XXIII. Provided always, and be it further enacted, That it shall be lawful for the said Company, 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 or Corporate, who shall be willing to lend the same, the Whole or any Part of the said Sum of One hundred thousand Pounds as to them shall seem meet and convenient, at such Rate of Interest as may be agreed upon, not exceeding Five Pounds *per Centum per Annum*, and to secure the Repayment thereof with Interest by Bonds under the Common Seal of the said Company, payable at such Day or Days as the said Company and the Person or Persons lending Money may mutually agree upon; and all and every the Person or Persons to whom such Bond or Bonds shall be executed shall be equally entitled to be paid out of the Rates, Tolls, and Duties, or other Effects of the said Company, according to the respective Sums in such Bonds mentioned and thereby intended to be secured, without any Preference by reason of the Priority of Date thereof; and an Entry or Memorial of every such Bond, containing the Number and Date thereof, and the Name or Names of the Person or Persons, with his, her, or their proper Additions, to whom the same shall have been made or given, and of the Sum borrowed, together with the Rate of Interest to be paid thereon, shall within Fourteen Days next after the Date thereof be entered in a Book or Books to be kept by the Clerk or Clerks of the said Company, which said Book or Books shall and may be perused at all reasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all and every the Person and Persons to whom any such Bond or Bonds shall have been made and given as aforesaid, or who shall be entitled to the Monies due thereon, shall and may from Time to Time transfer his, her, or their Interest therein to any Person or Persons whomsoever; which Transfer shall or may be in the Words or to the Effect following; (that is to say,)

' I [or We], of in consideration of the Sum Form of
 ' of Pounds paid by of do Transfer of
 ' hereby transfer a certain Bond, Number entered into Bond.
 ' by the Company of Proprietors of the *Stockton and Darlington* Rail-
 ' way, with of bearing Date the Day
 ' of

9th GEORGE IV. Cap.

of
with Interest after the Rate of
Annum, and all my [or our] Right, Interest, and Property therein,
to of his [or her] Executors, Administrators,
and Assigns. Dated this Day of in the Year
of our Lord

Pounds,
per Centum per

within Twenty-eight Days after the

And, every such Transfer shall within Twenty-eight Days after the Date thereof be produced to the Clerk of the said Company, who shall cause an Entry or Memorial thereof to be made in the same Manner, as of the original Bond or Bonds, for which the said Clerk shall be paid such Sum as the said Company shall appoint, not exceeding Two Shillings and Sixpence; and after such Entry made every Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit thereof, and to sue the said Company at Law for Payment thereof in his, her, or their own Name or Names; and it shall not be in the Power of any Person who shall have made such Transfer to make void or release the said Bonds so transferred, or any Sum of Money thereon due or thereby secured, or any Part thereof.

**Bondholders
not to be
deemed Pro-
prietors.**

XXIV. 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 on such Bond.

Power to pay off Bonds.

XXV. 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 Six 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.

XXVI. 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 and such Sum and 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, either by the Issue of fresh Bonds, or by way of Mortgage on the Credit of the said Undertaking, 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 any of the Ways or Means aforesaid, and be indebted, more than the said Sum of One hundred thousand Pounds in the whole at any one Time.

**Interest of
the Money
borrowed on
Bond to be**

XXVII. 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 (if any shall be so raised) shall be paid to the several

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 Acts, or either of them; and in case such Interest, or any Part thereof, shall be behind and unpaid by the Space of Thirty Days next after the same shall have become due and payable, and the same shall not be paid within Ten Days next after Demand thereof in Writing shall have been made to the Clerk of the said Company, or left at the Office 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*, or for the said North Riding of the County of *York*, 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 Acts and of this Act, or either of them, until all such Interest in arrear, together with the Costs and Charges of recovering and receiving such Rates, 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.

XXVIII. And be it further enacted, That it shall be lawful for the said Company from Time to Time, and at all Times for ever hereafter, to ask, demand, take, recover, and receive, to and for their own Use, for the Tonnage of all Articles, Matters, and Things whatsoever which shall be carried or conveyed upon the said new Branch Railway by this Act authorized to be made, or any Part thereof, the Rates, Tolls, and Duties herein-after mentioned; (that is to say,)

Company may take Tolls on the new Branch.

For all Coal, Coke, Culm, Cinders, Stone, and Lime which shall be carried or conveyed upon the said new Branch Railway hereby authorized to be made, or any Part thereof, and which shall be shipped on board of any Vessel or Vessels in the River *Tees* for the Purpose of Exportation, such Sum as the said Company shall appoint, not exceeding One Penny Halfpenny *per Ton per Mile*:

For all Limestone Materials for the Repairs of Turnpike Roads or Highways, and all Dung, Compost, and all Sorts of Manure, which shall be carried or conveyed upon the said new Branch Railway, or any Part thereof, such Sum as the said Company shall from Time to Time direct or appoint, not exceeding the Sum of Twopence *per Ton per Mile*:

For all Coal, Coke, Culm, Cinders (which shall not be shipped on board any Vessel or Vessels in the River Tees for the Purpose of Exportation), Marl, Sand, Lime, Clay, Ironstone and other Minerals, Building Stone, Pitching and Paving Stone, Bricks, Tiles, [Local.] 15 K Slates,

Slates, and all gross and unmanufactured Articles and Building Materials; and for all Lead in Pigs or Sheets, Bar Iron, Waggon Tire, Timber, Staves, and Deals, and all other Goods, Commodities, Wares, and Merchandizes, which shall be carried or conveyed upon the said new Branch Railway, or any Part thereof, such Sum as the said Company shall from Time to Time direct and appoint, not exceeding the Sum of Four-pence *per Ton per Mile*.

Rate of Tonnage on passing Inclined Plane on the new Branch Railway.

XXIX. Provided nevertheless, and be it further enacted, That it shall be lawful for the said Company from Time to Time, and at all Times hereafter, to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company, for all Articles, Matters, and Things which shall pass any Inclined Plane upon the said new Branch Railway by this Act authorized to be made, or which shall be put into or taken out of any Vessel or Vessels in the River *Tees* by means of any permanent, fixed, or other Engine, Apparatus, or Machinery, to be used or employed in or upon the same Branch Railway, such Sum or Sums as the said Company shall appoint, not exceeding the Rate or Sum of Four-pence *per Ton*, over and above and in addition to the other Rates, Tolls, or Duties by this Act authorized to be taken for all Articles, Matters, and Things which shall be carried or conveyed upon the said new Branch Railway and Bridge, or any Part thereof respectively.

Rate of Tonnage for passing over the Passage or Bridge on the new Branch Railway.

XXX. And be it further enacted, That it shall be lawful for the said Company from Time to Time, and at all Times for ever hereafter, to ask, demand, take, recover, and receive, to and for their own Use, for the Tonnage of all Coals, Culm, Cinders, Stone, Lime, and Manure whatsoever which shall be carried or conveyed upon or over the Passage or Bridge hereby authorized to be erected across the River *Tees*, such Sum or Sums as the said Company shall from Time to Time direct or appoint, not exceeding the Sum of Two-pence *per Ton*, over and above and in addition to the Rates, Tolls, or Duties by this Act authorized to be taken and received for all Articles, Matters, and Things which shall be carried or conveyed upon the said new Railway and Bridge, or any Part thereof respectively.

Company enabled to compound for Rates, &c.

XXXI. And be it further enacted, That it shall be lawful for the said Company at any General or Special General Meeting, or for the Committee of Management of the said Company, from Time to Time to compound and agree by the Year or otherwise with any Body or Bodies Politic, Corporate, or Collegiate, or with any Person or Persons whomsoever, for any Sum or Sums of Money in lieu of Payment of the Rates of Tonnage by this Act payable for or in respect of all Articles, Matters, and Things carried or conveyed upon or over the said Passage or Bridge belonging to such Body or Bodies or Person or Persons respectively, which Composition shall be paid Three Months in advance.

Enlarging Time for completing

XXXII. And whereas it is expedient that the Period limited by the said recited Acts for the Completion of the Works by such Acts authorized

authorized to be made, should be extended and enlarged; be it therefore enacted, That the Time for making, completing, and finishing the said Main Railway and the Branches therefrom, and other Works, Matters, and Things authorized by the said recited Acts respectively, shall be extended and enlarged for the further Space or Term of Four Years, to commence and be computed from the passing of this Act: Provided always, that in case such last-mentioned Main Railway, Branches, and other Works, Matters, and Things, shall not respectively have been made, completed, and finished within the said Term of Four Years, then from and after the Expiration of the said Term of Four Years all the Powers, Authorities, and Privileges by the said several recited Acts or by this Act given to or conferred upon the said Company for making such Main Railway and Branches, and other Works, Matters, and Things respectively, shall cease and determine, save only and except as to so much of the said Railway, Branches, and other Works, Matters, and Things respectively as shall have been declared and certified to have been made and completed within the said Term by the Justices of the Peace acting for 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 Months next after the Expiration of the said Term of Four Years, upon the Evidence of some Witness or Witnesses to be examined before them upon Oath, or, in the Case of the Person being of the Society called *Quakers*, on Affirmation, for that Purpose to be taken or made.

the Works
authorized
by former
Acts.

XXXIII. And whereas the whole or nearly the whole of the aforesaid new or additional Branch Railway authorized to be made by this present Act will be made by means of an Embankment or Embankments, be it therefore further enacted, That in order to enable the said Company to make, construct, and maintain such Embankment or Embankments, it shall be lawful for the said Company, 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 Lands or Hereditaments, in such Place or Places as shall be deemed eligible or convenient, either adjoining to the said Railways or Tramroads authorized to be made by the said recited Acts or this present Act, or any of them, or elsewhere, for the Purpose of obtaining, and also of manufacturing or otherwise rendering fit for Use, any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Gravel, Sand, or other Materials for making, constructing, and maintaining such Embankment or Embankments; 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, and their Successors, any Lands or Hereditaments whatsoever for the Purposes last aforesaid, or any of them, in the same Manner as Parties are authorized and empowered to sell and convey Lands and Hereditaments under and by virtue of the said first herein-before recited Act.

Authorizing
the Com-
pany to pur-
chase Lands
for the Pur-
pose of mak-
ing Embank-
ments upon
the new
Branch.

XXXIV. And whereas in and by the said recited Act passed in the Fifth Year of the Reign of His present Majesty King *George* the Fourth it was enacted that it should be lawful for the said Company of Proprietors, and they were thereby authorized and empowered, by themselves,

Company
to make the
Hagger
Leases
Branch with-
in 3 Years.

themselves, their Deputies, Agents, Officers, Workmen, and Servants, in lieu and stead of a certain other Branch thereby authorized to be relinquished and abandoned, to make, complete, and maintain an entirely new Branch Railway or Tramroad from the Line of the said Main Railway or Tramroad, commencing at or near to or in a certain Field or Close belonging to Sir Robert Johnson Eden Baronet, and then in the Occupation of Francis Thompson, situate at the North-west End of the Village of *Saint Helen's Auckland* in the Township of *Saint Helen's Auckland*, and passing through or into the several Townships of *Saint Helen's Auckland*, *West Auckland*, and *Evenwood* otherwise *Evenwood*, and *Baronry*, *Lynesack* and *Softley*, *Hamsterly* and *Cockfield*, and terminating at or near to a certain Place called *Hagger Leases Lane*, in the said Township of *Lynesack* and *Softley*, and also to make, execute, do, and perform all such Works, Matters, and Things as should be requisite and convenient for making, completing, and maintaining the same new Branch Railway or Tramroad, in manner directed by and subject to the Provisions and Directions contained in or referred to by and according to the true Intent and Meaning of the same Act: And whereas the said Branch Railway or Tramroad by the last-mentioned Act authorized to be made has been commenced, and a Part thereof has been made by the said Company, but the whole thereof has not yet been completed, and it is expedient, and will be of public Advantage, that the last-mentioned Branch Railway or Tramroad shall be completed and carried with all practicable Dispatch to the proposed Termination thereof at or near to *Hagger Leases Lane* aforesaid; be it therefore further enacted, That the said Company of Proprietors shall and they are hereby authorized, required, and directed to make, complete, finish, and maintain, or cause to be made, completed, finished, and maintained, the said Branch Railway or Tramroad by the said recited Act authorized to be made, and in such Act mentioned or described as terminating at or near to *Hagger Leases Lane* aforesaid, or so much of the said Branch Railway or Tramroad as now remains to be made, completed, and finished as aforesaid, within Three Years from the passing of this Act; and also to make, do, execute, and perform all such Works, Matters, and Things as shall be requisite and convenient for making, completing, finishing, and maintaining such last-mentioned Branch Railway or Tramroad, in the Manner directed by and subject to the Provisions and Directions contained in or referred to by and according to the true Intent and Meaning of the said recited Act, except so far as the last-mentioned Act may by this Act be varied, altered, or repealed.

Company to
commence
the last-
mentioned
Branch
within Six
Months.

XXXV. And be it further enacted, That the said Company shall and they are hereby also required and directed to commence the making of the said last-mentioned Branch Railway or Tramroad, or the said remaining Part thereof, within Six Calendar Months next after the passing of this Act, and thenceforth to proceed with the making thereof with all due Diligence and Dispatch, so as that such last-mentioned Branch Railway or Tramroad may be completed and finished within the said Term of Three Years from the passing of this Act.

Same Per-
son not to
be Clerk and
Treasurer.

XXXVI. Provided also, and be it further enacted, That it shall not be lawful for the said Company to continue or appoint the Person who

who has been or may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Company for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Company other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

XXXVII. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in the said recited Acts or this Act mentioned, in relation to which the Manner of convicting the Offenders is not by such respective Acts particularly mentioned or directed, shall be adjudged by and recovered before some Justice of the Peace for the County in which such Offence may occur, in a summary Way, and such Justice and Justices is and are hereby authorized and empowered to convict the Offender or Offenders upon Information on the Oath or Affirmation of any Person, or on the Confession of the Party offending (which Oath or Affirmation such Justice is hereby authorized to administer); and in default of Payment of such Penalties or Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice or Justices, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted); and One Half of the Penalties and Forfeitures, when recovered, shall be paid to the Informer, and One Half thereof shall be paid to the Treasurer of the said Company, for the Use and Benefit of the said Company, unless such Penalties or Forfeitures shall be incurred by the said Company, in which Case the same shall be paid One Half to the Informer, and One Half to the Overseers of the Poor of the Parish or Place within which the Offence shall be committed, to be applied by such Overseers to the Benefit of the Poor of such Parish or Place; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such

Recovery
and Appli-
cation of
Penalties.

[*Local.*]

15 L

Justice

Justice or Justices, and he and they is and are hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices for his, her, or their Appearance before such Justice or Justices, or before some other Justice or Justices of the Peace for the said County, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, (such Day or Days not being more than Seven Days from the taking of any such Security,) and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice or Justices, upon the Confession of the Offender or Offenders, or otherwise, that, he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for the County or Place where such Offence shall be committed, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture, together with all Costs and Charges attending such Proceedings as aforesaid, (to be ascertained by such Justice or Justices,) shall be sooner paid and satisfied, or unless such Offender or Offenders shall be otherwise discharged by due Course of Law.

Compensation for Damages done by the Company may be levied by Distress on the Goods of the Company or their Treasurer.

XXXVIII. And be it further enacted, That when and so often as any Sum of Money shall be directed or ordered to be paid by any Justice of the Peace, in pursuance of the said recited Acts or any of them, or of this Act, as or by way of Compensation or Satisfaction for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Company, or by any Person acting by or under their Authority, and if such Sum of Money shall not be paid by the said Company, to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made upon the said Company, in pursuance of the Directions or Order made by such Justice, and in which Demand the Order of such Justice shall be stated, the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of the said recited Acts and this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice, which Warrant any such Justice is hereby authorized and required to grant under his Hand and Seal, on Application made to him for that Purpose by the Party or Parties entitled to receive such Sum of Money as or by way of Compensation or Satisfaction for any such Damage, Spoil, or Injury as aforesaid; and in case any

Overplus shall remain after Payment of such Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Company or to their Treasurer for the Time being (as the Case may be): Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of the said recited Acts or this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or been put unto by virtue of any such Warrant as aforesaid.

XXXIX. And be it further enacted, That where any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty for any Offence in the said recited Acts, or any of them, or this Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence, who is and are hereby authorized and required, on Nonpayment thereof, to levy such Damages by Distress and Sale of the Offender's Goods and Chattels, in manner by this Act directed for the levying of any Penalties or Forfeitures.

Damages and Charges, in case of Dispute, to be settled by Justices.

XL. And be it further enacted, That in all Cases in which by the said recited Acts, or any of them, or by this Act, any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender and to adjudge him or her to pay the Penalty or Forfeiture, and to proceed in the Recovery of the same, although no Information in Writing shall have been exhibited or taken before such Justice; and all such Proceedings by Summons, without Information in Writing, shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing were exhibited.

Penalties may be recovered on Summons, and without Information in Writing.

XLI. 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, paid, 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 Acts or this present Act, or any or either of them, in preference to all other Payments whatsoever.

Expences of the Act.

XLII. 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.

Public Act.

The

