



ANNO SEXTO

GULIELMI IV. REGIS.

Cap. lvii.

An Act for incorporating certain Persons for carrying into effect the Purposes of an Act passed in the Fifth and Sixth Year of the Reign of His present Majesty, intituled *An Act for enabling John Brandling and Robert William Brandling Esquires to purchase and take Leases of Lands and Hereditaments for the Formation of a Railway from Gateshead to South Shields and Monkwearmouth, all in the County Palatine of Durham, with Branches therefrom; and for other Purposes.* [7th June 1836.]

WHEREAS by an Act passed in the Fifth and Sixth Year of His present Majesty, intituled *An Act for enabling John Brandling and Robert William Brandling Esquires to purchase and take Leases of Lands and Hereditaments for the Formation of a Railway from Gateshead to South Shields and Monkwearmouth, all in the County Palatine of Durham, with Branches therefrom*, the said *John Brandling and Robert William Brandling* are empowered to make the said Railway and other Works; and by the said recited Act full Powers and Authorities are given for enabling and rendering valid and effectual the Sale, Conveyance, Assignment, Surrender, and Lease of all or any Lands, Tenements, and Hereditaments in the several Parishes or Places in the said recited Act mentioned, and wanted for the Purposes of the said Act, unto the said *John Brandling and Robert William Brandling*, their Heirs, [Local.] 21 K Executors, 5 & 6 W. 4. c. 83.

Subscribers
incorporated.

Executors, Administrators, and Assigns, according to the Nature of the Property, Estate, and Interest so intended to be sold, conveyed, assigned, surrendered, or leased: And whereas the said *John Brandling* and *Robert William Brandling* have, under and by virtue of the Powers given by the said recited Act, contracted for the Purchase and Leases of various Lands and Hereditaments thereby authorized to be purchased and taken on Leases by them, and necessary and sufficient for the Formation of the said Railway and Works: And whereas the said *John Brandling* and *Robert William Brandling* are desirous that the several other Persons herein-after mentioned should be associated with them, for the Purpose of more speedily and efficiently carrying into complete Execution as well the Purposes of the said recited Act as of this Act, which they the said *John Brandling* and *Robert William Brandling*, and the said several other Persons herein-after named, are willing to do at their own Expence, but the same cannot be conveniently accomplished without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said *John Brandling* and *Robert William Brandling*, together with *John Austin*, *Thomas Emerson Headlam*, *Ralph Naters*, *John Carr*, *William Losh*, *Andrew White*, *John Fawcett*, *John Walker*, *John William Williamson*, *John Mountain*, *William Williamson*, *Charles William Bigge*, *Thomas John Turnbull*, *William Spencer*, *William Proctor*, *Michael Longridge*, *Thomas Pemberton*, *William Mountain*, *Robert Green*, *Robert Watson*, *Richard Hansell Bell*, *William Peareth*, *Robert Rayne*, *Henry Anderson Marshall*, *John Brooksbank Pearson*, *John Lambton Loraine*, *William Anderson*, *Matthew Liddell*, *Edward Robson*, *William Johnson*, *Thomas Bourne Pearson*, *Joseph Hindmarsh*, *James Kirkley*, *John Clay*, *John Robinson junior*, *James Young*, *Emery Richardson*, *John Hodgson*, *Francis Taylor*, *Anthony Nichol*, *John Bourne*, *Richard White*, *Edward Snowden*, *Matthew Plues*, *Stephenson Fletcher*, *Eli Kay*, *Thomas Thompson*, *Charles John Clavering*, *William Orde*, *Tony Waller*, *Joseph Heald*, *Nathaniel Grace*, *Richard Bulmer*, *Christopher Lowes*, *John Ridley*, *Enoch Donkerley Thompson*, *Robert Daniel*, *Robert Couper*, *Edward Faill*, *Joseph Dickenson*, *Thomas Crawford*, *William Charlton*, *Hugh Rodham*, *Thomas Dunn*, *Thomas Dixon*, *Andrew Godfrey Rahn*, *William Brantingham*, *Robert Smart*, and all other Persons and Corporations who have subscribed or who shall hereafter subscribe towards the said Undertaking, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for the Purpose of making and maintaining the Railway and other Works by the said recited Act and by this Act authorized, and for other the Purposes therein and herein declared, according to the Provisions and Restrictions in the said Act and herein-after contained, and for the Purposes aforesaid shall be one Body Corporate by the Name and Style of "The *Brandling Junction Railway Company*," and by that Name shall and may sue and be sued, and shall have a Common Seal, and also shall have Power and Authority to purchase, hold, and sell Lands for the Use

and Benefit of the said Undertaking, without incurring any Penalties or Forfeitures, and shall have and exercise all other Powers and Authorities which are herein-after given or mentioned.

II. And be it further enacted, That so much of the said herein-before recited Act as enacts that all and every the Rights or Powers and Authorities by the said recited Act given to or intended to be vested in the said *John Brandling* and *Robert William Brandling* shall or may, in case of the Decease of either of them, be had or exercised by the Survivor of them, or after the Decease of such Survivor shall or may be had or exercised by the Heirs, Executors, Administrators, or Assigns of such Survivor, according to the Tenure of the Estate or Property in respect of which the same shall be so had or exercised, as fully and in the same Manner as such Rights, Powers, or Authorities might be had or exercised by them the said *John Brandling* and *Robert William Brandling* if both of them were living, shall be and the same is hereby repealed.

Repeal of Parts of the recited Act vesting certain Powers in John Brandling and Robert William Brandling.

III. And be it further enacted, That it shall and may be lawful for the said Company to make and maintain the said Railway and other Works in the said recited Act mentioned; and all and every the Rights, Powers, Privileges, and Authorities by the said recited Act given to or intended to be vested in the said *John Brandling* and *Robert William Brandling*, their Heirs, Executors, Administrators, and Assigns, shall from henceforth be transferred and given, and shall belong to and be vested in, and be used, exercised, and enjoyed by the said Company, as fully and effectually and in the same Manner, to all Intents and Purposes, as such Rights, Powers, Privileges, and Authorities might have been had and exercised by the said Company if the Name of the *Brandling* Junction Railway Company had been inserted in the said recited Act (so far as the same is not hereby repealed) instead of the Names of the said *John Brandling* and *Robert William Brandling*, and instead of all and every other Names or Name, Words or Word, in the said recited Act used or intended to mean, designate, or refer to the said *John Brandling* and *Robert William Brandling*, or either of them, or their or either of their Heirs, Executors, or Administrators.

All Powers, &c., vested by recited Act in J. Brandling and R. W. Brandling to be transferred to the Company.

IV. And be it further enacted, That where in this Act any Words shall be used importing the Singular Number or the Masculine Gender only, such Words shall be understood to include several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Males; and where the Word "Lands" shall be used, the same shall be understood to include as well Lands and Grounds as Buildings, Erections, and other Hereditaments; and where the Word "Corporation" shall be used, the same shall be understood to mean any Body Politic, Corporate or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and where the Word "Railway" is used, the same shall be understood to mean and include the Railway and the Branches therefrom by the said recited Act and hereby authorized to be made; and where the Word "Company" is used the same shall be understood to mean "The *Brandling* Junction Railway Company;" unless in any of the Cases aforesaid it be other-

Rules for the Interpretation of this Act.

wise

wise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Proprietors to raise Money amongst themselves for the Undertaking, not exceeding 110,000*l.*, to be divided into Shares of 50*l.* each.

V. And be it further enacted, That it shall be lawful for the said Company to raise amongst themselves any Sum of Money for purchasing and taking on Lease the Lands and for making and maintaining the Railway and other Works by the said recited Act and by this Act authorized, not exceeding in the whole the Sum of One hundred and ten thousand Pounds, the same to be divided into Shares of Fifty Pounds each, and such Shares to be numbered, beginning with Number One, in arithmetical Progression, and every such Share to be distinguished by the Number to be applied to the same; and the said Shares shall be and are hereby vested in the several Parties taking the same, and their several and respective Successors, Executors, Administrators, and Assigns, to their proper Use and Benefit; and all Persons and Corporations, and their several and respective Successors, Executors, Administrators, and Assigns, who have subscribed or who shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards the said Undertaking and other the Purposes of the said Subscription, shall be entitled to and receive, in proportionate Parts according to the respective Sums so by them respectively paid, the net Profits and Advantages which shall arise or accrue from or by the Rates, Tolls, and other Sums of Money to be received by the said Company, as and when the same shall be divided by the Authority of this Act.

To compel Payment of Subscriptions.

VI. And be it further enacted, That the several Parties who have subscribed or agreed to subscribe for or towards the said Undertaking shall and they are hereby required to pay the several Sums of Money by them respectively subscribed for, or such Parts or Proportions thereof, and at such Times and Places, as shall from Time to Time be called for by the Directors of the said Company, by virtue of the Powers of this Act; and in case any Party shall refuse or neglect to pay the Money by him so subscribed for, or the Part thereof so called for, at the Time and in the Manner required for that Purpose, it shall be lawful for the said Company to sue for and recover the same, with full Costs of Suit, in any Court of Law or Equity, together with Interest on such unpaid Sum of Money at the Rate of Five Pounds *per Centum per Annum* from the Time when the same shall have been directed to be paid as aforesaid up to the Day of actual Payment thereof.

Application of Money to be raised.

VII. And be it further enacted, That the Money to be raised by the said Company by virtue of this Act shall be laid out and applied, in the first place, in paying and discharging all Costs and Expences incurred in applying for, obtaining, and passing the said recited Act and this Act, and all other Expences incurred or to be incurred with a view to give effect to or to carry into execution the said Acts and each of them, and all other Expences preparatory or relating thereto; and the Remainder of such Money shall be applied in and towards purchasing and taking on Lease the said Lands, and making and maintaining the said Railway and other Works by the said recited

recited Act and this Act authorized, and in otherwise carrying the said recited Act, so far as the same is not hereby repealed, and this Act, into execution.

VIII. And be it further enacted, That the First General Meeting of the said Company shall be held at the Office of the said Company, or some other convenient Place within the County of the Town of *Newcastle-upon-Tyne* or within the Parish of *Gateshead* in the County Palatine of *Durham*, within Six Calendar Months next after the passing of this Act; and from and after such First General Meeting of the said Company there shall be a Half-yearly General Meeting of the said Company on the Second *Monday* in the Months of *February* and *August* in each and every Year, or within the Space of Twenty Days next after each of such last-mentioned Days, and all such and so many Special General Meetings of the said Company as the Chairman or Deputy Chairman or any Three of the Directors of the said Company shall think proper to convene, or as shall be convened by any Ten or more of the Proprietors in manner hereinafter provided; of which said General Meetings and Special General Meetings Ten Days public Notice at the least shall be given in the Manner hereinafter directed; and every such Notice of a Special General Meeting shall specify the Purpose for which the same is called; and such First General Meeting and such Half-yearly General Meetings and Special General Meetings may be adjourned from Time to Time, all Adjournments being made to the same Place where the original or preceding Meeting shall have been held.

First and other General Meetings.

IX. And be it further enacted, That the Chairman, or in his Absence the Deputy Chairman or any Three or more of the Directors of the said Company, may call a Special General Meeting of the said Company, by giving Ten Days Notice thereof in One or more Newspaper or Newspapers published in *Newcastle-upon-Tyne*; and also that any Ten or more Proprietors of the said Company, holding in the aggregate One hundred Shares or upwards in the said Undertaking, and upon which Shares all Calls actually previously made shall have been paid and satisfied, may at any Time, by Writing under their Hands left at the Office of the said Company, or given to at least Three Directors of the said Company, or left at or delivered to some Inmate of their last or usual Places of Abode, require the Directors of the said Company to call a Special General Meeting of the Proprietors of the said Company, so as such Requisition fully express the Object for which such Special General Meeting is required to be called; and in case of Neglect or Refusal of the said Directors to call such Meeting for the Space of Twenty-one Days next after such Notice shall have been given as aforesaid the same may be called by such Ten or more Proprietors, by giving Fourteen Days Notice thereof in One or more public Newspaper or Newspapers published in *Newcastle-upon-Tyne* aforesaid; and the said Company are hereby authorized to meet in pursuance of any Notice to be given as aforesaid; and such of the Proprietors thereof as shall be present at such Meeting shall proceed in the Execution of the Powers by this Act given to the said Company with respect to the Matters so specified in such Notice, and to those only; and all

Meetings of Proprietors may be specially convened.

Acts of the major Part in Votes of the Proprietors of the said Company met together at any such Special General Meeting shall be as valid, with respect to the Matters specified in such Notice, and those only, as if the same had been done at a General Meeting held at the Time herein-before appointed for holding the same.

Business at special and adjourned General Meetings.

X. And be it further enacted, That no Business shall be transacted at any Special General Meeting other than the Business for which it shall have been called, and no Business shall be transacted at any adjourned General or adjourned Special General Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

Notice of Meetings how to be given.

XI. Provided always, and be it further enacted, That all Notices in this Act directed to be given of any General or Special General Meeting of the Proprietors of the said Company, or of any other Matters to any of the Proprietors of the said Company, and all other Notices which may be required to be given by or on behalf of the said Company, and which are not herein otherwise provided for, shall be signed by the Chairman or Deputy Chairman or by Three of the Directors of the said Company, and shall be given by Advertisement inserted in One or more Public Newspaper or Newspapers published at *Newcastle-upon-Tyne* aforesaid; and such last-mentioned Notices, when so published and given, shall be deemed and considered the same as if personally served.

Directing how Subscribers shall vote at Meetings.

XII. And be it further enacted, That at all General and Special General Meetings held by virtue of this Act all Persons and Corporations who shall have duly subscribed for or become entitled to any Share or Shares (not amounting to Five Shares) in the said Undertaking, and their respective Successors, Executors, Administrators, and Assigns, shall have One Vote for such Share or Shares; and all Persons and Corporations who shall have duly subscribed for or become entitled to any Shares amounting to Five and not amounting to Fifteen Shares in the said Undertaking, and their respective Successors, Executors, Administrators, and Assigns, shall have Two Votes for such Shares; and all Persons and Corporations who shall have duly subscribed for and become entitled to as aforesaid Fifteen or more Shares in the said Undertaking, and their respective Successors, Executors, Administrators, and Assigns, shall have an additional Vote for every Five Shares which they shall have subscribed for or become entitled to in the said Undertaking beyond the Number of Fifteen Shares, except that no Person or Corporation shall have more than Five Votes, although possessed of more than Twenty-five Shares in the said Undertaking; and such Vote or Votes may be given by such respective Parties, or in their Absence by their respective Proxies constituted under the Seals of such Corporations, or under the Hands of the other Proprietors appointing such Proxies, all such Proxies being Proprietors of Shares in the said Undertaking; and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if the Principal had voted in Person; and every Question, Matter, or Thing which shall be proposed in any General or Special General Meeting of the said Company shall be determined by the Majority of Votes of the Proprietors

of

and such Minor shall and may vote by his Guardian or by any of his Guardians, and such respective Guardians or any of them may vote in respect of the Interest of such Minors either in Person or by Proxy: Provided always, that every such Committee or Guardian may also vote in right of his own Share, if he have any, as well as in the Character of Committee or Guardian.

Proprietors
in arrear
not to vote.

XV. And be it further enacted, That no Proprietor of any Share on which any Call shall have been made shall, after the Day appointed for the Payment of the same, be allowed to vote either personally or by Proxy at any Meeting of the Proprietors of the said Company, or to act or vote as a Director at any Meeting of the said Directors, until the Money called for in respect of such Share shall have been fully paid.

First General
Meeting to
choose Di-
rectors to
act with R.
W. Brand-
ling, the Ma-
naging Di-
rector after
appointed,
and also to
choose Au-
ditors.

XVI. And be it further enacted, That at the First General Meeting to be held as herein-before is mentioned, or at some Meeting to be held by Adjournment therefrom, the Proprietors present at such Meeting, either personally or by Proxy, shall elect Twelve Persons who shall be Proprietors and respectively possessed, in their own Right or in Right of their respective Wives, of Six Shares at the least in the said Undertaking, to be Directors of the said Company, to act together with the said *Robert William Brandling*, the First Managing Director herein-after appointed, or other the Managing Director for the Time being of the said Company to be elected as herein-after mentioned, in the Management of the Affairs of the said Company; and of the Directors (including the Managing Director) to be so elected and appointed as aforesaid Three shall be competent to act; and at the same First General Meeting, or at some Meeting to be held by Adjournment therefrom, Three other Persons who shall be Proprietors and respectively possessed, in their own Right or in Right of their respective Wives, of Three Shares at the least in the said Undertaking, shall be elected by the Proprietors present, either personally or by Proxy, Auditors of the said Company; and the several Persons, other than the Managing Director, to be so elected Directors, and the several Persons to be so elected Auditors, being neither removed nor disqualified nor resigning, shall continue in Office until the Half-yearly General Meeting of the said Company which shall be held in the Month of *February* in the Year of our Lord One thousand eight hundred and thirty-eight, or until others shall be elected in their Stead in pursuance of this Act.

One Third
of the Di-
rectors, ex-
cept the Ma-
naging Di-
rector, in
rotation, and
the Three
Auditors, to
go out of
Office an-
nually.

XVII. And be it further enacted, That at the General Meeting to be held on the Second *Monday* in the Month of *February* which will be in the Year of our Lord One thousand eight hundred and thirty-eight, One Third of the Directors, other than the Managing Director, who shall have been so elected as aforesaid (to be determined by Ballot among themselves) shall go out of Office and cease to be Directors of the said Company, and an equal Number of Persons who shall be Proprietors and respectively possessed, in their own Right or in Right of their respective Wives, of Six Shares at the least in the said Undertaking, and who shall have been such Proprietors for at least the Six preceding Calendar Months, shall be

elected by the said Company to be Directors in their Place and Stead; and at the same General Meeting to be held on the said Second *Monday* in the Month of *February* in the Year One thousand eight hundred and thirty-eight the Three Auditors who shall have been so elected as aforesaid shall go out of Office and cease to be Auditors, and an equal Number of Persons who shall be Proprietors and respectively possessed, in their own Right or in the Right of their respective Wives, of at least Three Shares in the said Undertaking, and who shall have been such Proprietors for at least the Six preceding Calendar Months, shall be elected by the said Company to be Auditors in their Place and Stead; and at the General Meeting to be held on the Second *Monday* in the Month of *February* in every subsequent Year the said Three Auditors who shall then be in Office shall go out of Office and cease to be Auditors, and their Places shall be supplied in like Manner; and at the General Meeting to be held in the Month of *February* which will be in the Year of our Lord One thousand eight hundred and thirty-nine Four of the remaining Directors, other than the Managing Director, who shall have been so elected as aforesaid (to be determined by Ballot as aforesaid) shall go out of Office and cease to be Directors of the said Company, and their Places shall be supplied in like Manner; and at a General Meeting to be held in the Month of *February* which will be in the Year of our Lord One thousand eight hundred and forty the Four remaining Directors, other than the Managing Director, who shall have been so elected as aforesaid shall go out of Office and cease to be Directors of the said Company, and their Places shall be supplied in like Manner; and at the General Meeting to be held in the Month of *February* in every subsequent Year One Third of the Directors, other than the Managing Director, who shall have been longest in Office shall go out of Office and cease to be Directors of the said Company, and their Places shall be supplied in like Manner.

XVIII. Provided always, and be it further enacted, That every Director and every Auditor who shall go out of Office on any annual Day of Election may be immediately or at any future Time re-elected by the said Company a Director or Auditor of the said Company; and after such Re-election shall with reference to the going out by Rotation be considered as a new Director or a new Auditor.

Directors and Auditors going out of Office re-eligible.

XIX. Provided always, and be it further enacted, That if at any General or Special General Meeting there shall not within Two Hours from the Time appointed for such Meeting be Ten Persons present, personally or by Proxy, who shall in the whole be entitled to vote in respect of at least One hundred Shares, no Choice of Directors or Auditors shall be made, nor shall any Business be transacted, but in such Case there shall be another Meeting of the said Company at the same Place at the Expiration of Fourteen Days from that Time; and if such sufficient Number of Proprietors, personally or by Proxy, shall not then attend thereat; such Meeting shall stand adjourned to the following Day; and in case such Number of Persons qualified as aforesaid shall not then be present, the Directors and Auditors for

General Meetings for choosing Directors or Auditors to consist of Ten Persons possessed of One hundred Shares.

the Time being shall continue to act and have the same Powers as they had and were possessed of until new Directors or new Auditors, as the Case may be, shall be appointed at the General Meeting which shall be held on the Second *Monday* in the Month of *February* of the following Year.

For supply-
ing Vacan-
cies among
Directors.

XX. And be it further enacted, That when and so often as any Director of the said Company shall die or shall resign, or shall become disqualified or incompetent to act as a Director, or shall cease to be a Director by any other Cause than that of going out of Office by Ballot or Rotation as aforesaid, it shall be lawful for the remaining Directors, if they shall think proper so to do, to elect some other Proprietor duly qualified to be a Director, and every such Proprietor so elected to fill up any such Vacancy shall continue in Office as a Director so long only as the Person in whose Place or Stead he may be elected would have been entitled to continue had he lived and remained in Office.

No Person
holding Of-
fice capable
of being a
Director.

XXI. Provided nevertheless, and be it further enacted, That no Person holding any Office or Place of Trust or Profit under the said Company, or being concerned or interested in any Contract with the said Company, shall be capable of being chosen a Director of the said Company, nor shall any Director be capable of accepting any other Office or Place of Trust or Profit under the said Company, or of being concerned or interested in any Contract with the said Company, during the Time he shall be a Director of the said Company; and if any Director of the said Company shall at any Time subsequently to his Election accept or continue to hold any other Place or Office of Trust or Profit under the said Company, or shall, either directly or indirectly, be concerned in any Contract with the said Company, or shall participate in any Manner in any Work to be done for the said Company, or shall at any Time cease to be a Proprietor of Six Shares in the said Undertaking, the Office of such Director shall thereupon become vacant, and he shall thenceforth be disqualified from voting or acting as a Director.

For supply-
ing Vacan-
cies among
Auditors.

XXII. And be it further enacted, That when and as often as any Auditor of the said Company shall die, or shall resign, or shall become disqualified or incompetent to act as an Auditor, or shall cease to be an Auditor by any other Cause than that of going out of Office at the End of One Year after his Election as herein-before directed, it shall be lawful for the remaining Auditors, if they shall think proper so to do, to elect some other Proprietor duly qualified as aforesaid to be an Auditor, and every such Proprietor so elected to fill up any such Vacancy shall continue in Office as an Auditor so long only as the Person in whose Place he shall be elected would have been entitled to continue had he lived and continued in Office.

No Person
holding Of-
fice, or con-
nected with
the Accounts

XXIII. Provided nevertheless, and be it further enacted, That no Director of the said Company for the Time being, and no Person who shall have been a Director of the said Company for the Year, or any Portion of the Year, preceding the Period of electing an Auditor or

Auditors of the said Company, or who shall be or have been elected a Director for the Year or for any Portion of the Year next ensuing the said last-mentioned Period, or who shall hold the Office of Chairman, Deputy Chairman, Secretary, or any other Office or Place of Trust or Profit under the said Company, or whose Duty it may be to keep any of the Accounts of the said Company, or who shall be concerned or interested in any Contract with the said Company, shall be chosen or be capable of holding the Office of an Auditor of the said Company; and if any Auditor of the said Company shall at any Time subsequently to his Election accept or continue to hold the Office of Director, Chairman, Deputy Chairman, Secretary, or any other Office or Place of Trust or Profit under the said Company, or any other Office or Place the Duties whereof shall require or relate to the keeping of the Accounts of the said Company, or shall either directly or indirectly be concerned in any Contract with the Company, or shall in any Manner participate in any Work to be done for the said Company, or shall at any Time cease to be a Proprietor of at least Three Shares in the said Undertaking, the Office of Auditor held by such Person shall thereupon become vacant, and such Person shall thenceforth become disqualified from acting as an Auditor of the said Company.

of the Company, to be capable of being an Auditor.

XXIV. And be it further enacted, That every Chairman, Deputy Chairman, Director, and Auditor shall, before he shall exercise his Office, make and deliver in Writing under his Hand the following Declaration; (that is to say,)

Chairman, Deputy Chairman, Directors, and Auditors, to make Declaration.

I HEREBY accept the Office of Chairman, Deputy Chairman, Director, or Auditor [as the Case may be] of the *Brandling Junction Railway Company*, and promise that so long as I shall remain in the said Office I will diligently maintain the Credit and Welfare of the said Company in all Things relating to my Office, and with all manner of Persons act equally and impartially according to the best of my Skill and Knowledge.

XXV. And be it further enacted, That every such Chairman shall make the said Declaration before the Deputy Chairman, or in his Absence before Three or more of the Directors of the said Company, and every such Deputy Chairman before the Chairman, or in his Absence before any Three or more of the Directors of the said Company, and every such Managing Director shall make the said Declaration before any Three or more of the other Directors for the Time being of the said Company, and every such other Director or Auditor shall make such Declaration before the Chairman, or in his Absence the Deputy Chairman for the Time being, or before any Three or more of the Directors for the Time being of the said Company; and the Chairman or Deputy Chairman for the Time being, or any Three or more Directors of the said Company, shall have full Power and Authority to receive the said Declaration, either at the Time of the said Election or at any subsequent Meeting of the said Directors.

Before whom to be made.

XXVI. And be it further enacted, That the Managing Director for the Time being of the said Company shall be responsible for the Execution

Duties of the Managing Director.

Execution of the various Works connected with the Formation of the said Railway and the Branches therefrom, and for keeping the same in a proper State of Repair, and the said Managing Director shall have the Appointment, Management, and Superintendence and Power of Removal of all Engineers, Surveyors, Inspectors, and Deputy Inspectors to be employed by the said Company, subject to the Approval of the other Directors.

Duties of the
Directors.

XXVII. And be it further enacted, That the Directors for the Time being of the said Company shall, on the First *Tuesday* in every Month at the Hour of Eleven of the Clock in the Afternoon, or at such other Times as they shall be by the Chairman, or in his Absence the Deputy Chairman, specially summoned by Notice under his Hand, meet together at the Office of the said Company, or some other convenient Place within the Parish of *Gateshead* aforesaid in the said County Palatine of *Durham* or within the County of the Town of *Newcastle-upon-Tyne* aforesaid, for the general Purposes of the said Company; provided that every Notice of every such Special Meeting of the said Directors shall be given Three clear Days at least previously to the Day appointed for such Meeting, and provided that such Notice shall state the Day and Hour and Place appointed for such Meeting, and the Business to be transacted at such Meeting; and the said Directors for the Time being of the said Company shall superintend all the Affairs thereof, and have Power to use the Common Seal of the said Company on their Behalf, and shall have full Power and Authority to do all Acts whatsoever for carrying into effect the Purposes of this Act, and for the Management, Regulation, and Direction of the Affairs of the said Company, or relative thereto, which the said Company are by this Act authorized to do (except such as are herein required and directed to be done at some General or Special General Meeting of the said Company); and the Directors for the Time being of the said Company shall also have Power to amend, alter, and annul the Bye Laws, Rules, and Regulations for the Government of the said Company, subordinate to and consistent with the Law of the Land and the existing Bye Laws made by the said Company and then in force, all which Amendments or Alterations shall remain in force until the same shall have been made anew, altered, or annulled by the said Company; and the said Directors shall appoint and displace all the Officers and Servants of the said Company, (except the Engineers, Surveyors, Inspectors, and Deputy Inspectors, who are to be appointed and removed by the Managing Director for the Time being in manner herein-before enacted,) and also allow to the Managing Director and other Officers and Servants of the said Company such Salaries, Gratuities, or Remunerations as to the said Directors shall seem proper; and the said Directors shall have Authority to meet and adjourn from Time to Time and from Place to Place, such Place being within the Places aforesaid, as they shall think proper, and there shall be Three Directors at the least present in order to constitute a Meeting; and all Questions, Matters, and Things which shall be discussed or considered at any Meeting of the Directors shall be finally determined by the Majority of Votes then present; and no Director, although possessed of many Shares in the said Undertaking, shall have more than

Power and Authority to do, execute, and perform all such and so many of the Matters and Things which shall be confided to them by the said Directors; and it shall be lawful for the said Directors, by an Order or Resolution for that Purpose, to break up and dissolve any Committee which shall have been appointed by them, or to remove and displace any Member of such Committee, and to appoint another in his Place and Stead, when and as often as such Directors shall think proper, and such Committees respectively shall have Power to meet from Time to Time and adjourn from Place to Place, as they shall think proper, and as Occasion shall require, for effecting the Purposes aforesaid; and at all Meetings of the said Committees one of the Members present shall be appointed Chairman, who shall be entitled to vote on all Questions, and in case of an equal Division of Votes upon any Subject entertained by the said Committee shall have an additional or casting Vote.

Contracts to be signed by Three Directors.

XXXI. And be it further enacted, That all Contracts and Agreements in Writing relating to the Affairs of the said Company, which shall be signed by any Three of the Directors of the said Company, shall be binding on the said Company and all other Parties thereto, their respective Successors, Heirs, Executors, and Administrators, and Actions and Suits may be maintained thereon, and Damages and Costs recovered by or against the said Company or any of the other Parties thereto failing in the Execution thereof.

Orders and Proceedings to be entered in a Book.

XXXII. And be it further enacted, That the Orders and Proceedings of all Meetings, as well General as Special, of the said Company, and of the said Directors and Committees respectively, shall be entered in some Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of such respective Meetings; and such Orders and Proceedings, when so entered and signed, shall be deemed original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others, and that without due Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Proprietors, or being Directors or Members of the Committee, or of the Signature of such Chairman, as the Case may be, all of which last-mentioned Matters shall be presumed.

Directors to cause Accounts to be kept.

XXXIII. And be it further enacted, That the said Directors shall cause a Book to be kept by a Book-keeper, who shall be expressly appointed by the said Directors for that Purpose, and who shall enter or cause to be entered in the said Book true and regular Accounts of all Sums of Money received and expended for or on account of the said Undertaking, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid, and such Books shall at all reasonable Times be open to the Inspection of the respective Loan Creditors for Money advanced and lent for the Purposes of this Act, without Fee or Reward, and the said Loan Creditors or any of them may take Copies of or Extracts from the said Book without paying any thing for the same; and in case the said Book-keeper shall refuse to permit or shall not permit

such

such Loan Creditors, or any of them, to inspect such Book, or to take such Copies or Extracts as aforesaid, such Book-keeper shall forfeit and pay for every such Offence any Sum of Money not exceeding Twenty Pounds, to be levied and applied in the same Manner as other Penalties are by this Act directed to be levied and applied.

XXXIV. And be it further enacted, That at the first Meeting of Directors which shall be held after the passing of this Act, and at the first Meeting of Directors which shall be held next after the first Appointment of the said Directors under the Provision herein contained, and at the first Meeting of the Directors which shall be held next after the Half-yearly Meeting in the Month of *February* in each Year, except the Year One thousand eight hundred and thirty-seven, the Directors present at such Meeting of Directors shall choose out of the Directors of the said Company a Chairman and Deputy Chairman of the said Directors; and the Chairman for the Time being of the said Directors shall have the Custody of the Common Seal of the said Company: Provided always, that when and so often as the Chairman or Deputy Chairman to be chosen by virtue of this Act shall die or resign, or become disqualified to act, or otherwise cease to be a Director, it shall be lawful for the Directors present at the Meeting next after such Vacancy shall have occurred to choose some other of the said Directors to be Chairman or Deputy Chairman, to be chosen as last aforesaid, to fill such Vacancy, who shall continue in such Office so long only as the Person in whose Place or Stead he may be so elected would have been entitled under the Provisions of this Act to continue if such Vacancy had not happened.

Chairman and Deputy Chairman of Directors to be appointed.

XXXV. And be it further enacted, That at all General and Special General Meetings of the said Company the Chairman of the said Directors, or in his Absence the Deputy Chairman of the said Directors, or in his Absence some one of the Directors of the said Company to be chosen at any such Meeting, or in the Absence of all the Directors any Proprietor to be chosen at such Meeting, shall preside as Chairman; and such Chairman, in case of an equal Division of Votes upon any Subject entertained at any such Meeting, shall, in addition to his own Votes in respect of the Shares held by him and in respect of the Shares of any other Proprietor whose Proxy he may hold, have an additional or casting Vote as Chairman.

At Meetings of the Company Chairman or Deputy Chairman of Directors to preside.

XXXVI. And be it further enacted, That the said *Robert William Brandling* shall be the first Managing Director of the said Company, and shall remain in and exercise the said Office during his Life, or until he shall resign, or be removed in manner herein-after mentioned; and when and so soon as the said *Robert William Brandling* or other the Managing Director for the Time being to be elected as herein-after mentioned shall die or resign, or shall be removed from his Office in manner herein-after mentioned, it shall be lawful for the Shareholders, at any General or Special Meeting to be summoned and held in manner herein-before directed, to proceed to an Election, and to elect from among the Members or Proprietors of the said Company some other Person to be and continue Managing Director,

R.W. Brandling to be the first Managing Director; and Mode of electing future Managing Director in his Place.

and

and to appoint for what Time or Period each Managing Director so elected shall continue in Office.

First Directors of the Company.

XXXVII. And be it further enacted, That *John William Williamson, Thomas Emerson Headlam, Ralph Naters, Thomas Pemberton, William Losh, Andrew White, John Walker, William Mountain, William Spencer, Michael Longridge, John Carr, and William Peareth,* and the Survivors and Survivor of them, or such of them as shall continue to act, shall, together with the said *Robert William Brandling,* the Managing Director herein-before appointed, or together with such other Person as shall be appointed Managing Director in manner herein-before mentioned, be the first Directors of the said Company, and shall continue in Office until the First General Meeting of the said Company to be held in pursuance of this Act; and they the said Directors herein-before named, together with the said Managing Director, shall and they are hereby required to fix the Time of such First General Meeting within the Limit herein-before prescribed with respect to General Meetings of the said Company; and until such First General Meeting shall be holden, and such Twelve Directors shall have been duly elected, as herein-before prescribed, the said Directors herein named, or the Survivors or Survivor of them, or such of them as shall continue to act, and the said Managing Director, shall and lawfully may allot the Shares remaining undisposed of in the said Undertaking as to the said Directors and Managing Director shall seem fit, and shall and may exercise all other Powers and Authorities which are by this Act given to or which may be exercised by the said Managing Director and the Directors who may be elected in pursuance thereof at the first or any subsequent Annual General Meeting of the said Company.

Managing and other Directors may be removed.

XXXVIII. And be it further enacted, That at any Special General Meeting of the Company to be summoned and held in manner herein-before directed the said Company shall have full Power then and there to propose the Removal of the Managing Director, or to remove any One or more of the other Directors of the said Company, if they shall see fit so to do; provided that the Notice by which such Special General Meeting for the Purposes aforesaid shall be summoned shall specify the Object of such Meeting, and the Cause of Complaint against the Director or Directors proposed to be removed; and provided also, that in case the Managing Director shall at any such Meeting be proposed to be removed, such his Removal shall not actually take place unless and until the Resolution of such Special General Meeting for his Removal shall be afterwards confirmed by a Majority of at least Three Fourths of the Votes of the Proprietors present, either personally or by Proxy, at the succeeding Half-yearly General Meeting of the said Company.

No Person to hold the Office of Secretary or Clerk and Treasurer at the same Time.

XXXIX. Provided always, and be it further enacted, That it shall not be lawful for the said Directors to appoint any Person who may be appointed the Secretary or Clerk of the said Company, or who may be the Partner of such Secretary or Clerk, or any Person in the Service or Employ of such Secretary or Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who

who may be appointed Treasurer or the Partner of such Treasurer, or any Person in the Service or Employ of such Treasurer or of his Partner, to be Secretary or Clerk of the said Company; and if any Person shall accept both the Offices of Secretary or Clerk and Treasurer, for the Purposes of this Act, or if any Person being the Partner of such Secretary or Clerk, or being in the Service or Employ of such Secretary or 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 Treasurer or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Secretary or Clerk in the Execution of this Act, or shall act as Deputy of such Secretary or Clerk, or in any Manner officiate for such Secretary or Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Company other than that of Treasurer, every 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*.

XL. And be it further enacted, That every Officer and Person who shall be appointed or employed by virtue of this Act shall, from Time to Time when thereunto required by the said Company, make out and deliver to the said Company, or to such Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him received by virtue of this Act, and such Accounts shall state how and to whom and for what Purpose the same shall have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Accounts shall appear to be owing from him to the Treasurer of the said Company, or to such Persons as the said Company shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof, when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Company or to such Persons as they shall respectively appoint, within Three Days after being thereunto required by the said Company or by such other Persons as last aforesaid, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Company, or by any other Person on their Behalf, to any Justice of the Peace acting within his Jurisdiction, such Justice may and he is hereby required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his appearing or not being to be found to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Company might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, or by the solemn Affirmation of any Person being a Quaker or Separatist, it shall appear to such Justice that any of the Monies which shall have been collected

Officers to
account.

and received shall be in the Hands of or be owing from such Officer or Person, such Justice may and is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if his Goods or Chattels shall not be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings, or to pay the Balance due as aforesaid, then and in every of the Cases aforesaid the said Justice may and he is hereby required by Warrant under his Hand and Seal to commit such Officer or Person to some Common Gaol or House of Correction within his Jurisdiction, there to remain without Bail or Mainprize until he shall have made and delivered such Account, and have delivered up the Vouchers and Receipts (if any) relating thereto, and have delivered up such Books, Papers, and Writings (if any) as aforesaid, and shall have paid all the Money which shall appear to be in the Hands of or owing from him, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he shall have compounded with the said Company for such Money and Charges, and have paid the Composition Money to the said Company, (and which Composition the said Company are hereby respectively empowered to make,) or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings to the said Company: Provided always, that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Six Calendar Months.

Company
empowered
to make
Bye Laws.

XLI. And be it further enacted, That the said Company at any General or Special General Meeting of the said Company shall have full Power and Authority from Time to Time to make such Bye Laws, Orders, and Rules as to them shall seem expedient for the good Government of the Affairs of the said Company, and for regulating the Proceedings of the Directors, and for remunerating and reimbursing the Expences of the said Directors, and for the Management of the said Undertaking, and of the Officers and Servants of the said Company in all respects whatsoever, and from Time to Time to alter or repeal such Bye Laws, Orders, and Rules, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same as to the said Company shall seem meet, not exceeding the Sum of Five Pounds for any one Offence, such Fines and Forfeitures to be levied and recovered as any Penalty may by this Act be levied and recovered; and all such Bye Laws, Orders, and Rules as aforesaid as shall impose any Fine or Forfeiture, being reduced into Writing under the Common Seal of the said Company, shall be painted on Boards, and hung up and affixed and continued on the Front or other conspicuous Part of the several Toll Houses to be erected on the said Railway, and other Buildings and Places at which any Rates, Tolls, or other Sums shall be received under the Authority of this

Act, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated or destroyed; and all Bye Laws, Orders, and Rules of the said Company shall be binding upon and be observed by all Parties, and shall be sufficient in all Courts of Law or Equity to justify all Persons who shall act under the same, provided that such Bye Laws, Orders, and Rules be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any Directions in this Act contained; and all such Bye Laws, Orders, and Rules shall be subject to Appeal in manner herein-after mentioned,

XLII. And be it further enacted, That the said Company shall and they are hereby required to cause a true and particular Account to be kept, and be made up twice in every Year, (that is to say,) up to the Thirty-first Day of *December* and the Thirtieth Day of *June*, of the Money received by or for the Use of the said Company by virtue of this Act, and of the Charges and Expences attending the maintaining and carrying on of the said Undertaking, and of all other the Receipts and Expenditure of the said Company up to those Periods respectively, which Account shall be laid before the Half-yearly General Meetings of the said Company herein-before directed to be held in the Months of *February* and *August* respectively; and such Account shall afterwards be audited and examined into by the Auditors of the said Company, who shall report thereon to the next Half-yearly General Meeting of the said Company, or any Meeting by Adjournment therefrom, or any Special General Meeting to be summoned and held for that Purpose, or at any Meeting by Adjournment therefrom, or otherwise; and for the Purpose of such Examination the said Directors shall, on Demand, at all convenient Times, cause to be produced to the said Auditors, or any of them, all Books of Accounts, Vouchers, and Documents in the Possession or Power of the said Directors relating to the Affairs of the said Company.

Accounts to be made up half yearly.

XLIII. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered, from Time to Time, at any Half-yearly General Meeting, or at a Special General Meeting to be called for that Purpose, to declare and make a Dividend out of the clear Profits of the said Undertaking, and such Dividend shall be after the Rate of so much *per* Share upon the several Shares held by the Members of the said Company in the Joint Stock thereof: Provided always, that such Dividends shall not be made oftener than quarterly, and no Dividends shall be made exceeding the net Amount of clear Profit at the Time being in the Hands of the said Company, nor whereby the Capital of the said Company shall in any Degree be reduced or impaired, nor shall any Dividend be paid in respect of any Share after a Day appointed for Payment of any Call of Money in respect thereof until such Call shall have been paid.

Dividend to be declared.

XLIV. And be it further enacted, That the said Company shall and they are hereby required, at their First or some subsequent General Meeting, and afterwards from Time to Time as Occasion may require, to cause the Names of the several Corporations, and the Names and Places of Residence of the several Persons, who shall then be or who shall

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

shall from Time to Time thereafter become entitled to Shares in the said Undertaking, with the Number of Shares which they are respectively entitled to, and the Amount of the Subscriptions paid thereon, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the said Company; and the said Company shall from Time to Time cause a Certificate or Ticket, with the Common Seal of the said Company affixed thereto, to be delivered to every such Proprietor on Demand, specifying the Share or Shares to which he is entitled in the said Undertaking, such Proprietor paying to the said Company the Sum of Two Shillings and Sixpence, and no more, for every such Certificate or Ticket; and such Certificate or Ticket shall be admitted in all Courts whatsoever as *primâ facie* Evidence of the Title of such respective Proprietors, their Successors, Executors, Administrators, or Assigns, to the Share or Shares therein specified, but the Want of such Certificate or Ticket shall not hinder or prevent the Proprietors of any of the said Shares from selling or disposing thereof; and such Certificate or Ticket may be in the Words or to the Effect following; (that is to say,)

Form of
Certificate.

‘ The *Brandling* Junction Railway Company.
Number
‘ THESE are to certify, That *A. B.* of _____ is a Proprietor
‘ of the Share Number _____ in the *Brandling* Junction Railway,
‘ subject to the Rules, Regulations, and Orders of the said Company.
‘ Given under the Common Seal of the said Company the _____ Day of
‘ _____ in the Year of our Lord _____ .’

For granting
new Certifi-
cates when
old ones de-
stroyed or
worn out.

XLV. And be it further enacted, That if any such Certificate or Ticket as aforesaid shall be worn out, damaged, lost, or destroyed, then, upon due Proof thereof to the Satisfaction of the said Company, a similar Certificate or Ticket shall be given to the Proprietor of the Share or Shares in respect whereof the Certificate or Ticket so worn out, damaged, lost, or destroyed was granted, the said Company receiving for every such Certificate or Ticket which shall be so given or exchanged the Sum of Two Shillings and Sixpence, and no more.

Company to
enter and
keep a List
of Proprie-
tors.

XLVI. And be it further enacted, That the said Company shall, in some proper Book to be provided by the said Company for that Purpose, enter and keep a true Account of the Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons and Corporations who shall from Time to Time become Proprietors thereof or be entitled to any Share therein; and every Proprietor of the said Undertaking (or being a Corporate Body by their Clerk or Agent duly appointed) may at all convenient Times have recourse to and peruse such Book *gratis*, and may demand and have Copies thereof or of any Part thereof, paying at and after the Rate of Sixpence for every One hundred Words so to be copied; and if the Secretary or Clerk of the said Company, or Person in whose Custody the said Book shall be, shall refuse to permit any such Proprietor, or the Clerk or Agent of any such Corporation as aforesaid, to peruse such Book at any reasonable Time, or refuse to make such Copy within a reason-
able

able Period, at the Rate aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds.

XLVII. And whereas by the Death of or by other Events happening to Proprietors, or by the Marriage of Female Proprietors of Shares in the said Undertaking, it may be difficult to ascertain to whom such Shares, or the Dividends arising or becoming due upon such Shares, may belong or ought to be paid; be it therefore enacted, That in all Cases when the Right of Property in any Share in the said Undertaking shall pass from any Proprietor thereof to any other Person or Corporation by any other legal Means than by an Assignment thereof duly made and executed as herein-after directed, a Declaration pursuant to an Act passed in the Fifth and Sixth Year of the Reign of His present Majesty, intituled *An Act to repeal an Act of the present Session of Parliament, intituled "An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits,"* and to make other Provisions for the Abolition of unnecessary Oaths, shall be made by some credible Person before some Master or Master Extraordinary in the High Court of Chancery, or any of His Majesty's Justices of the Peace, stating the Manner in which such Share hath passed to such other Person or Corporation, and such Declaration shall be transmitted to the said Company, who shall thereupon enter and register the Name of every such new Proprietor in the Register Book or List of Proprietors of the said Company; and the said Company shall be entitled to receive for every such Entry as herein-before directed the Sum of Two Shillings and Sixpence, and no more; and the said Company shall not be bound to see to the Execution of any Trust, whether express or constructive, to which any such Share shall be subject or liable; and before such Declaration shall have been transmitted and such Entry made as aforesaid no Person or Corporation to whom any such Share shall have passed as aforesaid shall be entitled to receive any Part of the Profits of the said Undertaking, or to vote or exercise any of the Privileges of a Proprietor in respect of such Share: Provided always, that before any Person who shall claim any Part of the Profits of the said Undertaking in Right of Marriage with any Female Proprietor shall be entitled to receive the same, or be entitled to vote in respect of any Share, a Declaration in Writing to be made pursuant to the herein-before mentioned Act of the Fifth and Sixth Year of the Reign of His present Majesty, containing a Copy of the Register of such Marriage or other Particulars of the Celebration thereof, and identifying the Wife as the Proprietor of the Share in respect whereof any such Claim may be made, shall be made by some credible Person before some Master or Master Extraordinary in the High Court of Chancery, or any of His Majesty's Justices of the Peace, and shall be transmitted to the said Company, who shall file the same and make an Entry thereof in the Book which shall be kept for the Entry of Transfers or Sales of Shares in the said Undertaking; and before any Person or Corporation who shall claim any of the Profits of the said Undertaking by virtue of any Bequest or Will, or in the Course of Administration, shall be entitled to receive the same, or to be en-

For ascertaining Proprietorship of Shares in case of Death, &c., in order to the Payment of Dividends in respect of such Shares.

titled to vote in respect of any Share, the said Will, or the Probate thereof, or the Letters of Administration, shall be produced and shewn to the said Company.

Power of
Directors to
make Calls.

XLVIII. And be it further enacted, That the said Directors shall have Power from Time to Time to make such Calls of Money from the Subscribers to and Proprietors of the said Undertaking for the Time being, for the Purposes of this Act, as they from Time to Time shall find necessary, so that the aggregate Amount of Calls made or Money paid for or in respect of any Shares in the said Undertaking shall not amount to more than the Sum of Fifty Pounds for each such Share, and so that no such Call shall exceed the Sum of Five Pounds upon each Share which any Person or Corporation shall be possessed of or entitled unto in the said Undertaking, and so that an Interval of Two Calendar Months at the least shall elapse between the Day appointed for Payment of one Call and the Day appointed for Payment of another Call, and so that Twenty-one Days Notice at the least shall be given of every such Call by Advertisement inserted in One or more Newspaper or Newspapers published in *Newcastle-upon-Tyne*; and all Monies so called for shall be paid to such Persons at such Times and Places and in such Manner as in the said Notice shall be appointed; and the respective Owners of Shares in the said Undertaking shall pay their rateable Proportion of the Monies to be called for as aforesaid to such Persons at such Times and Places and in such Manner as shall be appointed as aforesaid; and if any Owner or Proprietor for the Time being of any such Share shall not so pay his rateable Proportion, then and in such Case, and so often as the same shall happen, he shall pay Interest for the same after the Rate of Five Pounds *per Centum per Annum* from the Day appointed for the Payment thereof up to the Time when the same shall be actually paid; and if any Owner or Proprietor for the Time being of any such Share shall neglect or refuse to pay his rateable Proportion, together with Interest, if any, then or at any Time thereafter, it shall be lawful for the said Company to sue for and recover the same in any of His Majesty's Courts of Record by Action of Debt or on the Case, or by Bill, Suit, or Information; or the said Directors may and they are hereby authorized to declare the Share or Shares belonging to such Owner to be forfeited, and to order the same to be sold: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share in the said Undertaking until Notice in Writing under the Hands of Two Directors, or under the Hand of the Secretary or Clerk of the said Company, that such Share hath been declared forfeited, shall have been given or sent by the Post unto or delivered to some Inmate of the last known usual Place of Abode of the Owner of such Share, nor until a Declaration of Forfeiture of the said Directors shall have been confirmed either at a General or Special General Meeting of the said Company, such General or Special General Meeting being held after the Expiration of Three Calendar Months at the least from the Day on which such Notice of Forfeiture shall have been given as aforesaid; and after such Declaration of Forfeiture shall have been confirmed by such General Meeting or Special General Meeting, the said Company, by an Order to be made at the same or at any subsequent General Meeting or Special General Meeting, shall have Power to order the said Directors to dispose of the Share or

Shares

If Calls are not paid, Directors may sue for the Amount, or may declare the Shares to be forfeited, and sell them.

Shares so forfeited, or any of them, in manner by this Act directed, and the said Directors may in that Case sell and dispose of such Share or Shares at a public Auction or by private Contract, and together or in Lots, or in such other Manner and for such Price as they may think fit; and a Declaration pursuant to the herein-before mentioned Act of the Fifth and Sixth Year of the Reign of His present Majesty, made by some credible Person, not interested, before any Justice of the Peace, or before some Master or Master Extraordinary in the High Court of Chancery, stating that such Call had been made by the said Directors, and that such Notice had been given, and that such Default in Payment had been made in respect of the Share so sold, and that the same Share had been declared to be forfeited, and that such Declaration of Forfeiture had been confirmed in manner herein-before mentioned, shall be sufficient Evidence of the Facts therein stated, and the Purchaser of such Share shall not be bound to see to the Application of his Purchase Money, nor shall his Title to such Share be affected by any Irregularity of Proceeding in reference to such Sale, but such Affidavit and the Receipt of the Treasurer of the said Company for the Price of such Share shall be sufficient Evidence of Title thereto for all Purposes whatsoever.

XLIX. Provided always, and be it further enacted, That in case the Money produced by the Sale of any Share which shall be forfeited by reason of the Nonpayment of any Call as aforesaid shall be more than sufficient to pay all Arrears of Calls as aforesaid, and legal Interest thereon as aforesaid, and the Expence attending the Sale thereof, the Surplus of such Purchase Money shall, on Demand, be paid to the Party to whom such forfeited Share shall have belonged: Provided always, that it shall not be lawful for the said Company or for the said Directors to sell or transfer more of the Shares of such Defaulter under the Power herein-before contained than shall be sufficient, as near as may be at the Time of such Sale, to pay the Arrears of Calls due from such Defaulter, and the Interest and Expences as aforesaid; and from and after Payment of such Arrears of Calls, and the Interest and Expences aforesaid, any Share vested in the said Company as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Party to whom such Share shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly paid.

If Purchase Money for forfeited Shares be more than sufficient to pay the Arrears of Calls, &c., Surplus to be paid to the Owners.

L. And be it further enacted, That in any Action to be brought by the said Company against any Proprietor for the Time being of any Share in the said Undertaking, to recover any Money due and payable for or in respect of any Call, it shall be sufficient for the said Company to declare and allege that the Defendant, being the Proprietor of a Share in the said Undertaking, is indebted to the said Company in such Sums of Money as the Calls in arrear shall amount to, for a Call or so many Calls of such Sums of Money upon a Share belonging to the said Defendant, whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant at the Time of making such

Proceedings in Actions for Calls.

respective

respective Calls was a Proprietor of a Share in the said Undertaking; and that such Call was in fact made, and that such Notice was given as is directed by this Act, without proving the Appointment of the Directors who made such Calls or any other Matter whatsoever, and the said Company shall thereupon be entitled to recover what shall appear due, including Interest, computed as aforesaid, on such Calls, unless it shall appear that any such Call exceeded Five Pounds *per* Share, or was made payable before the Expiration of Two Calendar Months from the Day appointed for Payment of the last preceding Call, or that Notice was not given as herein-before required; and in order to prove that the Defendant was a Proprietor of such Share in the said Undertaking, as alleged, the Production of the Book in which the said Company is by this Act directed to enter and keep the Names of the several Corporations, and the Names and Places of Residence of the several Persons, Proprietors from Time to Time of Shares in the said Undertaking, with the Number of Shares they are respectively entitled to, shall be *primâ facie* Evidence that such Defendant is a Proprietor and of the Number or Amount of his Shares therein.

For ascertaining the Proprietorship of Shares in case of Death, &c., in order to the making of Calls in respect of such Shares.

LI. And whereas in Cases in which Proprietors of a Share or Shares in the said Undertaking shall die, or marry, being Females, or become insolvent or bankrupt, or go out of the Kingdom, or shall transfer their Right and Interest therein to other Persons, and no Register shall have been made of the Transfer thereof with the Clerk of the said Company, it may not be in the Power of the said Company to ascertain who are the Proprietors of such Shares respectively, in order to give them, or to their respective Executors, Administrators, Husbands, Successors, or Assigns, Notice of Calls to be made on such Shares, or to maintain Actions, Suits, or Proceedings against them, or against their respective Executors, Administrators, Husbands, Successors, or Assigns, for the Recovery of the same; be it therefore enacted, That in all Cases where the Right of Property in any Share in the said Undertaking shall pass from the original Proprietor thereof to any other Person or Corporation by any other legal Means than by an Assignment thereof duly made and executed as herein provided, and such Declaration as is herein-before in that Behalf directed shall have been transmitted to the said Company, then and in any of the Cases aforesaid, after Twenty-one Days Notice in Writing shall have been given under the Hands of Two Directors, or under the Hand of the Secretary or Clerk of the said Company, to the Person or Corporation stated or claiming in such Declaration to be the then Proprietor of such Share or Shares, or delivered to some Inmate of the last or usual known Place of Abode of such Person or of the Clerk of such Corporation, or published in some One or more Newspaper or Newspapers published at *Newcastle-upon-Tyne*, to pay his or their Proportion of Money to be called for, and such Person or Corporation shall not have paid such his or their Proportion as aforesaid, it shall be lawful for the said Company, at any General Meeting or Special General Meeting after the Expiration of such Notice, to declare every such Share to be forfeited, and in such Case the same shall become forfeited, and shall and may be sold and disposed of in such

such Manner, on such Evidence of Title, and with such Powers, and with such Indemnity to Purchasers as in other Cases of Sales of Shares forfeited for the Nonpayment of Calls thereon ; or such Shares may, at the Option of the said Company, be consolidated in the general Fund of the said Company ; and in case there shall be no such Declaration made as aforesaid, then such Notice as is herein-before directed to be given shall be served upon or delivered to some Inmate of the last Place of Abode, or the Executors or Administrators of such Proprietor so dying, or the Husband of such Female Proprietor so marrying, or of the Assignees or Trustees of such Proprietor so becoming bankrupt or insolvent, or, in the event of the Share having been disposed of as aforesaid, of the last Proprietor appearing in the Books of the said Company to have been possessed of the same ; and in case the last or usual Place of Abode of any such Proprietor cannot be ascertained upon Inquiry, or in case the Proprietor of the Share shall be out of the Kingdom, such Notice shall be inserted in the *London Gazette* ; and in all such Cases, and after such Notices, on default being made, the said Share or Shares shall be forfeited, and may be sold, or be consolidated with the general Fund of the said Company in manner aforesaid ; and the like Evidence of Title shall be sufficient on any Sale, and the like Indemnity to the Purchaser shall exist, as in other Cases of Sales on account of the Nonpayment of Calls : Provided always, that in the Case of Proprietors being Abroad the Shares shall not be forfeited until the Expiration of Six Calendar Months after the Day on which such Notice shall have been inserted in the *London Gazette* as aforesaid.

LII. And be it further enacted, That all the Shares of and in the said Undertaking, or the Joint Stock or Fund of the said Company, shall to all Intents and Purposes be deemed Personal Estate, and shall not be deemed to be of the Nature of Real Property.

Shares to be deemed Personal Estate.

LIII. And be it further enacted, That it shall be lawful for the several Proprietors of Shares in the said Undertaking, and their respective Executors, Administrators, and Successors, to assign to any other Persons or Corporations approved of by the Company, but to such Persons or Corporations only, any Shares to which they shall be entitled therein, subject to the Rules and Conditions herein mentioned ; and the Assignment of Shares shall be in Writing, and may be in the following Words, or to the like Effect, varying the Names and Descriptions of the contracting Parties as the Case may require ; (that is to say,)

Proprietors of Shares may sell the same to any Purchasers to be approved of by the Company.

I A. B. of _____ in consideration of the Sum
of _____ paid to me by C. D. of _____
, do hereby assign and transfer unto the said
C. D. Share, numbered _____ of and in the
Undertaking called "The *Brandling* Junction Railway," to hold
unto the said C. D., his Executors, Administrators, and Assigns
[or Successors and Assigns], subject to the several Conditions on
which I held the same immediately before the Execution hereof ;
and I the said C. D. do hereby agree to accept and take the said
Share, subject to the Conditions aforesaid. As witness our Hands
and Seals the _____ Day of _____

Form of Conveyance.

[Local.]

21 Q

And

And on every such Assignment the Deed, being executed by the Seller and Purchaser, shall be kept by the said Company, or by the Secretary or Clerk of the said Company, who shall enter in some Book to be kept for that Purpose a Memorial of such Assignment, and indorse the Entry of such Memorial on the said Deed, for which Entry or Indorsement the Sum of Two Shillings and Sixpence, and no more, shall be paid to the said Company; and the said Company, or the Secretary or Clerk as aforesaid, is hereby required to make such Entry or Memorial accordingly, and, on Demand, to make an Indorsement of such Assignment on the Certificate of each Share so sold, and deliver the same to the Purchaser for his Security; and such Indorsement, being signed by such Secretary or Clerk, shall be considered in every respect the same as a new Certificate; and until such Memorial shall have been made and entered as before directed the Party making the Assignment shall remain and be liable for all future Calls, and the Assignee shall have no Part or Share of the Profits of the said Undertaking, nor any Interest in respect of such Share paid to him, nor any Vote in respect thereof as a Proprietor of the said Undertaking.

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

LIV. And be it further enacted, That no Person or Corporation shall assign any Share which he or they shall possess in the said Undertaking, upon which any Call shall have been made, after the Day appointed for the Payment of the same, unless at the Time of such Assignment he or they shall have paid the full Sum of Money which shall have been called for in respect of such Share.

Receipt of One Proprietor of a Share to be a sufficient Discharge.

LV. And be it further enacted, That the Receipt of the Person or of any One of the Persons in whose Name or Names any Share in the said Undertaking shall stand in the Books of the said Company shall from Time to Time be a sufficient Discharge to the said Company and Treasurer for any Dividend or other Sum of Money which shall become payable and be paid for or in respect of such Share, notwithstanding any Uses or Trusts upon or to which such Share shall be then settled, conveyed, or assigned, whether or not the said Company have Notice of such Uses or Trusts, and the said Company shall not be bound to see to the Application of the Money mentioned in such Receipt.

Receipt of the Parent or Guardian of a Minor to be a sufficient Discharge.

LVI. And be it further enacted, That in all Cases where Money shall be payable under the Provisions of this Act to any Proprietor who shall be a Minor, Idiot, or Lunatic, the Receipt of the Guardian if any, or if not of the Parent of such Minor, or of the Committee or of any One of the Committees of such Idiot or Lunatic, shall be a sufficient Discharge to the said Company and their Treasurer for the same.

Railway to be free on Payment of Rates.

LVII. And be it further enacted, That all Persons shall have free Liberty to pass along and upon and to use and employ the Railway made by the said Company, with Carriages properly constructed as by this Act directed, upon Payment only of such Rates and Tolls as shall be demanded by the said Company, not exceeding the respective Rates or Tolls by this Act authorized, and subject to the Provisions of this Act, and to the Rules and Regulations which shall from Time

to Time be made by the said Company by virtue of the Powers to them by this Act granted.

LVIII. And be it further enacted, That it shall be lawful for the said Company to demand, receive, and recover to and for the Use and Benefit of the said Company, for the Tonnage of all Articles, Matters, and Things which shall be carried or conveyed upon or along the said Railway, or any Part thereof respectively, any Rates or Tolls not exceeding the following; (that is to say,)

Rates of
Tonnage al-
lowed to be
taken by the
Company.

For all Dung, Compost, and Lime to be used as Manure, and all other Manures, and all Materials for the Repair of the public Roads or Highways, any Sum not exceeding One Penny *per Ton per Mile*:

For all Coals, Limestone to be used otherwise than as Manure, Iron-Stone, Iron Ore, and all other Mineral Ores, Timber, Deals, Building, Pitching, and Paving Stones, and Clay, any Sum not exceeding One Penny Halfpenny *per Ton per Mile*:

For all Coke, Culm, Charcoal, Flags, Bricks, Tiles, and Slates, Lead, Iron, and other Metals, any Sum not exceeding Two-pence *per Ton per Mile*:

For all Corn, Grain, Flour, Hay, and all other agricultural Produce, any Sum not exceeding Two-pence Halfpenny *per Ton per Mile*:

For all Sugar, Dye Woods, and Groceries, Cotton and other Wool, Hides, Drugs, manufactured Goods, and all other Wares, Merchandize, Matters, or Things, any Sum not exceeding Three-pence *per Ton per Mile*:

For all Coal, Coke, Culm, and Cinders, Limestone, Lime, Chalk, Dung, Compost, and all Sorts of Manure, and all Materials for the Repair of the public Roads or Highways, which shall pass the Inclined Planes upon the said Railway, any Sum not exceeding the Sum of Sixpence *per Ton*, over and above the Rates of Tonnage herein-before authorized to be received:

For all other Articles, Matters, and Things for which a Tonnage is herein-before directed to be paid, which shall pass the Inclined Planes upon the said Railways, any Sum not exceeding the Sum of One Shilling *per Ton*, over and above the Rates of Tonnage herein-before authorized to be received:

For all Coal, Coke, Culm, and Cinders, Limestone, Lime, Chalk, Dung, Compost, and Manure, and all Materials for the Repair of the public Roads or Highways, which shall be put on board or taken out of Ships, Keels, or other Vessels, by means of Spouts, Drops, Cranes, or other Works connected with the said Railway, any Sum not exceeding the Sum of Sixpence *per Ton*, over and above the Rates of Tonnage herein-before authorized to be received:

For all other Articles, Matters, and Things for which a Tonnage is herein-before directed to be paid, which shall be put on board or taken out of Ships, Keels, or other Vessels, by means of Spouts, Drops, Cranes, or other Works connected with the said Railway, any Sum not exceeding the Sum of One Shilling *per Ton* over and above the Rates of Tonnage herein-before authorized to be received.

LIX. Pro-

Rates of Tonnage on short Distances.

LIX: Provided always, and be it further enacted, That in all Cases where any of the above-mentioned Articles, Matters, or Things shall be carried or conveyed along or upon the said Railway for so short a Distance that the above-mentioned Tonnage Rates shall not amount to Sixpence *per* Ton, the said Company shall be at liberty and are hereby authorized and empowered to demand and receive the Sum of Sixpence *per* Ton thereon, any thing in this Act contained to the contrary notwithstanding.

Tolls in respect of Passengers, Cattle, or Animals.

LX. And be it further enacted, That it shall be lawful for the said Company to receive, demand, and recover, to and for the Use and Benefit of the said Company, for and in respect of Carriages which shall be used on the said Railway, for the Conveyance of Passengers, Cattle, or Animals, any Tolls not exceeding the following; (that is to say,)

For every Person conveyed in or upon any such Carriage for any Distance not exceeding Three Miles the Sum of Sixpence, and for any greater Distance the Sum of Two-pence *per* Mile:

For every Horse, Mule, Ass, or other Beast of Draught or Burthen, and for every Bull, Ox, Cow, or Neat Cattle, conveyed in or upon any such Carriage, the Sum of Two Shillings for any Distance not exceeding Eight Miles, and for any greater Distance Three-pence *per* Mile:

For every Calf, Sheep, Lamb, or Swine conveyed in or upon any such Carriage the Sum of Sixpence for any Distance not exceeding Three Miles, and Two-pence *per* Mile for any greater Distance.

Company empowered to carry Passengers, &c., and to charge for the Conveyance thereof.

LXI. And be it further enacted, That it shall be lawful the said Company and they are hereby empowered to convey upon the said Railway such Passengers, Cattle, or other Animals, and Articles, Matters, and Things, as shall be offered to them for that Purpose, and to charge for the Conveyance thereof respectively, in addition to the several other Rates, Tolls, or Sums in this Act authorized, such Sum or Sums of Money as the Company or Directors shall from Time to Time think proper.

Company empowered to provide and charge for locomotive or other propelling Power.

LXII. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to provide locomotive or fixed Engines or other Power for the drawing or propelling of any Articles, Matters, or Things, Persons, Cattle, or Animals, upon the said Railway, and also along and upon any other Railway communicating therewith, and to receive, demand, and recover such Sums of Money for the Use of such Engines or other Power as the said Company shall think proper, in addition to the several other Rates, Tolls, or Sums by this Act authorized to be taken.

Act not to prevent the Company from hiring

LXIII. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to prevent the said Company from making any Agreement with any Person for the Hire or Use of any

any locomotive Engine, or of any Carriage, and to pay for the same such reasonable Sum as may be agreed on between the said Company and such Person; any thing herein contained to the contrary thereof notwithstanding.

Locomotive
Engines.

LXIV. And be it further enacted, That (without Prejudice to any of the Provisions herein-before contained) in all Cases in which there shall be a Fraction of a Ton, such Fraction shall be deemed and considered as a Ton; and in all Cases where there shall be a Fraction of a Mile in the Distance which any Waggon or other Carriage shall pass upon the said Railway, such Fraction shall be deemed and considered as a Mile; and in order to ascertain and calculate with greater Precision and Facility the Distance for which such Rates or Tolls shall be demanded and taken upon the said Railway, the said Company shall cause the said Railway to be measured, and Stones or other conspicuous Marks, with proper Inscriptions thereon, to be set up and maintained along the whole Line thereof, at the Distance of One Mile from each other.

Regulating
the Charge
in Cases of
fractional
Parts of a
Ton or a
Mile.

LXV. Provided always, and be it further enacted, That in all Cases where any of the before-mentioned Articles, Matters, Things, or Persons shall be conveyed on the said Railway for a less Distance than Eight Miles, the said Company are hereby empowered to demand and receive the afore-mentioned Rates, Tolls, and Charges for Conveyance, as the Case may be, for Eight Miles, exclusive of a reasonable Charge for the Expence of loading and unloading such Articles, Matters, and Things, in Cases where the loading and unloading shall be done by the said Company, and which Charge the said Company are hereby authorized to make.

Regulating
the Charge
for short
Distances.

LXVI. And be it further enacted, That it shall be lawful for the said Company from Time to Time to make such Orders for fixing, and by such Orders to fix, the Sum to be charged by the said Company in respect of small Parcels (not exceeding Five hundred Pounds Weight each) as to them shall seem proper: Provided always, that the Provision herein-before contained shall not extend to Articles, Matters, or Things sent in large aggregate Quantities, although made up of separate and distinct Parcels, such as Bags of Sugar, Coffee, Meal, and the like, but only to single Parcels unconnected with Parcels of a like Nature which may be sent upon the Railway at the same Time.

Company
empowered
to fix the
Price of
small Par-
cels.

LXVII. And be it further enacted, That it shall be lawful for the said Company, from Time to Time as they shall think fit, to reduce all or any of the Rates or Tolls by this Act authorized to be taken, and to take the reduced Rates, and afterwards from Time to Time again to raise the same or any of them, and then to take such higher Rates, so that the same respectively shall not at any Time exceed the Amount by this Act authorized.

Power to
alter the
Rates or
Tolls.

LXVIII. Provided always, and be it further enacted, That the Rates and Tolls to be taken by virtue of this Act shall at all Times be charged equally and after the same Rate *per* Ton throughout the whole of the said Railway in respect of the same Description of

Rates and
Tolls to be
charged
equally.

[*Local.*]

21 R

Articles,

Articles, Matters, and Things, and no Reduction or Advance in the said Rates and Tolls shall either directly or indirectly be made partially or in favour of or against any particular Person or Company, or be confined to any particular Part of the said Railway, but every such Reduction or Advance of Rates and Tolls upon any particular Kind or Description of Articles, Matters, or Things shall extend to and take place throughout the Whole and every Part of the said Railway upon and in respect of the same Description of Articles, Matters, and Things so reduced or advanced, and shall extend to all Persons whomsoever using the same, or carrying the same Description of Articles, Matters, or Things thereon; any thing to the contrary thereof in anywise notwithstanding.

Company
empowered
to contract
with other
Railway
Companies.

LXIX. And whereas it would tend much to the Convenience of the Public if Railway Companies were empowered to enter into Arrangements so as to avoid the Necessity of a Change of Carriages and other Delays arising from a Diversity of Interest; be it therefore enacted, That notwithstanding any thing in this Act contained it shall be lawful for the said Company and they are hereby empowered from Time to Time to make and enter into any Contract or Agreement with any other Railway Company, and which Contract or Agreement all other Railway Companies are hereby empowered to make and enter into, either for a Division or Apportionment of Rates and Tolls, or for the Passage over or along any Railway or Road belonging to the said Company hereby incorporated, of any Engines or Carriages of or belonging to any other Railway Company, or which shall pass over or along any other Line of Railway, or for the Passage over or along any other Line of Railway of any Engines or Carriages which shall belong to the said Company hereby incorporated or which shall pass over or along their Line of Railway, upon the Payment of such Rates and Tolls and under such Conditions and Restrictions as may be deemed advisable and be mutually agreed upon, and also to make and enter into any other Contract with any other Railway Company that may be deemed advisable; and any such Contract may contain such Covenants, Clauses, Provisions, Conditions, and Agreements as the contracting Parties may respectively think adviseable and mutually agree upon: Provided always, that no such Contract shall in any Manner alter, affect, increase, or diminish any of the Rates or Tolls which the respective Companies, Parties to such Contracts, shall for the Time being be authorized and entitled to have, demand, recover, or receive of or from any Person or any other Company, but that all other Persons and Companies shall notwithstanding any such Contract be entitled to the Use and Benefit of the said Railway upon the same Terms and Conditions, and on Payment of the same Rates and Tolls, as they would have been in case no such Contract had been entered into; nor shall any such Contract give any Preference or Advantage to any Company or Person, Party thereto, over any other Company, Party thereto, but all such Companies and Persons so contracting shall notwithstanding such Contract pay the same Amount of Rates or Tolls as shall from Time to Time be charged to other Companies or Persons not being Parties to such Contracts; and no Person or Party using the said Railway shall pay or be liable to pay any greater Amount of Rate or Toll for or in respect of any Carriage, Passenger,
Goods,

Goods, Articles, Matters, or Things, carried or conveyed upon or along or using the said Railway, than any of such Railway Companies.

LXX. And be it further enacted, That the said Company shall cause to be painted on Boards, and to be affixed and continued, and renewed as often as the same shall be obliterated or defaced, to or upon every Toll House or Building at which any of the Rates or Tolls by this Act authorized to be collected or received, in some conspicuous Place, in large and legible Characters, an Account or List of the several Rates and Tolls which the said Company shall from Time to Time direct and appoint to be taken, and which shall be payable by virtue of this Act; and in case any Owner or Master of, or Person having or assisting in the Charge of, any Carriage passing upon the said Railway, or any Collector of the Rates or Tolls aforesaid, shall, after and whilst such Account or List shall be affixed as aforesaid, demand or take more than the Amount thereon specified, such Owner, Master, Collector, or other Person as aforesaid shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

A List of the Rates, Tolls, &c., to be painted on Boards and affixed in conspicuous Places.

LXXI. Provided always, and be it further enacted, That it shall not be lawful for the said Company to demand or take any Rates or Tolls for or in respect of any Article, Matter, or Thing, or any Carriage, Passengers, or Cattle, carried or conveyed upon or along the said Railway, except during the Time that the said Board shall be affixed as aforesaid, and for and during such Time only as the Stones or other conspicuous Marks, with proper Inscriptions thereon, by this Act directed to be set up for ascertaining the Distance for which such Rates or Tolls shall be taken, shall remain set up.

Rates or Tolls only payable whilst Boards remain.

LXXII. And be it further enacted, That if any Person shall wilfully pull down or destroy any Board which shall have been set or put up or affixed by virtue or in pursuance hereof, or any Stone or Mark set up to denote Distances on the said Railway, or shall actually or constructively concur or aid therein, he shall on Conviction forfeit and pay a Sum not exceeding Five Pounds for every such Offence.

Penalty on Persons defacing Boards.

LXXIII. And be it further enacted, That every Collector of the Rates or Tolls by this Act granted shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or other Building whereat he shall be on Duty, each of the Letters of such Names to be at least Two Inches in Height and of a Breadth in proportion, and painted either in White Letters on a Black Ground or in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon Duty; and if any Collector of the said Rates or Tolls shall not place such Board as aforesaid, and keep the same there during the Time he shall be on Duty as aforesaid, or shall demand or take a greater or less Rate or Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act and of the Orders of the said Company made in pursuance thereof, or shall refuse to permit or shall not permit any Person to read, or shall in anywise hinder any Person from reading, the Inscriptions on the Board

For preventing Toll Collectors misbehaving.

Board to be affixed as aforesaid, or shall refuse to tell his Christian or Surname to any Person who shall demand the same, and who shall have paid the legal Rates or Tolls, or shall in answer to such Demand give a false Name or Names, or upon the legal Rate or Toll being paid or tendered shall unnecessarily detain or wilfully obstruct or hinder any Carriage or any Person from passing upon the said Railway, or shall make use of any scurrilous or abusive Language to any Officer or Servant of the said Company, or to any Passenger upon or to any Person lawfully using the said Railway, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Recovery of Rates or Tolls.

LXXIV. And be it further enacted, That the Rates or Tolls hereby authorized to be taken shall be paid to such Persons, at such Places upon or near the said Railway, and in such Manner and under such Regulations as the said Company shall, by Notice to be annexed to the Account or List of Rates or Tolls, direct or appoint; and in case of Refusal or Neglect on Demand to pay such Rates or Tolls as have accrued due unto the respective Persons appointed to receive the same as aforesaid, the said Company may, in case such Rates or Tolls shall amount to or exceed the Sum of Twenty Pounds, sue for and recover the same by an Action of Debt or upon the Case in any of His Majesty's Courts of Record; or the Person to whom such Rates or Tolls ought to have been paid may and he is hereby empowered, whether such Rates or Tolls shall amount to the Sum of Twenty Pounds or not, to seize the Goods, Articles, and other Things for or in respect whereof any such Rates or Tolls ought to be or ought to have been paid, or any Part thereof, and the Carriage laden therewith, and detain the same until such Payment shall be made, together with all reasonable Charges for such Seizure and Detention; and if such Goods, Articles, and Things shall not be redeemed within Twenty-one Days next after the taking thereof, the same shall be appraised and sold, and such Rates, Tolls, and Charges satisfied thereout, as the Law directs in Cases of Distress for Rent.

Owners of Carriages to give account of Lading.

LXXV. And be it further enacted, That the respective Owners or Persons having the Care of Carriages passing or being upon the said Railway shall give an exact and true Account, in Writing signed by them, to the Collectors of the Rates or Tolls, at the Places where they shall attend for the Purpose, of the Quantity of Goods and other Things as aforesaid which shall be in or upon the Carriages so belonging to them or under their Care, from whence such Carriages are brought, and where the same are intended to be unloaded or left or taken off the said Railway; and if the Goods or other Things contained in any such Carriage shall be liable to the Payment of different Rates or Tolls, then such Owners or other Persons shall specify the respective Quantities liable to each or any of the said Rates or Tolls; and in case any such Owner or other Person as aforesaid shall neglect or refuse so to give and deliver such Account, or to produce his Bill of Lading to any Collector demanding the same, or shall give a false Account, or shall leave or deliver out or take off any Part of his Lading or Goods at any other Place than may be mentioned in such Account, with an Intent to avoid the

the Payment of any of the said Rates or Tolls, and shall be thereof convicted before any Justice of the Peace acting within his Jurisdiction, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Forty Shillings for every Ton of Goods, or for any Parcel not exceeding Five Hundred Weight, and so in proportion for any less Quantity of Goods than a Ton or Five Hundred Weight (as the Case may be) which shall be in or upon such Carriage of which such Account shall be so neglected or refused to be given, or concerning which such Bill of Lading shall not be produced as aforesaid, or of which such false Account shall have been given, or which shall be fraudulently delivered out or taken off as aforesaid (as the Case shall happen), over and above the Rate or Toll to which such Goods or Things may be liable.

LXXVI. And for better ascertaining the Weight of Goods and other Things to be charged with the Payment of such Rates or Tolls as aforesaid, be it further enacted, That as respects all such Goods and other Things as aforesaid, except Stone or Timber, One hundred and twelve Pounds Weight shall be deemed One Hundred Weight, and Twenty such Hundred Weights shall be deemed One Ton; and as respects Stone or Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Beech, and Ash, and Fifty Cubic Feet of all other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity, any Usage to the contrary notwithstanding.

Weight of Goods ascertained in respect of the Railway.

LXXVII. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates or Tolls, or any other Officer or Servant of the said Company, and any Owner of or Person having the Charge of any Carriage passing upon the said Railway, or of any Goods, Articles, or Things on such Carriage, or respecting the Goods, Articles, or Things in or on such Carriage, or the Rates or Tolls due in respect thereof, it shall be lawful for such Collector or other Officer as aforesaid to detain such Carriage, and to examine, weigh, measure, and gauge, or cause to be examined, weighed, measured, and gauged, such Carriage, and all such Goods, Articles, and Things as shall be therein or thereon; and in case the same shall, upon such examining, weighing, measuring, or gauging, appear to be of greater Weight or Quantity or of different Quality than shall be stated in the Account given thereof as aforesaid, then the Person giving in such Account shall pay, and the Owner of such Carriage, and the respective Owners of such Goods and other Things, shall also, at the Option of the said Company, be liable to pay the Costs and Charges of such examining, weighing, measuring, or gauging; all which Costs and Charges, upon Refusal or Neglect of Payment thereof on Demand, shall and may be recovered and levied by and in such Ways and Manner as the said Rates and Tolls are in this Act authorized to be recovered and levied; but if such Goods, Articles, or Things shall appear to be of the same Quantity and Quality, or of less Weight or Quantity than shall be stated in such Account, then the said Company shall pay the Costs and Charges of such examining, weighing, measuring, or gauging, and shall also pay

In case of Difference concerning Weight, Collector may weigh or measure the Carriage.

to such Owner of or Person having charge of such Carriage, and to the respective Owners of such Goods, Articles, or Things, such Damage as shall appear to any Justice of the Peace acting within his Jurisdiction in which such Dispute shall arise, on the Oath, or in the Case of a Quaker Affirmation, of any credible Witness, to have arisen from or by such Detention; but in case it shall at any Time be made to appear to such Justice upon the Complaint of the said Company, and upon the like Oath or Affirmation, that such Detention, and examining, weighing, measuring, or gauging, was without reasonable Ground or Belief, or that it was vexatious on the Part of such Collector or other Officer as aforesaid, then such Collector or other Person as aforesaid shall himself pay the Costs and Expences of such examining, weighing, measuring, or gauging, and shall also pay to such Owner or Person, or to the respective Owners of such Goods, Articles, or Things as aforesaid, such Damage as shall appear to such Justice to have arisen from such Detention; and in default of immediate Payment thereof by the said Company, or by such Collector or other Officer as aforesaid, (as the Case may be,) the same may be recovered by Distress and Sale of the Goods of the said Company, or of the said Collector or other Officer as aforesaid, (as the Case may be,) by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), upon Demand, after deducting the Costs of such Distress and Sale, to the said Company, or to the said Collector or other Officer as aforesaid, as the Case may require.

For settling
Disputes
about the
Amount of
Rates or
Tolls.

LXXVIII. And be it further enacted, That if any Dispute shall arise concerning the Amount of the Rates or Tolls due to the said Company, or concerning the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector or Person distraining to detain such Distress, or, as the Case may require, the Proceeds of the Sale thereof, until the Amount of the Rates or Tolls due, or, as the Case may require, such Rates or Tolls, and the Amount of the Charges of seizing, distraining, keeping, or selling such Distress, shall be ascertained by some Justice of the Peace acting within his Jurisdiction, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath or Affirmation of the Parties or other Witnesses, and determine the Amount of the Rates or Tolls due, or, as the Case may be, such Amount, and also the Amount of the said Charges; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the said Parties to the other of them as he shall think reasonable; and in case of Nonpayment thereof on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party directed to pay the same, by Warrant under the Hand and Seal of such Justice.

Company
empowered
to lease the
Rates or
Tolls.

LXXIX. And be it further enacted, That it shall be lawful for the said Company from Time to Time to let the Rates and Tolls by this Act made payable or any Part thereof, upon the Whole or upon any Part of the said Railway, to any Person or Corporation for any Term which they shall think proper, not exceeding Seven Years from the Commencement of any such Lease, and to commence in Possession upon or within Three Calendar Months next after granting the same,

and every such Lease shall be valid, and the respective Lessees thereof, and also such Persons as such Lessees shall appoint to collect and receive the Rates or Tolls so let, shall during the Continuance of such Lease be deemed Collectors of the Rates or Tolls so let, but for the proper Use of the Lessees thereof, and shall have the same Power and Authority to collect and recover the same, and be subject to the same Rules, Duties, and Penalties, as if they had been appointed for that Purpose by the said Company: Provided always, that public Notice of the Intention to let the said Rates and Tolls, or the Part thereof intended to be let, shall be given by the said Company by Advertisement to be inserted in some Newspaper published at *Newcastle-upon-Tyne* at least Fourteen Days prior to any Meeting of the said Company or of the said Directors at which it may be intended that the said Rates and Tolls shall be let as aforesaid.

LXXX. And be it further enacted, That in case any of the Rates or Tolls granted by this Act shall be demised or let to farm in any Manner whatsoever, and the Lessee or Farmer thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or any of them, or in case all or any Part of any Rent agreed to be paid by any such Lessee or Farmer shall be in arrear or unpaid for the Space of Seven Days next after any of the Days on which the same ought to be paid pursuant to the Lease, Agreement, or Contract for demising or letting the same Rates or Tolls, or in case any temporary or other Collector of any of the said Rates or Tolls shall be discharged from his Office, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family, or any Representative of any such Collector who shall die, abscond, or absent himself or be discharged, or in case any Person being in Possession thereof, shall refuse to deliver up or shall not deliver up Possession of any Toll House, Office, Weighing Machine, or other Building, with the Appurtenances thereto respectively belonging, to be erected or provided under the Powers or used for any of the Purposes of this Act, for or within the Space of Seven Days after Demand thereof made in Writing given to him or left at such Toll House, Office, Weighing Machine, or Building, or at any of such Toll Houses, Offices, Weighing Machines, or Buildings which shall be or have been in the Possession or Occupation of such Collector or Person, such Demand in Writing to be signed by any Two or more of the said Directors, or by the Secretary or Clerk for the Time being of the said Company, or in case any such Lease, Agreement, or Contract shall in any Manner become void or voidable, then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace acting within their Jurisdiction, upon Application made by the said Directors, or by the Secretary or Clerk for the Time being of the said Company, by Warrant under the Hands and Seals of such Justices respectively, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any such Toll House, Office, Weighing Machine, or other Building, with the Appurtenances thereunto belonging, and to remove and put such
Lessee

Power of Re-entry in case of Non-performance of Conditions of Leases of the Rates or Tolls.

Lessee or Farmer or Collector or other Person who shall be found therein, together with his Goods, from and out of the same and the Possession thereof, and from the Collection of such Rates or Tolls, and to put the said Company or their Agent, or their new Lessee, Farmer, or Collector, into the Possession thereof; and thereupon it shall be lawful for the said Company to vacate and determine the Lease, Contract, or Agreement (if any) which was previously subsisting, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants and Agreements for Payment of the Rent thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part); and it shall be lawful for the said Company in every such Case, either during such Proceedings or on the Termination thereof, again to demise or let to farm the said Rates or Tolls to the same or any other Person, or cause them to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

Weights allowed to be carried.

LXXXI. And be it further enacted, That no Waggon or other Carriage shall carry at any One Time along or over any Part of the said Railway, including the Weight of such Waggon or Carriage, more than Four Tons Weight, and for the Tonnage or Carriage of which the said Company are hereby authorized to receive and take such Rate or Rates as they shall from Time to Time direct or appoint, not exceeding Four-pence *per Ton per Mile*; and no Piece of Timber, Stone, Machinery, or other Article exceeding the Weight of Four Tons, including the Weight of the said Waggon or other Carriage, shall be carried upon or along the said Railway or any Part thereof without the special Licence of the said Company or their Agents, and for the Tonnage or Carriage of which the said Company or their Agents are hereby authorized to receive and take such Rate or Tonnage as they may deem reasonable and proper.

Carriages not to be used unless constructed as directed by the Company.

LXXXII. And be it further enacted, That no Carriage shall pass along or be upon the said Railway or any Part thereof, or the Works connected therewith, except in passing along any public or private Carriage Road which may happen to cross the said Railway, unless such Carriage shall be constructed according to the Regulations which the said Company may from Time to Time make in regard to Carriages, and which Rules and Regulations the said Company are hereby expressly authorized to make, and wholly or partially to alter or revoke, from Time to Time, with Power to make new Rules and Regulations from Time to Time in lieu of or in addition to any former Rules and Regulations: Provided always, that all the Rules and Regulations which the said Company may from Time to Time make in regard to such Carriages shall, before they shall have any Effect as Rules and Regulations, be published once in One or more Newspaper or Newspapers published at *Newcastle-upon-Tyne*; and such Publications as aforesaid shall be deemed and taken to be sufficient for all Purposes, and to be express Notice of all such Rules and Regulations to all Persons and Companies whomsoever, and the Production of such One or more Newspaper or Newspapers, containing such Notice of the Rules and Regulations of the said Company, shall

shall for all Purposes be considered sufficient Evidence of the due making and Publication of such Rules and Regulations: Provided also, that if any Dispute shall at any Time and from Time to Time arise between the said Company and the Owner of any such Carriage, as to the Construction, or as to the State and Condition, from Time to Time or at any Time, of any such Carriage, in reference to the then past or existing Rules and Regulations of the said Company, such Disputes shall from Time to Time, when and as they may arise, be immediately referred to Three indifferent Persons, one to be appointed by the said Company, and another by the Owner of any such Carriage, and the third to be appointed by the Two so first appointed previous to their entering on the Business of the Reference, and the Decision in Writing of such Two Arbitrators and their Umpire, or of any Two of them, shall be final and conclusive; and if either the said Company or the said Owner shall, for Ten Days after being thereunto required in Writing by the other of them, neglect or refuse to appoint a Referee to act on their or his Behalf, then the Referee of the other Party may alone make a final Decision in Writing; and such Award or Decision shall, upon Proof of the Signatures thereto, be admitted in all Courts, and before all Judges, Justices, and others, as sufficient Evidence for all Purposes whatsoever of all the Facts therein stated; and if any Carriage not constructed according to the Rules and Regulations of the said Company; or not from Time to Time or at any Time being in the State and Condition which the Rules and Regulations of the said Company in existence at that Time may require, shall pass or be upon any Part of the said Railway or the Works connected therewith (except as aforesaid), the Owner thereof or his Servant, or any One of his Servants having for the Time being the Charge of any such Carriage, shall forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds for every such Offence.

LXXXIII. And whereas, for the greater Security of Passengers and other Persons travelling upon and using the said Railway, it is expedient that the moving Powers to be from Time to Time used in drawing or propelling Carriages upon or along the said Railway should be under the Control of the said Company; be it therefore enacted, That no locomotive or other Engine, or other Description of moving Power, shall at any Time be brought upon or used on the said Railway, unless the same shall first have been approved of by the said Company; and it shall be lawful for the said Company and they are hereby required, within Fourteen Days after Notice given to them by any Person desirous of bringing any such Engine on the said Railway, to cause their Engineer or other Agent to inspect and examine such Engine at any Place within Five Miles of the said Railway, and to report thereon to the said Company, who shall, within Seven Days after such Report, in case such Engine shall be fit and proper to be used on the said Railway, give a Certificate to the Party requiring the same of their Approval of every such Engine; and it shall be lawful for the said Company, from Time to Time, upon any Engine used upon the said Railway being out of repair or unfit to be used upon the said Railway, to order the same to be taken off, or to forbid the same to be used upon the said Railway:

Engines to be used on Railway to be approved by the Company.

[*Local.*]

21 T

Provided

Provided always, that in case the said Company shall not within the Time before mentioned cause their Engineer or other Agent to inspect and examine such Engine, and report thereon in manner aforesaid, and shall not within the Time also herein-before limited, give such Certificate as is herein-before mentioned, if duly required so to do, the said Company shall in every such Case forfeit the Sum of Twenty Pounds; and in case any Person shall bring or use upon the said Railway any locomotive or other Engine, or any other moving Power, without having first obtained such Certificate of Approval as aforesaid, or in case, after Notice given by the said Company to remove or not to use any such unfit Engine as aforesaid, the Person to whom such Engine shall belong shall not forthwith remove the same, or shall use any such Engine upon the said Railway without having first repaired the same to the Satisfaction of the said Company, and obtained such Certificate of Approval as aforesaid, every such Person shall forfeit and pay any Sum not exceeding Twenty Pounds for every such Offence; and the said Company are hereby authorized to remove such Engine from the said Railway.

Locomotive
Engines to
consume
their own
Smoke.

LXXXIV. And be it further enacted, That the Boiler of every locomotive Steam Engine to be used upon the said Railway shall be heated with Coke or Charcoal instead of Coal, unless it be constructed upon the Principle of consuming its own Smoke, under a Penalty of Five Pounds for every Offence, to be recovered in a summary Way by the Order and Adjudication of One or more Justice or Justices of the Peace, on Complaint to him or them for that Purpose made, in the same Manner as other Penalties and Forfeitures for the Recovery whereof special Directions are given and are by this Act directed to be recovered, one Half to be paid to the Informer, and the other Half to the Vestry Clerk or other proper Officer of the Parish or Place where such Offence shall be committed, for the Benefit of the Poor of such Parish or Place.

Owners to
put their
Names on
the Outside
of their Car-
riages.

LXXV. And be it further enacted, That the respective Owners of Carriages passing or being upon the said Railway, and carrying Passengers or Goods for Pay, Hire, or Reward, shall cause their Names and Places of Abode, and the Numbers, Weights, and Gauges of their respective Carriages, to be entered with the Clerk or other Officer of the said Company appointed for that Purpose, and shall also cause such Names, Places of Abode, Numbers, Weights, and Gauges to be painted and continued in large White Capital Letters and Figures on a Black Ground, Two Inches in Height at the least, and of a proportionate Breadth, on some conspicuous Part of the Outside of every such Carriage, so as to be always open to View, and shall permit every such Carriage to be weighed, measured, and gauged at the Expence of the said Company, whenever it shall be required by the said Company, or by any Person by them appointed for that Purpose; and every Owner or other Person having the Care of any Carriage or who shall conduct the same upon the said Railway without having such Carriage previously weighed, measured, and gauged, and the Weight, Measure, and Gauge thereof, together with the Number thereof, and also the Name and Place of Abode of the Owner thereof, entered with the Secretary, Clerk,
or

or other Officer of the said Company appointed for that Purpose, or without having such Name, Place of Abode, Number, Weight, and Gauge marked upon each such Carriage as herein-before directed, or who shall alter, erase, deface, or hide such Name, Place of Abode, Number, Weight, or Gauge, or any of them, or any Part thereof, or shall fix thereon any false Name, Place of Abode, Number, Weight, or Gauge, or shall not permit any such Carriage to be weighed, measured, or gauged as aforesaid, shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

LXXXVI. And be it further enacted, That the respective Owners of Engines and Carriages passing or being upon the said Railway and Works, or any Part thereof, shall be and they are hereby respectively made answerable for any Trespass, Damage, or Mischief which may be done by their Engines or Carriages, or by any of the Servants or other Persons belonging to or employed by them, to or upon the said Railway, Machinery, Apparatus, or other Works made by virtue of this Act, or to or upon the Property of any other Person, either by loading or unloading of such Carriages, or by any Means whatsoever; and every such Owner shall for every such Trespass, Damage, or Mischief, upon Conviction of any such Servant or other Person before some Justice of the Peace, either by the Confession of the Party offending, or upon the Oath, or in the Case of a Quaker the Affirmation, of some credible Witness, pay to the said Company or to the Person injured, as the Case may be, the Damages to be ascertained by such Justice, so that the same do not exceed the Sum of Twenty Pounds, and also shall over and above such Damages forfeit and pay to the Informer any Sum not exceeding Forty Shillings, and all Costs, Charges, and Expences attending such Conviction; all which Damages, Penalties, Costs, Charges, and Expences shall be levied by Distress and Sale of the Goods and Chattels, if any can be conveniently found, of the Owner of such Carriage, by Warrant under the Hand and Seal of such Justice; and the Overplus (if any) of the Proceeds of such Sale, after Deduction of such Damages, Penalties, Costs, Charges, and Expences, together with the Costs and Charges of such Distress and Sale, shall be returned, upon Demand, to the Owner of such Goods and Chattels; and in case no sufficient Distress can be conveniently found, then such Owner shall be committed to Prison as herein-after directed with respect to the Persons who are convicted in any Penalty and have no sufficient Goods whereon such Penalty may be levied; but if the Value or Amount of such Trespass, Damage, or Mischief shall exceed the Sum of Twenty Pounds, the Owner of such Carriage, his Executors or Administrators, may be, at the Option of the said Company or the Person injured, as the Case may be, sued and prosecuted for the same in any of His Majesty's Courts of Record; and if a Verdict or Judgment shall be given against him, either upon Proof made, or by Default, or upon Demurrer, the Plaintiff in any such Case shall recover his Damages sustained as aforesaid, with full Costs of Suit.

Owners of Carriages to be accountable for Damage done by their Servants.

LXXXVII. Provided always, and be it further enacted, That in case any Owner of any Carriage passing or being upon the said Railway and

Owners may recover from their Ser-

vants any
Money paid
for their
Neglect.

and Works, or any Part thereof, shall be compelled to pay any Penalty or to make any Satisfaction for any Damage by reason of any wilful Act, Neglect, or Default of any of his Servants, every such Servant shall be liable to pay such Penalty or Satisfaction for Damages, or both, as the Case may be, with the Costs attending the same, to such Owner; and in case of Nonpayment thereof on Demand, and Oath, or in the Case of a Quaker Affirmation, made by such Owner of the Payment by him of such Penalty and Satisfaction, or either of them, as the Case may be, and that the same hath not been repaid to him by such Servant, although demanded, (such Oath or Affirmation being made before some Justice of the Peace for the County or Place in which such Penalty or Damage was incurred,) such Penalty and Satisfaction, or either of them (as the Case may be), and the Costs aforesaid, shall be levied by Warrant under the Hand and Seal of such Justice by Distress and Sale of the Goods and Chattels of such Servant, together with all Costs and Charges attending such Distress and Sale; and the said Penalty and Satisfaction, or either of them, as the Case may be, and Costs and Charges as aforesaid, when recovered, shall be paid to such Owner in discharge of such Penalty and Satisfaction or either of them, and the Costs so by him paid for the wilful Neglect or Default of such Servant as aforesaid; and in case no sufficient Distress can be had, such Justice shall and he is hereby required to commit such Servant to some Common Gaol or House of Correction for the said County or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

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

LXXXVIII. Provided always, and be it further enacted, That if any Person (save and except the said Company, and their Agents and other Persons authorized by them, and by them authorized for the Purposes only of the said Undertaking) shall ride, lead, or drive, or cause to be ridden, led, or driven, or shall aid or assist in leading or driving, upon such Railway or any Part thereof any Horse, Mule, or Ass, or any Cow or other Neat Cattle, Sheep, Swine, or any other Beast or Animal, (except only in directly crossing the same at Places to be appointed for that Purpose, or for the necessary Occupation of the respective Lands through which the said Railway shall pass,) every Person so offending shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Penalty on
Persons on
Foot using
the Railway.

LXXXIX. And whereas it may be attended with very great Danger to the Public if the said Railway should be used by Persons on Foot; be it therefore enacted, That if any Person shall be or travel or pass upon Foot upon the said Railway, without the Licence and Consent of the said Company, (unless for the Purpose of attending any Carriage under his Care, and except the respective Owners or Occupiers of Lands through which the said Railway shall pass, and their respective Servants, in passing across or over the same,) every Person so offending shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Penalty on
Persons ob-

XC. And be it further enacted, That if any Person shall throw, place, or wilfully scatter or drop any Gravel, Stone, Rubbish, or other
Matter

Matter or Thing upon any Part of the said Railway, or shall extinguish any Light or Lamp set up on or near the said Railway or other Works (unless by Authority of the said Company), or shall wilfully obstruct or prevent any Person in the lawful Execution of this Act, or shall do any Act, Matter, or Thing to obstruct the free Passage of the said Railway or any Part thereof, he and every Person actually or constructively aiding or assisting therein shall respectively forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds for every such Offence.

structing the free Course of the Railway.

XCI. And be it further enacted, That if any Person shall wilfully, and to the Detriment of the said Undertaking or of the said Company, injure, break, throw down, destroy, steal, or take away any Part of the said Railway or other Works erected or made by virtue of the said recited Act or this Act, or any Part of the Materials of any such Works, so as that the Use of or Passage on the said Railway shall be or shall be liable to be obstructed, impeded, or otherwise interrupted, every Person, being lawfully convicted of any such Offence, shall be subject and liable to the Pains and Penalties to which Persons shall be liable in Cases of simple Larceny.

Penalty on destroying Works.

XCII. And be it further enacted, That if the Loading of any Carriage using the said Railway shall be suffered to extend more than Thirty Inches over and beyond the Flanch or Lip of each or any Wheel of such Carriage, or if any Carriage or any Goods or Things shall be placed or be suffered to remain in any Part of the said Railway or other Works, so as to obstruct the Passage or working thereof, and the Person having the Care of such Carriage, Goods, or Things shall not immediately upon Request made remove the same, then and in every such Case, and without Prejudice to any other Provision in this Act contained, such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings for every Hour during which such Obstruction shall continue after the making of such Request, and so in proportion for any less Period than an Hour; and it shall be lawful for any Agent or Officer of the said Company to cause any such Carriage, Goods, or Things to be unloaded (if necessary), and to be removed in such Manner as shall be proper for preventing, terminating, or removing such Obstruction, and to detain such Carriage, Goods, or Things, or any Part thereof, until the Expences occasioned by such Unloading, Removal, or Detention shall be paid, and the said Company shall not, nor shall any Agent or Officer of the said Company, be liable or accountable for any Damage or Loss occasioned by any such Unloading or Removal or Detention, or for any Delay occasioned thereby, or in any other Way relating thereto, except for wilful Damage done to any Carriage, Goods, or Things so unloaded, removed, or detained, nor shall they or he be liable for the safe Custody of any such Carriage, or any Goods or Things which shall be so detained, unless the same shall be wrongfully detained by the said Company or by the said Agent or Officer, and then only for so long a Time as the same shall be so detained.

Penalty on obstructing the Railway.

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

XCIH. And be it further enacted, That in all Cases wherein Damages or Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by some Two or more Justices of the Peace for the County or Place wherein such Damages or Charges shall be incurred or be directed to be paid; and where by this Act any Damages or Charges are directed to be paid, in addition to any Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be settled and determined by the Justices by or before whom any Offender shall be convicted of such Offence, and such Justices respectively are hereby authorized and required, on Nonpayment of the Damages in any of the Cases aforesaid, to levy such Damages and Charges 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.

In case of
Nonpay-
ment of
Compensa-
tion for Da-
mages, &c.,
the same to
be levied by
Distress of
the Goods
of the Com-
pany or
their Trea-
surer.

XCIV. And be it further enacted, That whenever any Money shall by any Justice of the Peace be ordered to be paid, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage or Injury, of any Nature or kind scever, done or committed by the said Company, or by any Person acting by or under their Authority, and such Money shall not be paid by the said Company to the Party entitled to receive the same within Twenty-one Days after Demand in Writing shall have been made upon the said Company in pursuance of the Direction or Order made by such Justice, and in which Demand the Order of such Justice shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Company, 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 entitled to receive such Money; 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 such Overplus shall be returned, on Demand, to the said Company.

Recovery
and Appli-
cation of
Penalties.

XCV. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or by virtue of any Bye Law, Order, or Rule made in pursuance thereof, (the Manner of levying or recovering whereof is not herein otherwise particularly directed,) may in case of Nonpayment thereof be recovered in a summary Way by the Order and Adjudication of some Two or more Justices of the Peace acting within their Jurisdiction, on Complaint to them for that Purpose made, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hands and

Seals of such Justices; and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalty or Forfeiture, and the Costs and Expences as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained; all which Penalties and Forfeitures not herein directed to be otherwise applied shall be paid, One Moiety to the Informer, and the Remainder to 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 Moiety to the Informer, and the Remainder to the Overseers of the Poor of the Parish, Township, or Place within which the Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Parish, Township, or Place; and in case such Penalties and Forfeitures shall not be forthwith paid it shall be lawful for such Justices and they are hereby required to order the Offender so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender shall give sufficient Security to the Satisfaction of such Justices of the Peace for his Appearance before such Justices, or before some other Justices of the Peace having Jurisdiction, at such Time as shall be appointed for the Return of such Warrant of Distress (such Time being not more than Eight Days from the taking of such Security), and which Security any of the said Justices 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 could be had whereupon to levy the said Penalties or Forfeitures and such Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, upon the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justices shall not be required to issue such Warrant of Distress, but they are hereby required by Warrant under their Hands and Seals to commit such Offender to some Common Gaol or House of Correction for the County or Place within their Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justices, or until such Offender shall otherwise be discharged by due Course of Law.

XCVI. And be it further enacted, That in all Cases in which 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, or against any Bye Law, Order, or Rule made in pursuance hereof, to summon before him the Party complained against, 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 to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited

Justices may proceed by Summons in the Recovery of Penalties.

exhibited before such Justice; and all such Proceedings by Summons, without Information in Writing or in Print, shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

For securing Offenders whose Names and Residences are unknown.

XCVII. And be it further enacted, That it shall be lawful for any Officer or Agent of the said Company, and all such Persons as he shall call to his Assistance, to seize and detain any Person whose Name and Residence shall be unknown to such Officer or Agent, who shall commit any Offence against this Act, and to convey him with all convenient Dispatch before some Justice for the County or Place within which such Offence shall be committed, without any Warrant or other Authority than this Act; and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

Forms of Information and Conviction.

XCVIII. And be it further enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act may cause the Information (whenever an Information shall be taken in Writing or in Print) and the Conviction respectively to be drawn up according to the following Forms, or any other Forms to the same Effect, as the Case may require; (that is to say,)

Form of Information.

‘ to wit. } BE it remembered, That on the
 ‘ Day of A. B. of
 ‘ informeth me, One of His Majesty’s Justices of the Peace for the
 ‘ County [as the Case may be] that E. F. of
 ‘ [here describe the Offence, and the Time and Place when and where
 ‘ committed], contrary to an Act passed in the Sixth Year of the
 ‘ Reign of His Majesty King William the Fourth, intituled [here
 ‘ insert the Title of this Act], which hath imposed a Forfeiture of
 ‘ for the said Offence. Taken the
 ‘ Day of before me C. D.’

Form of Conviction.

‘ to wit. } BE it remembered, That on the
 ‘ Day of in the Year of our Lord
 ‘ A. B. is
 ‘ convicted before me C. D., One of His Majesty’s Justices of
 ‘ the Peace for the County of [here describe the Offence,
 ‘ and the Time and Place when and where committed], contrary to
 ‘ an Act passed in the Sixth Year of the Reign of His Majesty
 ‘ King William the Fourth, intituled [here insert the Title of this
 ‘ Act]. Given under my Hand and Seal the Day and Year first
 ‘ above written. C. D.’

Justices to appoint Special Constables.

XCIX. And be it further enacted, That it shall be lawful for Two or more Justices of the Peace acting within their Jurisdiction from Time to Time to appoint such Persons as shall be nominated to them by any Three of the Directors of the said Company for that Purpose to be Special Constables within the said Railway and other Works, and every or any Part thereof; and every Person so appointed shall make a Declaration before the said Justices of the Peace duly to execute the Office of a Constable for the said Premises; and every Person

Person so appointed, and making such Declaration as aforesaid, shall have Power to act as a Constable for the Preservation of the Peace, and for the Security of Persons and Property against Felonies and other unlawful Acts within the Limits of the said Premises, and shall have, use, exercise, and enjoy all such Powers, Authorities, Protections, and Privileges for apprehending Offenders, as well by Night as by Day, and for doing all Acts, Matters, and Things for the Prevention, Discovery, and Prosecution of Felonies and other Offences, and for the Preservation of the Peace, as Constables duly appointed now have by the Laws and Statutes of this Kingdom; and it shall be lawful for the said Justices, or any Three or more Directors of the said Company, to dismiss or remove any such Constable from his Office of Constable; and upon every such Dismissal or Removal all Powers, Authorities, Protections, and Privileges by virtue of such Appointment as aforesaid vested in any Person so dismissed or removed shall wholly cease.

C. And be it further enacted, That in all Cases in which any Justice of the Peace is authorized by this Act to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to or to receive the Affirmation of any Person before he shall be examined by or before such Justice.

General Power to Justices to administer Oaths.

CI. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter or Fact contained or involved in or affecting any Information, Order, or Complaint laid in pursuance of or for any Offence committed against this Act, or any Matter which is hereby referred to any Justice of the Peace, either on the Part of the Prosecutor or on the Part of the Party summoned or accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his Costs and Expences, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath or (in the Case of a Quaker on Affirmation) to give Evidence before such Justice, then and in either of the said Cases every such Person shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

For compelling Witnesses to attend.

CII. And be it further enacted, That all Persons and Corporations who may think themselves aggrieved by any Bye Law, Order, Rule, or Certificate of the said Company or of the said Directors, or of their Engineer, or any Order or Judgment made or given in pursuance thereof, and also the said Company and all other Persons and Corporations who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace relating to any Matter or Thing in this Act mentioned or contained, and for which no Power of Appeal is by this Act specifically given, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the

Persons aggrieved may appeal to the Quarter Sessions.

County where the alleged Cause of Appeal shall arise, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, or to the said Company, as the Case may be, and forthwith after such Notice, in the Case of an Individual appealing, entering into Recognizances before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think proper, may adjourn the hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County or Place; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Bye Law, Order, or Rule or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they shall think reasonable.

Declaring
what shall
be good
Service of
Notice on
the Com-
pany.

CIII. And be it further enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity upon the said Company, personal Service thereof upon the Secretary or Clerk of the said Company, or leaving the same at the Office of the said Company or of the Secretary or Clerk, or delivering the same to some Inmate at such Office of the Company, or at the last or usual Place of Abode of such Secretary or Clerk, or in case the same respectively shall not be found or known, then personal Service thereof upon any other Agent of or Officer employed by the said Company, or on any One Director of the said Company, or delivering the same to some Inmate of the last or usual Place of Abode of such Agent or Officer, or any Director, shall be deemed good and sufficient Service of the same respectively on the said Company.

Declaring
what shall
be good
Service of
Notice by
the Com-
pany.

CIV. And be it further enacted, That in all Cases in which it may be necessary for the said Company to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, or otherwise, upon any Person or Corporation under the Provisions of this Act, personal Service thereof respectively upon such Person or upon some Member or upon the Clerk or other Officer of such Corporation, or delivering the same to some Inmate of the last or usual Place of Abode of such Person, or of such Member, Clerk, or other Officer of such Corporation, or at the Office of such Clerk or other Officer, shall be deemed good and sufficient Service of the same respectively upon such Person or Corporation (as the Case may be), except in Cases in which any other Mode of Service is by the said recited Act or by this Act particularly directed: Provided always, that every Summons, Demand, or Notice, or other Document requiring Authentication by the said Company, may be signed by One Director or by the Secretary or Clerk of the said Company, and need not be under the Common Seal of the said Company,

Company, and may be in Writing or in Print, or partly in Writing and partly in Print.

CV. And be it further enacted, That in case any Person against whom the said Company may have any Claim or Demand shall become bankrupt or insolvent, the Secretary or Clerk or Treasurer of the said Company for the Time being may do all the same Acts and have and exercise all the same Powers and Privileges as to the Establishment or Proof of Debts, voting in Choice of Assignees, signing Certificates, and other Matters and Things in respect of or relating to the Claim or Demand of the said Company, as any Person, being a Creditor of such Bankrupt or Insolvent, or a Claimant against his Estate, could have or exercise in respect of his Debt or Claim.

How Debts may be proved in Cases of Bankruptcy.

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

Directors empowered to grant Releases to Witnesses.

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

Distress not unlawful for Want of Form.

CVIII. And be it further enacted, That in all Cases of Prosecution for Offences against the Bye Laws, Orders, or Rules of the said Company, the Production of a written or printed Paper, purporting to be the Bye Laws, Orders, or Rules of the said Company, and

Authenticated Bye Laws to be Evidence.

and authenticated by having the Common Seal of the Company affixed thereto, shall be Evidence of the Existence and of the due making of such Bye Laws, Orders, or Rules, and it shall be sufficient to prove that a printed Paper or painted Board containing a Copy of such of the Bye Laws, Orders, or Rules as shall subject any Person not being a Proprietor of the said Company to any Fine or Penalty, hath been affixed and published in manner by this Act directed, and in case of its being afterwards displaced or damaged hath been replaced as soon as conveniently might be, unless Proof shall be adduced by the Defendant that such printed Paper or painted Board is not a Copy of such Bye Laws, Orders, or Rules, or hath not been duly affixed and generally continued in manner by this Act directed.

Proceedings
not to be
quashed for
Want of
Form.

CIX. And be it further enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Proceeding whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Limitation
of Actions.

CX. And be it further enacted, That no Action, Suit, or Information, nor any other Proceeding of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or omitted to be done in pursuance of this Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under this Act, unless Twenty Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, or Information, or other Proceeding, to the intended Defendant, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Six Calendar Months next after the Act committed, or in case there shall be a Continuation of Damage, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, nor unless such Action, Suit, or Information shall be laid and brought in the County or Place where the Matter in dispute or Cause of Action shall arise; and the Defendant in such Action, Suit, Information, or other Proceeding may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the Acts were done or omitted to be done in pursuance of or by the Authority of this Act; and if they shall appear to have been so done or to have been so omitted to be done, or if it shall appear that such Action, Suit, Information, or other Proceeding shall have been brought otherwise than as herein-before directed, then and in every such Case the Jury shall find for the Defendant; upon which Verdict, or if the Plaintiff shall become nonsuited, or shall suffer a Discontinuance of his Action, Suit, Information, or other Proceeding after the Defendant shall have appeared thereto, or if a Verdict shall pass against the Plaintiff therein, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall have his Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in other Cases.

CXI. And be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or in, under, or by virtue of any Power or Authority hereby given, if Tender of sufficient Amends shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Plaintiff not to recover after Tender of Amends.

CXII. And be it further enacted, That none of the Directors of the said Company hereby appointed or hereafter to be appointed under the Authority of this Act shall, by reason or means or on account of his being Party to, or making, signing, or executing in his Capacity of Director of the said Company, pursuant to this Act, any Contract, Agreement, or other Instrument for or on behalf of the said Company, or otherwise lawfully executing any of the Powers and Authorities given to the said Directors by this Act, be subject or liable to be sued, prosecuted, or impleaded, either collectively or individually, by any Person whomsoever, in any Court of Law or Equity or elsewhere; and that the Bodies, Goods, Chattels, Lands, or Tenements of the said Directors or any of them shall not, by reason, on account, or in consequence of any such Contract or other Instrument so entered into or made, signed or executed by them or any of them as aforesaid, or any other lawful Act which shall be done by them or any of them in the Execution of any of the Powers and Authorities given to them or any of them by this Act, be liable to be arrested, seized, detained, or taken in execution; but that in every such Case any Person making any Claim or Demand upon the said Company or upon any Directors thereof, under or by virtue of any such Contract or Instrument or other lawful Act, may sue and implead the said Company in like Manner as if such Contract, Instrument, or other Act had been entered into and executed and done under the Common Seal of the said Company.

Directors not personally answerable for Acts legally done as Directors.

CXIII. And whereas by reason of the Exercise of the Powers by the said recited Act or by this Act granted there may be Deficiencies in the Assessments for Land Tax in the several Parishes or Townships through or in which the several Works by the said recited Act and hereby authorized may pass or be situate; be it therefore enacted, That the said Company shall, from and after they shall have become seised and possessed by virtue of this Act of any Premises charged with the Land Tax, and until the Works by the recited Act and 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 Acts for the Redemption of Land Tax, be subject and liable from Time to Time to pay and make good, to or in aid of such several Parishes or Townships as aforesaid, out of the

Provision for Deficiencies of Land Tax.

Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said several Parishes or Townships by reason of taking down or using for the Purposes of the said recited Act and 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 or Collector or Receiver to be appointed under this Act is hereby required to pay all such Deficiencies, on Demand thereof, to the Collector of the said Assessments.

For Recovery of Rates.

CXIV. And be it further enacted, That all and every the Parliamentary, Parochial, and District Rates payable under or by virtue of this Act shall be paid and payable by the Treasurer of the said Company; and in case of Default in such Payments for the Space of Twenty Days by the said Treasurer next after Demand in Writing made or given to him by the Collector of any such Rate or Rates, then the same shall and may be recovered in a summary Way by the Order or Adjudication of some Two or more Justices of the Peace for the County wherein the Cause or Matter of Complaint may have arisen, on Complaint to them for that Purpose made, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Non-payment, by Distress and Sale of the Goods and Chattels of the said Company or of the Treasurer for the Time being of the said Company, by Warrant under the Hands and Seals of such Justices; and the Overplus (if any) of the Money so raised and recovered, after discharging such Rates herein-before mentioned, and the Costs and Expences as aforesaid, shall be returned, on Demand, to the said Company.

Power to sell Lands not wanted.

CXV. And whereas by means of the Purchases which the said Company are empowered to make by virtue of the said recited Act or of this Act they may happen to be seised or possessed of more Lands than will be necessary for effecting the Purposes of the said recited Act and of this Act, or of Lands not applicable to those Purposes; be it therefore enacted, That it shall be lawful for the said Company and they are hereby required, within Ten Years after the passing of this Act, to contract for and to sell, and by any Deed under their Common Seal, and for such Considerations as they may deem reasonable, to convey to the Purchasers thereof, any Part of such superfluous Lands, or any Estate or Interest purchased by or vested in the said Company in such Lands or any Part thereof, in such Manner as they shall deem most advantageous; and such Contracts, Sales, and Conveyances from the said Company shall be valid and effectual to all Intents and Purposes.

First Offer to be made to Owners of adjoining Lands.

CXVI. Provided always, and be it further enacted, That the said Company before they shall dispose of any such superfluous Lands shall first offer to sell the same to the Person or to the several Persons whose Lands or Premises shall immediately adjoin the Lands so proposed to be sold, such Persons being, when such Lands shall be sold, in *England*, and conveniently to be found, and capable of entering into a Contract for the Purchase of such Lands; and such respective Persons, in case they shall be desirous of purchasing

the same, shall signify their Desire and Intention in that Behalf to the said Company within Thirty Days after such Offer of Sale shall have been made; and in case such Persons shall decline to avail themselves of such Offer, or shall neglect to signify their Desire and Intention to purchase such Lands for the Space of Thirty Days, the Right of Pre-emption of every such Person so declining or neglecting, in respect of the Lands included in such Offer of Sale, shall cease, and a Declaration pursuant to the herein-before mentioned Act passed in the Fifth and Sixth Year of the Reign of His present Majesty for the Abolition of Oaths, made before a Master or Master Extraordinary in the High Court of Chancery, or before any Justice of the Peace for the County, City, or Place where such Lands may be situate, by some Person not interested in such Lands, stating that at the Time when such Lands shall have been sold the Person entitled to such Right of Pre-emption was not in *England*, or was not to be found, or was not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made by or on behalf of the said Company, and that such Offer was refused or was not accepted by the Person to whom the same was made within the Space of Thirty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence and Proof of the Fact or Facts therein stated; and the Money produced by the Sale which may be made by the said Company of such Lands as aforesaid shall be applied to the Purposes of this Act; and all Conveyances which shall be made by the said Company, pursuant to the Authority by this Act in them reposed, shall be adjudged sufficient to vest in the Purchaser such Estate as shall have been agreed for, or shall be expressed or meant and intended to be conveyed and granted by any such Conveyance.

CXVII. And be it further enacted, That upon Payment of the Money which shall arise from the Sale of any Lands, or of any Interest therein, belonging to the said Company, which shall be sold by the said Company under the Authority of this Act, or upon Payment of any Money under this Act, it shall be lawful for any Two Directors of the said Company, or for the Secretary or Clerk or any Officer appointed by the said Directors for the Purpose, to sign and give a Receipt for the Money so paid, which Receipt shall be a sufficient Discharge to all Persons for the Purchase Money for such Lands or Interests as shall be sold, or for such other Money as in such Receipt shall be expressed to be received, and such Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money or other Money, or of any Part thereof.

Company upon Payment of Money to give Receipts.

CXVIII. And be it further enacted, That in all Conveyances to be made by the said Company under or in pursuance of this Act the Word "grant" shall operate as and be construed and adjudged in all Courts of Judicature to be express Covenants to or with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, or Assigns of such Grantees, according to the Quality or Nature of such Grantee's Interest therein, and the Estate or Interest therein expressed to be thereby conveyed by

The Word "grant" in Conveyances from the Company to amount to certain Covenants.

or

or from the said Company, for themselves and their Successors, and they the said Company, notwithstanding any Act or Default done by them, were at the Time of the Execution of such Conveyances seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them, and that the Purchaser thereof, his Heirs and Assigns, Successors and Assigns, or Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the said Company and their Successors, and all claiming under them, and be indemnified and saved harmless by the said Company and their Successors from all Incumbrances committed by the said Company, and also for further Assurance, at the Expence of such Grantees respectively, their Heirs, Successors, Executors, Administrators, or Assigns, of such Lands and Premises by the said Company or their Successors, and all claiming under them, unless except and so far as the same shall be restrained and limited by express particular Words contained in such Conveyances; and all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, shall and may in all Actions to be brought assign Breach or Breaches of Covenant as they might do in case such Covenants were expressly inserted in such Conveyances.

Proprietors
may raise an
additional
Sum of
Money by
Mortgage.

CXIX. And be it further enacted, That it shall be lawful for the said Company from Time to Time, by an Order of any General or Special General Meeting of the said Company, to borrow or take up at Interest any Sum or Sums of Money, not exceeding in the whole the Sum of Thirty-six thousand Pounds, on the Credit of the said Undertaking; and the Directors of the said Company, after an Order shall have been made for that Purpose at any General or Special Meeting of the said Company, are hereby empowered to mortgage, assign, and charge the Property of the said Company, and the Rates, Tolls, and other Sums arising or to arise by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Rates, Tolls, or Sums,) as a Security for any such Money to be borrowed as aforesaid, with Interest, to or for the Benefit of the Party who shall advance the same, or to his Trustee; and a Copy of the Order of any General or Special General Meeting of the said Company authorizing the borrowing of any Sum of Money, certified by One Director or by the Secretary or Clerk of the said Company to be a true Copy, shall be sufficient Evidence of the making of the Order for raising such Sum of Money; all which said Mortgages, Assignments, and Charges shall be made, under the Common Seal of the said Company, in the Words or to the Effect following, or with such Variation therein as the Circumstances of the Loan may render necessary; (that is to say,)

Form of
Mortgage.

‘ The *Brandling* Junction Railway Company.

‘ Number

‘ BY virtue of an Act passed in the Sixth Year of the Reign of His
‘ Majesty King *William* the Fourth, intituled [*here set forth the*
‘ *Title of the Act*], We, the *Brandling* Junction Railway Com-
‘ pany,

pany, incorporated by and under the said Act, in consideration of the Sum of to us in hand paid by A. B. of , do assign unto the said A. B., his Executors, Administrators, and Assigns, the said Undertaking, and all and singular the Rates, Tolls, and Sums of Money arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of the said Company in and to the same, to hold unto the said A. B., his Executors, Administrators, and Assigns, until the said Sum of together with Interest for the same after the Rate of for every One hundred Pounds for a Year, shall be fully paid and satisfied. Given under our Common Seal this Day of in the Year of our Lord

And the respective Parties to whom such Mortgages or Assignments shall be made shall be entitled one with the other to their Proportions of the said Rates, Tolls, and Sums and Premises, according to the respective Sums in such Mortgages or Assignments mentioned to be advanced, without any Preference by reason of Priority of the Date of any such Order of Meeting, or Priority in Date of such Mortgage or Assignment, or on any other Account whatsoever; and an Entry or Memorial of such respective Mortgages or Assignments, containing the Numbers and Dates thereof, and the Names of the Parties, with their proper Additions, to whom the same shall have been made, and of the Sums borrowed, together with the Rate of Interest to be paid thereon respectively, shall within Fourteen Days next after the Date thereof be entered in some Book to be kept by the Secretary or Clerk of the said Company, which said Book may be perused at all reasonable Times by any of the Proprietors or Mortgagees of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all Parties to whom any such Mortgage or Assignment shall have been made as aforesaid, or who shall be entitled to the Money due thereon, may from Time to Time transfer their respective Rights and Interests therein to any other Person; and every Transfer thereof shall be by Deed duly stamped, in which the Consideration for such Transfer shall be truly stated and specified; and such Transfer may be in the Words or to the Effect following; (that is to say,)

No Priority in Mortgages.

Mortgages may be transferred.

I A. B. of , in consideration of the Sum of paid by C. D. of , do hereby transfer to the said C. D., his Executors, Administrators, and Assigns, a certain Mortgage Number made by the Brandling Junction Railway Company to bearing Date the Day of for securing the Sum of and Interest, and all my Right, Estate, and Interest in and to the Money thereby secured, and in and to the Rates, Tolls, Sums of Money, and Property thereby assigned. Dated this Day of in the Year of our Lord

Form of Transfer.

And every such Transfer shall, within Twenty Days after the Date thereof, if executed in *England*, or otherwise within Twenty-eight Days after the Arrival thereof in *England* if executed elsewhere,
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be produced to the Secretary or Clerk of the said Company, who shall cause an Entry or Memorial to be made thereof in the same Manner as of the original Mortgage or Assignment, for which the said Company shall be paid the Sum of Two Shillings and Sixpence; and after every such Entry or Memorial made every Transfer shall entitle such Assignee, his Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon, and it shall not be in the Power of any Person who shall have made such Transfer to make void, release, or discharge the Mortgage so transferred, or any Money thereon due or thereby secured, or any Part thereof.

Power to borrow Money of the Exchequer Bill Commissioners, under 3 G. 4. c. 86.

CXX. And be it further enacted, That it shall be lawful for the said Company at any Time, or from Time to Time, by Order of any General or Special General Meeting, to borrow of the Commissioners for carrying into execution an Act of Parliament passed in the Third Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act to amend Two Acts, of the Fifty-seventh Year of the Reign of His late Majesty and the First Year of the Reign of His present Majesty, for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Act*, any Sum of Money not exceeding in the whole the Sum of Money hereby authorized to be raised by Mortgage as aforesaid, and by Deed under the Common Seal and at the Costs of the said Company to assign and assure to the Secretary for the Time being of the said Commissioners, and as they shall direct, free from all Incumbrances, the said Undertaking, and all the Works and Property of the said Company, and all Rates, Tolls, Profits, and Receipts accruing and thereafter to accrue to or for the Use of the said Company under or by virtue of the Authority of this Act or otherwise, for securing to the said Commissioners the Repayment of the Amount of the Exchequer Bills to be so borrowed as aforesaid.

Security to Commissioners to have Priority.

CXXI. And be it further enacted, That every Security to be given to the said Commissioners as aforesaid shall not be affected by any Informality in any Meeting or Proceeding of the said Company or the said Directors, and shall have Priority over all other Mortgages, Charges, and Securities whatsoever to be created by the said Company under the Authority of this Act.

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

CXXII. And be it further enacted, That the Interest of the Money which shall be raised by any such Mortgage, Assignment, or Charge as aforesaid shall be paid half-yearly to the several Parties entitled thereto, and in preference to any Dividends payable by virtue of this Act to the Proprietors of the said Company or any of them; and in case such Interest or any Part thereof shall be unpaid by the Space of Thirty Days next after the same shall have become due and payable as aforesaid, and the same shall not be paid within Thirty Days next after Demand thereof in Writing shall have been made to the said Company, it shall be lawful for Two or more Justices of the Peace acting for the said County Palatine of *Durham*, not being interested in the Matter in question, and they are hereby respectively required (on Request to them made by or on behalf of any Mortgagee or Assignee

of a Mortgagee whose Interest shall be so in arrear), by an Order under their Hands, to appoint some Person to receive the Whole or such Part of the said Rates, Tolls, or Sums as are liable to pay such Interest so due and unpaid as aforesaid; and the Money so to be received by such Person is hereby declared to be so much Money received by or to the Use of the Person to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the Rates, Tolls, or Sums, shall be fully paid and satisfied; and after such Interest and Costs shall have been paid and satisfied, the Power and Authority of such Receiver for the Purposes aforesaid shall cease and determine; or otherwise the said Interest so due and unpaid as aforesaid may be sued for and recovered from the said Company, with Costs, by an Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

CXXIII. Provided always, and be it further enacted, That no Person to whom any such Mortgage or Assignment shall be made or transferred shall by reason thereof be deemed a Proprietor of any Share, or shall be capable of acting or voting as such at or taking any Part in the Proceedings of any Meeting of the said Company.

Creditors
not to vote.

CXXIV. And be it further enacted, That when any Sum of Money shall be borrowed at Interest pursuant to the Powers in that Behalf contained in this Act, it shall be lawful for the said Company, in case they shall in their Discretion think proper so to do, to fix a Period or Periods for the Repayment of the Principal Sum of Money so to be borrowed, with the Interest thereof; and in such Case the said Company shall cause to be inserted in such Mortgage or Assignment the Time or Times which shall be fixed or agreed upon for the Repayment of the Principal Money thereby to be secured; and such Sum of Money, with all Arrears of Interest thereon, shall accordingly be paid at the Time or Times so to be fixed, to the Party who shall upon the Expiration of such Period or Periods be the Holder of or entitled to such Mortgage or Assignment, or his Nominee.

Directors
empowered
to stipulate
Periods for
Redemption
of Money to
be borrowed
on Security
of Rates.

CXXV. And be it further enacted, That where no Time shall be fixed for the Repayment of any Sum of Money borrowed under the Authority of this Act, the Party entitled to any such Mortgage or Assignment may and he is hereby authorized to demand Payment of the Principal Monies thereby secured, with all Arrears of Interest, at the Expiration or at any Time after the Expiration of Twelve Calendar Months from the Date of such Mortgage or Assignment, upon giving Six Calendar Months Notice in Writing to the Secretary or Clerk of the said Company for the Time being: Provided nevertheless, that the said Company may at all Times pay off and discharge all such Mortgages or Assignments in which no Time shall be fixed for the Payment thereof, or any Part of the Money thereby secured, on giving Six Calendar Months Notice in the *London Gazette*, and in Two or more Newspapers, circulated at *Newcastle-upon-Tyne*, and at the Expiration of the said Six Calendar Months all Interest shall cease to be paid on the said Principal Money, unless the said Company shall, on Demand, make default in the Payment thereof in pursuance of such Notice.

When
Holders of
Mortgages
or Assign-
ments for
unlimited
Periods may
demand
Payment.

Directors
may pay off
such Mort-
gages on
giving Six
Months
Notice.

CXXVI. And

For securing
Repayment
of Principal
Money bor-
rowed.

CXXVI. And be it further enacted, That in case of Nonpayment of any Principal Sums of Money which shall be secured by any such Mortgage or Assignment as aforesaid, by virtue of this Act, or of any Part of such Principal Monies, at the Time or Times when the same ought to be paid, and in case the same shall not be paid within Six Calendar Months next after the same shall be so payable as aforesaid, and after Demand thereof in Writing shall have been made to the said Company, it shall be lawful for Two or more Justices of the Peace acting for the said County Palatine of *Durham*, not interested in the Matters in question, and they are hereby respectively required, on Request to them made by or on behalf of any One or more of the Parties entitled to any such Mortgages or Assignments as aforesaid, and to whom any Principal Sums of Money shall be then due thereon and unpaid, and amounting together to the Sum of Five thousand Pounds, by an Order under their Hands, to appoint some Person to receive the Whole or such Part of the said Rates, Tolls, or Sums as are liable to pay such Principal Monies so due and unpaid as aforesaid; and the Money so to be received by such Person is hereby declared to be so much Money received by or to the Use of the Persons or Corporations to whom such Principal Money shall be due, and on whose Behalf such Receiver shall have been so appointed, until the same, together with the Costs and Charges of recovering and receiving the Rates, Tolls, or Sums, and all Interest then due thereon, shall be fully paid and satisfied; and after such Principal, Interest, and Costs shall have been paid and satisfied, the Power and Authority of such Receiver for the Purposes aforesaid shall cease and determine; or otherwise the said Principal Money so due and unpaid as aforesaid may be sued for and recovered from the said Company, with Costs, by an Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

In case
Mortgages
are paid off
the Com-
pany may
raise the
Amount
again.

CXXVII. And be it further enacted, That in case the said Company shall raise the Whole or any Part of the Money herein-before authorized to be raised by Mortgage, Assignment, or Charge as aforesaid, and shall afterwards pay off all or any Part thereof, then and in every such Case it shall be lawful for the said Company, immediately or at any Time thereafter, again to raise, in lieu of the Principal Money so paid off by them, such Sum of Money as they shall from Time to Time have paid off, or any Part thereof, 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 more than the Sum of Thirty-six thousand Pounds in the whole, over and above the Amount of the Calls for the Time being remaining unpaid, and still to be called for by the said Company.

Power to
raise the
Sum of
36,000l.
among them-
selves, or by
Admission
of new Sub-
scribers.

CXXVIII. And be it further enacted, That in case the said Company shall be desirous of raising by Subscription the said Sum of Money herein-before authorized to be raised by Mortgage as aforesaid, or any Part thereof, then and in such Case it shall be lawful for the said Company to raise and contribute amongst themselves in manner aforesaid, and in such Shares and Proportions as they shall think proper, or to raise by the Admission of new Subscribers, any further or other Sum of Money for the Purposes of this Act, not exceeding

exceeding in the whole the said Sum of Thirty-six thousand Pounds ; and all Persons and Corporations subscribing towards raising any such further or other Sum of Money shall be Proprietors of the said Undertaking, and have the like Votes, either personally or by Proxy, in respect of such additional Shares to be raised, and shall also be liable to such Forfeitures, and stand interested in all the Profits of the said Undertaking in proportion to the Sum they shall subscribe thereto, as generally and extensively to all Intents and Purposes as if such further or other Sum hereby allowed to be subscribed for and raised had originally been Part of the said first-mentioned Sum of One hundred and ten thousand Pounds.

CXXIX. And be it further enacted, That it shall be lawful for the said Company, if they shall deem it expedient, out of any Surplus Money or otherwise, to buy up any Share in the said Undertaking which shall be offered for Sale, and in such Case it shall be lawful for them either to direct that any Share so bought shall merge in the said Undertaking, or that the same shall be transferred to the Clerk of the said Company in Trust for the said Company ; and any such Share may in such last-mentioned Case at any Time thereafter be sold for the Benefit of the said Company, and for the raising of any Sum of Money which may be wanted for or towards the maintaining, repairing, or supporting the said Railway and other Works belonging to the said Undertaking, or any other Purpose necessary for carrying on the same.

Company may buy up Shares and sell them again.

CXXX. And be it further enacted, That where the said Railway shall cross any public Highway the Ledge or Flanch of such Railway for the Purpose of guiding the Wheels of the Carriages thereupon shall not rise above nor sink below the Level of such Road more than One Inch.

Where the Railway crosses a public Highway.

CXXXI. And be it further enacted, That where the said Railway shall cross any Turnpike Road, either such Turnpike Road shall be carried over the said Railway or the said Railway shall be carried over such Turnpike Road, at the Expence of the said Company, by means of a Bridge of such Construction as herein-after mentioned.

Railway not to cross a Turnpike Road on a Level.

CXXXII. And be it further enacted, That where any Bridge shall be erected by the said Company for the Purpose of carrying the said Railway over any Turnpike Road or public Carriage Road, the Span of the Arch of such Bridge shall be formed, and shall at all Times be and be continued, of such Width as to leave a clear and open Space under every such Arch of not less than Fifteen Feet, and of a Height from the Surface of such Turnpike Road or public Carriage Road to the Centre of such Arch of not less than Sixteen Feet, and the Descent under any such Bridge for the Purposes of a Turnpike Road shall not exceed One Foot in Thirty Feet, and for the Purposes of a public Carriage Road shall not exceed One Foot in Twenty Feet.

Regulations as to Width and Height of Bridges ;

CXXXIII. And be it further enacted, That where any Bridge shall be erected for carrying any Turnpike Road or public Carriage Road

with respect to Ascent of Bridges.

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over

over the said Railway, the Road over such Bridge shall be formed and shall at all Times be continued of such Width as to leave a clear and open Space between the Fences of such Road of not less than Fifteen Feet, and the Ascent of every such Bridge for the Purposes of such Turnpike Road shall not be more than One Foot in Thirty Feet, and with respect to any public Carriage Road shall not be more than One Foot in Twenty Feet, and with respect to any private Carriage Road not more than One Foot in Sixteen Feet; and a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Regulations
as to Foot-
paths.

CXXXIV. And be it further enacted, That where the said Railway shall cross any public Footpath in any other Manner than on a Level the said Company shall make and maintain convenient Ascents and Descents, as the Case may require, to such Footpaths.

Public Act.

CXXXV. 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.

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