



ANNO SEXTO

GULIELMI IV. REGIS.

Cap. lxxvi.

An Act for making and maintaining a Railway from the Town of *Newcastle upon Tyne* in the County of the Town of *Newcastle upon Tyne* to *North Shields* in the County of *Northumberland*, with a Branch thereout, in the County of *Northumberland*. [21st June 1836.]

WHEREAS the making and maintaining a Railway from the Town of *Newcastle upon Tyne* to *North Shields* in the County of *Northumberland*, with a Branch thereout, would be of great public Advantage, by affording a cheap, certain, and expeditious Communication between the said Towns and the intermediate and contiguous District: And whereas the several Persons herein-after named are willing, at their own Expence, to carry into effect the before-mentioned beneficial Undertaking; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Christian Allhusen, Matthew Bell, Thomas Barnes, John Craig, George Cruddas, John Crawford, Nathaniel Grace, Joseph Grote, John Hodgson, Thomas Hodgson, Matthew Hudson, John Jobling, Mark Lambert, James Lowndes, John Potts, Michael Robson, Richard Spoor*, and all other Persons, Bodies Politic and Corporate, who have subscribed or who shall hereafter subscribe towards the said Undertaking, and their several and respective Successors, [Local.]

Proprietors
incorporated.

Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for constructing and maintaining the said Railway, and the Branch and other Works by this Act authorized, according to the Provisions and Restrictions herein-after mentioned, and for that Purpose shall be a Body Corporate by the Name and Style of "*The Newcastle upon Tyne and North Shields Railway Company*," and by that Name shall have perpetual Succession, and shall have a Common Seal, and shall and may sue and be sued, and also shall have Power to purchase and hold Lands and other Hereditaments to them and their Successors and Assigns, for the Use of the said Undertaking, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and shall also have Power again to sell and dispose of such of the said Lands and Hereditaments as may not have been used for the Purposes of this Act, in manner herein-after mentioned.

Company
empowered
to make
Railway and
Branch.

II. And be it further enacted, That the said Company of Proprietors shall be and are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain a Railway, with proper Warehouses, Wharfs, Landing Places, Tunnels, Bridges, Works, and Conveniences adjoining or attached thereto or connected therewith, for the Passage of Engines, Waggons, Carts, and other Carriages, constructed as herein-after mentioned, commencing at or near to a certain Yard or open Space of Ground in the Occupation of *Mrs. Ann Peareth*, near to or adjoining a certain Street or Place called *Pilgrim Street*, within the Parish or Parochial Chapelry of *All Saints* in the Parish of *Saint Nicholas* within the Town and County of the Town of *Newcastle upon Tyne*, and extending to or passing through or into the several Parishes of *Saint Nicholas* aforesaid, of *All Saints* aforesaid, part in the Town and County of *Newcastle upon Tyne* aforesaid and part in the County of *Northumberland*, and of *Long Benton, Wallsend, and Tynemouth*, all in the said County of *Northumberland*, and also extending to or passing through or into the several Townships of *All Saints* in that Part of the said Parish of *All Saints* in the Town and County of *Newcastle upon Tyne* aforesaid, of *Byker* and *Heaton* in that Part of the said Parish of *All Saints* situate in the said County of *Northumberland*, *Walker* in the said Parish of *Long Benton, Wallsend* and *Willington* in the said Parish of *Wallsend*, and of *Chirton* and *Tynemouth* in the said Parish of *Tynemouth*, or some of them, and terminating at or near to the West End of a certain Street or Place called *Wellington Street*, in the said Township and Parish of *Tynemouth* in the said County of *Northumberland*; together with a Branch from and out of such Railway, to commence at or near to a certain Place, Garden, or Nursery, now in the Occupation of *Joseph Mole*, in the said Township of *Chirton* in the said Parish of *Tynemouth*, and extending to or passing through or into the said Township of *Chirton* and the Township of *North Shields*, both in the said Parish of *Tynemouth*, and terminating at or near to a certain Piece of Ground near the East End and on the North Side of a certain public Highway leading through the Market Place of and near to the New Quay at *North Shields* in the said Township of *North Shields* in the said Parish of *Tynemouth*.

III. And

III. And be it further enacted, That for the Purposes of this Act the said Company of Proprietors, their Deputies, Servants, Agents, Surveyors, and Workmen, shall be and they are hereby authorized and empowered, according and subject to the Provisions of this Act, to enter into and upon the Lands and Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same or any Part thereof, and to set out, ascertain, and appropriate such Parts thereof as they shall think necessary for making, effecting, preserving, improving, completing, maintaining, and using the said Railways, and all such other Works, Matters, and Conveniences as are hereby authorized to be made, and to bore, dig, cut, trench, embank, and sough, and also to remove, take, carry away, lay, and use, any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Materials or Things which may be dug, raised, or gotten in making the said Railways and other Works, or out of the Lands or Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate, adjoining or contiguous thereto, and which may seem necessary or proper for making, carrying on, continuing, using, maintaining, altering, or repairing the said Railways and other Works, according to the Intent and Meaning of this Act; and also to make, build, erect, bank, excavate, cut, and set up, and also to repair, such and so many Embankments, Mounds, Bridges, Piers, Arches, deep Cuttings, and Tunnels in, upon, under, and across any Hills, Valleys, Roads, Rivers, Canals, Brooks, and Streams, or other Waters, and to alter or stop the Course of or draw off such Water for such Time as may be necessary for completing and repairing Bridges or Passages over the same, and such and so many Houses, Warehouses, Toll Houses, Weighing Beams, Cranes, Machines, and other Works, and Ways, Roads, and Conveniences, where and in such Manner as the said Company of Proprietors shall think necessary or expedient for the Purposes of the said Undertaking, and also from Time to Time to renew, alter, repair, and amend or discontinue the same; and also to place, lay, work, and manufacture the Materials necessary for the making, erecting, and maintaining and repairing the said Railways and other Works on the Lands or Grounds adjoining to the Place or Places where the said Works or any of them shall be or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter any Fences or Passages over, under, along, or through the said Railways; and also to make, set out, and appoint such Roads and Ways convenient for hauling or drawing of Waggon or other Carriages passing upon the said Railways with or by means of Engines or other mechanical Power, and with Men or Horses, or otherwise, and proper Places for such Engines and for Waggon and other Carriages to turn, remain, stand, lie, or pass each other; and to divert, alter, widen, enlarge, and extend any Ways, Roads, Passages, or Bridges which shall lead to or from or lie or be in or near the said Railways, or the intended Course or Situation thereof, as the said Company of Proprietors shall think expedient; and also to make Drains or Conduits into, through, or under any Lands or Grounds adjoining the said Railways, for the Purpose of conveying Water from or to the said Railways, or any Part or Parts thereof, and to construct, make, and do all other Matters and Things fit or necessary for the making, altering, preserving, improving, completing,

Power to
take Lands,
&c.

pleting, and using the said Railways and other Works to be made or constructed in pursuance of and according to the true Intent and Meaning of this Act; they the said Company, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction in manner herein-after mentioned to the Owners or Proprietors of, and to all Persons, Bodies Politic, Corporate, or Collegiate, interested in any Lands, Tenements, or Hereditaments, Waters or Watercourses respectively, which shall be taken, used, removed, diverted, or injured, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisoos and Restrictions as are herein-after mentioned and contained.

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

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

If locomotive
Engines
are used on
Railway,
Turnpike
Roads to be
crossed by a
Bridge or
Tunnel.

V. And be it further enacted, That in case any locomotive or other Engine to be worked by the Power of Steam, or any other Power than that of Horses or other Cattle, shall be used on the said Railways, then and in such Case the same shall be carried either over or under any Turnpike Road by means of a Bridge or Tunnel at the Expence of the said Company; and such Bridge, if any, shall be of such Construction as is herein-after mentioned.

Turnpike
Roads not
to be crossed
on a Level.

VI. 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 the said Turnpike Road, at the Expence of the said Company, by means of a Bridge, where not otherwise provided for by this Act, of such Construction as is hereafter mentioned.

VII. And be it further enacted, That where any Bridge shall be erected for carrying any Turnpike Road, public Highway, or Occupation Road over the said Railway or Branch, 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 Purpose of such Turnpike Road shall not be more than One Foot in Thirty Feet, and for the Purpose of any such public Highway not being a Turnpike Road not more than One Foot in Twenty Feet, and with respect to any Occupation Road not more than One Foot in Thirty 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 the Road over such Bridge.

Regulating
Ascent of
Bridges for
carrying
public
Roads over
Railway.

VIII. 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 or across any 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 Road to the Centre of such Arch of not less than Sixteen Feet; and the Descent under any such Bridge shall not for the Purposes of any Turnpike Road exceed One Foot in Thirty Feet, or for the Purposes of any Highway shall not exceed One Foot in Twenty Feet, or for the Purposes of any other Road shall not exceed One Foot in Thirteen Feet.

Regulation
as to Width
and Height
of Bridges
for carrying
Railway
over public
Roads.

IX. And be it further enacted, That in case it shall be found requisite to form Shafts, Pits, Eyes, or Openings to or from any Tunnel to be made for the Purposes of this Act, it shall be lawful for the said Company to sink and construct such Shafts, Pits, Eyes, or Openings in such Places as the said Company shall think necessary; but such Shafts, Pits, Eyes, or Openings shall not be sunk or constructed in any public Highway.

Openings in-
to Tunnels
not to be
made in
public High-
ways.

X. And be it further enacted, That where the said Railway or Branch shall cross any public Highway other than a Turnpike Road, the upper Surface of such Railway shall not rise above nor sink below the Level of such Road more than One Inch.

Height and
Depth of
Ledges in
crossing
Highways.

XI. And be it further enacted, That in case the said intended Railway shall at any Time or Times hereafter, from its near Approach to any Turnpike Road, occasion Danger to the Travellers on such Road in consequence of Horses being frightened by the Sight of the Engines and Carriages travelling upon the said Railway, it shall be lawful for any Person or Persons to make Complaint thereof to any Two Justices of the Peace acting for the Limit where such Turnpike Road shall lie, who shall summon the Clerk or Treasurer for the Time being of the said Company, or One of the Directors thereof, before them, to answer such Complaint, and if it shall appear to such Justices that the said Complaint is reasonable, then the said Company shall, within such Time as shall be ordered by the said Justices in that

Company to
erect Screen
when the
Railway
approaches
Roads.

[*Local.*]

29 M

Behalf,

Behalf, and after Notice of such Order served upon them, or their principal Engineer, Clerk, or other Officer, within such Time as shall be appointed by the said Justices commence, and within such Time as shall be appointed by the said Justices complete, such Works in the Nature of a Screen near to or adjoining the Sides of the said Turnpike Road or of the said intended Railway as shall be directed by the said Justices, so as to prevent such Danger to Travellers upon the said Turnpike Road; and in case such Company shall neglect within the Time appointed in that Behalf to commence, or shall not continue to execute such Works until the due Completion thereof, or shall not complete the same within the Time in that Behalf appointed, the said Company shall forfeit and pay for every Day during which the said Company shall not commence or shall not proceed in the Completion of such Works, or during which the said Works shall not be completed after the Time appointed for the Completion thereof, the Sum of Twenty-five Pounds, to be recoverable by the Commissioners or Trustees of the said Turnpike Road from the said Company in such and the same Manner as any other Penalties incurred by the said Company for which no special Provision is made by this Act.

Plans and
Books of
Reference.

XII. And whereas Maps or Plans describing the Lines or Course of the said Railways respectively, and the Estates, Lands, and Grounds in, through, over, and upon which the said Railways are to be carried or made, together with Books of Reference thereto containing Lists of the Names of the Owners and Occupiers or reputed Owners and Occupiers of such Estates, Lands, and Grounds, have been deposited with the several Clerks of the Peace for the Town and County of *Newcastle upon Tyne* and for the County of *Northumberland*; be it therefore enacted, That the said Maps or Plans and Books of Reference so deposited shall remain with and be kept by the said respective Clerks of the Peace, and that all Persons interested in any Manner therein shall have Liberty to inspect and peruse and to make Extracts from and Copies of the same at all reasonable Times, paying to the said respective Clerks for every Inspection the Sum of One Shilling, and for Copies of or Extracts from the said Books of Reference after the Rate of Four-pence for every Seventy-two Words; and the said Maps or Plans and Books of Reference, or attested Copies thereof, or of so much thereof as shall relate to any Matter which may be in question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Not to de-
viate more
than 100
Yards.

XIII. And be it further enacted, That the said Company of Proprietors in making the said intended Railways shall not deviate more than One hundred Yards from the Course or Direction delineated in the said Maps or Plans.

Uninten-
tional Errors
in Plans or
Books of Re-
ference not
to prevent
Execution of
the Act.

XIV. Provided always, and be it further enacted, That it shall be lawful for the said Company to make the said Railways and other Works upon, in, over, or through the Lands, Tenements, or Hereditaments upon, in, over, or through which such Railways and other Works are delineated on the said Plans, although such Lands, Tenements, and Hereditaments, or any of them, or the Situation thereof respectively,

respectively, or the Names of the Owners or of the Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in the Schedule to this Act or in the said Books of Reference, if it shall appear to any Two or more Justices of the Peace for the Town and County of *Newcastle upon Tyne* or the County of *Northumberland*, or either of them respectively, in case of any Dispute about the same, and be certified in Writing under their Hands, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the several Clerks of the Peace for the Town and County of *Newcastle upon Tyne* and for the County of *Northumberland*.

XV. Provided also, and be it further enacted, That nothing herein contained shall extend to authorize the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Railways or other Works, or for any other of the Purposes aforesaid, any House or other Building which was erected and built on or before the Thirtieth Day of *November* One thousand eight hundred and thirty-five; or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk or Avenue to a House, without the Consent in Writing of the Owners or Proprietors thereof and Persons interested therein respectively, other than and except such as are specified in the Schedule to this Act annexed.

Houses and Gardens not to be used except those specified in the Schedule.

XVI. Provided also, and be it further enacted, That in all Cases when, in exercise of the Powers hereby granted, any Part of any Carriage or Horse Road, either public or private, shall be found necessary to be cut through, raised, sunk, taken, or so much injured as to be impassable or inconvenient for Travellers, Passengers, or Carriages, or to the Persons entitled to the Use thereof, the said Company shall, at their own Expence, before any such Road shall be cut through, raised, sunk, taken, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road, as the Case may require, to be set out and made instead thereof, as convenient for Travellers, Passengers, and Carriages as the Road so to be cut through, raised, sunk, taken, or injured as aforesaid, or as near thereto as may be; and shall cause the same to be put into good and substantial Order and Condition when the former Road cannot be more easily restored; and where the Road so cut through, raised, sunk, or passed over shall be a Turnpike Road or Highway, the principal Road shall be restored within Six Calendar Months after the Commencement of the Operation; and the Railways, when they shall cross such Turnpike Road, shall be made and kept in repair so as to prevent Inconvenience or Obstruction to the Passage along such Turnpike Road: Provided always, that if the said Company shall not in manner aforesaid cause a good and sufficient Road to be set out and made before any such Road shall be so injured or prejudiced as aforesaid, or in case any Turnpike Road shall not be restored within Six Calendar Months after the Commencement of the Operation herein.

In case of Injury to Roads.

herein-before mentioned, then and in either of such Cases the said Company shall forfeit and pay, for each and every Day during which such good and sufficient Road shall be neglected to be made, as herein-before directed, or during which such Turnpike Road shall not be restored after the Expiration of the said Six Calendar Months, the Sum of Twenty-five Pounds, which Penalty shall be recoverable from the said Company in such and the same Manner as any other Penalties incurred by the said Company for which no special Provision is made by this Act; and in all Cases where, in exercise of the Powers hereby granted, any Part of any private Railway or Tramroad shall be intersected and crossed by the said *Newcastle upon Tyne* and *North Shields* Railway, such private Railway or Tramroad may be so intersected or crossed; but if the said *Newcastle upon Tyne* and *North Shields* Railway and such private Railway or Tramroad shall not be on the same Level, or if for any other Cause it shall be necessary to pass over or under such private Railway or Tramroad, the said *Newcastle upon Tyne* and *North Shields* Railway shall, at the Expence of the said Company, be made to pass over or under such private Railway or Tramroad, or the said private Railway shall, at the like Expence, be made to pass over or under the said *Newcastle upon Tyne* and *North Shields* Railway, where such Intersection shall take place; and all the necessary Bridges, Viaducts, Tunnels, and Archways, and the Approaches thereto, shall be made and kept in repair by the said Company; and if the said Company shall deem it expedient to divert any Part of such private Railway or Tramroad, in such Case, save and except where the same is an Inclined Plane, and is worked by a stationary Engine, it shall be lawful for the said Company to make such Diversion, provided that in making the same due Regard be had to the Interest and Convenience of the Persons entitled to the Use of such private Railway or Tramroad; provided also, that the Gradients or Inclinations and the Curves of any Part of such private Railway or Tramroad so diverted or interfered with, or the Length of such private Railway or Tramroad, be not thereby increased further than may be unavoidably necessary, and that the Continuity thereof be not severed until the diverted or new Portion so to be made shall have been completed for the passing of Carriages and Horses thereupon; and all Expences whatsoever attendant and consequent upon the Diversion of such private Railway or Tramroad, and upon the making and completing of such new Portion of Railway, and also the Expence of all the Approaches and Works necessary or incident to any such crossing of the said private Railway by the said *Newcastle upon Tyne* and *North Shields* Railway, as well as all Damages and increased Expence in the Use and working of such private Railway, sustained by the Proprietor, Owner, or Person entitled to the Use of such private Railway, or by any other Person, by reason of such Crossing, Diversion, or Interference as aforesaid, shall be paid and compensated by the said Company; and in case of Dispute as to the Amount of such Payment and Compensation the same shall be ascertained and settled in the same Manner as Compensations and Disputes relating to Mines and Minerals are directed by this Act to be ascertained and settled.

XVII. And

XVII. And be it further enacted, That the Lands and Grounds to be taken for the Purposes of this Act shall not exceed Twenty-two Yards in Breadth, except in such Places where it shall be judged necessary for Waggon: or other Carriages to turn, remain, stand in, lie, or pass each other, or for raising Embankments for crossing Valleys or low Grounds, or in deep Cuttings, or where any fixed or permanent Machinery, or Warehouses or other Buildings, or Cranes or Weighbeams, may be erected, or where any Places may be set out or appropriated for the forming of Wharfs, or for the Reception or Delivery of Coals, Goods, Wares, and Merchandize which shall be conveyed on the said Railways, and not above One hundred and fifty Yards in Breadth in any Place, except in Places to be set out and appropriated for Sheds, Warehouses, Buildings, Yards, and Conveniences, and other Purposes of this Act, for all or any of which Purposes not exceeding Six hundred Yards in Length by Two hundred Yards in Breadth may be set out and appropriated over and above the Quantity of Land herein-before mentioned, without the Consent of the Owners of the Lands or Hereditaments adjoining to the said Railway.

Breadth of
Lands to be
taken for the
Railways.

XVIII. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, or for any other limited or qualified Estate or Interest, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, and Administrators, and all other Persons whomsoever, not only for and on behalf of themselves, their Successors, Executors, and Administrators, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on behalf of their Wives entitled to Dower or Jointure or other Provision, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femmes Covert, or other Person or Persons, and to and for all Femmes Covert who are or shall in their own Right be seised or possessed of or interested in, and for all and every other Person and Persons whomsoever who is, are, or shall be seised or possessed of or interested in any Houses, Buildings, Lands, Tenements, or Hereditaments, Rivers, Streams, or Waters, which shall be thought necessary to be purchased, or which shall be injured, damaged, or affected by the said Company of Proprietors acting under and in pursuance of this Act, to treat and agree as to the Price and for the Sale of or for the Satisfaction for such Damage as aforesaid, and to convey, assign or otherwise assure the same Hereditaments and every Part thereof unto the said Company; and all such Contracts, Agreements, Sales, Conveyances, Assignments, and Assurances, including the reasonable Costs, Charges, and Expences of furnishing such Title as the said Company shall require, shall be made at the Expence of the said Company of Proprietors; and such Conveyances, Assignments, and Assurances may be made according to the following or a similar Form; (that is to say,)

Corpora-
tions, &c.
empowered
to sell.

I of in consideration of
the Sum of to me paid by
do hereby, in pursuance and by virtue of the Power in that
[Local.] 29 N ' Behalf

Form of
Conveyance
to Company.

' Behalf contained in an Act of Parliament passed in the Year
 ' of the Reign of His present Majesty King *William* the Fourth,
 ' intituled [*here set forth the Title of this Act*], grant and release to
 ' the said Company of Proprietors all [*describing the Premises to*
 ' *be conveyed*], together with all Ways, Rights, and Appurtenances
 ' to the same belonging, and all the Estate, Right, Title, and
 ' Interest in and to the same and every Part thereof which by the
 ' said Act or otherwise I can lawfully grant and release, to hold to
 ' the said Company of Proprietors and their Successors for ever,
 ' according to the true Intent and Meaning of the said Act. In
 ' witness whereof I have hereunto set my Hand and Seal the
 ' Day of in the Year of our
 ' Lord

[*And if the Premises are Leasehold for Years they may be assigned
 by a Form answerable to the above, only substituting the Words
 applicable to the Assignment of a Chattel.*]

And all such Conveyances and Assignments respectively shall be
 kept by such Person and in such Place as the Directors of the said
 Company for the Time being shall appoint, who shall from Time to
 Time, when requested, deliver attested Copies thereof to any Person
 or Persons requiring the same, and shall have and receive the Sum
 of Four-pence for every Seventy-two Words, exclusive of Stamps;
 and all such Conveyances, Assignments, and Assurances as aforesaid
 shall be good, valid, and effectual in the Law to all Intents and
 Purposes, not only to convey, assign, or assure the Estate and
 Interest of the Person or Persons, Body or Bodies, conveying or
 assigning, but also to convey or assign all the Right, Estate, Interest,
 Use, Trust, Property, Claim, and Demand whatsoever of their
 several and respective Successors and Cestuique Trusts, whether
 Issue unborn or under any Incapacity or not, and all Persons
 claiming or to claim by, from, through, or under them or any of
 them, and also to bar all Estates Tail and other Estates, Jointures,
 Right and Title of or to Dower, and all other Rights and Titles,
 Remainders, Reversions, Limitations, Trusts, outstanding Terms of
 Years, whether assigned to attend the Inheritance or not, and In-
 terests whatsoever; and all Corporations and Persons whatsoever con-
 tracting, conveying, or assigning as aforesaid are hereby indemnified
 for what they shall respectively do in relation thereto by virtue and
 in pursuance of this Act.

Conveyance
 of Copy-
 holds.

XIX. Provided always, and be it further enacted, That all Con-
 tracts, Ageements, and Assurances made or entered into by virtue
 and in pursuance of this Act for or in respect of any Lands, Tene-
 ments, or Hereditaments of Copyhold or Customary Tenure, or in
 the Nature thereof, shall be executed and completed by Surrenders
 of the Lands, Tenements, and Hereditaments comprised therein in
 the Court of the Manor of which the same are holden or Parcel,
 according to the Custom of such Manors, which Surrender shall in
 every Case be made to a Trustee for the said Company; and such
 Lands, Tenements, and Hereditaments shall continue subject to the
 same Fines, Rents, and Services as are now due and payable and of
 Right accustomed in the same Manner as if this Act had not been
 passed,

passed, unless the Lord or Lords, Lady or Ladies for the Time being of the Manor whereof the said Lands, Tenements, or Hereditaments are holden shall be willing to enfranchise the same, in which Case such Lord or Lords, Lady or Ladies, whether sole or married, is or are hereby empowered so to do, notwithstanding he, she, or they shall be seised of or entitled to the same Manor for a less Interest than an Estate in Tail, General or Special, the Consideration for which Enfranchisement, as also the Appointment or Apportionment of the Copyhold or Customary Rents issuing out of such Copyhold or Customary Tenements of which a Part only shall be taken for any of the Purposes of this Act, shall, if not settled by Agreement between the Parties, be ascertained and settled by the Verdict of a Jury, if required, as is herein-after directed.

Lords of
Manors em-
powered to
enfranchise.

XX. And be it further enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as of the Purchaser, of all Conveyances and Assurances of any Lands and Hereditaments which shall be purchased or taken by the said Company for the Purposes of this Act, and of deducing, evidencing, and verifying such Title as the said Company may require to the said Lands and Hereditaments, and of all attested Copies which the said Company may require of any Deeds evidencing or Writings relating thereto, and all Expences whatever incident to the Investigation, Deduction, or Verification of such Title, shall be exclusively borne and paid by the said Company; and the said Company, before entering into Possession of the Lands and Hereditaments so purchased, shall pay the Amount of such Costs, Charges, and Expences, or, in case there shall be any Dispute about the same, shall deposit for the Purpose of paying the same, in such Manner as herein-after mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party or Parties from whom the Lands and Hereditaments shall be purchased: Provided always, that the said Company shall not be prevented from entering into Possession of the Lands and Hereditaments so purchased by reason of the Non-payment of the said Costs, Charges, and Expences, or by reason of the Deposit herein mentioned not having been made, unless the Party or Parties from whom such Lands and Hereditaments shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to them by the said Company, deliver a Bill of their said Costs, Charges, and Expences to the said Company, with the Name of a Solicitor as their Referee, for the Purposes herein-after mentioned; and if the said Company and the Party or Parties aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences, the said Company shall name a Solicitor as a Referee on their Part, and deposit the Amount of the Costs, Charges, and Expences claimed by such Party or Parties aforesaid in the Hands of the said Two Referees to answer the same; and such Costs, Charges, and Expences shall be settled and determined by the said Two Referees, or in case they should differ about the same, then by a Third Solicitor as Umpire, to be named and appointed by such Two first Referees before they proceed on the Matter referred to them; and the Award and Determination of the said Two Referees, or of the said Umpire, as the Case may be, shall be binding and conclusive, and shall be made within One Calendar Month from the Time of making

For paying
the Ex-
pences of
Convey-
ances to the
Company.

making such Deposit as is herein-before mentioned; and, upon such Award and Determination being made the said Two Referees shall, by and out of the Money so deposited with them, pay to the Party or Parties from whom the said Lands and Hereditaments shall be so purchased as aforesaid the Amount of the Costs, Charges, and Expences which shall be so awarded and determined, and the Remainder of the said Money so deposited shall be returned to the said Company: Provided also, that the Expence of determining such Costs, Charges, and Expences as aforesaid shall be paid and borne by the said Company, unless One Sixth of the said Costs, Charges, and Expences shall be disallowed, in which Case the Expence of determining the same shall be paid and borne by the said Sellers, and the Amount thereof may then be deducted by the said Company from the Sum payable by them under the Award and Determination of the said Two Referees or of the said Umpire.

How Money
is to be paid
if Lords of
Manors are
under Incapacity to enfranchise
Copyholds.

XXI. And be it further enacted, That in all Cases where the Lord or Lords, Lady or Ladies of any Manor or Manors whereof any Copyhold or Customary Lands or Tenements required to be used for the Purposes of this Act are holden or Parcel shall be willing to enfranchise the same Copyhold or Customary Lands or Tenements, and such Lord or Lords, Lady or Ladies shall be seised of or entitled to such Manor or Manors respectively for a less Interest than an Estate in Tail, General or Special, or where he, she, or they cannot, either by any Process equivalent under the Laws now in force to a Fine or Recovery, enfranchise the same Lands or Tenements, then the Money agreed or assessed to be paid for the Enfranchisement thereof shall be paid, applied, and disposed of, under the Direction and with the Approbation of the High Court of Chancery, or without such Direction or Approbation, according to the Amount thereof, in the same Manner in all respects as in this Act is directed and provided with respect to Money agreed or assessed to be paid for the Purchase of any Lands, Tenements, or Hereditaments taken or used for the Purposes of this Act, which shall belong to any Person or Persons under any Disability or Incapacity whatsoever; and in all Cases in which the Appointment or Apportionment of the Copyhold or Customary Rents issuing out of such Copyhold or Customary Lands and Tenements of which a Part only shall be or shall have been taken for the Purposes of this Act shall be settled by Agreement between the Parties, such Agreement shall be made with and shall not be valid without the Consent and Approbation of the Lord or Lords, Lady or Ladies of the Manor or respective Manors whereof the same Copyhold or Customary Lands and Tenements are holden or Parcel, which Consent he, she, or they is or are hereby authorized to give, though he, she, or they may have only a limited or qualified Estate or Interest in such Manor; and if not so settled shall then be settled or assessed by the Verdict of a Jury, if required, in such Manner as in and by this Act is directed and provided; and the Apportionment of such Copyhold or Customary Rents aforesaid shall not in any Manner invalidate, prejudice, or destroy the Custom or Customs in any other respects by and under which the said Copyhold or Customary Lands or Tenements shall or may be holden, and the Remedy or Remedies for the Recovery of such Rents after the Apportionment thereof.

Agreement
to apportion
Rents to be
made with
Consent of
the Lord of
the Manor.

XXIII. And

XXII. And be it further enacted, That in all Cases where, in making the said Railways or other Works hereby authorized, there shall be Occasion to cut through, take, or use any Part or Parts of any Common or Waste Grounds, or other Lands, Tenements, or Hereditaments which shall be charged with or subject or liable to the Exercise of any Right or Privilege of Common thereupon, whether of Pasture, Turbary, Estover, Piscary, or Easement, and whether such Common or Commonable Rights be appendant, appurtenant, or in gross, and whether the same be created or be then subsisting by Grant, Prescription, Custom, or otherwise howsoever, the Conveyance of such Common or Waste Grounds, or other Lands, Tenements, or Hereditaments as aforesaid, by any Body Politic, Corporate, or Collegiate, or other Person or Persons having such Estate or Interest in the Manor wherein such Common or Waste Grounds shall be situate (or if the same shall not be the Waste of any Manor then having such Estate or Interest in the Soil of the said Lands, Tenements, or Hereditaments) as the Body or Bodies Politic, Corporate, or Collegiate, or Persons, who are herein-before enabled to sell other Lands, Tenements, or Hereditaments, have in such Lands, Tenements, or Hereditaments, shall be a good and sufficient Conveyance to the said Company of Proprietors for the Purposes of vesting in them the Fee Simple and Inheritance of such Common or Waste Grounds, or Lands, Tenements, or Hereditaments, as fully and effectually as if every Person having such Right or Rights of Common upon such Common or Waste Grounds, or other Lands, Tenements, or Hereditaments, were seised thereof in Fee Simple in Possession, and had joined in and executed such Conveyance; and the Compensation to be paid for the Extinguishment of any Right of Common upon any such Common or Waste Grounds as aforesaid shall be paid by the said Company of Proprietors to the Churchwardens for the Time being of the Parish wherein such Common or Waste Grounds shall be situated, and shall be by such Churchwardens received and applied for such general or public Purposes within the said Parish as a Vestry thereof, to be convened by such Churchwardens for that Purpose, shall direct; but in all Cases where any such Common or Commonable Rights shall be vested in not more than Twelve Persons and Corporations, such Compensation shall be paid unto and amongst such Persons and Corporations, according to their respective Interests, in such Shares as shall be agreed upon between them and the said Company, but if the Parties shall not agree, then the same Shares shall be ascertained and settled by a Jury in manner herein-after directed; and such Compensation shall either be paid to such Persons or Owners themselves, or deposited in the Bank, in the Cases and in the Manner by this Act directed; provided that in all Cases where any such Manor is vested in Freeholders or Inhabitants at large, or in any greater Number of Persons than Four, or where it is not known to whom such Manor belongs, or in what Manor such Common or Waste Grounds are situated, the Conveyance by Four at least of the Freeholders whose Estates have Common Right in or over such Common or Waste Grounds, and whose said Estates in the Rate for the Relief of the Poor amount in yearly Value to Three Fifth Parts at least of the whole of the Estates which have such Common Right, shall also in like Manner be a good and sufficient Conveyance to the

Waste Lands
to be con-
veyed by
Lords of
Manors.

[*Local.*]

29 O

said

said Company of Proprietors, for the Purposes of vesting in them the Fee Simple and Inheritance of such Common or Waste Grounds, freed and discharged from all such Common Rights; and the Compensation, if any, for the Extinguishment of the Common Rights in the Cases lastly mentioned shall be paid to the Churchwardens, to be applied by them as herein-before directed.

Where small
Parcels of
Land are
intersected,
Company
compellable
to purchase
the same.

XXIII. And be it further enacted, That if in making the said Railways any Piece or Parcel of Ground shall be cut through and divided so that what shall be left on each or either Side of the said Railways shall be less than One Quarter of an Acre in Quantity, and if the Owner or Owners of any such Piece or Parcel of Ground shall not have any other Land or Ground adjoining to that which shall be so left on each or either Side of the said Railways, then and in every such Case, if the Person or Persons empowered by this Act to convey the same shall so require, but not otherwise, the said Company of Proprietors shall also take and purchase the Piece or Parcel of Ground so left on each or either Side of the said Railways, being less than One Quarter of an Acre in Quantity as aforesaid, the Value thereof to be ascertained, and the Conveyance to be made, and the Purchase Money applied in the same Manner as is directed concerning any Land required for the Purposes of this Act.

Company
not to claim
Mines, &c.
under Lands
purchased.

XXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give to the said Company any Mines of Coal or other Minerals or any Stone or Slate under any Land taken or purchased by the Company under the Provisions of this Act; but all such Mines, Minerals, Coals, Stone, or Slate shall be deemed to be excepted out of such Purchase, and may be worked by the Owners or Lessees thereof under the said Lands, or any Railways or other Works of the Company, as if this Act had not passed, but so as nevertheless not to prejudice or injure such Railways or other Works hereby authorized or directed to be made.

Owners of
Mines to
give Notice
to the Com-
pany of
their Inten-
tion to work,
and Com-
pany to have
Liberty to
purchase.

XXV. Provided always, and be it further enacted, That when and so often as the Owner, Lessee, or Tenant of any Mines of Stone, Coals, Slate, or other Mines and Minerals lying under the said Railway and Works, or any of them, or within the Distance of Fifty Yards from such Railway or Works respectively, shall be desirous of working the same, then and in every such Case such Owner, Lessee, or Tenant shall give Notice in Writing to the said Company, under his Hand, of such Intention, at least Twenty-one Days before he shall begin to work such Mines, and upon the Receipt of such Notice it shall be lawful for the said Company to inspect or cause such Mines to be inspected by such Persons as they shall appoint, and to contract and agree with any such Owner, Lessee, or Tenant for the Purchase of and to purchase any such Mines or Minerals, or any Part thereof, the getting or working of which may appear to the said Company likely to prejudice or damage the said Railway or other Works; and in case the said Company, and such Owner, Lessee, or Tenant do not agree as to the Amount or Value of such Mines or Minerals, the same shall be ascertained and settled by the Verdict of a Jury as is herein-before directed with respect to the Lands which may be taken for

for the Purposes of this Act: Provided nevertheless, that in case the said Company do not before the Expiration of such Twenty-one Days declare their Desire to purchase the said Mines, and do not treat with such Owner, Lessee, or Tenant for the same, then it shall be lawful for the Owner, Lessee, or Tenant of such Mines, and he is hereby authorized, to work and get such Part of the said Mines as lie under the said Railway and other Works, or within the Distance aforesaid, without being liable to the said Company for any Damage that may be done thereby, unless such Damage be wilfully done, or be caused by the working of the said Mines in an improper Manner.

XXVI. Provided also, and be it further enacted, That in case the said Company shall purchase any such Mines or Minerals under the said Railway, or within the Distance of Fifty Yards thereof, it shall be lawful for the respective Owners, Lessees, or Tenants of the adjoining Mines (such Owners, Lessees, or Tenants being the Owners, Lessees, or Tenants of the Mines on both Sides of the Mines so purchased) to cut and make such and so many Airways, Headways, Gateways, Water Levels, or other Openings through the Mines or Strata so purchased by the said Company as may be requisite or convenient to enable such Owners, Lessees, or Tenants to ventilate, drain, work, get, and draw away the Mines and Minerals on each Side of the Mines and Minerals so purchased as aforesaid, the requisite or sufficient Number of such Airways, Headways, Gateways, Water Levels, or other Openings, and the Dimensions thereof, and the Rate or Price to be paid for the Mines or Minerals worked or obtained therefrom, in case the Parties differ about the same, being settled and decided by Two competent Persons, one to be appointed by the said Owner, Lessee, or Tenant, and the other by the said Company; or if either of such Owner, Lessee, or Tenant, or the said Company, shall, for Twenty Days after being required, neglect or decline to appoint such competent Persons, or if such competent Persons being appointed shall for Ten Days after their Appointment fail to agree upon the Matter referred to them, then the same shall be referred to the Decision of any Two Justices of the Peace for the County, Liberty, or Place where such Mines shall be situate, whose Decision shall be binding; and such Justices are hereby empowered and required, at the Request of either Party, to give Cognizance of all such References, and to act therein accordingly; and it shall be lawful for such Two competent Persons, or for such Justices, or any other Persons by their Direction or Authority, to enter and inspect the Works and Mines of the Person or Persons who shall make or purpose to make such Airways, Headways, Gateways, Water Levels, or other Openings, in order to obtain Evidence or Information for their Guidance.

If Company purchase Mines, Owners of Mines on each Side of Railway may make Communications.

XXVII. And for the better ascertaining whether any such Mines are being worked or got, or about to be worked or gotten, so as to prejudice or damage the said Railway and other Works, or any of them, be it therefore enacted, That it shall be lawful for the said Company, by themselves, their Agents and Workmen, from Time to Time and at all Times hereafter, to enter upon any Lands through or near which the intended Railway and other Works shall pass, wherein any

Method of discovering when Mines are working under the Railway.

any such Mines shall be found, or shall be working or supposed to be working, and likewise to enter into and return from any Coal Pits, Works, or other Mines, and for that Purpose to make use of any Gins, Whimsies, Tackling, Ropes, Machines, Apparatus, or Machinery belonging to such Owners, Lessees, or Tenants, (who are hereby required, at all seasonsable Times, and at the Expence of the said Company, to furnish the same,) and to view, search, measure, latch, and use all other Means for discovering the Distance of the said intended Railway and other Works from the working Parts of such Mines respectively; and in case it shall appear that any such Mines have been worked or got contrary to the Directions of this Act, it shall be lawful for the said Company to give Notice to the Owners, Lessees, or Tenants of any such Mines who have so worked or got contrary to the Directions of this Act, to adopt and construct the requisite Means and Supports for sustaining, securing, and making safe the said Railway and other Works, and preventing any Injury which may arise in consequence of such Mines having been so got contrary to the Directions of this Act; and in case the said Owners, Lessees, or Tenants respectively shall not immediately after such Notice proceed to secure and make safe the said Railway and Works, and use due Diligence in effecting the same, to the Satisfaction of the said Company or their Engineer, or other Person for such Purpose employed by them, then and in every such Case it shall be lawful for the said Company, their Agents and Workmen, at the Expence, Costs, and Charges of such respective Owners, Lessees, and Tenants of such Mines, and from Time to Time, to use all necessary and reasonable Ways and Means for repairing, supporting, sustaining, securing, and making up the said Railway and other Works, and such Expences, Costs, and Charges shall be recovered by the said Company from such Owner, Lessee, or Tenant who shall so respectively have worked or got the same, in such and the same Manner as the Rates, Tolls, or Sums by this Act granted may be recovered, and the Monies so recovered shall be applied for the Purposes of this Act.

Compensation for
Corn Rents
in lieu of
Tithes to be
made by
Payment of
a Sum in
gross.

XXVIII. And be it further enacted, That in all Cases where a Composition in lieu of Tithes shall have been made under an Act of Parliament by the Grant of a perpetual Annual Sum of Money or Corn Rent, and any of the Lands chargeable with such Sum of Money or Corn Rent, or any Part of the same, shall be taken by the said Company under the Authority of this Act, Compensation shall be made by the said Company for the Value of the said Annual Sum of Money or Corn Rent, or the Proportion of the said Annual Sum of Money or Corn Rent, chargeable upon the Lands so taken, by the Payment of a Sum in gross, such Sum being equal in Amount to Twenty-five Years Value of the Annual Amount of the said Annual Sum of Money or Corn Rent payable at the Time of the passing of this Act, or the said Proportion of the said Annual Sum of Money or Corn Rent; and the said Company are hereby required to pay such Sum of Money into the Bank of *England* in manner by this Act provided in Cases where any Monies are to be paid to incapacitated Persons, before entering into the Possession of the said Lands; and from and after the Payment of such Sum the Lands so taken shall be for ever discharged of and from the said perpetual Annual Sum of Money

Money or Corn Rent, or from the proportionable Part of the said Annual Sum of Money or Corn Rent, as the Case may be: Provided always, that in case Part only of any Lands and Grounds liable to the Payment of any such Annual Sum or Corn Rent as aforesaid shall be purchased or taken by the said Company, nothing in this Act contained shall extend or be construed to extend to discharge the Remainder of the said Lands or Grounds from the Payment of the Remainder of the Annual Sums or Corn Rents which would have been payable in respect of such Lands and Grounds, after deducting therefrom the proportionable Part of the said Annual Sum or Corn Rent chargeable in respect of the Lands or Grounds so purchased or taken, but that the Remainder of such Lands and Grounds shall remain and be liable to such proportionable Part or Share of the Annual Sum or Corn Rent as the same would have been assessed at or would have been payable in respect of the same in case they had been assessed alone under the Authority of the Act under which the said Composition for Tithes has taken place, and the Rector, Vicar, or other Person or Persons entitled to the said Annual Sum or Corn Rent shall have the same Remedies for the Recovery of the said last-mentioned proportionable Part of the said Annual Sum or Corn Rent by Suit or Action, or by Distress, Entry, or Perception of Rents and Profits in, upon, or over the said last-mentioned Lands and Grounds, or otherwise, as he or they had or were entitled to in respect of the whole of the said Annual Sum or Corn Rent.

XXIX. And be it further enacted, That all Corporations and other Parties by this Act capacitated to sell and convey Lands, Tenements, or Hereditaments, or to enfranchise Lands, Tenements, or Hereditaments of Copyhold or Customary Tenure, and the respective Owners and Occupiers of Lands, Tenements, or Hereditaments through, under, in, or upon which the said Railways and other Works hereby authorized are intended to be made, may accept and receive Satisfaction for the Value of such Lands, Tenements, and Hereditaments, or of the Interest or Interests therein by them conveyed, and also Satisfaction or Compensation for any Damage or Loss by them sustained by reason of the severing or dividing of such Lands, Tenements, or Hereditaments, or by reason or on account of any of the Works by this Act authorized, or of the Execution of any of the Powers of this Act, in such gross Sums as shall be agreed upon between the said Owners (including all Parties by this Act capacitated as aforesaid) and Occupiers respectively and the said Company; and in case the said Company and such Parties respectively shall not agree as to the Amount or Value of such Purchase Money, Satisfaction, or Compensation, the same respectively or either of them concerning which they do not so agree shall be ascertained and settled by the Verdict of a Jury, if required, in manner as hereinafter is directed.

Parties authorized to accept Satisfaction for Lands taken for Railways.

XXX. And for settling all Differences which may arise between the said Company and the several Owners and Occupiers of or Persons interested in any Lands which shall or may be taken, used, damaged, or injuriously affected by the Execution of any of the Powers hereby granted, be it therefore enacted, That if any Person, Corporation, or Trustee so interested or entitled, and capacitated to sell, agree, convey, or release as aforesaid, shall not agree with the

In case the Parties refuse or are incapable to treat, the Value of Land and of Damages to be settled by a Jury.

[*Local.*]

29 P

said

said Company as to the Amount of such Purchase Money, or Satisfaction, Recompence, or other Compensation as aforesaid, or if any of the Parties entitled to receive such Purchase Money, Satisfaction, Recompence, or other Compensation as aforesaid shall refuse to accept such Purchase Money, Satisfaction, Recompence, or other Compensation as aforesaid as shall be offered by the said Company, and shall give Notice thereof in Writing to the said Company within Twenty-one Days next after such Offer shall have been made, and the Party giving such Notice shall, therein request that the Matter in dispute may be submitted to the Determination of a Jury; or if any of such Parties as aforesaid shall, for the Space of Twenty-one Days next after Notice in Writing shall have been given to the Clerk, Agent, or principal Officer of any such Corporation, or to any such Trustees or Persons respectively, or left at his last or usual Place of Abode, or with the Tenant or Occupier of any Lands required for the Purposes of this Act, neglect or refuse to treat or shall not agree with the said Company for the Sale, Conveyance, and Release of their respective Estates or Interests, or the respective Estates or Interests which they respectively are hereby capacitated to convey therein, or shall by reason of Absence be prevented from treating, or shall by reason of any Impediment or Disability, whether provided for by this Act or not, be incapable of making such Agreement, Conveyance, or Release as shall be necessary or expedient for enabling the said Company to take such Lands, or to proceed in making the said Railway and other the Works aforesaid, or shall not disclose and prove the State of the Title to the Premises of which they respectively may be in Possession, or of the Share, Interest, or Charge which they may claim to be entitled unto or interested in (in case they shall be required to do so by the said Company), or in any other Case where Agreement for Compensation for Damages incurred in the Execution of this Act, or for the Purchase of Lands required for the Purposes of this Act, cannot be made; then and in every such Case the said Company shall and they are hereby required from Time to Time to issue a Warrant, either under their Common Seal or under the Hands and Seals of Three at least of the Directors of the said Company, to the Sheriff of the County in which the Lands in question shall be situate or the Matter in dispute shall arise; or in case such Sheriff or his Under Sheriff shall be One of the said Company, or enjoy any Office of Trust or Profit under them, or shall be in any ways interested in the Matter in question, then to any of the Coroners of such Counties not interested as aforesaid; or if all the Coroners shall be so interested, then to some Person then living in the County, and free from personal Disability, who shall have filled the Office of Sheriff or Coroner in the said County, and not be interested as aforesaid, (a Person having more recently served either Office being always preferred), commanding such Sheriff or Coroner or other Person to impanel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly empowered and required to impanel, summon, and return, a Jury of at least Eighteen sufficient and indifferent Men qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*; and the Persons so to be impanelled, summoned, and returned are hereby required to appear before the said Sheriff, Under Sheriff, Coroner, or other Person, at such Time and Place as in such Warrant

Warrant shall be appointed, and to attend from Day to Day until duly discharged; and out of such Persons so to be impannelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, Coroner, or other Person, or by some Person to be by them respectively appointed, in such Manner as Juries for Trials of Issues joined in His Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff, Under Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or of others that can speedily be procured to attend that Service (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required, on Request in Writing by either Party, to summon before him all Persons who shall be thought necessary to be examined as Witnesses touching the Matters in question; and may authorize or order the said Jury, or any Six or more of them, to view the Place or Matter in controversy; and such Jury shall upon their Oaths, or being Quakers upon their Affirmations (which Oaths and Affirmations, as well as the Oaths and Affirmations of all such Persons as shall be called upon to give Evidence, the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to administer), enquire of and assess and give a Verdict for the Sum of Money to be paid for the Purchase of such Lands, except for such Interest therein as shall have been of Right purchased by the said Company from any other Person, and also the Sum of Money to be paid by way of Satisfaction, Recompence, or Compensation, either for the Damage which shall before that Time have been done or sustained as aforesaid, or for the future temporary or perpetual or for any recurring Damages to be so done or sustained as aforesaid, and the Cause or Occasion of which shall have been in part only obviated, removed, or repaired by the said Company, and which cannot or will not be further obviated, removed, or repaired by them, which Satisfaction, Recompence, or Compensation for such Damage or Loss shall be inquired into and assessed separately and distinctly from the Value of the Lands so to be taken or used as aforesaid; and the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money, Satisfaction, Recompence, or Compensation as shall be assessed by such Jury; which said Verdict, and the Judgment thereon to be pronounced as aforesaid, shall be binding and conclusive, to all Intents and Purposes, upon all Persons and Corporations whatsoever: Provided always, that in such Inquiry the Person or Corporation claiming Compensation shall be Plaintiff, and shall have all such Rights and Privileges as Plaintiffs in Actions at Law are entitled to: Provided also, that not less than Fourteen Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Company to the Party with whom any such Controversy shall arise, either by delivering such Notice to the Party or by leaving the same at his Place of Abode, or with the Clerk or Agent or principal Officer

Officer of the Corporation in the Case of a Corporation, or with some Tenant or Occupier of the Premises intended to be valued, or respecting which or any Damage to which any such Question shall arise.

Value of
Land and
Damages to
be separately
ascertained.

XXXI. Provided also, and be it further enacted, That, in ascertaining the Sum or Sums of Money to be paid for any Lands, Tenements, or Hereditaments required for the Purposes of this Act, the Jury shall also ascertain and assess the Compensation and Satisfaction to be made by the said Company for any Damages which shall or may at any Time or Times hereafter be sustained by any Corporation or other Person or Persons respectively being Owner or Owners of or interested in such Lands, Tenements, or other Hereditaments, for or by reason of the Extinguishment of any Right of Common, or for or by reason of the severing or dividing such Lands or Hereditaments from other Lands, Tenements, or Hereditaments belonging to such Corporation or Corporations or other Person or Persons as aforesaid, and for and on account of the Detriment, Injury, Loss, and Damage or Prejudice which shall or may accrue to or be sustained by such Corporation or Corporations, Owner or Owners, or other Person or Persons interested in such Lands, Tenements, or other Hereditaments, or any of them, by reason of the making, using, repairing, or maintaining the said Railways and other Works and Conveniences belonging thereto, or by reason or means of the Execution of any of the Powers given to the said Company of Proprietors; such Damage and Compensation to be settled and ascertained separately and distinctly from the Value of the Lands, Tenements, or Hereditaments so to be taken and used as aforesaid.

Compens-
ation Money
to be appor-
tioned.

XXXII. And be it further enacted, That the said Juries shall and they are hereby respectively empowered to settle what Shares and Proportions of the Purchase Money or Compensation for Damages which shall be assessed as aforesaid shall be allowed to any Tenant or other Person or Persons having a particular Estate, Term, or Interest in the Premises, for such his, her, or their Interest or respective Interests therein.

Verdicts to
be recorded.

XXXIII. And be it further enacted, That all the said Verdicts and Judgments, being first signed by the Clerk of the Peace or his Deputy present at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the County in which the Matter of Dispute shall have arisen among the Records of the Quarter Sessions for such County, and shall be deemed Records to all Intents and Purposes, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling and no more, and also to take and make Copies thereof, paying for every Copy after the Rate of Four-pence for every One hundred Words.

Penalty
upon Sheriff,
Jurors, and

XXXIV. And be it further enacted, That if such Sheriff or his Deputy, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make default in the

the Premises, he shall for every such Offence forfeit the Sum of Fifty Pounds; and if any Person so to be summoned and returned upon any such Jury as aforesaid shall not appear without having sufficient Excuse for such Non-appearance, or appearing shall refuse to be sworn, or being of the Society of Persons called Quakers to make his solemn Affirmation, or to give his Verdict, or shall in any other Manner wilfully neglect to do his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so to be summoned to give Evidence as aforesaid shall not appear on being paid or tendered a reasonable Sum for his, her, or their Costs or Expences, or appearing shall refuse to be sworn, examined, or to give Evidence, then and in every such Case every such Person so offending, having no reasonable Excuse (to be allowed by the said Justices), shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding Five Pounds, to be levied, by virtue of any Warrant under the Hand and Seal of any One of the said Justices, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him the Overplus of the Money they produced, after such Penalty, and the Charges and Expences of such Distress and Sale, shall have been deducted.

Witnesses
making
Default.

XXXV. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be liable and subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and all and every Person and Persons who in any such Examination to be taken by virtue of this Act upon their Oath, or, being of the Society of Persons called Quakers, upon their solemn Affirmation, shall wilfully and corruptly give false Evidence before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the same Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable.

Jurors to be
under the
same Regu-
lations as in
Courts at
*Westmins-
ter*.

Persons
giving false
Evidence
subject to
Penalties
of Perjury.

XXXVI. And be it further enacted, That in every Case where the Verdict of a Jury shall be given for the same or a greater Sum than shall have been previously offered or tendered by the said Company for the Purchase of any Lands, Grounds, Messuages, Tenements, or Hereditaments, for the Purposes of this Act, or as a Compensation or Recompence for any Damage, Loss, or Injury which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs, Charges, and Expences of summoning such Jury, and taking the Inquiry, and of the Verdict and Judgment thereof, or in any wise incident or occasioned by such Inquiry, Verdict, or Judgment, and of the Conduct of such Inquiry by the Party or Parties whose Lands or Hereditaments shall be purchased or taken, and of Witnesses, and of the Bond to be given by the Party requiring the Jury, as hereinafter mentioned, shall be defrayed by the said Company; and such Costs, Charges, and Expences shall be settled and determined by some Justice of the Peace for the County in which the Matter in dispute or question shall arise, not interested in the Matter in question (who is

Expences of
Jury how to
be paid.

[*Local.*]

29 Q

hereby

hereby authorized and required to settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose); and in case such Costs, Charges, and Expences shall not be paid to the Party entitled to receive the same within Twenty Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Company, or of the Treasurer of the said Company, (unless such Treasurer shall pay such Costs, Charges, and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County in which the Matter in dispute or question shall arise, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Costs, Charges, and Expences; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered or tendered by or on behalf of the said Company, or if no Verdict shall be found for Damages where the whole Dispute shall be whether any Damage has or has not been done, then and in every such Case one Moiety of the Costs, Charges, and Expences, the Amount thereof having first been ascertained and settled by some Justice of the Peace for the County in which such Dispute or Difference shall arise in manner herein-before mentioned, shall be defrayed by the said Company, and the other Moiety thereof by the Person or Persons with whom the said Company shall have such Controversy or Dispute, which last-mentioned Moiety may be deducted out of the Money (if any) to be determined or adjudged to be paid to such Person or Persons as aforesaid, and the Payment or Tender of the Remainder of the Money so to be determined or adjudged shall be deemed and taken, to all Intents and Purposes whatsoever, to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in all Cases where, by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person or Persons shall have been prevented from treating and agreeing as aforesaid, the whole of such Costs, Charges, and Expences shall be borne and paid by the said Company.

Persons requesting Juries to enter into Bonds to prosecute their Complaints and pay Expences.

XXXVII. And be it further enacted, That all and every Person and Persons with whom the said Company of Proprietors shall have any such Controversy or Dispute as aforesaid shall, before the said Company shall be obliged to issue out their Warrant or Warrants for the summoning of such Jury, first enter into a Bond, with Two sufficient Sureties, to the Treasurer of the said Company, in a Penalty of One hundred Pounds, to prosecute his, her, or their Complaint, and to bear and pay his, her, or their Proportion of the Costs and Expences of summoning and returning such Jury, and of taking such Verdict, and of the summoning and of the Attendance of Witnesses, in case any Part of such Costs and Expences shall fall upon him, her, or them, to be paid according to the true Intent and Meaning of this Act.

Notice of Inquiry to be given to

XXXVIII. And be it further enacted, That the said Company shall not be obliged, nor shall any Jury to be summoned by virtue of this Act

Act be allowed, to receive or take notice of any Complaint or Complaints to be made by any Person or Persons whomsoever for any Injury or Damage by him or them sustained or supposed to be sustained by virtue or in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing, stating the Particulars of such Injury or Damage, and the Amount of the Compensation claimed in respect thereof, shall have been given by or on behalf of such Person or Persons to the said Company Fourteen Days at the least before such Complaint shall be made, and within the Space of Six Calendar Months after the Time of such supposed Injury or Damage having been sustained, or the Cause, doing, or committing thereof shall have ceased.

the Company before Complaint made.

XXXIX. And be it further enacted, That upon Payment or legal Tender of the Sum or Sums of Money, or other Consideration, Recompence, or Satisfaction which shall be agreed or adjudged to be paid or made as aforesaid to the Person or Persons entitled to receive the same, or upon Payment of the same into the Bank of *England*, or to Trustees in the Cases after mentioned, and as directed by this Act, it shall and may be lawful to and for the said Company, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Tenements, and other Hereditaments respectively, and then and thereupon such Lands, Tenements, and other Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of the said Company of Proprietors, to and for the Purposes of this Act, for ever; and such Payment or Tender, or Deposit in the Bank of *England*, or Payment to Trustees as aforesaid, as the Case may require, shall not only bar all the Right, Estate, Interest, Use, Trust, Property, Claim, and Demand of such Person and Persons as aforesaid, but also of their several and respective Successors and Cestuique Trusts, whether Issue unborn or under any Incapacity or not, and all claiming or to claim by, from, through, or under them or any of them, and also to bar all Estates Tail, and other Estates, Jointures, Right, and Title of or to Dower, and all other Rights and Titles, Remainders, Reversions, Limitations, Trusts, outstanding Terms of Years, whether assigned to attend the Inheritance or not, and Interests whatsoever: Provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *England*, or Payment to Trustees, as the Case may require, it shall not be lawful for the said Company, or any Person acting under their Authority, to dig or cut into such Lands, Tenements, or Hereditaments, for the Purpose of making the said Railways or other Works hereby authorized to be made, without the Leave of the respective Owners or Occupiers thereof in Writing made under their respective Hands.

Power to enter Lands on Payment or Tender of Purchase Money.

XL. And whereas, in making and executing the said Railway, and the several other Works by this Act authorized, it may be necessary for the said Company, their Agents and Workmen, to enter upon and take temporary Possession of some Parts of the Lands adjoining to the Line of the said Railway and other Works, for the Purpose of laying or depositing and working thereon Earth, Clay, Stones, Bricks, Slates, Timber, Lime, and other Materials, or of manufacturing such Clay into Bricks, or for forming temporary Roads or Approaches to and

Compensation to be made for temporary Damage.

and from the said Works; and inasmuch as a Jury summoned as directed by this Act to assess a Compensation for the Damage and Injury done to such adjoining Lands by the Exercise of the Powers and Authorities by this Act granted cannot, either upon View or from Evidence, form a just Opinion of the permanent Injury which will be sustained by the Owners or Proprietors of such adjoining Lands by the Exercise of the Powers and Authorities aforesaid, until the Works shall have been completed; it is expedient that the said Company, their Agents and Workmen, should be empowered to enter upon such adjoining Lands for the Purposes aforesaid, without having previously made such Payment, Tender, or Investment of Money as herein-before mentioned; be it therefore enacted, That notwithstanding any thing in this Act contained it shall be lawful for the said Company, their Agents and Workmen, and they are hereby empowered, to enter upon the Lands of any Person or Corporation whatsoever adjoining or lying near to the said Railway and other Works by this Act authorized to be made and maintained, or any of them, or any Part thereof respectively, for the Purpose of laying, depositing, working, or manufacturing upon such Lands, or upon any Part thereof respectively, any Earth, Clay, Stones, Bricks, Slates, Timber, Lime, or other Materials, or for forming temporary Roads or Approaches to and from the said Works, and also to make use of any existing Roads, they the said Company, their Agents and Workmen, doing as little Damage as may be in the Exercise of the several Powers hereby granted to them, and making Compensation for such temporary Occupation or temporary Damage of the said Lands, to the Owners and Occupiers thereof, such Compensation, in case the Parties differ about the same, to be settled and recovered in manner herein-before provided in case of Disputes as to the Value of Lands through or upon which the said Railway and other Works are intended to be made, and the Compensation for any Damage sustained by reason of the Execution of any the Works by this Act authorized: Provided always, that the said Company shall and they are hereby required to make such Compensation and Satisfaction for the permanent Damage or Injury (if any) which may have been done to the said Lands by the Exercise of any of the Powers and Authorities aforesaid within One Calendar Month after the Expiration of the Period by this Act granted for completing the said Railway and other Works: Provided also, that before it shall be lawful for the said Company to make such temporary Use as aforesaid of the Lands adjoining or lying near the said Railway or Works the said Company shall and they are hereby required to give Fourteen Days Notice of such their Intention to the Owners or Occupiers of such Lands, and to separate and set apart by sufficient Railings or Fencings so much of the Lands as shall be required to be so used as aforesaid from the other Lands adjoining thereto: Provided also, that it shall not be lawful for the said Company to make such temporary Use of any such Lands as aforesaid lying at a greater Distance than Two hundred and fifty Yards from the said Railway: Provided always, that before entering upon any such Lands for such temporary Purposes as aforesaid the said Company shall, if required by the Owner or Occupier thereof, find Two sufficient Persons, who shall enter into a Bond to such Owner or Occupier in a Penalty of the Amount of Fifty Pounds *per* Acre, conditioned

ditioned to the Payment of such Compensation, such Securities to be approved of by Two Justices of the Division of the County in which the same Lands shall be situate, in case the Parties differ about the same.

XLI. And be it further enacted, That every Tenant at Will, Lessee for a Year, and other Person and Persons in Possession of any Lands, Tenements, or Hereditaments through, in, or upon which the said Railways and other Works hereby authorized to be made are intended to pass or be made, and who shall have no greater Interest in the Premises than as Tenant at Will or Lessee for a Year, or from Year to Year, shall deliver up the Possession of such Premises to the said Company, or to such Person or Persons as they shall appoint to take Possession of the same, at the Expiration of Six Calendar Months next after Notice to that Effect shall have been given by the said Company to such Tenant or Lessee or Person in Possession, or left upon the said Premises, whether such Notice be given with reference to the Time or Times of the Commencement of such Tenant holding or not, and whether such Notice be given before or after the said Premises shall be purchased by the said Company, or at such other Time after the Expiration of Six Calendar Months as he, she, or they shall be required; and in case any such Tenant or Lessee or Person in Possession as aforesaid shall refuse to give up such Possession as aforesaid it shall be lawful for the said Company to issue their Precept or Precepts to the Sheriff of the County in which the Premises shall be situate to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the Issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

Tenants for Years or at Will to quit Premises after Notice.

XLII. Provided always, and be it further enacted, That where any such Tenant or Lessee shall be required to deliver up Possession of any Premises so occupied by him to the said Company, or to the Person or Persons authorized by them to take Possession thereof as aforesaid, before the Expiration of the Term or Interest of such Tenant or Lessee in the said Premises, the said Company shall and they are hereby directed to make or tender unto such Tenant or Lessee, before they shall issue their Precept or Precepts to the Sheriff to give Possession of the Lands and Premises in the Occupation of such Tenant or Lessee as herein-before mentioned, Satisfaction or Compensation for the Value of his unexpired Term or Interest in the said Premises, which Satisfaction or Compensation, in case of Difference, shall be settled and ascertained in the same Manner as any Satisfaction or Compensation for any Lands, Tenements, or Hereditaments taken or made use of by the said Company is in and by this Act provided for and directed to be made and assessed.

Interests of such Tenants may be settled by a Jury.

XLIII. Provided always, and be it further enacted, That in all Cases where any Person or Persons shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest in

Persons holding under Leases to produce the same.

[*Local.*]

29 R.

any Lands, Tenements, or Hereditaments required for the Purposes of this Act, under or by virtue of any Demise, Lease, or other Grant thereof, the said Company may and they are hereby authorized to require such Person or Persons to produce or shew such Lease, Demise, or Grant; and if the same shall not be produced or shewn, the Person or Persons claiming under the same shall be considered as holding only from Year to Year.

Mortgages
to be con-
veyed to the
Company
after
Tender.

XLIV. And be it further enacted, That all and every Person and Persons having any Mortgage or Mortgages on any Lands, Tenements, or Hereditaments required for the Purposes of this Act (not being in Possession thereof by virtue of such Mortgage or Mortgages), shall, on Tender of the Principal Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said Company, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Company; or in case such Mortgagee shall have Notice in Writing from the said Company that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Six Calendar Months, to be computed from the Day of giving such Notice, then and at the End of such Six Calendar Months, on Payment of the said Principal Money and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the said Company: Provided always, that in case the Sum due for Principal and Interest upon any such Mortgage or Mortgages shall amount to more than the Value of the Premises required for the Purposes of this Act, such Value, and the Compensation (if any) for any Damage done, shall be settled and agreed upon by and between such Mortgagee or Mortgagees and the Person or Persons entitled to or by this Act empowered to convey the Equity of Redemption of such Premises on the one Part, and the said Company on the other Part; and in case of any Difference or Disagreement between them, then such Value and Compensation (if any) shall be ascertained by the Verdict of a Jury in the same Manner as in other Cases of Difference or Disagreement provided for by this Act; and the said Mortgagee or Mortgagees shall convey, assign, and transfer as aforesaid to the said Company, after the Expiration of such Notice, upon Payment by the said Company of such Value and Compensation (if any) so ascertained as aforesaid, or the Residue thereof after such Allowance and Payment thereof to any Lessee or Tenant as herein-before directed: Provided also, that if such Mortgage or Mortgages shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so required, such Mortgagee or Mortgagees shall, upon Payment of the whole or so much of such Value and Compensation (if any), to be ascertained as aforesaid (after such Allowance as aforesaid), as shall be due by virtue of such Mortgage or Mortgages, forthwith convey, assign, and transfer his, her, or their Interest in such Lands, Tenements, and Hereditaments to the said Company: Provided also, that in case any Mortgagee or Mortgagees shall neglect or refuse to, or cannot from Disability or any other Cause, convey or assign as directed by this Act, then upon Payment, as the Case may be, of the Principal Money and Interest due on any such Mortgage or Mortgages as aforesaid,

If Mortgage
contain
other Lands
than those
required,
Mortgagee
to convey
upon Pay-
ment of the
Value of the
Lands
required.

aforesaid, or of the Value of the Premises and Compensation (if any) to be respectively ascertained as aforesaid, deducting such Allowance as aforesaid, into the Bank of *England*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as above mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him or them in the said Lands, Tenements, or Hereditaments, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the said Premises to all Intents and Purposes whatsoever; and such Sum of Money, if it shall be less than the Sum or Sums respectively due by virtue of such Mortgage or Mortgages, shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages; and no Mortgagor or Mortgagors shall be liable to pay any Interest for or in respect of the Sum or Sums which shall be so paid into the Bank as aforesaid for the Use of his or their Mortgagee or Mortgagees: Provided always nevertheless, that notwithstanding any thing herein-before contained such Mortgagee or Mortgagees shall be entitled to such and the same Powers, Remedies, and Means for recovering or compelling Payment of his, her, or their Mortgage Money, or the Residue thereof, as the Case may be, or the Interest thereof respectively, upon and out of the Residue of the mortgaged Lands, Tenements, or Hereditaments not required for the Purposes aforesaid, or as he, she, or they would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands, Tenements, or Hereditaments originally comprised in such Mortgage or Mortgages.

XLV. And be it further enacted, That in all Cases in which a Part only of the Lands, Tenements, or Hereditaments comprised in or subject to any Mortgage shall be required for the Purposes of this Act, and the Mortgagee or Mortgagees thereof shall not consider the remaining Part of such Lands, Tenements, or Hereditaments to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due or to become due thereon, and all Costs, the Value of such Part of the Lands, Tenements, or Hereditaments as shall be so required for the Purposes aforesaid (or, as the Case may be, of the Estate or Interest therein mortgaged), and also the Compensation (if any) for any Damage done in respect of the Part so required, shall be settled and agreed upon by and between such Mortgagee and the Person or Persons entitled to the Equity of Redemption of such Lands, Tenements, or Hereditaments, of the one Part, and the said Company of the other Part; and in case of any Difference between them, then such Value and Compensation shall be determined by the Verdict of a Jury in the same Manner as in other Cases of Difference in this Act mentioned; and the Amount of such Value and Compensation, being so agreed upon or determined as aforesaid, shall, after making such Allowance thereout to any Tenant or Lessee as aforesaid, be paid to such Mortgagee or Mortgagees in satisfaction of his or her Claim,

so

For settling
Disputes
between the
Company
and Mort-
gagees.

so far as the same will extend, or in case of his or her neglecting or refusing to convey, assign, or transfer as herein-before directed, then into the Bank of *England* as by this Act is provided; and such Payment to the Mortgagee or into the Bank as last aforesaid shall be and be accepted in satisfaction of the Claim of such Mortgagee, so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Premises as shall be so taken or used from all Principal and Interest and other Money due or secured thereon: Provided nevertheless, that all such Mortgagees shall have the same Powers and Remedies for recovering or compelling Payment of their Mortgage Money, or of the Residue thereof, (as the Case may be,) or of the Interest thereon respectively, upon and out of the Residue of the mortgaged Lands, Tenements, or Hereditaments not required for the Purposes of this Act, as they would have had for recovering or compelling Payment thereof upon or out of the whole of the Lands, Tenements, or Hereditaments originally comprised in such Mortgage in case this Act had not been passed.

Application
of Compen-
sation
Money if
amounting
to 200*l*.

1 G. 4. c. 35.

XLVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for or in respect of any Lands, Tenements, or Hereditaments required for the Purposes of this Act, which belong to any Corporation, Tenant in Tail, for Life, or any limited or qualified Estate or Interest, or to any Person or Persons whose Lands, Tenements, or Hereditaments are subject to any Jointure or Dower, or are limited in strict or other Settlement, or to any Infant, Idiot, Lunatic, Feme Covert, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* "The Company of Proprietors of the *Newcastle upon Tyne* and *North Shields* Railway," pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to,

for,

for, and upon such and the like Uses, Trusts, Intents, or Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall be so required as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Order can be made the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by the Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

XLVII. Provided always, and be it further enacted, That in case such Money shall not amount to the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in every such Case the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments for which such Money shall be agreed or awarded to be paid, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Company, signified in Writing under their Common Seal, be paid into the said Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased and settled, such Nomination to be approved of by the said Company, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seal of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the same Court touching the Application thereof.

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

XLVIII. Provided also, and be it further enacted, That where such Money shall not amount to Twenty Pounds, then and in every such Case the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments for which such Money shall be agreed or awarded to be paid, for his, her, or their own Use and

When less
than 20l.

[Local.]

29 S

Benefit;

Benefit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

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

XLIX. And be it further enacted, That in case any Sum or Sums of Money shall be agreed or awarded to be paid for or in respect of any Lands, Tenements, or Hereditaments required for the Purposes of this Act, to any Person or Persons, who shall refuse to accept the same, or who shall refuse to execute a Conveyance or Assignment of the Premises required for the Purposes of this Act, or who shall not be able to make a good Title thereto to the Satisfaction of the said Company, or who cannot be found, or who are not known or cannot be discovered, then and in every such Case it shall be lawful for the said Company to order the said Sum or Sums of Money so agreed or awarded to be paid as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Control, and Disposition of the said Court; which said Court, on the Application of any Person making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank of *England* as aforesaid.

Persons in
Possession
presump-
tively en-
titled.

L. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for or in respect of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments required for the Purposes of this Act, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time they were so required, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession,
until

until the contrary shall be shewn to the Satisfaction of the Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, until it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein, when the said Court shall have Power to make such Order as to the said Annuities and Securities, and the Interest and Dividends thereof, as the Circumstances of the Case may require.

LI. And be it further enacted, That where, by reason of the Disability or Incapacity of any Person or Corporation entitled to any Lands, Tenements, or Hereditaments to be taken under or by virtue of this Act, or from any other Cause whatsoever, the Purchase Money for such Lands, Tenements, or Hereditaments, or any Money to be paid for or by way of Compensation or Satisfaction for any Injury or Damage done to the same, shall be required to be paid into the Bank of *England*, and be subject to the Orders and Directions of the Court of Exchequer, under the Provisions contained in this Act, it shall be lawful for the said Court to order all the reasonable Costs, Charges, and Expences attending such Purchase, taking, or using of any Lands, Tenements, or Hereditaments, or which may be incurred in consequence thereof, and also of the Investment of the Purchase or Compensation Money paid in respect of such Lands, Tenements, and Hereditaments in Real or Government Securities, and likewise of the Reinvestment of such Purchase or Compensation Money, or the Government and Real Securities purchased therewith, in the Purchase of Lands, Tenements, and Hereditaments, as herein-before mentioned, together with the Costs, Charges, and Expences of obtaining the proper Orders and of the other Proceedings for such Purposes, and of the Payment of the Dividends and Interest of the said Government or Real Securities, and of the Payment of the Principal of the said Purchase or Compensation Money, and of the Government or Real Securities purchased therewith, out of Court, to be paid by the said Company, and the said Company shall from Time to Time pay such Sums of Money for the said Costs, Charges, and Expences as the said Court shall direct.

Purchases to be paid by the Company in certain Cases.

LII. And whereas by means of the Purchases which the said Company are empowered or are required to make by virtue of this Act they may happen to be seised or possessed of more Lands than will be necessary for effecting the Purposes of this Act, or of Lands not applicable to the Purposes hereof; 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 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 the said Company in such Lands or any Part thereof, in such Manner as they shall deem most advantageous; and such Conveyances from the

Enabling the Company to sell Lands not wanted.

5 & 6 W. 4.
c. 62.

the said Company shall be valid and effectual to all Intents and Purposes; provided always, 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 in *England*, and conveniently to be found, and being 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 such 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 made in the Manner and Form prescribed in and by an Act passed in the last Session of Parliament, 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, before a Master or Master Extraordinary of 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 the Person entitled to such Right of Pre-emption was not in *England*, or was not 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 that such Offer was made, and was refused or was not accepted within the Time aforesaid (as the Case may be) by the Person to whom such Offer was made; and in case any such Person as aforesaid shall be desirous of purchasing any such Lands, and he and the said Company shall not agree with respect to the Price thereof, then the Price thereof shall be ascertained by a Jury in the Manner by this Act directed with respect to the disputed Value of Lands to be taken or used by the said Company; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as in this Act is directed with respect to the disputed Value of the Lands to be taken or used by the said Company, *mutatis mutandis*; 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 of 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; and in the meantime and until the said Company shall think proper to make such Sale it shall be lawful for

the said Company to let any such superfluous Lands to any Person willing to become the Tenant thereof in such Manner and upon such Terms as the said Company shall think proper.

LIII. Provided always, and be it further enacted, That upon Payment of the Money which shall arise from such Sale or Sales of such Buildings, Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, it shall be lawful for the Treasurer or Treasurers for the Time being of the said Company to sign and give Receipts for the same respectively, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money of such Buildings, Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, as shall be sold, or for so much thereof as in such Receipts respectively shall be expressed to be received; and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money or any Part thereof, and shall not be bound to inquire or ascertain whether such Sale be authorized by this Act.

Treasurer, upon Payment of Money, to give Receipts.

LIV. And whereas it may tend to the public Advantage and Accommodation if the said Company be empowered to purchase an additional Quantity of Land not exceeding Thirty Statute Acres, and also to purchase any Messuages or other Buildings, for the Purpose of making, erecting, forming, and providing any Coal or other Yards, Wharfs, Machinery, Messuages, Warehouses, and other Buildings and Conveniences for the Purposes of this Act; be it therefore enacted, That it shall and may be lawful for the said Company and they are hereby authorized and empowered to contract with any Person or Persons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, who shall be willing to sell the same, for the Purchase of any Parcel or Parcels of Land, Messuages, Buildings, or Hereditaments, not exceeding in the whole Thirty Statute Acres, in such Place or Places as shall be deemed eligible or convenient for the Purpose of making, erecting, forming, and providing any Coal or other Yards, Staiths, Wharfs, Machinery, Messuages, Warehouses, and other Buildings and Conveniences for the Purposes of receiving, lodging, depositing, or keeping any Goods, Merchandizes, or other Things carried and conveyed or intended to be carried and conveyed upon the said Railways, or for making any convenient Roads, Avenues, or Ways leading thereto, or for any other Purposes whatsoever connected with the said Railways which the said Company shall judge requisite and necessary; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, and all other Persons whomsoever, to sell and grant or convey to the said Company and their Successors any Parcel or Parcels of Land, Messuages, Buildings, and Hereditaments whatsoever for the Purposes last aforesaid, or any of them, in the same Manner as is herein-before directed concerning Lands, Messuages, Buildings, and Hereditaments required for the Purpose of forming, making, and maintaining the said Railways, and that without inquiring or ascertaining, or being bound to inquire or ascertain, that the Lands and Hereditaments so sold, granted, or conveyed to the said Company and their Successors for the Purposes last aforesaid or any of them will not, together

Empowering the Company to purchase Thirty Acres of Land;

[*Local.*]

29 T

with

with other Lands and Hereditaments previously purchased by the said Company for the same Purposes, or any of them, amount to or make up a greater Quantity of Land than Thirty Statute Acres in the whole.

and to sell Lands not required, and afterwards purchase and sell again, from Time to Time, within the Quantity prescribed;

LV. And be it further enacted, That it shall and may be lawful for the said Company and they are hereby authorized and empowered, from Time to Time and at any Time or Times hereafter, to sell and dispose of such additional Lands, Tenements, and Hereditaments as they are hereby authorized and empowered to purchase, and shall have actually purchased, for the Purposes of this Act, or so much and such Part or Parts of the same Lands, Tenements, and Hereditaments, together with any Erections, Buildings, and Improvements which shall be built and made in and upon the same, as the said Company shall think proper, and either together or in Parcels, by public Auction or private Contract, as shall be thought advisable or expedient, to any Person or Persons who shall be willing to become the Purchaser or Purchasers thereof, and again from Time to Time to contract for the Purchase of any other Messuages, Lands, Tenements, and Hereditaments more eligible or convenient for the Purposes aforesaid or any of them, and afterwards to sell and dispose of the same as aforesaid, so that the total Number or Quantity of Acres to be purchased by the said Company of Proprietors for any of the Purposes herein-before mentioned shall not exceed at any One Time the Quantity or Number of Acres by this Act specified or allowed for the same Purposes.

but not to have more than Thirty Acres in addition to Land required for Railways from any incapacitated Person.

LVI. Provided always, and be it further enacted, That it shall not be lawful for the said Company to purchase from any Corporation, Feoffees in Trust, Executors, Administrators, Guardians, Committees, or other Trustees, or Persons, for or on behalf of Infants, Lunatics, Idiots, Femmes Covert, and other Trust, nor from Tenants in Tail, for Life, or for any limited or qualified Estate or Interest, nor from Persons to whom or for whose Benefit Lands are limited in strict Settlement, or whose Lands are subject to a Jointure or Jointures or Dower, nor from other Persons being under legal Disability or Incapacity, neither from all of such Corporations and Persons together, nor from any of them separately, more than Thirty Statute Acres of Land in addition to the Land hereby authorized to be purchased for the making and completing the said Railways; and in case the said Company shall so purchase such Thirty Statute Acres, and afterwards sell the Whole or any Part thereof, it shall not be lawful for the said Company to purchase of or from the same or any other Corporations, Feoffees in Trust, Executors, Administrators, Guardians, Committees, or other Trustees, or Persons, for or on behalf of Infants, Lunatics, Idiots, Femmes Covert, and other Cestuique Trusts, Tenants in Tail, for Life, or any limited or qualified Estate or Interest, or any Persons to whom or for whose Benefit Lands are limited in strict Settlement, or whose Lands are subject to a Jointure or Jointures or Dower, or from other Persons being under legal Disability or Incapacity, nor for the same nor any other Corporation, Feoffees in Trust, Executors, Administrators, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femmes Covert, and other Cestuique

all such Trusts, Tenants in Tail, for Life, or any limited or qualified Estate or Interest, or Persons to whom or for whose Benefit Lands are limited in strict Settlement, or whose Lands are subject to a Jointure or Jointures or Dower, or other Persons being under legal Disability or Incapacity, to sell to the said Company, any other Lands in lieu or instead of those Thirty Statute Acres, or any Part thereof, so sold or disposed of by the said Company.

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

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

LVIII. And whereas the probable Expence of making the said Railways and other Works hereby authorized to be made will amount to the Sum of One hundred and twenty thousand Pounds, and the Sum of Ninety-six thousand Pounds, being Four Fifth Parts thereof, has been already subscribed by several Persons under a Contract binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them subscribed respectively; be it further enacted, That the whole of the said Sum of One hundred and twenty thousand Pounds shall be subscribed in like Manner before any of the Powers given by this Act shall be put in force.

The whole of the Expence to be subscribed before the Work is commenced.

LIX. Provided always, and be it further enacted, That a Certificate under the Hand and Seal of any Justice of the Peace for the Town and County of *Newcastle upon Tyne* or County of *Northumberland*, or either of them respectively, that the whole of the said Sum of One hundred and twenty thousand Pounds hath been subscribed as aforesaid, (and which Certificate such Justice is hereby authorized and required to grant on Application made to him by the said Company,) shall

Certificate of a Justice of the Peace to be Proof that the whole of the Money has been subscribed.

shall for all Purposes whatsoever be conclusive Evidence that the whole of the said Sum of One hundred and twenty thousand Pounds has been subscribed for in manner aforesaid.

Company to
raise Money
amongst
themselves
for making
the Rail-
ways, &c.

LX. And be it further enacted, That it shall be lawful for the said Company to raise and contribute amongst themselves, in such Proportions as they shall think proper, a competent Sum of Money for making and completing the said Railways, and the Inclined Planes, Ways, Yards, Quays, Wharfs, Cranes, Drops, Bridges, Piers, Arches, Embankments, deep Cuttings, Tunnels, and other Works belonging or requisite thereto, and for erecting, purchasing, and providing Houses, Warehouses, Toll Houses, and other Buildings, Landing Places, Weighing Beams, Drops, Cranes, Fire Engines, Steam Engines, and other Engines and Machines, and other Works and Conveniences, not exceeding in the whole the Sum of One hundred and twenty thousand Pounds, except as herein-after mentioned; and the same shall be divided into Two thousand four hundred Shares of Fifty Pounds each, and such Shares shall be numbered, beginning with Number One, in regular or arithmetical Progression ascending, whereof the common Excess or Difference shall always be One, and every such Share shall always be distinguished by the Number to be applied to the same; and the said Shares shall be and are hereby vested in the several Persons so raising and contributing to the same, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sum they shall severally raise and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Undertaking and other the Purposes of the said Subscription, shall be entitled to and receive, at such Time and Times as the said Company or their Directors shall, at a General or Special Meeting to be convened for that Purpose as Meetings on other Occasions are directed to be convened, direct and appoint, the entire and net Distribution of an equal proportionable Part, according to the Money so by them respectively paid, of the net Profits and Advantages which shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, and received by the said Company by the Authority of this Act; and every Body Politic, Corporate, or Collegiate, Person and Persons, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same in manner herein directed and appointed.

Shares to be
Personal
Property.

LXI. And be it further enacted, That all the Shares and Proportions of all Bodies Politic, Corporate, or Collegiate, and all other Person or Persons of and in the said Undertaking, or the Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and be transmissible as such, and not of the Nature of Real Property.

Compelling
Payment of
Subscrip-
tions.

LXII. And be it further enacted, That the several Persons who have subscribed or who shall hereafter subscribe to advance any Money

Money for or towards making and maintaining the said Railways and other Works hereby authorized to be made, and for other the Purposes of this Act, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Company, or by the Directors of the said Company named and appointed as herein-after mentioned, under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Company or by the said Directors; and in case any Person or Persons shall refuse or neglect to pay the same at the Time and in manner required for that Purpose it shall and may be lawful for the said Company to sue for and recover the same, with Interest thereon after the Rate of Five Pounds *per Centum per Annum* from the Day appointed for Payment thereof up to the Time when the same shall be actually paid; and in case the same Sum or Sums of Money shall not be paid within Six Calendar Months from the Time or Times so appointed for Payment as aforesaid, the Directors are hereby authorized and required immediately thereafter to sell the said Shares by public Auction for the best Price or Prices that can be obtained for the same, and the said Defaulters shall be answerable for any Deficiency or Loss that may arise on such Sale or Sales.

LXIII. And be it further enacted, That all and every Body and Bodies Politic, Corporate, or Collegiate, and other Person or Persons who shall by virtue of this Act have subscribed for or shall become entitled to any Share or Shares in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, shall be deemed a Proprietor or Proprietors of every such Share; and every Body and Bodies Politic, Corporate, or Collegiate, and other Person or Persons, who shall be such Proprietor or Proprietors, shall in respect of Two of such Shares have One Vote, in respect of Five of such Shares Two Votes, in respect of Ten of such Shares Three Votes, and One additional Vote for every Ten additional Shares above Ten Shares held by any such Proprietor, in the Annual and Special General Meetings to be held as herein-after appointed for carrying on the said Undertaking or relative thereto; but no such Proprietor or Proprietors of a less Number of Shares than Two Shares shall be entitled to have any Vote in such Meetings as aforesaid; and such Vote or Votes may be given by such Proprietor or Proprietors in Person, or in case such Proprietor or Proprietors shall be a Body Politic, Corporate, or Collegiate, or Peer of the Realm, a Female, or a Holder of Two Shares and upwards, then either in Person, or by Proxy constituted under the Seal of such Body Politic, Corporate, or Collegiate, or the Hands of such other Person or Persons, every such Proxy being a Proprietor of the said Undertaking; and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if such Principal had voted in Person; and the Appointment of such Proxies may be made according to the Form following; (that is to say,)

Subscribers
to be
deemed
Proprietors.

Proprietors
of Shares to
be entitled
to vote.

I *A. B.* of *Newcastle upon Tyne*, One of the Proprietors
of the *Newcastle upon Tyne and North Shields* Railway Company;
do hereby appoint *C. D.* of *Local.* to be my Proxy in
[Local.] 29 U my

Form of
Proxy.

‘ my Name and in my Absence to vote or give my Assent to or
 ‘ Dissent from any Business, Matter, or Thing relating to the said
 ‘ Company that shall be mentioned or proposed at any Meeting of
 ‘ the Proprietors of the said Company, in such Manner as the said
 ‘ C. D. shall think proper, according to his Opinion and Judgment,
 ‘ for the Benefit of the said Company, or any thing appertaining
 ‘ thereto. In witness whereof I have hereunto set my Hand the
 ‘ Day of

All Questions to be decided by a Majority of Votes and Proxies.

And every Election of Directors of the said Company, and every Question, Matter, and Thing whatsoever which shall be proposed, discussed, or considered in any Annual or Special General Meeting of the said Company to be held by virtue of this Act, shall be finally determined by the Majority of Votes and Proxies then present; and at every such Meeting the Chairman shall not only be entitled to vote as a Proprietor, but in case of an Equality of Votes shall also have the decisive or casting Vote.

The Person whose Name stands first as a joint Proprietor to be deemed the Owner, and to be entitled to vote.

LXIV. And be it further enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to any Share or Shares in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share or Shares shall for the Purposes of this Act be deemed and taken to be the Owner or Proprietor of such Share or Shares; and all Notices hereby required to be given to the Owner or Proprietor of any Share or Shares in the said Company shall or may be given or sent to such Person whose Name shall so stand first in the Books of the said Company, and such Notice to such Person shall be deemed and taken to be a sufficient Notice to all the Owners or Proprietors of such Share or Shares for all the Purposes for which such Notices are intended to be given; and such Owners or Proprietors shall be entitled to give their Vote or Votes in respect thereof by the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share or Shares, and whose Vote shall, either in Person or by Proxy, on all Occasions be deemed and allowed to be the Vote for or in respect of the whole Property in such Share or Shares, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share or Shares.

Lunatics and Minors to vote by their Committees and Guardians.

LXV. And be it further enacted, That in case any Proprietor or Proprietors entitled to vote at such Meetings as aforesaid shall be a Lunatic or Lunatics, or a Minor or Minors, such Lunatic or Lunatics shall or may vote at such Meeting or Meetings by his, her, or their Committee or any One of such Committee, and such Minor or Minors shall and may vote by his, her, or their Guardians or any One of such Guardians; and such Committee or Guardian may vote by Proxy, and may also vote in right of his own Shares as well as in the Character of Committee for any Lunatic or Lunatics, or of Guardian of any Minor or Minors, on the same Occasion.

Names of Proprietors to be entered, and

LXVI. And for the better securing to the several Proprietors or the said Undertaking their respective Shares therein, be it further enacted, That the said Company shall and they are hereby required,

at their First or some subsequent General Meeting, to cause the Names and proper Additions of the several Persons who shall then be entitled to Shares in the said Undertaking, with the Number of Shares which they are then respectively entitled to hold, 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 or Books to be kept by the Clerk to the said Company, and after such Entry made to cause their Common Seal to be affixed thereto, and shall also cause a Certificate or Ticket, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber, on Demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking, every such Proprietor paying to the Clerk of the said Company One Shilling and no more for every such Certificate or Ticket; and such Certificate or Ticket shall be admitted in all Courts whatsoever as *prima facie* Evidence of the Title of such Subscriber, his or her 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 Proprietor of any of the said Shares from selling or disposing thereof; which said Certificate or Ticket may be in the following Form; (that is to say,)

Certificates
of their
Shares de-
livered to
them.

' The *Newcastle upon Tyne and North Shields* Railway Company.
' Number

Form of
Certificate.

' THESE are to certify, That of
' is a Proprietor of the Share or Shares numbered
' of the *Newcastle upon Tyne and North Shields* Railway Company;
' subject to the Rules, Regulations, and Orders of the said Company;
' and that the said , his or her Executors, Ad-
' ministrators [or Successors], and Assigns, is and are entitled to the
' Profits and Advantages of such Share [or Shares]. Given under
' the Common Seal of the said Company the Day of
' in the Year of our Lord

LXVII. And be it further enacted, That if any such Certificates or Tickets as aforesaid shall be worn out or damaged, then, upon the same being brought and shown at some Meeting of the Directors of the said Company, such Certificates or Tickets may be cancelled or destroyed, and other similar Certificates or Tickets given, under the Seal of the said Company, to the Person or Persons in whom the Property of such Certificates or Tickets and the Shares therein mentioned shall be at that Time vested; or in case such Certificates or Tickets shall be lost or burnt or totally destroyed, then upon due Proof thereof like or similar Certificates or Tickets shall be given to the Person or Persons who was or were the Owner or Owners of or entitled to such Certificates or Tickets so lost, burnt, or destroyed; and a due Entry of the Transfer of such Certificates or Tickets (if any such have been made) shall be entered by the Clerk of the said Company in the Manner herein directed, the said Clerk receiving for every such Certificate or Ticket which shall be so given or exchanged the Sum of One Shilling and no more.

For grant-
ing new
Certificates
when old
ones are de-
stroyed or
worn out.

LXVIII. And be it further enacted, That in case the Sum of One hundred and twenty thousand Pounds hereby authorized to be raised shall

Company
may raise an
additional

Sum, if necessary, by Mortgage.

shall be found insufficient for the making, completing, and maintaining the said Railways and other Works hereby authorized to be made, and for defraying all necessary Charges and Expences relating thereto, and the said Company of Proprietors shall be desirous of raising a further or additional Sum of Money, it shall and may be lawful for the said Company from Time to Time or at any Time to borrow and take up at Interest any such further or additional Sum or Sums not exceeding in the whole the Sum of Forty thousand Pounds, on the Credit of the said Undertaking, as to them shall seem meet and convenient; and the said Company or the Directors of the said Company, after an Order shall have been made for that Purpose by any General Meeting, are hereby authorized and empowered to assign the Property of the said Undertaking, and the Rates 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,) as a Security for any such further Sum or Sums of Money to be borrowed as aforesaid, with Interest, to such Person or Persons, or to his, her, or their Trustee or Trustees, as shall advance the same, by any Assignment under the Common Seal of the said Company in the Words or to the Effect following; (that is to say,)

Form of Mortgage.

Number
 BY virtue of an Act passed in the Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*], we the Company of Proprietors of the *Newcastle upon Tyne and North Shields* Railway, incorporated by and under the said Act, in consideration of the Sum of to us in hand paid by of do assign unto the said, his [*or her*] Executors, Administrators, and Assigns, the said Undertaking, and all and singular the Rates, Tolls, and Profits 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, his [*or her*] Executors, Administrators, and Assigns, until the said Sum of, together with Interest for the same after the Rate of for every One hundred Pounds by the Year, shall be fully paid and satisfied. Given under our Common Seal this Day of in the Year of our Lord

Persons taking such Assignment to be entitled to their respective Proportions of the Rates.

And all and every the Person or Persons to whom such Mortgage or Assignment shall be made shall be equally entitled one with the other to his, her, or their Proportion or Proportions of the said Rates and Premises, according to the respective Sums in such Mortgages or Assignments mentioned to be advanced, without any Preference by reason of the Priority of Date of any such Mortgage or Assignment, or on any other Account whatsoever; and an Entry or Memorial of every such Mortgage or Assignment, containing the Number and Date thereof, and the Name or Names of the Person or Persons, with their proper Additions, to whom the same shall have been made, and of the Sum borrowed, together with the Rate of Interest to be paid thereon, shall within Fourteen Days next after the Date thereof be entered in a Book or Books to be kept by the Clerk of the said Company of Proprietors, which said Book or Books may be perused at

at all reasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all and every Person or Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, shall have been made as aforesaid, or who shall be entitled to the Money due thereon, may from Time to Time transfer his, her, or their Right and Interest therein to any Person or Persons whomsoever; which Transfer shall be by Deed duly stamped, and may be in the Words or to the Effect following; that is to say,

‘ I [or We] of in consideration
 ‘ of the Sum of paid by
 ‘ of , do hereby transfer a certain Mortgage,
 ‘ Number , made by the Company of Proprietors of the *New-*
 ‘ *castle upon Tyne and North Shields* Railway to
 ‘ bearing Date the Day of
 ‘ for securing the Sum of and Interest, and all my
 ‘ [or our] Right and Property therein to the said
 ‘ his [or her] Executors, Administrators, and Assigns. Dated this
 ‘ Day of in the Year of our Lord

Form of
Transfer of
Mortgage.

And every such Transfer shall within Twenty-eight Days after the Date thereof be produced to the Clerk of the said Company, who shall cause an Entry or Memorial to be made thereof in the same Manner as the original Mortgages or Assignments, for which the said Clerk shall be paid such Sum as the said Company shall appoint not exceeding Two Shillings and Sixpence; and after such Entry made, but not till then, every Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon; and every such Assignee or Assignees may assign the same again in such and the same Manner, and so *toties quoties*, and it shall not be in the Power of any Person or Persons who shall have made such Transfer to make void, release, or discharge the same, or any Sum or Sums of Money thereon due or thereby secured, or any Part thereof.

LXIX. And be it further enacted, That the Interest of the Money which shall be raised by Mortgage as aforesaid shall be paid half-yearly to the several Persons entitled thereto in preference to any Interest or Dividends due and payable by virtue of this Act to the said Company or any of them, and shall from Time to Time be fully paid and discharged or provided for before the yearly or other Interest or Dividends due to the said Proprietors or any of them shall be paid, made, or provided; and in case the same or any Part thereof shall be behind and unpaid by the Space of Twenty-one Days next after the same shall become due and payable as aforesaid, and the same shall not be paid within Seven Days next after Demand thereof in Writing shall have been made to the said Company, or left at the Office of the said Company, it shall be lawful for Two or more Justices of the Peace acting in and for the said Town and County of *Newcastle upon Tyne* or for the said County of *Northumberland*, or either of them respectively, and they are hereby required, on Request to them made by or on behalf of any Mortgagee or Mortgagees whose Interest shall be so in arrear, by an Order under their Hands

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

[Local.]

29 X

to

to appoint One or more Person or Persons to receive the Whole or such Part or Parts of the said Rates as are liable to pay such Interest so due and unpaid as aforesaid; and the Money so to be received by such Person or Persons is hereby declared to be so much Money received by or to the Use of such Person or Persons to whom such Interest shall be then due; until the same, together with the Costs and Charges of recovering and receiving the Rates, shall be fully satisfied and paid; and after such Interest and Costs shall have been paid and satisfied the Power and Authority of such Receiver and Receivers for the Purposes aforesaid shall cease and determine; or otherwise the Interest so due and unpaid as aforesaid shall be sued for and recovered, with Costs, by an Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Notice to be
given of
paying off
Mortgages.

LXX. Provided always, and be it further enacted, That no Sum of Money so lent and advanced on Mortgage shall be paid off or discharged, (save and except with the Consent of the Person or Persons so lending and advancing such Sum or Sums of Money,) unless Three Calendar Months previous Notice shall have been given to the Person or Persons lending and advancing such Sum or Sums of Money, or left at his, her, or their last or usual Place or Places of Abode, of such the Intention of the said Company to pay off and discharge the same; and upon Payment of the Principal and Interest secured by every such Mortgage the same shall be forthwith cancelled.

No Mort-
gagee to be
deemed a
Proprietor.

LXXI. Provided always, and be it further enacted, That no Person to whom any such Mortgage or Assignment shall be made shall be deemed a Proprietor of any Share, or shall be capable of acting or voting as such at any Meeting of the said Company for or on account of his or her having lent or advanced any Sum or Sums on such Mortgage or Assignment.

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

LXXII. And be it further enacted, That in case the said Company shall raise the Whole or any Part of the said additional Sum of Forty thousand Pounds by Mortgage, and shall afterwards be required or be desirous to pay off and shall pay off all or any Part of the Principal Sum or Sums secured or intended to be secured by such Mortgages as aforesaid, then and in every such Case it shall and may be lawful for the said Company and they are hereby authorized and empowered immediately or at any Time or Times thereafter again to raise any Sum or Sums of Money which together with the Sum or Sums remaining upon such Mortgages as aforesaid shall not exceed the Sum of Forty thousand Pounds, 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 upon Mortgage more than the Sum of Forty thousand Pounds in the whole at any One Time.

Application
of Money to
be raised.

LXXIII. And be it further enacted, That all the Money to be raised by the said Company by virtue of this Act shall be laid out and applied, in the first place, for and towards the Payment, Dis-
charge,

charge, and Satisfaction of all Costs, Charges, and Expences in applying for, obtaining, and passing this Act, and all other Expences preparatory and relating thereto, and all the Residue and Remainder of such Money for and towards purchasing Lands and Grounds, making, completing, and maintaining the said Railways, Wharfs, Warehouses, Drops, Cranes, Machines, and other Works, and other the Purposes of this Act.

LXXIV. And be it further enacted, That the said Company of Proprietors shall meet together at some convenient Place within the Town of *Newcastle upon Tyne* within Three Calendar Months next after the passing of this Act, between the Hours of Ten and Three of the Clock in the Daytime, and shall then and there proceed in the Execution of this Act, and shall and may adjourn such Meeting from Time to Time and from Place to Place as they shall think fit; and after the said First General Meeting of the said Company of Proprietors there shall be a General Meeting of the said Company on the Twenty-first Day of the Month of *January* in each and every Year, or within the Space of Fourteen Days next following, and also such and so many Special General Meetings of the said Proprietors as shall be called by the Directors as herein-after provided, of which said Annual General Meetings and Special General Meetings Ten Days public Notice at the least shall be given by Advertisement in One or more Newspaper or Newspapers usually circulated in the Town and County of *Newcastle upon Tyne* and County of *Northumberland* aforesaid, and which said Notice shall specify the Purpose for which any such Special General Meeting is called; and all such Annual and Special General Meetings may be adjourned from Time to Time and from Place to Place as shall be found expedient.

First and
other
General
Meetings.

LXXV. And be it further enacted, That the said Company of Proprietors shall at their said First General Meeting, or at some Adjournment thereof, elect and choose a Treasurer and a Clerk for transacting the Business of the said Company; and it shall be lawful for the said Company, at any subsequent Annual or Special General Meeting to be holden as herein-before directed, from Time to Time to remove and displace such Treasurer and Clerk, or either of them, or any Person or Persons who shall be hereafter elected and appointed to their respective Offices, and also from Time to Time to elect and choose in manner aforesaid any other Person or Persons to act as Treasurer or Clerk of the said Company in the Room of such of the said Officers as shall happen to die or to resign or to be removed from their respective Offices; and it shall be lawful for the said Company to allow such Salaries or other Emoluments to the said Officers or either of them as they shall from Time to Time fix and determine upon: Provided always, that the said Company shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer of the said Company, and from every Receiver, Collector, and other Officer appointed by them or by the said Directors, having the Custody or Control of any Money received under this Act, for the faithful Execution of his or their Office, before he shall enter thereon.

Treasurer
and Clerk to
be ap-
pointed.

Treasurer to
give Se-
curity.

LXXVI. Pro-

The same
Person not
to be Clerk
and Trea-
surer.

LXXVI. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk of the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall act as a Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer, or the Clerk or other Person in the Service or Employ of the Partner of such Treasurer, shall act as Clerk in the Execution of this Act, or if any 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 every Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

General
Meetings
may make
Bye Laws.

LXXVII. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time, at any such Annual or Special General Meeting as aforesaid, to fix and order what Remuneration, if any, shall be allowed to the Directors, and to make such Rules, Orders, and Bye Laws as to them shall seem right and proper for the good Government of the said Company of Proprietors, their Officers, Agents, and Workmen, for making, maintaining, and using the said Railways and other Works, and all Conveniences, Matters, and Things belonging or relating thereto, and also for and concerning all such Goods and Commodities as shall be conveyed thereon, and also for the well-governing of all Persons who shall be employed in the conveying of any Goods, Wares, and Merchandizes, and other Articles and Things, upon the said Railways or any of them, and generally for the Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Bye Laws, Orders, and Regulations, 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 major Part of the Proprietors composing such Meetings shall seem meet, not exceeding the Sum of Five Pounds for any Offence, such Fines and Forfeitures to be levied and recovered by such Ways and Means as herein-after mentioned; which said Rules, Bye Laws, and Orders, when so published, and while so affixed, being reduced into Writing under the Common Seal of the said Company, shall be printed or painted on Boards, and affixed and continued on the Front or some conspicuous Part of the several Toll Houses to be erected on the said Railways, and shall from Time to Time be renewed

renewed as often as the same or any Part thereof shall be obliterated, defaced, or destroyed; and such Rules, Bye Laws, and Orders shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same; provided such Rules, Bye Laws, and Orders 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 Rules, Bye Laws, and Orders shall be subject to Appeal in manner herein-after mentioned.

LXXVIII. And be it further enacted, That it shall be competent for every Annual General Meeting, if a Majority of the Proprietors and of the Proxies then present shall require it, to call for and examine the Accounts of the said Company, and of the Directors, and of the Treasurer, Receivers, or Collectors of the Rates and other Officers of the said Company; but no Vote or Votes by Proxy shall be given or have any Power in or as to the Audit and Settlement of Accounts.

Annual Meetings may call for Accounts.

LXXIX. And be it further enacted, That at the First General Meeting of the said Company to be held as herein-before mentioned, or at some Meeting to be held by Adjournment from such General Meeting, and at the Annual General Meeting of the said Company to be held in each succeeding Year, as herein-before mentioned, or at some Meeting to be held by Adjournment from such Annual General Meetings respectively, Fifteen Persons, who shall be Proprietors and respectively possessed in their own Right of Ten Shares at the least in the said Undertaking, shall be elected Directors to manage the Affairs of the said Company by the Proprietors present (either personally or by Proxy) at such Meeting, and out of the Fifteen Directors so elected as aforesaid Five shall be competent to act and shall form a Quorum; and the several Persons so to be elected, being neither removed nor disqualified nor resigning, shall continue in Office and be respectively Directors until the Annual General Meeting of the said Company which shall be held in the Month of *January* in the Year next after such Election, and until others shall be elected in their Place in pursuance of this Act; and the said Company at any General Meeting shall have Power to fix what Remuneration (if any) shall from Time to Time be allowed to the Directors of the said Company.

Company authorized to elect Directors.

LXXX. Provided always, and be it further enacted, That on any Annual Day of Election the Directors for the Time being of the said Company shall be eligible to be re-elected by the said Company Directors of the said Company for the Year ensuing; any thing herein-before contained to the contrary in anywise notwithstanding.

Directors to be re-eligible.

LXXXI. Provided always, and be it further enacted, That no Person holding any Office, Place, or Employment, or being concerned or interested in any Contract or Contracts under the said Company, shall be capable of being chosen or remain a Director of the said Company.

No Person holding Office capable of being a Director.

[*Local.*]

29 Y

LXXXII. And

For supply-
ing Vacan-
cies in the
Direction.

LXXXII. And be it further enacted, That when and so often as any Director elected by virtue of this Act shall die, or shall resign, or shall become disqualified or incompetent to act as a Director, or shall cease to be a Director from any Cause other than that of going out of Office on the Expiration of the Year as aforesaid, it shall be lawful for the remaining Directors 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 so long as the Person in whose Place he may be elected would have been entitled to continue had he lived and remained in Office.

Meetings of
Proprietors
may be
specially
convened.

LXXXIII. And be it further enacted, That Twenty or more Proprietors of the said Company, holding in the aggregate Two hundred Shares or upwards in the said Undertaking, may at any Time, in Writing under their Hands left at the Office of the said Company, require the said Directors to call a Special General Meeting, so as such Requisition fully express the Objects 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 after such Notice given as aforesaid, the same may be called by such Proprietors by giving Fourteen Days Notice thereof in One or more Newspaper or Newspapers usually circulated in the Town and County of *Newcastle upon Tyne* and County of *Northumberland*; and the said Company are hereby authorized to meet in pursuance of such Notice, and such of them as shall be present shall proceed to the Execution of the Power by this Act given to the said Company with respect to the Matters so specified in such Notice; and all Acts of the Proprietors, or of the major Part of them, met together at every such Special General Meeting, shall be as valid with respect to the Matters specified in such Notice as if the same had been done at an Annual General Meeting at the Time herein-before appointed for holding the same.

Business at
Special and
adjourned
General
Meetings.

LXXXIV. 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 other Business shall be transacted at any adjourned Annual or Special General Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

Chairman
and Deputy
Chairman of
Directors
how to be
chosen.

LXXXV. And be it further enacted, That the Directors present at the First Meeting of Directors which shall be holden next after the First General Meeting of the said Company, and so at the First Meeting of the Directors which shall be holden next after the Annual Meeting in the Month of *January* in each and every Year, the Majority of the Directors then present shall choose out of the Directors of the said Company a Chairman and Deputy Chairman of the said Directors: 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, it shall be lawful for the Directors in like Manner, at the Meeting to be held next after such Vacancy, to choose some other of the said Directors to be Chairman or Deputy Chairman; and every such Chairman or Deputy Chairman

so

so to be chosen as last aforesaid to fill such Vacancy shall continue in his 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 have continued if such Death, Resignation, or Disqualification had not happened.

LXXXVI. And be it further enacted, That at all Annual 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 any 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.

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

LXXXVII. Provided always, and be it further enacted, That if any Person who shall be elected Director of the said Company, or Chairman or Deputy Chairman of the said Directors, shall hold any Office or Place of Trust or Profit under the said Company (save such as shall be appointed Members of Committees as herein-after mentioned), shall be appointed Secretary or Clerk to the said Company, or shall either directly or indirectly be concerned in any Contract for any Article to be used or consumed by the said Company, or shall at any Time cease to be a Proprietor of Ten Shares in the said Undertaking, every such Person shall thereby be disqualified from voting or acting at any Meeting of such Directors, and his Office shall thereupon become vacant.

Directors, Chairman, or Deputy Chairman, contracting for Work, to be disqualified.

LXXXVIII. And be it further enacted, That the Directors for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Power and Authority to meet and adjourn from Time to Time and from Place to Place, and also at any Time to call Special General Meetings of the said Company for any Purpose they may think proper, and to appoint the Times and Places of holding Annual or Special General Meetings; and all Questions, Matters, and Things which the Directors for the Time being of the said Company are by this Act authorized to determine shall be finally determined by the Votes of the Majority of such Directors present at any Meeting of them (the whole Number present in any Case not being less than Three); and such Directors shall have full Power and Authority to direct and manage all and every the Affairs of the said Company, as well in contracting for and purchasing Lands, Messuages, Tenements, or other Hereditaments, and Engines and Materials, for the Use of the said Undertaking, as in employing, ordering, and directing the Works and Workmen, and in nominating, appointing, electing, placing, or displacing all and every the Officers, Engineers, Agents, Servants, and Workmen of the said Company, (except the Treasurer and Clerk, herein-before directed to be appointed by a General Meeting of the said Company,) with such Salaries, Gratuities, or Recompences as to the said Directors shall seem proper; and upon the Death or Removal or displacing of any of the said Officers and Servants from Time to Time another or others to appoint in his or their Place or Places; and in making all Contracts and Bargains touching the said Undertaking the said Directors may require such

Powers of Directors and Regulations as to their Meetings.

Security

Security to be given to the said Company of Proprietors from any Officer or Officers, or other Persons, for the faithful Execution of their respective Duties, as they may think proper or reasonable; and no Director, although he may be a Proprietor of many Shares in the said Undertaking, shall have more than One Vote at any Meeting of the said Directors, except the Chairman of such Meeting, who in case of an equal Division shall always have a second or casting Vote, although he may have given One Vote before; and every such Meeting of Directors shall keep a regular Minute and Entry of their Proceedings, and from Time to Time make Report of their Proceedings to the said Annual General Meetings, and, if required, to the Special General Meetings of Proprietors, and shall obey their Orders and Directions; and the said Directors shall keep or cause to be kept full and true Accounts of all Monies disbursed and Payments made by the said Directors, and by all and every Person and Persons employed by and under them, and of all and every Sum and Sums of Money which they shall receive on behalf or in respect of such Undertaking from any Collector or Collectors of the said Rates, or other Officer or Officers, or from any other Person or Persons whomsoever employed in or having any Concerns, Dealings, or Transactions with the said Undertaking, or in or with any Part or Parts thereof, and shall regularly write, insert, and enter, or cause to be written, inserted, and entered, in a Book or Books to be from Time to Time provided at the Expence of the said Company for that Purpose, Notes, Minutes, or Copies (as the Case shall require) of every such Contract, Bargain, Receipt, and Disbursement, and of other their Orders and Proceedings, which said Book or Books shall be deposited with and kept locked up under the Care and Direction of the said Directors: Provided always, that every Proprietor shall at all reasonable Times have free Access thereto for his Inspection.

Officers to
account.

LXXXIX. 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 Directors or by the said Company of Proprietors, make out and deliver to the said Directors, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him or her had, collected, or received, and how, and to whom, and for what Purpose the same and every Part thereof hath or 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 Account shall appear to be owing from him or her to such Person or Persons as the said Directors or 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 Directors, or to the said Company, or to such Person or Persons as they shall respectively appoint, within Seven Days after being thereunto required by the said Directors or by the said Company, or by such other Person or Persons, all Books, Papers, and Writings in his or
1 her

her Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Directors or by the said Company, or by any Person on their Behalf, to any Justice of the Peace for the Town and County of *Newcastle upon Tyne* or the County of *Northumberland*, or either of them respectively, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her 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 Accounts, if produced, in such a Manner as the said Directors or the said Company might have done; and if, upon the Confession of the Officer or Person against whom the Complaint shall be made, or by the Oath of any credible Witness (which Oath the said Justice is hereby authorized to administer), it shall appear to such Justice that any of the Monies which shall have been collected and received shall be in the Hands of or be owing from such Officer or Person, such Justice may and he 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 no Goods or Chattels shall 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 relative to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby authorized and required, by Warrant under his Hand, to commit such Officer or Person to the Common Gaol or House of Correction of the said Town and County of *Newcastle-upon-Tyne* or of the said County of *Northumberland*, there to remain without Bail or Mainprize until he or she shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charge of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Directors or with the said Company for such Money and Charges, and paid the Composition Money to the said Directors or the said Company, and which Composition the said Directors and the said Company are hereby empowered to make, and shall have delivered up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Directors or 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.

XC. And be it further enacted, That the Orders and Proceedings of every Meeting, as well of the Annual and Special General Meetings as of the Directors, shall be entered in a Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of each respective Meeting; and such Orders and Proceedings,

Orders and Proceedings to be entered in a Book.

[Local.]

29 Z

when

when so entered and signed, shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others.

Notice of Meetings.

XCI. Provided always, and be it further enacted, That all Notices herein directed to be given of any Annual or Special General Meeting of Proprietors or of any Adjournment thereof respectively, or to any of the said Proprietors, and not herein otherwise provided for, shall be signed by the Chairman or Deputy Chairman of the Directors of the said Company, or by the Clerk of the said Company, and shall be given by Advertisement to be inserted in some Newspaper usually circulated in the Town and County of *Newcastle upon Tyne* and in the County of *Northumberland*, or by Letter from the Clerk or Treasurer of the said Company sent by Post to or left at the usual Place of Abode of the Proprietors respectively; and that such Notices when so published and given shall be deemed and considered as personal Notices.

Clerk of the Company to keep a List of the Proprietors.

XCII. And be it further enacted, That the Clerk of the said Company shall, in a proper Book or Books 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 who shall from Time to Time become Proprietors of or be entitled to any Share or Shares therein; and every Proprietor of the said Undertaking shall and may at all convenient Times have recourse to and peruse and inspect the same *gratis*, and may demand and have Copies thereof or any Part thereof, paying at and after the Rate of Four-pence for every Seventy-two Words so to be copied; and if any such Clerk shall refuse to permit any Proprietor to inspect or peruse any such Book or Books at all convenient Times and Seasons, or refuse to make any such Copy or Copies within a reasonable Period at the Rate aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds for the Benefit of the said Undertaking.

Directors may appoint temporary Clerk and Treasurer.

XCIII. And be it further enacted, That in case any Treasurer or Clerk of the said Company shall die, or be removed from or quit the Service of the said Company, it shall be lawful for the said Company at an Annual or Special General Meeting, or for the Directors of the said Company, to appoint any other fit and proper Person or Persons to execute such Office or Offices in the Place of the Person or Persons who shall so die, or be removed from or quit the Service of the said Proprietors; and in case any such new Appointment shall be made by the said Directors the same shall only continue until the next Annual General Meeting of the said Proprietors, when the Appointment of such Person or Persons to such respective Office or Offices shall either be confirmed, or such other fit Person or Persons appointed to succeed to such Office or Offices as the said Proprietors at such Annual General Meeting shall think proper.

Power of Directors to make Calls.

XCIV. And be it further enacted, That the said Directors shall have Power from Time to Time to make such Call or Calls of Money from the Subscribers to and Proprietors of the said Undertaking, to defray

defray the Expences of or to carry on the same, as they from Time to Time shall find wanting and necessary for those Purposes, not exceeding the Sum of Five Pounds *per* Share, in each and every Month from the passing of this Act, until the whole is called in; and Twenty Days Notice at the least shall be given of all such Calls as aforesaid by Advertisement in some One or more of the Newspapers usually circulated in the Town of *Newcastle upon Tyne* and County of *Northumberland*; which Monies so called for shall be paid to such Person or Persons and in such Manner as the said Directors shall from Time to Time direct and appoint, for the Use of the said Undertaking; and every Proprietor or Proprietors of any Shares in the said Undertaking, his, her, or their Executors or Administrators, shall pay his, her, or their rateable Proportions of the Monies to be called for as aforesaid to such Person or Persons and at such Time and Place as the said Directors shall from Time to Time direct and appoint; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money so called for as aforesaid, at the Time and Place to be appointed as aforesaid, it shall be lawful for the said Company or for the said Directors to sue for and recover the same, together with Interest after the Rate of Five Pounds for One hundred Pounds *per Annum*, from the Day appointed for Payment thereof up to the Time the same shall be actually paid, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Wager, or Protection of Law, nor more than One Impar lance, shall be allowed; and in case the same, together with the Interest thereon, shall be unpaid for the Space of Six Calendar Months from the Date of such Calls as aforesaid, the said Company or the said Directors shall and they are hereby authorized and required to declare the Shares belonging to any Person refusing or neglecting to pay any such Calls in manner as aforesaid to be forfeited to and for the Use and Benefit of the other Proprietors of the said Undertaking; and all such forfeited Shares shall be disposed of by the said Directors in manner by this Act directed: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share or Shares in the said Undertaking until Notice in Writing under the Hand of the Clerk or Treasurer of the said Company shall have been given or sent by the Post to or left at the usual Place or Places of Abode of the Owner or Owners of such Share or Shares respectively.

If Calls are not paid, the Company may sue for them with Interest, which if not paid in Six Months, the Shares to be forfeited.

No Advantage to be taken of Forfeiture of Shares without Notice.

XCV. And be it further enacted, That in any Action to be brought by the said Company or by the said Directors against any Owner or Owners of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company or the said Directors to declare and allege that the Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in arrear shall amount to, for such and so many Call or Calls of such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be), whereby an Action hath accrued to the said Company.

Proceedings in Actions for Calls.

or

or the said Directors 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 or Defendants at the Time of making such Call or Calls was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Directors who made such Call or Calls, or any other Matter whatsoever, and the said Company and the said Directors shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call was made without Notice given in any Newspaper as aforesaid.

For ascer-
taining the
Proprietor-
ship of
Shares in
certain
Cases.

XCVI. And whereas, in Cases where the Proprietor or Proprietors of One or more Share or Shares in the said Undertaking shall die, become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his, her, or their Right and Interest to some other Person or 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 any Officer acting for the said Company to ascertain who is or are the Proprietor or Proprietors of such Share or Shares, in order to give him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, Notice or Notices of Calls to be made on such Share or Shares, or to maintain any Action or Actions, or Suit or Suits, or other Proceedings against him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, for the Recovery of the same; be it therefore enacted, That in case the Right and Property of any Share or Shares in the said Undertaking shall pass from the original Subscriber or Subscribers, or any Proprietor or Proprietors thereof, to any other Person or Persons, by any other legal Means than by a Transfer or Assignment thereof in the Form and Manner herein specified or herein otherwise provided, a Declaration shall be made in the Manner and Form herein-before mentioned or referred to by some credible Person before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace for the Town and County of *Newcastle upon Tyne* or for the County of *Northumberland*, or either of them respectively, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, his, her, or their Executors, Administrators, Successors, or Assigns; and such Declaration shall be delivered to and left with the Clerk of the said Company, to the Intent that he may preserve the same, and enter and register the Name or Names of every such Proprietor or Proprietors in the Register Book or List of Subscribers and Proprietors of the said Undertaking to be kept in the Office of the said Company; and in case, after Thirty Days Notice in Writing shall have been given by the said Directors, under the Hand of the Clerk or Treasurer of the said Company, to the Person or Persons stated or claiming in such Declaration to be the Owner or Owners of such Share or Shares, or left at his, her, or their last or usual Place of Abode, to pay his, her, or their Proportion of Money to be called for as aforesaid, such Person or Persons, his, her, or their Executors, Administrators, Successors, or Assigns, shall not have paid such his, her, or their Proportion as aforesaid, it shall be lawful for the said Company at any
Annual

Annual or Special General Meeting after the Expiration of such Notice to declare the same Share or Shares to be forfeited, and in such Case the same shall become forfeited, and shall and may be sold and disposed of in such Manner as the said Company at any such Meeting or Meetings shall direct, or otherwise become consolidated in the general Fund of the said Company; and in case there shall be no such Declaration made and filed as aforesaid, then and in that Case such Notice as is herein-before directed to be given shall be served upon or left at the last Place of Abode of the Executors or Administrators of such Proprietor so dying, or of the Assignees or Trustees of such Proprietor so becoming bankrupt or insolvent, or, in the event of the Share or Shares being disposed of as aforesaid, of the last Person appearing in the Book of the said Company to have been possessed of the same; and in case any Proprietor or Proprietors shall go out of the Kingdom, such Notice shall be sent to him through the General Post Office, directed to him at such Place Abroad where such Proprietor or Proprietors shall be staying or residing, or shall be last known to have staid or resided; and in all or any of such Cases, and after such Notices, on default being made, the said Share shall be forfeited in manner aforesaid, except only in case of the Proprietor or Proprietors being Abroad the Share or Shares shall not be forfeited until the Expiration of Six Calendar Months after the Day on which such Notice shall have been put into the General Post Office.

XCVII. Provided also, and be it further enacted, (That no Proprietor in arrear for any Call shall at any Meeting be allowed to vote or give his Voice in the Litigation of any Question respecting the Concerns of the said Company, either personally or by Proxy, until such Time as he shall have paid all such Arrears as may be due from him in respect of such Calls, although the Time limited for Payment thereof may not have expired.

Proprietors
in arrear not
to vote.

XCVIII. And be it further enacted, That the Directors shall keep a regular Minute or Entry of their Proceedings, and from Time to Time make Reports to and be subject to the Examination and Control of the said Annual and Special General Meetings of the said Proprietors as aforesaid, and shall pay due Obedience to all such Orders and Directions in and about the Premises as shall from Time to Time be made by the said Proprietors at any such Annual or Special General Meeting; such Orders or Directions not being contrary to any express Directions or Provisions in this Act contained.

Directors to
be under
Controul of
General
Meetings.

XCIX. And be it further enacted, That it shall be lawful for the said Directors to nominate and appoint out of their own Body a Committee or Committees, who shall have full Power and Authority to enter into and make any Contracts or Agreements on behalf of the said Company, and to hire and employ any Agents, Workmen, or Servants in or about the said Undertaking, and to do, execute, and perform all other Matters and Things whatsoever in or about the said Undertaking which the said Directors themselves are herein-before authorized to do, or such of them as the said Directors shall think proper to intrust to the Care and Management of any such Committee or Committees (save and except nevertheless the making of Calls for Money upon the Proprietors of the said Undertaking); and it shall be lawful for the

Directors
may appoint
Committees,
with Power
to make
Contracts,
&c.

[Local.]

30 A

said

said Directors for the Time being to order and direct such Compensation or Recompence to be made to the Committee or Committees from Time to Time as they shall think reasonable; and it shall be lawful for the said Directors, by an Order or Resolution for that Purpose, to break up and dissolve any such Committee or Committees, or to remove and displace any Member or Members thereof, and to appoint some other or others in their Place or Stead, when and so often as such Directors shall think proper and expedient; and such Committee shall have full Power and Authority to meet from Time to Time and adjourn from Place to Place as they shall think proper, and as Occasion shall require, for effectuating the Purposes aforesaid; and all Powers and Authorities hereby vested, or which shall by the said Directors be vested in any such Committee or Committees, within the Intent and Meaning of this Act, shall and may be exercised by the major Part of the Members present at their respective Meetings; and all Questions shall be decided by the Majority of Votes.

Shares may
be sold.

C. And be it further enacted, That it shall be lawful for the several Proprietors of any Share or Shares in the said Undertaking, and his, her, or their respective Executors or Administrators, to sell and dispose of any Share or Shares to which he, she, or they shall be entitled therein, subject to the Rules and Conditions herein mentioned and provided; and the Form of Assignment of Shares, which shall be in Writing duly stamped, may be in the Form or to the Effect following; (that is to say,)

Form of Assignment.

I of , in
consideration of , paid to me by
of , do hereby bargain, sell, assign, and
transfer to the said Share
[or Shares, as the Case may be], numbered
of and in the Undertaking called "The Newcastle upon Tyne and
North Shields Railway," to hold unto the said ,
his Executors, Administrators, and Assigns, subject to the same
Conditions under which I held the same immediately before the
Execution hereof; and I the said do hereby
agree to accept the said Share [or Shares], subject to the same
Conditions. As witness our Hands and Seals the
Day of

And on every such Sale the said Deed or Assignment (being executed by the Seller or Sellers, and the Purchaser or Purchasers of such Share or Shares) shall be kept by the said Purchaser or Purchasers for his, her, or their Security, after the Clerk of the said Company shall have entered in a proper Book or Books to be kept for that Purpose a Memorial of such Transfer and Sale for the Use of the said Company, and have testified and endorsed the Entry of such Memorial on the said Deed of Sale and Transfer, for which no more than Two Shillings and Sixpence shall be paid ; and the said Clerk is hereby required to make such Entry or Memorial accordingly ; and until such Entry or Memorial shall have been made and entered as above directed such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share or Shares paid to him, her, or them, nor any Vote or Votes in respect thereof as a Proprietor or Proprietors of the said Undertaking.

CI. And

CI. And be it further enacted, That no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking after any Call shall have been made by the said Directors for any Sum or Sums of Money in respect of such Share or Shares; unless he, she, or they, at the Time of such Sale or Transfer, shall have paid or discharged to the Treasurer of the said Company, or to such Person or Persons as the said Directors shall appoint to receive the same, the whole and entire Sum of Money which shall have been called for or in respect of each Share so sold or transferred.

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

CII. And in order to ascertain the Amount of the clear Profits of the said Undertaking, be it further enacted, That the said Company of Proprietors or the Directors of the said Company shall and they are hereby required, from the passing of this Act, to cause a true, exact, and particular Account to be kept, and annually made up and balanced on the Thirty-first Day of *December* in each Year, of the Money collected and received by or for the Use of the said Company by virtue of this Act, and of the Charges and Expences attending the erecting, making, supporting, maintaining, and carrying on the said Works, and of all other the Receipts and Expenditure of the said Company; and at the next Annual General Meeting of the Proprietors of the said Undertaking to be from Time to Time holden as aforesaid, or at some Adjournment thereof, a Dividend shall be made out of the clear Profits of the said Undertaking, unless such Annual Meeting shall declare otherwise; and such Dividend or Dividends shall be at and after the Rate of so much *per Centum* upon the several Sums invested by the Members thereof in the Joint Stock of the said Company, as such Meeting or Meetings shall think fit to appoint and determine.

As to making up Accounts and Division of Profits annually.

CIII. Provided always, and be it further enacted, That notwithstanding any thing herein-before contained it shall be lawful for the said Directors and they are hereby authorized and empowered to declare One or more Dividend or Dividends at such intermediate Times between the said Annual General Meetings as the said Directors shall think fit.

Directors may declare intermediate Dividends.

CIV. And whereas by the Marriage or Death of the Proprietors of Shares in the Undertaking it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid or shall belong; be it therefore enacted, That before any Person or Persons who shall claim any Part of the Profits of the said Undertaking in right of Marriage shall be entitled to receive the same, or shall be entitled to vote in respect of any Shares, a Declaration containing a Copy of the Register of such Marriage or other Particulars of the Celebration thereof shall be made by some credible Person before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry of Transfers or Sales of Shares in the said Company; and before any Person or Persons who shall claim any Part of the Profits of the said Undertaking by virtue of any Bequest or Will, or in the Course of Adminis-

Regulation as to Acquisition of Shares by Marriage, by Will, or in Course of Administration.

Administration, shall be entitled to receive the same, or be entitled to vote in respect of any Share, the said Will, or a Probate thereof, or the Letters of Administration, or a Copy of so much of such Will as shall relate to the Share or Shares of the Testator or Intestate, shall be produced and shewn, by the Executor or Executors of the said Will, or the Administrator or Administrators of the Intestate, to the said Clerk, who shall file and enter the same as herein-before mentioned; and in all Cases other than herein-before mentioned, when the Right and Property of any Share or Shares of the said Company shall pass from the Proprietor or Proprietors thereof to any other Person or Persons by any other legal Means than by a Transfer and Assignment thereof as herein directed, a Declaration as aforesaid shall be made as aforesaid stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons; and such Declaration shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of the Proprietors of the said Company; and the said Clerk of the said Company shall be entitled to receive for each and every of such Entries as is herein-before directed the Sum of Two Shillings and Sixpence and no more.

Receipt of
the Persons
in whose
Names
Shares stand
for Divi-
dends to be
good.

CV. And be it further enacted, That the Receipt or Receipts of the Person or any One of the Persons in whose Name or Names any Share or Shares in the said Undertaking shall stand in the Books of the said Company shall from Time to Time be a sufficient Discharge to the Treasurer or Treasurers for the Time being of the said Company for any Dividend or Dividends, Sum or Sums of Money which in such Receipt or Receipts shall be acknowledged to be received for or in respect of such Share or Shares, notwithstanding any Uses, Trusts, Intents, or Purposes upon or to which such Share or Shares shall be then settled or assigned.

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

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

Rates of
Tonnage.

CVII. And in consideration of the great Charges and Expences which the said Company must necessarily incur and sustain in making and maintaining the said Railways and other the Works hereby authorized to be made and maintained, be it enacted, That it shall be lawful for the said Company, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company, for the Tonnage of all Goods, Commodities, Wares, Merchandizes, Articles, Matters, and Things which shall be carried or conveyed upon or along the said Railways, or upon or along any Part thereof respectively, the Rates, Tolls, and Duties hereafter mentioned; (that is to say,)

For all Coals One Penny Halfpenny *per* Ton *per* Mile, and One Halfpenny *per* Ton for passing either or both of the Bridges at the *Ouseburn* and *Willington Dean*:

For

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

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

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

For all Coke, Culm, and Cinders, Limestone, Lime, Chalk, Dung, Compost, and all Sorts of Manure, and all Materials for the Repair of public Roads or Highways, which shall pass the Inclined Plane upon 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 :

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

CVIII. Provided always, and be it further enacted, That in all Cases where any of the above-mentioned Articles, Matters, or Things, except Coals, shall be carried and conveyed along or upon the said Railways for so short a Distance that the above-mentioned Tonnage Rates shall not amount to the Sum of Sixpence *per Ton*, the said Company shall be at liberty and they 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.

Where Rates do not amount to Sixpence *per Ton*, Company authorized to receive Sixpence *per Ton*.

CIX. 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 Railways for the Conveyance of Passengers, Cattle, or Animals, any Tolls not exceeding the following ; (that is to say,)

Tolls on Carriages conveying Passengers or Cattle on the Railways.

For every Person conveyed in or upon any such Carriage any Sum not exceeding the Sum of Two-pence *per Mile* :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Bull, Ox, Cow, or Neat Cattle conveyed in or upon any such Carriage, any Sum not exceeding the Sum of One Shilling and Sixpence for any Distance :

[*Locat.*]

30 B

For

For every Calf, Sheep, Lamb, or Swine conveyed in or upon any such Carriage, any Sum not exceeding the Sum of Sixpence for any Distance.

Company authorized to carry Passengers, Cattle, and Goods, and to charge for the same.

CX. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to convey upon the said Railway and Branches, or either of them, such Passengers, Cattle and 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.

If certain Bridges are constructed Company may take Tolls on them.

CXI. And be it further enacted, That if the said Company hereby established shall construct the Bridges or Viaducts by which the said Railways shall cross the *Ouseburn* and *Willington Dean*, both situated in the County of *Northumberland*, in such Manner that there shall be a Roadway for the Passage of Foot Passengers, then and in such Case, and when and so soon as the said Bridges or Viaducts so constructed as aforesaid shall be erected and built, it shall be lawful for the said Company established by this Act from Time to Time and at all Times thereafter to cause to be demanded, received, or taken for Pontage or in the Name of a Toll, before or after any Passage over either of such Bridges or Viaducts, any Sum of Money not exceeding the Sum following; (that is to say,)

For every Person passing along the said Bridge on Foot any Sum not exceeding One Penny.

Company to keep Account, and to pay Land Owners Three Farthings per Ton per Mile for Coals carried for Shipment.

CXII. And be it further enacted, That the Company of Proprietors shall and they are hereby required to keep an Account of all Coals carried or conveyed upon or along the said Railways or any Part thereof for Shipment, and to pay to the Person and Persons who for the Time being shall be Owner or Owners or entitled to the Rents and Profits of or otherwise interested in the Lands through which the said Railways shall be made and adjoining thereto, after the Rate of Three Farthings *per Ton per Mile* for the Distance which such Coals shall be so carried or conveyed through the Lands of such Persons respectively; and such Account shall be made up and such Payment made by the said Company of Proprietors at the End of every Half Year from the opening of the said Railways, and in default of Payment the same shall be recovered by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Accounts to remain open to Inspection of Owners entitled to said Payments.

CXIII. And be it further enacted, That the Accounts kept from Time to Time of the Quantities of Coal carried upon and along the said Railways or any Part thereof for Shipment, and from which the Half-yearly Account shall be made up, shall at all reasonable Times be open to the Inspection of the Person or Persons entitled to receive a Payment from the said Company of Proprietors in respect of the Coal so carried.

CXIV. Pro-

CXIV. Provided always, and be it further enacted, That where different Persons shall be interested in any Lands to the Owners of or Persons interested in which such Payment at the Rate of Three Farthings *per Ton per Mile* for Coals carried through the same for Shipment is herein-before directed to be paid, either as Lord and Copyholder, Lessor and Lessee, or otherwise, the said Payment shall be divided and apportioned between such Persons according to their respective Rights and Interests in the Lands, such Proportions to be settled by Agreement in Writing to be in that Behalf made by the Parties interested, if they can agree thereon; which Agreements, when *bonâ fide* made, are hereby declared to be binding on all Persons who at the Times of making the same or at any Time afterwards shall or may be interested in such Lands, although the Parties making the same or any of them may have only a limited or qualified Estate or Interest of and in the Lands comprised in such Agreements; and if the said Division or Apportionment cannot be so settled by Agreement as aforesaid, then and in such Case the same shall be settled by the Award of Two indifferent Persons, One to be chosen in each Case by each of the Parties in dispute, or if they shall differ by the Award of some third Person, being a Barrister of Five Years standing at the least, to be chosen by the Two Arbitrators first chosen as aforesaid, which Appointment of Umpire shall always be made before the Arbitrators shall proceed to consider the Matters referred to them: Provided always, that the Award of such Arbitrators shall in every Case be made in Writing under their Hands Two Calendar Months next after such Arbitrators shall have been appointed, or the Award of such Umpire where the Arbitrators shall differ shall be made in Writing under the Hand of such Umpire within One Calendar Month next after the Matter in difference shall have been referred to him; but if the said Parties so interested shall not agree to settle such Division or Apportionment by Arbitration and Umpirage as aforesaid, then and in such Case the same shall be settled by the Verdict of a Jury, in such Manner as is by this Act directed and provided for settling Disputes as to the Value of Land to be taken by the said Company for the Purposes of this Act: Provided always, that no Agreement shall be binding on any other Persons, except the Parties to the said Agreement shall have such Estate or Interest in the Lands for or in respect of which the said Sum of Three Farthings *per Ton* shall be paid by the said Company as the Persons hereby capacitated to sell have in the Lands to be purchased by the said Company.

As to Apportionment of Tolls on Coals among Land Owners.

CXV. Provided always, and be it further enacted, That notwithstanding any thing herein contained it shall not be lawful for the said Company to charge for the Carriage or Conveyance of Coals along the said Railways or Branch more than One Penny Halfpenny *per Ton per Mile*, and the Sum of One Halfpenny *per Ton* for passing the Two several Bridges or Viaducts, both or either of them, over the Ravine and Burn called *Ouseburn* and the Ravine called *Willington Dean*.

Limiting the Amount of Toll for Coals.

CXVI. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to provide locomotive

Company may provide and charge

for loco-
motive En-
gines or
other pro-
pelling
Power ;

locomotive Engines or other Power for the drawing or propelling of any Articles, Matters, or Things, Persons, Cattle, or Animals, upon the said Railway and Branches or any Part thereof respectively, and to receive, demand, and recover such Sum and Sums of Money for the Use of such Engines or other Power as the said Company or as the said Directors shall from Time to Time think proper, in addition to the several other Rates, Tolls, or Sums in this Act authorized.

and may fix
the Charge
for small
Parcels.

CXVII. And be it further enacted, That it shall be lawful for the said Company from Time to Time, at any General or Special General Meeting of the said Company, to make such Orders for fixing the Sum to be charged by the said Company in respect of small Parcels (not exceeding One hundred and twelve Pounds Weight each), and from Time to Time to repeal or vary the same 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 said Railway or Branches at the same Time.

Power to
reduce Tolls.

CXVIII. And be it further enacted, That it shall be lawful for the said Company from Time to Time, as they may think fit, to reduce all or any of the Rates, Tolls, or Sums by this Act granted, and from Time to Time again to raise the same or any of them, so that the same respectively shall not at any Time exceed the Amount by this Act authorized to be collected.

Rates to be
charged
equally.

CXIX. Provided always, and be it further enacted, That the afore-said 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 per Mile* throughout the whole of the said Railway and Branch in respect of the same Description of Articles, Matters, or Things ; and that 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 and Branch, but that 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 and Branch 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, and Things thereon, any thing to the contrary thereof in anywise notwithstanding.

Act not to
prevent
Owners of
adjoining
Lands from
making
Branches to
communi-

CXX. And be it further enacted, That nothing in this Act contained shall extend to prevent the respective Owners or Occupiers of Land adjoining to the said Railway, or any other Person or Persons, from laying down, either upon his or their own Lands or upon the Lands of other Persons with the Consent of such Persons, any collateral Branches from their respective Lands to communicate with the said

said Railway for the Purpose only of bringing Carriages upon such Railway; and the said Company shall be bound to make, at the Expence of such Owners and Occupiers and other Person or Persons as aforesaid, Openings in the Ledges or Flanches of the said Railway for effecting such Communication in such Places as may be most convenient for that Purpose, and as may the least interfere with the Passage of the said Railway; and the said Company shall not receive any Rate or Toll or Sum for the passing of any Goods or other Things along such Branch so to be made by any such Owner or Occupier or Person as aforesaid: Provided always, that the said Company shall not be bound to make any such Openings in the Ledges or Flanches of the said Railway for the Purpose of effecting such Communication in any Places where they shall have erected or set up any Building, Steam Engine, Works, Machinery, or Yard, or for the Purpose of enabling Carriages to cross the said Railway on a Level, or in any Places which they shall have appropriated or set apart for any specific Purpose with which such Communication would interfere, nor upon any Inclined Plane nor in any Tunnel; and in case any Disagreement or Difference shall arise between such Owners and Occupiers or other Person or Persons and the said Company, as to the proper Places for making any such Openings in the Ledges or Flanches of the said Railway for the Purpose of such Communication, then the same shall be left to the Decision of any Two Justices of the Peace acting within their Jurisdiction, whose Determination, after the Examination of such competent Witnesses as may be produced before them, shall be binding; and such Justices are hereby authorized and empowered to take cognizance of all such References, and to act therein accordingly.

cate with
the Railway.

CXXI. And be it further enacted, That all Persons shall have free Liberty to pass along and upon and to use and employ the said Railways and other Works, with Waggons and other Carriages, and locomotive Engines, properly constructed, other than those belonging to the said Company 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 or by the said Directors by virtue of the Powers to them respectively by this Act granted.

Railway to
be free on
Payment of
Rates.

CXXII. And be it further enacted, That in all Cases where there shall be a Fraction of a Ton a Proportion of the Rates shall be demanded and taken for such Fraction according to the Number of Quarters of a Ton contained in such Fraction, and when there shall be a Fraction of a Quarter of a Ton such Fraction shall be deemed and considered as a Quarter of a Ton; and in all Cases where there shall be a Fraction of a Mile in the Distance which any Waggon, Cart, or other Carriage shall pass upon the said Railways, the Rates of Tonnage which shall be demanded and taken for the Conveyance of Goods shall be after the Rate of the Number of Quarters of Miles which the said Waggon, Cart, or other Carriage shall have passed, and when there shall be a Fraction of a Quarter of a Mile such Fraction

Regulations
as to the
fractional
Parts of a
Ton or Mile.

[*Local.*]

30 C

tion

tion shall be deemed and considered a Quarter of a Mile; and in order to ascertain and calculate with greater Precision and Facility the Distance for which Tonnage shall be demanded and taken upon the said Railways, the said Company shall cause the said Railways to be measured, and Stones or other conspicuous Marks to be set up and for ever maintained at the Distance of a Quarter of a Mile from each other, with proper Inscriptions.

Power of
Re-entry.

CXXIII. And be it further enacted, That in case all or any of the Tolls or Duties arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof, shall be in arrear or unpaid by 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 Tolls or Duties, or in case any temporary or other Collector of the said Tolls and Duties shall be discharged from his Office by virtue of this Act, or shall die, abscond, or absent himself, and any such Collector shall be so discharged, or the Wife, Widow, or any of the Children or Family or other Representatives of any Collector who shall die, abscond, absent himself, or be discharged, or any other Person or Persons, shall refuse to deliver up the Possession of any Toll House or Toll Houses, Weighing Machine or Weighing Machines, or other Building or Buildings, with the Gardens and other Appurtenances thereto respectively belonging, to be erected, built, constructed, or set up by virtue of this Act, for the Space of Three Days after Demand thereof made in Writing, given or left at such Toll House, Weighing Machine, or Buildings, or at any of such Toll Houses, Weighing Machines, or Buildings which shall be or have been in the Possession or Occupation of such Collector or other Person or Persons, such Demand in Writing to be signed by any Two or more of the Directors (although not assembled at a Meeting) or by the Clerk or Treasurer for the Time being of the said Company, or in case any such Lease, Agreement, or Contract shall in any other Manner become void, then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the said Town and County of *Newcastle upon Tyne* or for the said County of *Northumberland*, or either of them respectively, upon Application made by the said Directors or by the Treasurer or Clerk for the Time being of the said Company, by Warrant under their respective Hands and Seals, 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, Weighing Machine, or other Building, with the Gardens and all other the Appurtenances thereto belonging, and to remove and put such Lessee or Lessees, Farmer or Farmers, or other the Person or Persons who shall be found therein, together with his, her, or their Goods, from and out of the same and the Possession thereof, and from the Collection of such Tolls and Duties, and to put the said Company or any of them, or their new Lessee, Farmer, or Collector, Lessees, Farmers, or Collectors, into the Possession thereof; and thereupon it shall

shall be lawful for the said Directors, if they shall see fit, 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 or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, and Agreements on the Lessees Part) as if such Lease, Contract, or Agreement had never been made; and it shall be lawful for the said Company or Directors in every such Case again to demise or let to farm the said Tolls and Duties to any other Person or Persons, 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.

CXXIV. And be it further enacted, That Bridges constructed by the said Company in pursuance of this Act shall not be adjudged or taken to be County Bridges, or subject the Town and County of *Newcastle upon Tyne* or the County of *Northumberland*, or either of them respectively, to the repairing, amending, or supporting the same, any Law or Statute to the contrary thereof notwithstanding.

Bridges not to be deemed County Bridges.

CXXV. Provided always, and be it further enacted, That the said Company shall from Time to Time cause to be painted on Boards, and affixed and stuck up, and continued and renewed as often as the same shall be obliterated and defaced, upon every public Wharf, and upon every Stop Gate or Toll House on the said Railways, in some conspicuous Place, in large and legible Characters, an Account or List of the several Rates, Tolls, and Duties which the said Company shall from Time to Time so direct and appoint to be taken, and of the Price or Prices, Sum and Sums of Money so allowed to be taken for the Carriage of all and every such Parcel and Parcels, not exceeding Five hundred Pounds Weight as aforesaid, upon the said Railways or any Part thereof respectively; and in case any Owner or Master of any Waggon or other Carriage, or other Person passing upon the said Railways or any Part thereof respectively, or any Collector of the Rates, Tolls, or Duties aforesaid, shall, after such Account or List shall be affixed and stuck up as aforesaid, demand or take more than the Price or Sum or Sums of Money therein specified and ascertained, such Owner, Master, Collector, or other Person as aforesaid shall forfeit any Sum not exceeding Five Pounds.

List of Tolls to be painted on Boards and fixed in conspicuous Places.

Penalty on Persons demanding more than the proper Rate of Carriage.

CXXVI. Provided always, and be it further enacted, That it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any Tolls for or in respect of any Goods, Articles, Manufactures, or Things, Carriages, Passengers, Horse, Mule, Ass, or other Beast, but for and during such Time as the Board so painted as aforesaid shall remain affixed to the public Wharf, Stop Gate, or Toll House at which the same Tolls shall be demanded.

Tolls only payable whilst Board remains.

CXXVII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously pull down, deface, or destroy any Board whereon any Rules, Orders, Bye Laws, Tolls, or Rates shall be painted, he, she, or they shall, on Conviction, forfeit and pay to the said Company a Sum not exceeding Five Pounds, to be levied and

Penalty on Persons defacing the Boards.

and applied as other Penalties are by this Act directed to be levied and applied.

For prevent-
ing Toll
Collectors
misbehav-
ing.

CXXVIII. And be it further enacted, That every Toll Collector shall and he is hereby required to place his Christian and Surname painted on a Board in legible Characters in the Front or some other conspicuous Part of the Stop Gate, Toll House, or Toll Gate immediately on his coming on Duty, each of the Letters of such Names to be at least Two Inches in Length and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall keep the same so placed during the whole Time he shall be upon Duty; and if any Collector of the same Tolls, Rates, or Duties shall not place such Board as aforesaid, and keep the same there during the Time he shall be such Collector as aforesaid, or shall demand or take a greater or less Toll, Rate, or Duty from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the said Company made in pursuance thereof, or shall demand or take a Toll, Rate, or Duty from any Person or Persons who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer any Person to read or shall in anywise hinder any Person or Persons from reading the Inscriptions on the Board to be affixed and placed as aforesaid, or shall refuse to tell his Christian or Surname to any Person who shall demand the same, on having paid the said Tolls, Rates, or Duties, or any of them, or shall in answer to such Demand give a false Name or Names, or upon the legal Toll, Rate, or Duty being paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Goods, Carriage, or Passenger from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Treasurer, Clerk, Engineer, or other Officer, or to any Passenger, then and in every such Case every such Toll Collector shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Recovery of
Rates, &c.

CXXIX. And be it further enacted, That the several Rates, Tolls, and other Sums by this Act authorized to be taken shall be paid to such Persons, at such Places upon or near the said Railways, and in such Manner and under such Regulations as the said Company at some General or Special General Meeting, or as the said Directors shall, by Notice to be annexed to the Account or List of Rates, Tolls, or Sums, appoint; and in case of Refusal or Neglect, on Demand, to pay such Rates, Tolls, or Sums as may have accrued due unto the Person or Persons appointed to receive the same, the said Company may, in case such Rates, Tolls, or Sums shall amount to or exceed the Sum of Five Pounds, sue for and recover the same by Action of Debt or upon the Case in any of His Majesty's Courts of Record; or the Person or Persons to whom such Rates, Tolls, or Sums ought to have been paid may, and they are hereby respectively empowered, whether such Rates, Tolls, or Sums shall amount to Five Pounds or not, to seize the Articles, Matters, and Things, Carriages, Cattle, and Animals, for or in respect whereof such Rates, Tolls, or Sums ought to be or to have been paid, or any Part thereof, and also any other Articles, Matters, and Things, and Carriages which shall belong to
the

the Person or Persons to whom the Articles, Matters, Things, Carriages, Cattle, or Animals so made liable to Seizure shall belong, and which shall pass upon the said Railways or any Part thereof, and to detain the same until Payment shall be made of all such Rates, Tolls, or Sums, together with the reasonable Charges for such Seizure and Detention; and if such Articles, Matters, and Things, Carriages, Cattle, and Animals, shall not be redeemed within Five Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent: Provided always, that in case such Rates, Tolls, or Sums so due as aforesaid shall not amount to the sum of Five Pounds, it shall not be lawful for the said Company to sue for the same by Action of Debt or on the Case, but the same shall and may be recovered by Distress and Sale only, as herein-before mentioned.

CXXX. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of the Rates, Tolls, or Duties due, or 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 until the Amount of the Rates, Tolls, or Duties due, and the Charges of seizing, distraining, keeping, or selling such Distress, as the Case shall happen, shall be ascertained by some Justice of the Peace for the Town and County of *Newcastle upon Tyne* or for the County of *Northumberland*, or either of them respectively, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath of the Parties or other Witness or Witnesses, and determine the Amount of the Rates, Tolls, or Duties due; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the Parties to the other of them as he shall think just and reasonable; and in case of Nonpayment thereof, on Demand, such Costs shall be levied by Distress and Sale of Goods and Chattels of the Party directed to pay the same, by Warrant under the Hand and Seal of such Justice.

As to Disputes about the Amount of Tolls.

CXXXI. And be it further enacted, That it shall be lawful for the said Company at any of their General Meetings, by Writing under their Common Seal, at any Time or Times to let to farm the Rates, Tolls, and Duties hereby made payable, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Railways, unto any Person or Persons, for any Term or Time which they shall think proper, not exceeding Three Years from the Commencement of any Lease; and every such Lease shall be valid and effectual, and the Lessee or Lessees thereof, and all such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the said Rates, Tolls, and Duties so let, shall during the Continuance of any such Lease be deemed Collectors of the Rates so let, but for the proper Use of such Lessee or Lessees, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company: Provided that public Notice of the Intention to let the said Rates, Tolls, and Duties, or any Part thereof, shall be given by the said Directors, or by the Clerk of the said Company of Proprietors, by Advertisement published in some Newspaper or Newspapers circulated within the

Company empowered to lease the Rates.

Notice of Intention to let the same to be given.

[*Local.*]

30 D

said

said Town and County of *Newcastle upon Tyne* and the said County of *Northumberland*, at least Fourteen Days prior to any General Meeting at which the said Rates, Tolls, and Duties, or any Part thereof, are proposed to be let as aforesaid.

Owners of
Waggons to
give an Ac-
count of
Lading.

CXXXII. And for the better ascertaining and more easily collecting of the said Rates, Tolls, and Duties, be it further enacted, That the Owner or Owners, or Person or Persons having the Care of any Waggon or other Carriage passing upon the said Railways or upon any Part thereof respectively, shall, upon Demand, give an exact and true Account in Writing, signed by him or them, to the Collectors of the said Rates and Tolls at the Place or Places where they shall attend for that Purpose, of what Quantity of Goods and other Things as aforesaid shall be in such Waggon or other Carriage; and, with respect to such Waggon or other Carriage, from whence brought, and where the same are intended to be unladen or left; and if the Goods or other Things contained in any such Waggon or other Carriage shall be liable to the Payment of different Rates, then such Owner or other Person or Persons shall specify the Quantities liable to each or any of the said Rates; and in case he or they shall neglect or refuse to give and deliver such Account, or to produce his or their Bill of Lading to any Collector demanding the same, or shall give a false Account, or shall deliver any Part of his Lading or Goods at any other Place than is mentioned in such Account, with an Intent to avoid the Payment of the said Rates, Tolls, or Duties, or any Part of them, and shall thereof be convicted by any Justice of the Peace for the said Town and County of *Newcastle upon Tyne* or for the County of *Northumberland*, or either of them respectively, 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 and other Things, and so in proportion for any less Quantity than a Ton, which shall be in such Waggon or other Carriage of which such Account shall be so refused to be given, or which shall be fraudulently delivered out as aforesaid, as the Case shall happen to be, over and above the Rate, Toll, or Duty to which such Articles or Things may be liable.

for ascer-
taining the
Weight of
Tonnage.

CXXXIII. And for better ascertaining the Tonnage of Goods and other Things to be charged with the Payment of such Rate as aforesaid, be it further enacted, That One hundred and twelve Pounds Weight shall for the Purposes of this Act be deemed, rated, or estimated as for One Hundred Weight, and that Twenty such Hundred Weight shall be deemed, rated, and estimated as for One Ton; and for ascertaining the Tonnage of Stone and Timber, that Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Beech, and Ash, and Fifty Cubic Feet of all other Timber, shall for the Purposes of this Act be deemed, rated, or estimated as and for One Ton Weight; any Usage to the contrary notwithstanding.

If any Dif-
ference arise
concerning
Weight, Col-
lector may

CXXXIV. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, Tolls, and Duties, or any Toll Keeper, or any Officer or Servant of the said Company, and the Owner or Person having the Charge of any Waggon or other Carriage,

Carriage, or the Owner of any Goods or other Things, it shall be lawful for any such Collector to stop and detain any such Waggon or other Carriage, and to weigh, measure, and gauge, or cause to be weighed, measured, and gauged, such Waggon or other Carriage; and all such Goods and other Things as shall be therein respectively contained; and in case the same shall upon such weighing, measuring, or gauging appear to be of greater Weight or Quantity than what is set forth or contained in the Account given thereof as aforesaid, then the Owner or Person giving in such Account shall pay the Costs and Charges of such weighing, measuring, and gauging; all which Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered and levied by such Ways and Means and in such Manner as the said Rates, Tolls, and Duties are hereby appointed to be recovered and levied; but if such Goods or other Things shall appear to be of the same or less Quantity or Weight than the same shall by such Account appear to be of, then the said Collector shall pay the Costs and Charges of such weighing, measuring, or gauging, and also shall pay to such Owner or Person, or to the Owner or Owners of such Goods or other Things, such Damage as shall appear to any Justice of the Peace for the County in which such weighing, measuring, or gauging shall be made and Detention take place, on the Oath of any credible Witness (which Oath the said Justice is hereby authorized to administer), to have arisen from such Detention; and in default of immediate Payment thereof by the Collector, the same may be recovered by Distress and Sale of the Goods of the said Company or of the said Collector, 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.

weigh or
measure
Waggon.

CXXXV. And for the better Regulation of the Owners of Waggon and other Carriages, and others employed by and under them respectively, and for the more easy Detection of any thing by them done contrary to the Directions of this Act, be it further enacted, That the Owner or Owners of every Waggon or other Carriage passing along the said Railways shall cause his, her, or their Name or Names and Place of Abode or Place or Office of Business, and the Number of his or their Waggon or other Carriage, to be entered with the Clerk of the said Company, and shall also cause such Name or Names and Number to be painted in large White Capital Letters and Figures on a Black Ground, Two Inches high at least and of a proportionate Breadth, on some conspicuous Part on the Outside of every such Waggon or other Carriage, so as to be always open to View, and shall permit and suffer every such Waggon or other Carriage to be gauged, weighed, and measured at the Expence of the said Company, whenever it shall be required by them, or any Person or Persons by them appointed for that Purpose, and shall mark in like Manner the Weight and Gauge of every such Waggon or other Carriage on some conspicuous Part on the Outside thereof; and every Owner or Owners, or other Persons having the Care of any Waggon or other Carriage, or who shall conduct the same upon the said Railways without having such Waggon or other Carriage previously gauged, weighed, and measured, or without having such Gauge or Weight and such Names and Figures marked thereon respectively as herein-before directed; or

Owners to
put their
Names on
the Outside
of their
Waggons;

who

who shall alter, erase, or deface such Gauge and Weight and Names and Figures, or any of them, or any Part thereof, or shall fix thereon any false Gauge, Weight, Name, or Figure, or who shall refuse to permit and suffer such Waggon or other Carriage to be gauged, weighed, and measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Twenty Shillings.

and to be
accountable
for Damage
done by
their Ser-
vants;

CXXXVI. And be it further enacted, That the Owner or Owners of every Waggon or other Carriage passing upon the said Railways shall be, and he, she, and they is and are hereby respectively made answerable for any Trespass, Damage, Spoil, or Mischief that shall be done by his, her, or their Waggon or other Carriage, or by any of the Waggoners or Drivers or other Person or Persons belonging to or employed in or about the same respectively, to the said Railways, or to any Bridges, Wharfs, Engines, Embankments, deep Cuttings, Inclined Planes, Tunnels, or other Works or Conveniences made or to be made by virtue of this Act, either by the loading or unloading of every Waggon or other Carriage, or by any Means whatsoever; and the said Owner or Owners of such Waggon or other Carriage shall for every such Damage, upon Conviction of any such Person or Persons before some Justice of the Peace, either by the Confession of the Party or Parties offending, or upon the Oath or Oaths of some credible Witness or Witnesses (which Oath or Oaths such Justice is hereby empowered to administer), pay to the Person injured the Damages to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Twenty Pounds, and also shall over and above such Damage forfeit and pay to the Informer any Sum not exceeding Five Pounds, and all the Costs, Charges, and Expences attending such Conviction, which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners of any such Waggon or Carriage, by Warrant or Warrants under the Hand and Seal of such Justice; and the Overplus (if any), after such Penalty, Damages, and the Costs and Charges of such Distress and Sale have been deducted, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; or if the Damages shall exceed the Sum of Twenty Pounds, then and in such Case the Owner or Owners of such Waggon or other Carriage 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 on Proof made or by Default or upon Demurrer, the Plaintiff in any such Case shall recover his Damages thereby sustained, with full Costs of Suit.

from whom
they may re-
cover back
any Sum
paid for their
Neglect.

CXXXVII. Provided always, and be it further enacted, That in case the Owner or Owners of any Waggon or other Carriage passing upon the said Railways shall be compelled to pay any Penalty or to make Satisfaction for any Damages by reason of any wilful Act, Neglect, or Default of his, her, or their Servant or Servants, or Waggoners or Drivers, then and in such Case ever such Servant or Waggoner or Driver shall be liable to pay such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners; and in case of Nonpayment thereof on Demand, and the Oath made of such Owner or Owners of the Payment by him, her, or them of such Penalty or Satisfaction, and that the same hath not been repaid to him, her, or them

them by such Servant or Servants, Waggoner or Waggoners, or Drivers, such Oath to be made before some Justice of the Peace for the County or Place in which such Penalty was incurred, the same Penalty and Satisfaction 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 or Servants, Waggoner or Driver, together with all Costs and Charges attending such Distress and Sale; and the said Penalty and Satisfaction, when recovered, shall be paid to such Owner or Owners, in discharge of such Penalty and Satisfaction so by him, her, or them paid for the wilful Neglect or Default of such Servant or Servants, Waggoner or Driver as aforesaid; and in case no sufficient Distress can be had such Justice shall and is hereby required to commit such Servant or Servants, Waggoner or Driver, to the Common Gaol or House of Correction of the said County or Place, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months.

CXXXVIII. And be it further enacted, That if any Person or Persons shall suffer the Loading of any Waggon or other Carriage using the said Railways to extend more than Two Feet over and beyond the Flanch or Lip of each or either Wheel of such Waggon or other Carriage, the Owner or Owners or other Person or Persons having the Care thereof shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on Persons suffering the Loading of Waggons to extend more than Two Feet over the Wheel.

CXXXIX. Provided always, and be it further enacted, That every stationary Engine to be used by the said Company for the Purposes of this Act shall be constructed upon the Principle of consuming its own Smoke, under a Penalty of Five Pounds for every Day such stationary Engine not so constructed shall be so used; provided also, that no Fuel save Coke shall be consumed by the locomotive Engines used on the said Railway and Branch, under a Penalty of Five Pounds for every Offence; which said Penalties may be recovered and applied as any Penalties or Forfeitures (for the Recovery and Application whereof no special Directions are given) are by this Act directed to be recovered and applied.

Stationary Engines to consume their own Smoke, and locomotive Engines to burn Coke.

CXL. And be it further enacted, That no Carriage shall pass along or upon the said Railway or any Part thereof, or the Works connected therewith, (except in directly crossing the same, as herein authorized, for the Occupation of the respective Lands through which such Railway shall be laid, or in passing any public or private Carriage Road which may happen to cross the said Railway,) unless such Carriage shall at all Times, so long as it shall be used or shall be on the said Railway and Works or any Part thereof, remain and be of such Construction and in such State and Condition as the Rules and Regulations of the said Company may from Time to Time or at any Time require; which Rules and Regulations the said Company are hereby expressly authorized to make, and wholly or partially 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 have any Effect as Rules

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

[*Local.*]

30 E

and

and Regulations, be published once in some One Newspaper of every County through which the said Railway shall pass; and such Publication 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 a Newspaper of each of the said Counties, containing a Notice purporting to be a Notice of the Rules and Regulations of the said Company, 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 State and Condition at any Time of any such Carriage in reference to the 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 Arbitrators and their Umpire, or of any Two of them, (as the Case may be,) shall be final and conclusive; and if either the said Company or the said Owner shall for Twenty Days after being so 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 at the 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 Five Pounds nor less than Two Pounds for every such Offence.

Penalty on
Persons ob-
structing the
free Course
of the Rail-
way.

CXLI. And be it further enacted, That if any Person shall throw any Gravel, Stones, or Rubbish, or any Matter or Thing, upon any Part of the said Railways to be made by virtue of this Act, or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, or shall do any other Act, Matter, or Thing to obstruct the free Passage of the said Railways or any Part thereof respectively, every Person so offending in any of the Cases aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds nor less than Forty Shillings.

Wilfully de-
stroying the
Works,
Felony.

CXLII. And be it further enacted, That if any Person shall wilfully and maliciously, and to the Prejudice of the said Undertaking, injure, damage, break, throw down, destroy, steal, carry, or take away any Part of the said Railways or other Works to be erected and made by virtue of this Act, every Person so offending, and being thereof lawfully convicted, shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such

such Person shall be tried and convicted shall have Power and Authority to cause such Person to be transported for the Term of Seven Years, or in mitigation of such Punishment such Court may, if they think fit, award such Sentence as the Law directs in Cases of Petit Larceny.

CXLIII. And be it further enacted, That it shall be lawful for the said Company from Time to Time to make such Rules, Orders, and Regulations as they shall think proper for or relating to Waggon or other Carriages, and also for the loading thereof respectively, passing along or using the said Railways or any Part thereof respectively, and other Works; and all such Rules, Orders, and Regulations shall be binding upon and be conformed to by the Owners or Persons having the Care or Conduct of such Waggon or other Carriages, upon pain of forfeiting a Sum not exceeding Five Pounds for every Default.

Company to regulate the Passage on the Railway.

CXLIV. And be it further enacted, That in all Cases in which the said Company shall carry for their own Profit any Passengers, Cattle, or other Animals, Goods, Wares, or Merchandize, Articles, Matters, or Things, a separate Account shall be duly kept showing the Amount of Rates or Tolls which would have been received by the said Company for the Use of the said Railway in respect of such Passengers, Cattle, or other Animals, Goods, Wares, Merchandize, Articles, Matters, or Things, if carried by any other Party or Parties; and the said Company shall also keep a separate Account of the Amount of the Rates or Tolls which shall from Time to Time be received by the said Company for the Use of the said Railway in respect of any Passengers, Cattle, or other Animals, Goods, Wares, and Merchandize, Articles, Matters, and Things, carried by any other Party or Parties; and the Overseers of the Poor of the several Parishes and Townships through which the said Railway shall pass shall have free Access to and Liberty to inspect the same at any Times during the first Fourteen Days in the Months of *February* and *August* in each Year.

Company to keep a separate Account of the Tolls.

CXLV. And be it further enacted, That if any Waggon or other Carriage, or any Goods, Merchandize, Article, Matter, or Thing, shall be placed or suffered to remain in any Part of the said Railways or other Works so as to obstruct the Passage thereof, and the Person or Persons having the Care of such Waggon or other Carriage, Goods, Merchandize, Article, Matter, or Thing, shall not immediately upon Request made remove the same, he or they shall forfeit for every such Offence any Sum not exceeding Five Pounds for every Hour such Obstruction shall continue after the making of such Request; and it shall be lawful for every Agent or Officer of or belonging to the said Company to cause any such Waggon or other Carriage, Goods, Merchandize, Article, Matter, or Thing, to be unladen, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction, and to detain any Waggon or other Carriage, Goods, Merchandize, Article, Matter, or Thing, or any Part thereof, until the Charges occasioned by the Removal shall be paid; and the said Company shall not, nor shall any Officer, Agent, or other Servant of or belonging to the said Company, be liable or accountable for any accidental

Penalty on obstructing the Use of Railways.

dental Damage, Loss, or Injury occasioned by any such unloading or by any such Removal, or for any Delay occasioned thereby, nor in any other Way save and except for wilful Damage done to any Waggon or other Carriage, or to any Article so unladen or removed; nor shall they be liable for the safe Custody of any Waggon or other Carriage, or any Article, Matter, or Thing, that shall be so removed, unless the same shall be detained by the said Company as aforesaid, and then only for so long a Time as the same shall be detained.

Company to erect Gates, &c. under the Direction of Justices of the Peace.

CXLVI. And be it further enacted, That the said Company of Proprietors shall, at their own Expence, Costs, and Charges, after any of the said Railways shall be laid out or formed, make, erect, and set up, and from Time to Time maintain and support, such and so many convenient Gates in and upon the said Railways, and also all such Bridges, Arches, Hollows, Culverts, Hedges, Fences, Ditches, Drains, together with necessary Gates and Stiles, and other Passages, (such Gates being made to open from the said Railways), over and under or by the Side of or leading to and into and upon the said Railways, of such Dimensions and in such Manner as Two or more Justices of the Peace for the said Town and County of *Newcastle upon Tyne* or for the County of *Northumberland*, or either of them respectively, shall from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same, for protecting the Lands and Grounds through which such Railways shall be made from Trespass, or the Cattle or other Property of the Owners or Occupiers thereof from estraying or escaping thereout by reason of such Railways or other Works authorized by this Act, and for conveying from the Lands adjoining or lying near to the said Railways the Water which otherwise might or would be obstructed by the same, to the Prejudice of such Lands, and otherwise for the Use and Benefit of the Owners or Occupiers of the Lands through which the said Railways shall pass, and which shall be affected or prejudiced thereby; and all such Gates, Bridges, Arches, Hollows, Culverts, Hedges, Fences, Ditches, Drains, and Passages so to be made as aforesaid shall from Time to Time and at all Times thereafter be supported, maintained, and kept in sufficient Repair and Condition by the said Company; and for the Purpose of enabling the said Company to form, make, erect, and set up such Gates, Bridges, Arches, Hollows, Culverts, Hedges, Fences, Ditches, Drains, and Passages, and from Time to Time to maintain and support the same, the said Company, their Deputies, Servants, Agents, Surveyors, and Workmen, are hereby authorized and empowered to enter into and upon all Lands and Grounds adjoining the said Railways, and to lead and carry the Materials for making or repairing such Gates, Bridges, Arches, Hollows, Culverts, Hedges, Fences, Ditches, Drains, and Passages, in Carts and other Carriages, across or along such Lands or Grounds, doing as little Damage as may be to the same; and in case the said Company shall refuse or neglect to make, erect, or set up such Gates, Bridges, Arches, Hollows, Culverts, Hedges, Fences, Ditches, Drains, and Passages as herein-before directed, or to maintain and support the same or any of them when erected, set up, and made in manner aforesaid, for the Space of Twenty Days next after the Time to be appointed for those Purposes respectively by such Justices, then and in

in every such Case it shall be lawful for the Owners or Occupiers of the said Lands or Hereditaments who shall find himself, herself, or themselves aggrieved by such Neglect or Refusal, to make, erect, and set up such Gates, Bridges, Arches, Hollows, Culverts, Hedges, Fences, Ditches, Drains, and Passages as the said Justices shall have before directed or appointed to be made, erected, and set up as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining such Gates, Bridges, Arches, Hollows, Culverts, Hedges, Fences, Ditches, Drains, and Passages as aforesaid the said Railways, or any Buildings and other Things hereby authorized to be made and erected by the said Company, shall not be obstructed or injured for any longer Space of Time or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Justices, shall be repaid to the respective Owners or Occupiers of the said Lands and Hereditaments who shall have so erected and made, repaired or maintained such Gates, Bridges, Arches, Hollows, Culverts, Hedges, Fences, Ditches, Drains, and Passages as aforesaid, by the said Company, within the Space of Ten Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof to and from the said Company; and in default of Payment of the said Costs and Charges within the Time aforesaid the said Justices shall and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company, for the Use of the Person or Persons to whom such Costs and Charges shall have been allowed, rendering to the said Company the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices; and every or any of the said Owners or Occupiers, upon Refusal or Neglect by the said Company to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedies against them or any of them for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is by this Act directed.

CXLVII. Provided always, and be it further enacted, That if the Owners and Occupiers of any Lands or other Hereditaments through which the said Railways shall be made do and shall at any Time or Times hereafter apprehend that any of the Gates, Bridges, Arches, Culverts, Hedges, Fences, Ditches, Drains, and Passages respectively which the said Justices shall have so directed or appointed to be made by the said Company are insufficient, either in their Number or as to their Situation, for the commodious Use and Occupation of the respective Lands and Hereditaments through which the said Railways shall pass, then and in any such Case it shall be lawful for any such Owners or Occupiers, with the Consent and Approbation of the said Company, upon Request made to them, or in case of their Refusal for the Space of Fourteen Days next after such Request, then with the Consent and Approbation of the said Justices, to make, fix, and erect, at their own Costs and Charges, any other Gates, Bridges, Arches, Hollows, Culverts, Ditches, Hedges,

Owners of Land empowered to erect Gates, &c. on Insufficiency of those erected by the Company.

[*Local.*]

30 F

Hedges, Fences, Drains, and Passages, of the same or the like Construction or Form with those made and erected by the said Company, in, upon, and along or near to the said Railways, in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands or Hereditaments, and to repair and support the same at their own Costs and Charges as Occasion shall require, so that the Passage through or along the said Railways be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than the same would necessarily have been if such Gates, Bridges, Arches, Culverts, Ditches, Hedges, Fences, Drains, and Passages had been made or erected by the said Company.

For fencing
the Railways
through
private
Lands.

CXLVIII. And be it further enacted, That the said Company shall and they are hereby authorized and required, at their own Expence, after any Land shall have been taken for the Use of the said Railways and other Works, to separate the same and to keep the same constantly separated from the Lands adjoining to such Railways and other Works with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, and shall erect all necessary Gates and Stiles in such Fences (such Gates being made to open towards such Lands, and not towards the said Railways), then and in every such Case herein-before mentioned the Powers, Provisions, Directions, and Regulations herein-before contained with respect to the Gates and other Works herein-before mentioned shall extend and apply to the erecting and maintaining in repair of such Fences, and the Gates and Stiles to such Fences, as fully and effectually to all Intents and Purposes as if the Powers, Provisions, Directions, and Regulations were repeated and re-enacted with respect to such Fences, and the Gates and Stiles to such Fences.

Owners and
Occupiers
to pass along
Railways
without Pay-
ment of
Toll.

CXLIX. Provided always, and be it further enacted, That it shall and may be lawful for the Owners and Occupiers of the respective Lands or Grounds through which the said Railways or any of them shall be made, and for their Servants and Workmen, not damaging or obstructing the same or the Passage thereof, at all Times, for the Purpose of occupying the same Lands, without Payment of any Toll or Tonnage, to pass and repass, and to lead and drive any Carriage, Horse, Mule, or Ass, Cow or any other Neat Cattle, Sheep, Swine, or any other Beast, directly over and across such Part of the said Railways or any of them as shall be made in or upon the said Lands or Grounds respectively, and also along the said Railways or any of them, but so far only as their own Lands extend, and so as not to damage or injure the said Railways.

Railways not
to be used as
a Passage
for Horses
or other
Cattle;

CL. And be it further enacted, That if any Person or Persons (save and except the said Proprietors and the Agents or Servants employed by them, and by them only for the Purposes of the said Railways) shall ride, lead, or drive, or cause to be ridden, led, or driven, upon such Railways or any Part thereof respectively, without the Licence and Consent of the said Company, any Horse, Mule, or Ass, or shall lead or drive or cause to be led or driven thereon any Cow

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, and in passing along the same for the necessary Occupation of the respective Lands through which the said Railways may be laid), he and they shall forfeit to the said Company any Sum not exceeding Forty Shillings nor less than Twenty Shillings.

CLI. And whereas it might be very injurious to the said Railways and the Works thereof, and inconvenient and dangerous to the Public, if the said Railways by this Act authorized to be made were permitted to be used by Persons on Foot or on Horseback; be it therefore enacted, That if any Person or Persons shall travel or pass on Foot upon the said Railways without the Licence and Consent of the said Company (except for the Purpose of attending any Waggon, Cart, or Carriage under his or their Care, and also except the Owners and Occupiers of any of the Lands or Grounds adjoining the said Railways, their Families, Agents, or Servants, in passing across or along the same for the necessary Occupation of the respective Lands or Grounds through which the said Railways may be made), every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Forty Shillings.

nor as a
Footpath.

CLII. And be it further enacted, That no Person or Persons whomsoever shall pass upon the said Railways with any Waggon or other Carriage whatsoever unless the same shall be constructed agreeably to the Orders and Regulations of the said Company, which Orders and Regulations shall be fixed on a conspicuous Part of every Toll House erected on such Railways for the collecting of the Rates and Tolls by this Act imposed (except in crossing or passing along the same for the convenient Occupation of the adjacent Grounds, or in passing along any public or private Carriage Road which may happen to cross the said Railways); and if any Person or Persons whomsoever shall pass upon any Part of the said Railways with any Waggon or other Carriage not constructed in the Manner herein-before directed or referred to (except as aforesaid), he, she, or they so offending shall for every such Offence forfeit to the said Company any Sum not exceeding Ten Pounds nor less than Five Pounds.

No Waggon
to pass un-
less con-
structed as
directed by
the Com-
pany.

CLIII. 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 Railways, 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 Railways or any Part thereof respectively 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

Weight al-
lowed to be
carried.

and take such Rate or Tonnage as they or he may deem reasonable and proper.

Gates to be fastened after Waggon shall have passed through.

CLIV. And be it further enacted, That all and every Person and Persons opening any Gate set up across the said Railways shall, and he, she, and they is and are required, as soon as he, she, or they, and the Waggon or other Carriage, shall have passed through the same, to shut and fasten the said Gate; and every Person neglecting so to do shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, to be levied and recovered as herein-after mentioned; and the Money arising by such Forfeiture or Forfeitures shall be applied in manner following; (that is to say,) One Half Part thereof shall be paid to the Informer, and the Residue thereof to the Poor of the Township or Parish wherein such Offence shall be committed.

Owners of adjoining Lands may make Roads across the Railway.

CLV. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent the Owner or Owners of any Land or Ground lying adjoining or near to the said Railways from making any Railway, common Road, or Watercourse to, from, or across the said Railways hereby authorized to be made, and to use such Railway, common Road, or Watercourse, for the Benefit of themselves and of all and every other Person and Persons to whom they may from Time to Time give Leave, and in such Way and for such Purpose as they may require, so that such Railway, common Road, or Watercourse do no Injury to and do not prevent the free Passage over, upon, and along the said Railways hereby authorized to be made by the said Company.

Company may contract for the Works.

CLVI. And be it further enacted, That the said Company, or such Person or Persons as they shall for that Purpose appoint, is and are hereby authorized to contract and agree with any Person or Persons for making the said Railways or any Part or Parts thereof, or any other of the Works hereby authorized to be made or done by the said Company, in such Manner, and for such Sum and Sums of Money, and under such Regulations and Restrictions as the said Company shall think proper; and all Contracts in Writing for any of the Purposes aforesaid shall be binding on the said Company and all other the Parties thereto, and their respective Successors, Heirs, Executors, or Administrators, and Actions and Suits may be maintained thereon, and Damages and Costs recovered against the said Company or either of the Parties failing in the Execution thereof.

Company to make sufficient Drains to carry Water off the Lands.

CLVII. And be it further enacted, That the said Company of Proprietors shall and they are hereby required, at their own proper Costs and Charges, to make proper Watering Places for Cattle in all Cases where by means of the said Railways or other Works the Cattle of any Person or Persons occupying Lands adjacent thereto shall be deprived of their ancient Watering Place, and to supply the same at all Times with Water from such Rivers, Brooks, Streams, or Springs of Water as would have supplied the Cattle of such Person or Persons if the said Railways had not been made, or from any other Source or Feeder which can readily be obtained for that Purpose; and it shall be lawful for the said Company of Proprietors from Time to

to Time to make such and so many Watercourses and Drains by the Side of or along or under the said Railways, or in, through, over, and across any Lands or Grounds thereto adjoining, of such Dimensions and in such Manner, and with such proper and convenient Bridges over the same respectively, as any Two or more Justices of the Peace for the Town and County of *Newcastle upon Tyne* or the County of *Northumberland*, or either of them respectively, shall from Time to Time judge necessary and appoint (in case there shall be any Dispute about the same) for the Purpose of conveying Waters from such Rivers, Brooks, or Springs, or other Sources or Feeders, to the said Watering Places respectively; and all such Bridges, Watercourses, Drains, and other Passages shall from Time to Time be supported, maintained, cleansed, scoured, and kept in good and sufficient Repair by the said Company of Proprietors; and if at any Time after Twenty-one Days Notice in Writing shall, by or on behalf of any Owner or Occupier of Land adjoining or lying near to the said Railways, be given to the Company of Proprietors, that the said Bridges, Drains, Watercourses, or other Passages, or any of them, is or are not made, or, being made, is or are not cleansed, maintained, and repaired according to the true Intent and Meaning of this Act, it shall be lawful for any Person or Persons to apply for and obtain an Order in Writing from any One or more Justices of the Peace for the Town and County of *Newcastle upon Tyne* or the County of *Northumberland*, or either of them respectively, from Time to Time, as often as there shall be Occasion, and the said Justices are hereby authorized and empowered, at their Discretion, to make and grant such Orders as aforesaid, enabling such Person or Persons to make or cleanse and repair such Bridges, Watercourses, Drains, or other Passages accordingly, and the reasonable Expences thereof (to be ascertained by such Justices) shall be defrayed by the said Company of Proprietors; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Seven Days after the Demand thereof upon the said Company of Proprietors, or upon their Clerk or Treasurer, such Expences shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, in the same Manner as any other Costs and Charges may by virtue of this Act be levied and recovered from the said Company: Provided always, that such Owner or Occupier of the said contiguous Lands shall, at the Time of giving such Notice as aforesaid, have his or her own Ditches, Drains, and Watercourses leading to or from the Watercourses, Drains, or other Passages therein directed to be made as aforesaid, and each and every of them, sufficiently cleansed and opened to convey the Water to and from the same.

CLVIII. And be it further enacted, That in Cases wherein it may be necessary to serve any Notice or Notices, or any Writ or Writs or other legal Proceedings upon the said Company, Service thereof respectively upon any Two of the Directors of the said Company, or left at their last or usual Places of Abode, or upon the Clerk or Treasurer of the said Company, or at his last or usual Place of Abode, or at the Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any other Agent or Officer employed by the said Company or any Director thereof, or

Directing
what shall
be good
Service of
Notice on
the Com-
pany;

[Local.]

30 G

left

left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

What shall be good Service by the Company.

CLIX. And be it further enacted, That in all Cases wherein it may be requisite or necessary for the said Company of Proprietors to give any Notice or Notices to any Corporation or to any Person or Persons whomsoever under the Provisions or Directions contained in this Act, such Notice or Notices shall be in Writing, signed by Two of the Directors or by the Clerk or Clerks for the Time being of the said Company, without being required to be under the Common Seal of the said Company.

If Land required be not contracted for within Five Years, the Power of purchasing to cease.

CLX. And be it further enacted, That unless the said Company shall, within the Space of Five Years, to be computed from the passing of this Act, agree for or cause to be valued (as herein-before directed) and shall pay for the Lands, Tenements, and Hereditaments which they are by this Act empowered to take or use, or otherwise so much thereof as shall be by them deemed proper for the Purpose of forming and constructing the Railways and other Works hereby authorized (save and except the additional Thirty Statute Acres of Land which the said Company are by this Act authorized to purchase for the Purposes of Stations, Wharfs, and other Conveniences herein-before mentioned), then and from thenceforth the Powers which are by this Act granted to them for taking or using such Lands, Tenements, or Hereditaments shall cease and be utterly void.

If Railways are not completed in Five Years, Powers to cease, except as to such Part as shall be completed.

CLXI. Provided always, and be it further enacted, That in case the said intended Railways shall not have been completed and made (unless prevented by inevitable Accident) within the Space of Five Years, to be computed from the passing of this Act, then and from thenceforth all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much (if any) of the said intended Railways and Works as shall have been declared and certified to have been completed within the said Term by the Justices of the Peace of the said Town and County of *Newcastle upon Tyne* assembled at any Quarter Sessions of the Peace to be holden in and for the said County at any Time before the Expiration of the said Term of Five Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of One or more Witness or Witnesses upon Oath, or in the Case of Quakers upon Affirmation, to be produced before them for that Purpose.

If Railways are abandoned by the Company, the Land to revert to the former Owners.

CLXII. Provided always, and be it further enacted, That if the Railways hereby authorized to be made, or any Part thereof respectively, shall at any Time hereafter be abandoned or given up by the said Company, or shall not at any Time be used and employed as a Railway, then and in such Case the Land or Ground so purchased or taken by the said Company for the Purposes of this Act, or the Part or Parts thereof over which the said Railways or any Part or Portion of such Railways which shall be so abandoned or given up by the said Company shall pass, shall vest in the Owner or Owners of the Land adjoining that which shall be so abandoned or given up in manner following; (that is to say,) one Moiety thereof in the Owner or

Owners

Owners of the Land on the one Side, and the other Moiety thereof in the Owner or Owners of the Land on the other Side thereof.

CLXIII. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice of the Peace touching any Matter or Facts contained in any Information or Complaint laid or made by virtue of this Act, either on the Part of the Prosecutor or the Person or Persons 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 or their Costs and Charges, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath (or, in case of a Quaker or Quakers, upon solemn Affirmation), to give Evidence before such Justice of the Peace, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered in like Manner as any Penalty imposed by this Act may be recovered.

For compelling Witnesses to attend.

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

Clerk of the Company may grant Releases to Witnesses.

CLXV. And be it further enacted, That when and so often as any Sum of Money shall be directed or ordered to be paid by any Justice of the Peace, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury, of any Nature or Kind soever, done or committed by the said Company or any Person acting by or under their Authority, and such Sum of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same within Twenty-one Days after Demand in Writing shall have been made from the said Company,

In case of Nonpayment of Compensation for Damages, it may be levied on the Goods of the Company or of their Treasurer.

pany, 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 the Goods and Chattels vested in the said Company by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice, which Warrant any such Justice is hereby authorized and required to grant under his Hand and Seal, on Application made to him for that Purpose by the Party or Parties entitled to receive such Sum of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Company, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain out of any Monies which he shall have received or shall receive, in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or have been put unto by virtue of any such Warrant as aforesaid.

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

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

No Street,
&c. to be
crossed on a
Level with-
out Consent
of Two
Justices.

CLXVII. And be it further enacted, That the said Railway shall not be made across any Street or Highway, or public Bridleway or Footpath, on the Level, without the previous Consent in Writing of some Two Justices of the Peace for the County acting for the Division, within which the Street, Highway, Bridleway, or Footpath so to be crossed shall be situate, and where the said Railway shall cross any public Bridleway or Footpath in any other Manner than on the Level, the said Company shall make and maintain convenient Ascents and Descents, as the Case may be, to such Bridleway or Footpath: Provided nevertheless, that the said Company, and all other Persons and Corporations, who may think themselves aggrieved by any Determination, Consent, or Refusal of Consent of the said Justices herein, shall have Power of Appeal in the same Manner, and under the same Provisions and Restrictions, as are ordered and directed in Cases of Appeal against stopping up and diverting Highways, by an Act passed in the Fifth and Sixth Years of the Reign of His present Majesty, intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of Great Britain called England*.

5 & 6 W. 4.
c. 50.

CLXVIII. And

CLXVIII. 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 to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing shall have been exhibited or taken before such Justice; and all such Proceedings by Summons, without Information in Writing, shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

Justices may proceed by Summons in the Recovery of Penalties.

CLXIX. And be it further enacted, That all Penalties and Forfeitures by this Act inflicted or authorized to be imposed, or by any Rule, Order, or Bye Law made in pursuance thereof, (the Manner of levying and recovering whereof not being herein otherwise particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any One Justice of the Peace for the said Town and County of *Newcastle upon Tyne* or for the said County of *Northumberland*, or either of them respectively, on Complaint to him for that Purpose exhibited by the Oath or Affirmation of any Person or Persons, or on the Confession of the Party offending (which Oath or Affirmation such Justice is hereby authorized to administer); and in default of Payment of such Penalties or Forfeitures the same shall be levied by Distress and Sale of the Offender's Goods and Chattels by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant), rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted); and one Moiety of the Penalties and Forfeitures, when recovered, shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer of the said Company for the Use and Benefit of the said Company, unless such Penalties, or Forfeitures shall be incurred by the said Company, in which Case the same shall be paid, one Moiety to the Informer, and the other Moiety to the Overseers of the Poor of the Parish or Place within which the Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Parish or Place; and in case such Penalties and Forfeitures shall not be forthwith paid on Conviction, it shall be lawful for such Justice and he is hereby authorized and required to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give Security to the Satisfaction of such Justice for his, her, or their Appearance before such Justice, or before some other Justice of the Peace for the said Town and County of *Newcastle upon Tyne* or for the said County of *Northumberland*, or either of them respectively, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, (such Day or Days not being more than Seven Days from the taking of any such Security,) and which Security the

Recovery and Application of Penalties.

[*Local.*]

30 H

said

said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to such Justice, either upon the Confession of the Offender or Offenders or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction for the County or Place where such Offence shall be committed, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture shall be sooner paid and satisfied, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, or shall otherwise be discharged by due Course of Law.

Remedy for
Persons
aggrieved by
Irregularity
of Distress.

CLXX. 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 the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by him or them, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

For securing
transient
Offenders.

CLXXI. And be it further enacted, That it shall and may be lawful to and for any Collector, Surveyor, or other Officer of the said Company, and such Person or Persons as he shall call to his Assistance, to seize and detain any Person or Persons, being unknown to such Collector, Surveyor, or other Officer, who shall commit any Offence or Offences against this Act, and to convey him, her, or them before any Justice or Justices of the Peace for the said Town and County of *Newcastle upon Tyne* or for the said County of *Northumberland*, or either of them respectively, without any other Warrant or Authority than this Act for so doing; and such Justice or Justices of the Peace respectively is and are hereby respectively required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

CLXXII. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up according to the following Form, or any other Form to the same Effect, as the Case shall happen; (*videlicet*,)

Form of
Conviction.

‘ to wit. }

BE it remembered, That on the
in the Year of our Lord

Day of

A. B. is convicted before me C. D.,

‘ One

• One of His Majesty's Justices of the Peace for the Town and
 • County of *Newcastle upon Tyne* or for the County of *Northumber-*
 • *land* [*specifying the Offence, and the Time and Place when and*
 • *where the same was committed, as the Case may be*], contrary to
 • an Act passed in the Year of the Reign of King
 • *William* the Fourth, intituled [*here set forth the Title of this Act*].
 • Given under my Hand and Seal the Day and Year first above
 • written.

CLXXIII. And be it further enacted, That any Corporation, Person or Persons, who may think himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company, or of any Order, Judgment, or Determination of any Justice or Justices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, may, within Three 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 said County, first giving Fourteen Days Notice in Writing of such Appeal and of the Nature thereof to the Person or Persons appealed against, and within Seven Days after such Notice entering into Recognizance before some Justice of the Peace for such County, 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 or determine the said Complaint at such General Quarter Sessions, or, if they think proper, adjourn the Hearing thereof to the following Quarter Sessions of the Peace to be held for such County; and the 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 Rule, Bye Law, Order, 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 in their Judgment shall think just and reasonable.

Persons
aggrieved
may appeal
to the
Quarter
Sessions.

CLXXIV. Provided always, and be it further enacted, That in all Cases of Prosecution for Offences against the said Rules, Orders, and Bye Laws, the Production of a written or printed Paper purporting to be the Rules, Orders, and Bye Laws of the said Company, and authenticated by having the Common Seal of the Company affixed thereto, shall be Evidence of the Existence of such Rules, Orders, and Bye Laws; and it shall be sufficient to prove that a Board painted according to the Directions of this Act, purporting to be a Copy of such Bye Laws, Rules, Orders, and Regulations, hath been affixed and published in manner by this Act directed, and in case of its being afterwards displaced or damaged hath been replaced by another such Board as soon as conveniently might be, in some conspicuous Place upon or near adjoining the Place where the Offence was committed, unless Proof shall be adduced by the Defendant that such Board is not a Copy of such Bye Laws, Rules, Orders, and Regulations, or hath not been duly kept up and
generally

Authenti-
cated Bye
Laws to be
Evidence.

generally continued at or near the said Railways and Wharfs in manner by this Act directed.

Proceedings
not to be
quashed for
Want of
Form..

CLXXV. And be it further enacted, That no Proceedings to be had and 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 Process whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

No Action
to be com-
menced for
any thing
done under
this Act un-
less Notice
be given to
the Com-
pany.

Nor unless
such Action
be com-
menced
within a
limited
Period after
the Act com-
mitted.

CLXXVI. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action or other Proceedings commenced against any Corporation or Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant Seven Days before such Action be commenced of such intended Action or other Proceeding, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action or other Proceeding if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant, before such Action brought, nor unless such Action or other Proceeding shall be brought or commenced within Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages then within Three Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall be laid and brought in the County where the Matter in dispute or Cause of Action shall arise; and the Defendant or Defendants in such Action, Suit, or Information shall and 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 same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action, Suit, or Information shall have been brought before Fourteen Days Notice shall have been given, or after Satisfaction made or tendered as aforesaid, or after the Time so limited for bringing the same, or in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action or other Proceeding after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have his, her, or their Costs, and shall have such Remedy for recovering the same as any Defendant hath for recovering Costs of Suit in any other Case by Law.

As to Dwell-
ing House,
&c. of Miss
Ann Peareth.

CLXXVII. Provided always, and be it further enacted, That the Dwelling House, Yard, Coach-house, Stables, and Conveniences mentioned in the Schedule of this Act annexed as extending from *Pilgrim Street* to the *Manors*, and belonging to and in the Occupation of Miss *Ann Peareth*, or any Part of the same Premises, shall not be pulled down or removed, or otherwise interfered with
for

for the Purposes of this Act in the Lifetime of the said *Ann Peareth*, without her Consent in Writing for that Purpose first had and obtained.

CLXXVIII. Provided always, and be it further enacted, That notwithstanding any thing herein contained it shall not be lawful for the said Company to take any Part of the Garden, Close, Pleasure Ground, or Land of *George Rippon* Esquire, in the Township of *Chirton*, for any Purpose but for the Construction of the Main Line of Railway, without Consent in Writing of the said *George Rippon*, his Heirs, Sequels in Right, or Assigns, first had and obtained.

Company
not take
Land of Mr.
Rippon ex-
cept for
Main Line.

CLXXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in "The Company of Proprietors of the *North Shields* Waterworks," but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been passed.

Saving the
Rights of
the North
Shields
Water-
works
Company.

CLXXX. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed, deemed, or taken to extend, to exempt the Railroad to be formed under or by virtue of the Powers in and by this Act contained and given, or any Branch thereof, from the Provisions of any General Act or General Acts for the Regulation of Railroads which may be passed before the Expiration of One Year from the passing of this Act, if Parliament shall be sitting at the Expiration of such Period of One Year, or (if Parliament shall not then be sitting) before the End of the then next Session of Parliament.

Not to
exempt the
Railway
from the
Provisions
of any Ge-
neral Act.

CLXXXI. 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.

Public Act.

The SCHEDULE to which the foregoing Act refers.

COUNTY OF THE TOWN OF NEWCASTLE UPON TYNE.

Township of All Saints in the Parish or Parochial Chapelry of All Saints in the Parish of Saint Nicholas.

Owners.	Lessees.	Occupiers.	Description of Property.
Ann Peareth	-	Ann Peareth	Dwelling House, Yard, Coach-house, Stables, and Conveniences, extending from Pilgrim Street to the Manors.
Margaret Bragg	-	Charles Bragg	Dwelling House, Yard, Garden, and Conveniences.
Ditto	-	William Holmes	Soup Kitchen and Yard.
Charles Henry Cook	-	George Brumell and James Gilpin	Stables, Cork Manufactory, and Warehouses.
The Right Worshipful the Mayor, videlicet, Charles John Bigge, Esquire, and the Corporation of Newcastle.	The Owners of Tyne Brewery, videlicet, Robert Bell, Dixon Dixon, Robert Reay, the Executors of Thomas Robson, viz., Michael Robson and William Robson, the Executor of William Leavis, viz., Robert Reay.	Philip Nicholson, Nicholas White, William Clark, and Alice Scott.	Public House and Dwelling House.
Ann Simpson	-	Mary Stewart and Catherine Hodgson.	Dwelling House.
The Mayor and Corporation of Newcastle before mentioned.	Samuel Carr	William Brown	Ditto.
Ditto	The New Water Company.	Joseph Wardle, Thomas Brown, William Soulsby, William Taylor, and Elijah Gallo-way.	Engine House, Yard, Firemen, and Foremen's Houses.

Owners.	Lessees.	Occupiers.	Description of Property.
The Mayor and Corporation of Newcastle before mentioned.	Margaret Stephenson	James Glaholm and Thomas White.	Plumber's Yard, Dwelling House, and other Buildings.
The Reverend John Dodd, Vicar of Newcastle, the Reverend William Dodd, the Reverend William Henry Wright, the Reverend Edward Moises, the Reverend John Reed, and Charles John Bigge, Esquire, Mayor of Newcastle.	-	Thomas Atkin	Waste Ground.
The Mayor and Corporation of Newcastle before mentioned.	Thomas Atkin	Ditto	Smith's Shop and Yard.
Ditto	Ditto	John Brown	Stable.
-	-	-	Road from Trafalgar Street towards Pandon.
George William Cram.	-	James Slight, Robert M'Cune, Mary Ann Milburn, John Thornton, Ann Chaters, and Thomas Gilbert.	Dwelling Houses.
Peregrine George Ellison.	-	Peregrine George Ellison.	Banks and Waste Ground.
Ditto	-	-	Footpath and Brook in Pandon Dean.
Ditto	-	George Thomson	Garden.
Ditto	-	Ditto	Dwelling House and Garden adjoining.
Ditto	-	Henry Watts	Dwelling House.
Ditto	-	Ditto	Garden.
Ditto	-	John Forster	Field or Paddock.
Ditto	-	John Daglish	Garden and Orchard.
The Executors of John Head, viz. Armorer Donkin and William Redhead.	-	William Proctor	Stable, Yard, Garden, and Pleasure Ground.
The Right Honourable Lord Stowell's Representatives.	-	James Davidson	Stone Mason's Yard and Soda Water Manufactory.
Ditto	-	Ditto	Garden.
Ditto	-	Ditto, sub-let to John Beckinton.	Ditto.

Owners.	Lessees.	Occupiers.	Description of Property.
Sir Matthew White Ridley, Baronet.	Susannah Doeg	Susannah Doeg	Garden.
George Hunter Hardy.	-	George Hunter Hardy.	Ground intended for Building Sites.

COUNTY OF NORTHUMBERLAND.

The Township of Byker in the Parish or Parochial Chapelry of All Saints in that Part of the Parish of Saint Nicholas which is situate in the County of Northumberland.

George Hunter Hardy.	-	George Hunter Hardy.	Ground intended for Building Sites.
Sir Matthew White Ridley, Baronet.	-	William Burnup and John Burnup, sub- let to John David- son	Brick Yard and Close.
Ditto	-	Ditto, sub-let to William Fenwick.	Garden.
Abraham Dawson	-	John Shield, Gilbert Wilson, Andrew Scopes, Robert Buckham, Tho- mas Telford, James Skinner, Eliza- beth Stephenson, Thomas Potts, Thomas Scott, John Scott, Mat- thew Davidson, James Douglas, Andrew Douglas, William Nelson, Alexander Nelson, Elizabeth Nealans, John Dobson, Ro- bert Wheatley, Margaret Ord, Elizabeth Hast- ings, George Dob- son, Hannah Hall, Walter Mather, and John Watson.	Dwelling Houses called Stepney Square.
William Lawson	Hannah Telford	Hannah Telford	Dwelling House and Yard.

Owners.	Lessees.	Occupiers.	Description of Property.
William Lawson	Isabella Hall	James Ayr, Charles Campbell, Thomas Ions, Robert Rippon, Mary Hogg, Catherine Irwin, Robert Winskell, Francis Wilkinson, Edward White, Thomas Setree, Robert Fawcett, Thomas Carlaw, Anthony Huntley, and John Jobling.	Tenemented Houses and Yard.
Robert Reay, Thomas Thompson, and John Harrison.	- -	Themselves	Flint Mill, Mill Race, and Conveniences appertaining thereto.
Ditto	- -	William Paxton	Garden.
Ditto	- -	Thomas Rutter	Ditto.
Ditto	- -	Ralph Charlton and John Charlton.	Manufactory of Brown Earthenware.
Thomas James and the Devises of William Hind, viz. Henry Hind and John James Hind.	Charles Bulmer and Elizabeth Bulmer his Wife.	Charles Bulmer and Elizabeth Bulmer his Wife.	Road to White Lead Manufactory.
Ditto	Ditto	Ditto	Ground occupied with White Lead Manufactory.
- -	- -	- -	Public Road, Bridle towards Heaton, and Occupation Carriage Road.
William Lawson	William Swan	William Swan, sub-let to Jane Ward and Thomas Wilkinson.	Dwelling House.
Ditto	Ditto	Ditto, sub-let to William Pollock.	Ditto.
Ditto	William Joice	William Jobson	House and Garden.
Ditto	The Free Porters Company, viz. Joseph English, Jane Featherston, John Gallon, John Thompson, Henry Haddock, William Grey, James Gibson, William Davidson, Robert Winter, Robert Tinn, Richard	Themselves	Field and Banks.

[Local.]

30 K

Owners.	Lessees.	Occupiers.	Description of Property.
	Day, Mary Shot- ton, Ann Turner, Sarah Smith, Matthias William Dunn, Thomas Robson, and Mary Sharp.		
William Lawson	Ditto	Themselves	Stack Yard.
Ditto	Ditto	Ditto	Occupation Road.

The Township of Heaton in the Parish or Parochial Chapelry of All Saints in that Part of the Parish of Saint Nicholas which is situate in the County of Northumberland.

Sir Matthew White	-	Sir Matthew White	Plantation.
Ridley, Baronet.	-	Ridley, Baronet.	
Ditto	-	Ditto	Ditto.
Ditto	-	Ditto	Private Road.
Ditto	-	so	Private Carriage Road to Heaton Hall.
Ditto	-	Ditto	Plantation.

The Township of Walker in the Parish of Long Benton.

The Mayor of the Town and County of the Town of Newcastle upon Tyne, viz. Charles John Bigge, Esq., and the Corpora- tion of the said Town and County of Newcastle upon Tyne.	-	William Carr	Garden.
Ditto	-	James Barras	Ditto.
Ditto	-	John Potts	Waste Ground.
Ditto	-	Ditto, sub-let to William Richardson.	Garden.
Ditto	-	Ditto, sub-let to James Barras.	Ditto.
Ditto	-	Ditto, sub-let to George Best and William Jobling.	Ditto.
Ditto	-	John Potts	Ditto.
Ditto	William Clark	Ann Carter	House and Garden.
Ditto	Ditto	Mary Best	Garden.
Ditto	-	John Potts	Ditto.
Ditto	-	Ditto	Ditto.
Ditto	Ditto	George Marshall	Ditto.
Ditto	Ditto	-	Private Road.

Owners.	Lessees.	Occupiers.	Description of Property.
<i>The Township of Wallsend in the Parish of Wallsend.</i>			
The Very Reverend the Dean, viz. John Banks Jen- kinson, and the Chapter of Dur- ham.	Anthony Easterby	Anthony Easterby	Carriage Road to Carville Hall.
Ditto	Ditto	Ditto	Plantation.
Ditto	Ditto	The Lessees of Hea- ton Colliery, viz. John Carr, Wil- liam Crow, and Thomas Richard Batson, Assignees of Robert John- son; George John- son, George Ba- ker, Robert Wat- son; the Executors of Walter Feather- stonhaugh, viz. William Hill and Mrs. Featherston- haugh; Charles Vincent Loraine, William Loraine, and Armorer Donkin, Execu- tors of Sir Charles Loraine, Baronet; the Owners of Gosforth Colliery, viz. the Reverend Ralph Henry Brandling and Charles John Brandling; and the Lessees of Cox- lodge Colliery, viz. the Reverend Ralph Henry Brandling, Mat- thew Bell, and Charles John Brandling.	Waggon Way.
Ditto	Ditto	Robert Towns, sub- let to John Sum- merson.	Garden.
Ditto	Ditto	Ditto, sub-let to Robert Fraser.	Ditto.
Ditto	Ditto	John Jameson, sub- let to William Liddle.	Ditto.

Owners.	Lessees.	Occupiers.	Description of Property.
The Very Reverend the Dean, viz. John Banks Jenkinson, and the Chapter of Durham.	Anthony Easterby	Robert Towns, sub-let to Robert Dawson.	Garden.
Ditto	Ditto	Ditto, sub-let to Esther Croser.	Ditto.
Ditto	Ditto	Ditto, sub-let to Hugh Row.	Ditto.
Ditto	Ditto	Ditto, sub-let to Emanuel Comby.	Ditto.
Ditto	Ditto	Ditto, sub-let to William Doyle.	Ditto.
Ditto	Ditto	Ditto, sub-let to Robert Purvis.	Ditto.
Ditto	Ditto	Ditto, sub-let to Thomas Rutherford.	Ditto.
Ditto	Ditto	Ditto, sub-let to Robert Elliott.	Ditto.
Ditto	Ditto	Ditto, sub-let to Thomas Moor.	Ditto.
-	-	-	Road from Turnpike to Mr. Buddle's House.
Ditto	John Buddle	The Lessees of Wall-end Colliery, viz. William Russell, Thomas Cargill, and Sir Robert Shafto Hawks, Knight, (Assignees of Thomas Wade,) and Charles Henry Basely Wade; sub-let to William Fothergill, Robert Elliott, Robert Nixon, John Nuttles, Thomas Rutherford, James Sharp, George Parker, William Ellerington, Jane Rate, Elizabeth Thompson, William Doyle, Thomas Kennedy, Emanuel Comby, Esther Croser, William Hunter, William Ellerington, Robert Giles, Robert Purvis, John En-	Pitmen's Houses.

Owners.	Lessees.	Occupiers.	Description of Property.
The Very Reverend the Dean, viz. John Banks Jenkinson, and the Chapter of Durham.	John Buddle	glish, Hugh Row, Ann Reed, Elizabeth Reavely, and Jane Delap.	Private Road.
Ditto	Ditto	Robert Moon, sub-let to John Nuttles.	Garden.
Ditto	Ditto	Ditto, sub-let to George Parker.	Ditto.
Ditto	Ditto	Ditto, sub-let to Thomas Rutherford.	Ditto.
Ditto	Ditto	Ditto, sub-let to William Ellerington.	Ditto.
Ditto	Ditto	Ditto, sub-let to Jane Rate.	Ditto.
Ditto	Ditto	Ditto, sub-let to Thomas Kennedy.	Ditto.
Ditto	Ditto	Ditto, sub-let to Mary Wilson.	Ditto.
Ditto	Ditto	Ditto, sub-let to William Ellerington.	Ditto.
Ditto	Ditto	Robert Moon.	Ditto.
Ditto	Ditto	Ditto, sub-let to Matthew Buddle.	Ditto.
Ditto	Ditto	Ditto, sub-let to Jane Reavely.	Ditto.
Ditto	Ditto	Ditto, sub-let to James Hunter.	Ditto.
Ditto	Ditto	-	Ground now used as a Public Foot Road.
Ditto	Ditto	The Lessees of Wallsend Colliery before mentioned, sub-let to Alice Hepple.	Garden.
Ditto	Ditto	Ditto, sub-let to Cuthbert Watkin.	Ditto.
Ditto	Ditto	Ditto, sub-let to John Watson.	Ditto.
Ditto	Ditto	Ditto, sub-let to Elizabeth Thompson.	Ditto.
[Local.]	30 L		

Owners.	Lessees.	Occupiers.	Description of Property.
The Very Reverend the Dean, viz. John Banks Jenkinson, and the Chapter of Durham.	John Buddle	The Lessees of Wallsend Colliery before mentioned, sub-let to John Jobling.	Garden.
Ditto	Ditto	Ditto, sub-let to George Watkin.	Ditto.
Ditto	The Assignees of Nicholas Fenwick, viz. Robert Spence and John Clark.	Patrick Pye, sub-let to the Lessees of Wallsend Colliery before mentioned.	Waggonway.
Ditto	Ditto	Ditto, sub-let to Joseph Smith.	Garden.
Ditto	Ditto	Ditto, sub-let to Joseph Roseby.	Ditto.
Ditto	Ditto	Ditto, sub-let to Emanuel Comby.	Ditto.
Ditto	Saint Nicholas Charity School Trustees, viz. the Reverend John Dodd, the Reverend Edward Moises, the Reverend John Reed, the Reverend William Dodd, the Reverend William Henry Wright, and Charles John Bigge, Esquire, Mayor of Newcastle.	The Lessees of Wallsend Colliery before mentioned.	Corving House and Yard.
Ditto	John Reay	Thomas Davidson, sub-let to the Lessees of Killingworth Colliery, viz. Lord Ravensworth, Lord Wharnccliffe, and John Bowes.	Waggonway.
Ditto	Ditto	Ditto, sub-let to Ditto.	Small Grass Close or Paddock.
Ditto	Ditto	Ditto, sub-let to James Gibson.	Garden.
Ditto	Joseph Mordue	The Lessees of Wallsend Colliery before mentioned, sub-let to John Croser, Lancelot Maddison, James Gibson, Thomas Dinning, George Snowball, and Christiana Nuttles.	Pitmen's Houses, Stable, and Garden.

Owners.	Lessees.	Occupiers.	Description of Property.
The Very Reverend the Dean, viz. John Banks Jenkinson, and the Chapter of Durham.	Joseph Mordue	The Lessees of Wallsend Colliery before mentioned, sub-let to John Croser, Lancelot Maddison, James Gibson, Thomas Dinning, George Snowball, and Christiana Nuttles.	Waste Ground, Ponds, Pit Heap, and Private Road.
Ditto	Ditto	Ditto sub-let to Thomas Hogg, Henry Gibson, John Palmer, John Snowball, and Henry Smith.	Dwelling House.
Ditto	Ditto	Ditto, sub-let to Henry Smith.	Garden.
Ditto	Ditto	Ditto, sub-let to Thomas Hogg.	Ditto.
Ditto	Ditto	Ditto, sub-let to Henry Gibson.	Ditto.
Ditto	Ditto	Ditto, sub-let to Thomas Dinning.	Ditto.
Ditto	Ditto	Ditto, sub-let to John Palmer.	Ditto.
Ditto	Ditto	Ditto, sub-let to John Snowball.	Ditto.
Ditto	James Crosby Anderson.	- -	Road to Point Pleasant.

The Township of Willington in the Parish of Wallsend.

The Mayor and Corporation of the Town and County of Newcastle upon Tyne before mentioned.	- -	William Armstrong	Garden.
Ditto	- -	John Watson	Ditto.
Ditto	- -	Margaret Scott	Ditto.
Ditto	- -	Ann Cook	Ditto.
Ditto	- -	Andrew Armstrong	Ditto.
Ditto	Edward Chapman and Washington Potts.	Joseph Anderson and George Mason.	Dwelling House.

Owners.	Lessees.	Occupiers.	Description of Property.
The Mayor and Corporation of the Town and County of Newcastle upon Tyne before mentioned.	Edward Chapman and Washington Potts.	Edward Chapman and Washington Potts.	Ground by Water Side.
Ditto	The Executors of Thomas Nixon, viz. Harrison Colbeck and William Stephenson.	The Executors of Thomas Nixon before mentioned, sub-let to John Hardy.	Garden.
Ditto	Ditto	Ditto, sub-let to John Brown.	Ditto.
Ditto	Ditto	Ditto, sub-let to Thomas Watson.	Ditto.
Ditto	Ditto	Ditto, sub-let to Archibald Armstrong.	Ditto.
Ditto	Ditto	Ditto, sub-let to James Lowthain.	Ditto.
Ditto	-	The Lessees of Willington Colliery, viz. Matthew Bell, Dixon Dixon, John Ramsden, Mary Bell, Edward John Bell, and George Johnson ; sub-let to Margaret Scott, Cuthbert Cook, Richard Batey, Jane Watson, William Forster, and John Watson.	Dwelling Houses.
Ditto	-	The Executors of Thomas Nixon before mentioned, sub-let to Cuthbert Cook.	Garden.
Ditto	-	Ditto, sub-let to George Armstrong.	Ditto.
Ditto	-	Ditto, sub-let to Margaret Armstrong.	Ditto.
Ditto	-	Ditto, sub-let to the Lessees of Willington Colliery before mentioned, and re-let to John Watson.	Ditto.
Ditto	-	Ditto, sub-let to ditto, and re-let to John Bloomfield.	Ditto.

Owners.	Lessees.	Occupiers.	Description of Property.
The Mayor and Corporation of the Town and County of Newcastle upon Tyne before mentioned.	-	The Executors of Thomas Nixon before mentioned, sub-let to the Lessees of Willington Colliery before mentioned, and re-let to Jane Straughan.	Garden.
Ditto	-	Ditto, sub-let to ditto, and re-let to George Gibbison.	Ditto.
Ditto	-	Ditto, sub-let to ditto, and re-let to Godfrey Harper.	Ditto.
Ditto	-	Ditto, sub-let to ditto, and re-let to Mary Robison.	Ditto.
Ditto	-	Ditto, sub-let to ditto, and re-let to John Straughan.	Ditto.
Ditto	-	Ditto, sub-let to ditto, and re-let to William Forster.	Ditto.
Ditto	-	The Lessees of Willington Colliery before mentioned.	Waggonway.

The Township of Chirton in the Parish of Tynemouth.

His Grace the Duke of Northumberland.	-	Matthew Hudson, sub-let to Richard Myers.	Garden.
Ditto	-	The Lessees of Percy Main Colliery, viz. Humble Lamb, John Waldie, Joseph Hetherington, Jacob Maude; the Executors of John Walker, viz. Percival Fenwick and Christopher Fenwick, Henry Hewitson and John Kerrich.	Waggonway.
Ditto	-	-	Private Road.
[Local.]		30 M	

Owners.	Lessees.	Occupiers.	Description of Property.
His Grace the Duke of Northumberland.	-	The Lessees of Percy Main Colliery, viz. Humble Lamb, John Waldie, Joseph Hetherington, Jacob Maude; the Executors of John Walker, viz. Percival Fenwick and Christopher Fenwick, Henry Hewitson and John Kerrich, sub-let to Joseph Lamb, Henry Gasford Potter, Edward Potter, Archibald Potter, William Scott, John Straker, and Thomas Barnes.	Waggonway.
Ditto	-	-	Private Road.
Ditto	-	The Lessees of Percy Main Colliery before mentioned, sub-let to Mary Newton.	Garden.
Ditto	-	Ditto, sub-let to Stephen Harrison.	Ditto.
Ditto	-	Ditto, sub-let to William Pendlaw.	Ditto.
Ditto	-	Ditto, sub-let to Thomas Arkless.	Ditto.
Ditto	-	Ditto, sub-let to Thomas Tate.	Ditto.
Ditto	-	Ditto, sub-let to William Waddle.	Ditto.
Ditto	-	Ditto, sub-let to William Dunn.	Ditto.
Ditto	-	The Lessees of Wideopen Colliery, viz. George Thackrah, Frederick Perkins, Charles Perkins, Benjamin Thompson; and the Lessees of Fawdon Colliery, viz. Benjamin Thompson, Thomas Newmarch, Robert Newmarch, and William Newmarch.	Waggonway.
Ditto	-	The Lessees of Backworth Colliery,	Ditto.

Owners.	Lessees.	Occupiers.	Description of Property.
His Grace the Duke of Northumberland.		viz. Humble Lamb, Thomas Taylor, John Budle, Joseph Hetherington, John Waldie, Jacob Maude; and the Executors of John Walker, viz. Percival Fenwick and Christopher Fenwick.	
		The Lessees of Percy Main Colliery before mentioned, sub-let to William Laidlaw.	Garden.
Ditto		Ditto, sub-let to Stephen Newton.	Ditto.
Ditto		Ditto, sub-let to Thomas Newton.	Ditto.
Ditto		Ditto	A Pond.
Ditto		Ditto, sub-let to Thomas Newton.	Garden.
Ditto		Ditto, sub-let to Thomas Thompson.	Ditto.
Ditto		Ditto, sub-let to John Usher.	Ditto.
Ditto		Ditto, sub-let to John Todd.	Ditto.
Ditto		Ditto	A Pond.
Ditto		Ditto, sub-let to Charles Smith.	Garden.
Ditto		Ditto, sub-let to John Oliver.	Ditto.
Ditto		Ditto, sub-let to Robert Shipley.	Ditto.
Ditto		Ditto, sub-let to William Lowes.	Ditto.
Ditto		Ditto, sub-let to James Sanderson, Thomas Spence, Thomas Carr, William Stoker, Anthony Wilson, William Lowes, Thomas Bayley, Lancelot Brown, James Tulip, and Jane Gray.	Dwelling Houses.
Ditto		Ditto	Waste Ground and Private Road.
Ditto		Ditto	Pond.
Ditto		Ditto, sub-let to William Lowes.	Garden.

Owners.	Lessees.	Occupiers.	Description of Property.
His Grace the Duke of Northumberland.	-	The Lessees of Percy Main Colliery before mentioned, sub-let to William Stoker.	Garden.
Ditto	-	Ditto, sub-let to Thomas Spence.	Ditto.
Ditto	-	Ditto, sub-let to Anthony Wilson.	Ditto.
Ditto	-	Ditto, sub-let to Thomas Carr.	Ditto.
Ditto	-	Ditto	Waste Ground.
Ditto	-	Ditto, sub-let to Isabella Clennett.	Garden.
Ditto	-	Ditto, sub-let to John Wyle.	Ditto.
Ditto	-	Ditto, sub-let to Anthony Wilson.	Ditto.
Ditto	-	Ditto, sub-let to John Charlton.	Ditto.
Ditto	-	Ditto, sub-let to Thomas Wonders.	Ditto.
Ditto	-	Ditto, sub-let to Henry Dobson.	Ditto.
Ditto	-	Ditto, sub-let to Matthew Mulcaster.	Ditto.
Ditto	-	Ditto, sub-let to Joseph Dixon.	Ditto.
Ditto	-	Ditto, sub-let to James English.	Ditto.
Ditto	-	Ditto, sub-let to George Robinson.	Ditto.
Ditto	-	Ditto, sub-let to John Little.	Ditto.
Ditto	-	Ditto, sub-let to Thomas Bell.	Ditto.
Ditto	The North Shields Waterworks Company, viz. The Duke of Northumberland, Joseph Laing, and George Rippon.	Themselves	Ponds and Ground at the Edge of the same.
Adam Mansfeldt De Cardonnel Lawson, Esquire.	The Executors of Robert Hall, viz. John Hall and Archibald Urwin.	Themselves	Nursery Garden.
Ditto	-	David Jamieson	Garden and Pond.
Ditto	-	Ditto	House.
Ditto	-	James Turnbull	Garden.
	-	-	Public Foot Road used as a Private Carriage Road.

Owners.	Lessees.	Occupiers.	Description of Property.
John Collingwood	-	The Lessees of Burdon Main Colliery, viz. Matthew Bell, Henry Bell, Robert Bell, Michael Robson, Cuthbert Liddell, John Carr, George Carr, and John Grey.	Waggonway.
Adam Mansfeldt De Cardonnel Lawson.	Robert Bradshaw	Robert Bradshaw	Ropery.
Ditto	-	-	Private Road.
Ditto	Ditto	Joseph Mole, John Young, and Thomas Stoker.	Garden.
Ditto	-	Matthew Cockburn	Public House.
George Rippon	-	Joseph Mole	Garden and Close.

BRANCH TO THE NEW QUAY, NORTH SHIELDS.

Township of Chirton in the Parish of Tynemouth.

George Rippon	-	Joseph Mole	Garden and Close.
Ditto	-	George Rippon	Pleasure Ground.
Henry Walker Yeaman and Charles De Laet Waldo Sibthorpe.	-	George Hymers, sub-let to Nicholas Mainger.	Garden.
Ditto	-	Ditto, sub-let to Stephenson Chisholm.	Ditto.
Ditto	-	Ditto, sub-let to Francis Maving.	Ditto.
Ditto	-	Ditto, sub-let to George Wood.	Ditto.
Ditto	-	Ditto, sub-let to William Heslop.	Ditto.
Ditto	-	Ditto, sub-let to William Reed.	Ditto.
Ditto	-	-	Private Road.
Ditto	-	Unoccupied	Houses.
Ditto	-	John Gilroy	Ropery.
Ditto	-	-	Private Road.
[Local.]	30 N—O		

Owners.	Lessees.	Occupiers.	Description of Property.
<i>The Township of North Shields in the Parish of Tynemouth.</i>			
His Grace the Duke of Northumberland.	-	Unoccupied	Banks.
Ditto	-	John Oxley	House and Boat Building Yard.
Ditto	-	Thomas Hudson and Edward Reid.	Stables and Yard.
Ditto	-	Unoccupied	Waste Ground adjoining Public Street or Highway, North Shields.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1836.