



ANNO SECUNDO

GULIELMI IV. REGIS.

Cap. xxv.

An Act to alter, amend, enlarge, and extend the Powers of several Acts passed in the Ninth and Tenth Years of the Reign of His late Majesty King *George* the Fourth, for making and maintaining the *Clarence* Railway. [3d *April* 1832.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Railway from the River Tees, near Haverton Hill in the Parish of Billingham, to a Place called Sim Pasture Farm, in the Parish of Heighington, all in the County of Durham, with certain Branches therefrom*: 9 G. 4. c. 61. And whereas an Act was passed in the Tenth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to enable the Clarence Railway Company to vary and alter the Line of their Railway, to abandon some of the Branches thereof, and to make other Branches therefrom; and for altering, amending, and enlarging the Powers of the Act passed for making and maintaining the said Railway*: 10 G. 4. c. 106. And whereas the said Company of Proprietors have proceeded in the Execution of the said recited Acts, and have made considerable Progress in the making and laying down of the said Railway or Tramroad and other Works by the said Acts authorized to be made: And whereas it is expedient that the said Company of Proprietors should be empowered to raise a further Sum of Money in addition to the Sums they are by the said recited Acts authorized to raise, and to abandon the Part of the Branch Railway herein-after mentioned,

[Local.] 5 0 and

Provisions of former Acts extended to this Act, except as hereby repealed.

and that the Provisions of the said recited Acts should in other respects be altered, amended, enlarged, and repealed in manner herein-after mentioned; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may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 the said recited Acts, and all and every the Powers and Provisions, Restrictions, Limitations, Penalties, Forfeitures, Tolls, Rates, Duties, Payments, Exemptions, Remedies, Matters, and Things therein respectively contained, shall (so far as the same are applicable to this Act, and not hereby repealed, varied, altered, or otherwise provided for,) be as good, valid, and effectual for carrying this Act into execution as if the same had been repeated or re-enacted in this Act.

Power to raise a further Sum of Money.

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

Repealing Clause in former Act as to making certain Branches simultaneously with the Main Line.

III. And whereas by the lastly herein-before recited Act it is enacted, that the City of *Durham* Branch Railway therein-before mentioned, and the *Stockton* Branch Railway therein-before mentioned, should be made and completed at the same Time as or before the Completion of the said Main Railway from the River *Tees* to any other Point or Place; and also such Part of the said Main Railway or Tramroad as lies between the *Stockton* and *Darlington* Railway, at or within *Sim Pasture Farm* in the Parish of *Heighington* in the said County, and a Farm called *Stillington Moore House*, in the Township of *Stillington* in the Parish of *Red Marshall* in the said County, and also the *Byers Green* Branch Railway therein-before mentioned, should be made and completed at the same Time as or before the Completion of the *Sherburn* Branch Railway therein-before mentioned; and that the Part of the said Main Railway or Tramroad between the said *Stockton* and *Darlington* Railway and *Stillington Moor House* should be completed at the latest within Two Years from and after the Completion of the said City of *Durham* Branch Railway, and within Six Years from the passing of the said Act; be it enacted, That the said Provision shall be and the same is hereby repealed.

Company empowered to abandon Part of the City of *Durham* Branch Railway.

IV. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, to abandon such Part of the Branch Railway called the City of *Durham* Branch Railway, by the said lastly-recited Act authorized to be made, as is herein-after mentioned; (that is to say,) commencing in, at, or near to a certain Field in the Occupation of *John Prince*, in the Township of *Shincliffe* in the Parish of *Saint Oswald* in the said County of *Durham*, adjoining to the Turnpike Road

Road leading from the City of *Durham* to *Stockton*, and terminating in, at, or near a Close in the Occupation of *John Mellanby*, adjoining the East End of *Old Elvet Street* in the Barony or Borough of *Elvet* in the said Parish of *Saint Oswald* in *Durham*.

V. Provided always, and be it further enacted, That from and after the passing of this Act all the Powers, Authorities, and Privileges granted by the said recited Acts to the said Company shall immediately cease and determine so far only as relates to the Part of the said Branch Railway hereby authorized to be abandoned, except only so far as the same may have been acted upon previously to the passing of this Act.

Former Acts repealed as to such Part of the said Branch as is now abandoned.

VI. Provided always, and be it further enacted, That the Part of the City of *Durham* Branch Railway not hereby authorized to be abandoned shall be made and completed, so that Waggon and other Carriages can pass along the Line thereof, within Three Years from the passing of this Act.

Time limited for making the City of *Durham* Branch.

VII. And be it further enacted, That in respect of all Goods, Wares and Merchandizes, Articles and Things whatsoever, which shall pass or be carried from the Commencement of the City of *Durham* Branch Railway at or near *Stillington Moor House* to the Termination of the said Branch, or along any Part of the said Branch to the Termination thereof, and in respect of all Goods, Wares and Merchandizes, Articles and Things whatsoever, which shall pass or be carried along the said Branch from the Termination thereof to or towards *Stillington Moor House* aforesaid, a Reduction of One Third Part shall be made upon the said Branch in the Rate of Tolls chargeable under the said recited Acts or either of them.

Tolls to be charged on the City of *Durham* Branch.

VIII. And whereas it might be very injurious to the said Railway and Branches by the said recited Acts authorized to be made, and to the Works thereof, and inconvenient and dangerous to the Public, if the said Railway and Branches were permitted to be used by Persons on Foot; be it therefore further enacted, That if any Person or Persons shall travel or pass on Foot upon the said Railway or any of the Branches thereof, 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 or Occupiers of any of the Lands or Grounds adjoining the said Railway or Tramroad, 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 Railway and Branches 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 for every such Offence.

Railway not to be used as a Footpath.

IX. Provided always, and be it further enacted, That in case the said Company shall not, within the Space of Three Years from the passing of this Act, purchase the Houses and Gardens which they are by the said recited Acts or either of them authorized to purchase, all the Powers granted by the said recited Acts or either

Limiting the Time of purchasing Lands.

of

of them for purchasing, taking, or using the same, or such of them as shall not have been purchased, shall cease and determine, save and except with the Consent of the Owners thereof for the Time being.

Company
may regulate
Passage of
Railway.

X. 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 Waggons or other Carriages passing along or using the said Railway or Branches or other Works by the said recited Acts or either of them, or by this Act, authorized to be made; 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 Waggons or other Carriages, upon pain of forfeiting a Sum not exceeding Forty Shillings for every Default; and if any Waggon or other Carriage shall be placed or suffered to remain in any Part of the said Railways or Tramroads or other Works so as to obstruct the Passage thereof, and the Person having the Care of such Waggon or other Carriage shall not, immediately upon Request made, remove such Waggon or other Carriage, he shall forfeit for every such Offence any Sum not exceeding Five Shillings for every Hour such Obstruction shall continue after the making of such Request; and it shall be lawful for any Agent or Officer to the said Company to cause any such Waggon or other Carriage to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction, and to detain such Waggon or other Carriage, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Removal shall be paid.

Power to
compound
for Tolls.

XI. And be it further enacted, That it shall be lawful for the said Company at any General Meeting from Time to Time, as they shall see convenient, to compound and agree for any Term not exceeding Three Years at any one Time with any Person or Persons for all or any of the Rates, Tolls, and Duties made payable by the said recited Acts or either of them, or by this Act, upon the Whole or any Part of the said Railway and Branches by the said recited Acts or either of them, or by this Act, authorized to be made.

Repealing
Clause in
former Act
as to Com-
pletion of
the Railway.

XII. And whereas by the said last-recited Act it is enacted, that in case the Railway or Tramroad and Branch Railways or Tramroads which the said Company were then authorized to make (except the Branch Railway commencing at or within *Sim Pasture Farm* aforesaid, and running to or near to the Deanery in the Parish of *Saint Andrew's Auckland* in the said County of *Durham*, which it was, by the said recited Act of the Ninth Year of King *George the Fourth*, enacted should not be made without the Consent in Writing of the Right Honourable *John Earl of Eldon*, his Heirs and Assigns, first had and obtained, and which said Branch Railway or Tramroad it should be lawful for the said Company of Proprietors to make and construct at any Time after procuring such Consent as aforesaid,) should not have been completed and made, so that Waggons and other Carriages might pass along the whole Lines thereof, within the

Space

Space of Six Years, to be computed from the passing of the said lastly-recited Act, then from and immediately after the Expiration of the said Term of Six Years all the Powers, Authorities, and Privileges given by the said lastly-recited Act should cease and determine: And whereas it is expedient to grant further Time for completing the Works which the said Company are now authorized to make; be it enacted, That the said Provision shall be and the same is hereby repealed.

XIII. Provided always, and be it further enacted, That in case ~~the Railway or Tramroad and Branch Railways or Tramroads which the said Company are now authorized to make shall not have been~~ completed and made, so that Waggons and other Carriages may pass along the whole Lines thereof, within the Space of Five Years, to be computed from the passing of this Act, then from and immediately after the Expiration of the said Term of Five Years all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much of the said Railway, Branches, 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 County of *Durham* 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 to be produced before them for that Purpose.

If Railway is not completed in Five Years, Power to cease, except as to such Part as shall be certified to be completed.

XIV. And whereas by the said first-recited Act it is enacted, that any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, Order, or Determination of the said Company of Proprietors or their Committee, or by 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 Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, complain to the Justices of the Peace of the General or Quarter Sessions of the Peace to be held in and for the said County Palatine of *Durham*, the Person or Persons appealing having first given at least Fourteen Days Notice of such Appeal, and of the Nature or Matter thereof, to the Person or Persons appealed against, or to the Clerk of the said Company of Proprietors, and forthwith after such Notice entering into Recognizance before some Justice of the Peace of the said County, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereupon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace held for the said County, or, if they think proper, adjourn the Hearing thereof until the next General Quarter Sessions of the Peace to be held for the said County, and, if they see Cause, may mitigate any Forfeitures or Fines, and may order any Money to be

Repealing Clause as to Appeals.

[Local.]

5 P

returned

returned which shall have been levied in pursuance of such Rule, Bye Law, or Determination, and shall and may also order and award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall adjudge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever: And whereas Doubts may arise under the said Clause whether the said Company have a Right of Appeal; be it enacted, That the said Provision shall be and the same is hereby repealed.

Appeals, how
to be made.

XV. Provided always, and be it further enacted, That any Body or Bodies Politic, Corporate, or Collegiate, or any Person or Persons, thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, Order, or Determination of the said Company of Proprietors or their Committee, or the said Company thinking themselves aggrieved, or any other Body or Bodies Politic, Corporate, or Collegiate, or any Person or Persons, thinking themselves, himself, or herself aggrieved, by any Order, Judgment, or Determination of any Justice or Justices of the Peace, relating to any Matter or Thing in this Act or in the said recited Acts mentioned or contained, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, complain to the Justices of the Peace at the General or Quarter Sessions of the Peace to be held in and for the said County Palatine of *Durham*, the Person or Persons appealing having first given at least Fourteen Days Notice of such Appeal, and of the Nature or Matter thereof, to the Person or Persons appealed against, or to the Clerk of the said Company of Proprietors, and forthwith after such Notice entering into Recognizance before some Justice of the Peace of the said County, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereupon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace held for the said County, or, if they think proper, adjourn the Hearing thereof until the next General or Quarter Sessions of the Peace to be held for the said County, and, if they see Cause, may mitigate any Forfeitures or Fines, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, or Determination, and shall and may also order and award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall adjudge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

For paying
Expences of
Act.

XVI. And be it further enacted, That the Costs, Charges, and Expences of obtaining and passing this Act, and of making the Surveys and Plans, and all other Costs, Charges, and Expences relating to or concerning the same, or in any Manner incident thereto, shall be borne and defrayed by the said Company out of the Money already received,

received, or out of the first Money to be received by virtue of the said recited Acts or this Act, or either of them, in preference to all other Payments whatsoever.

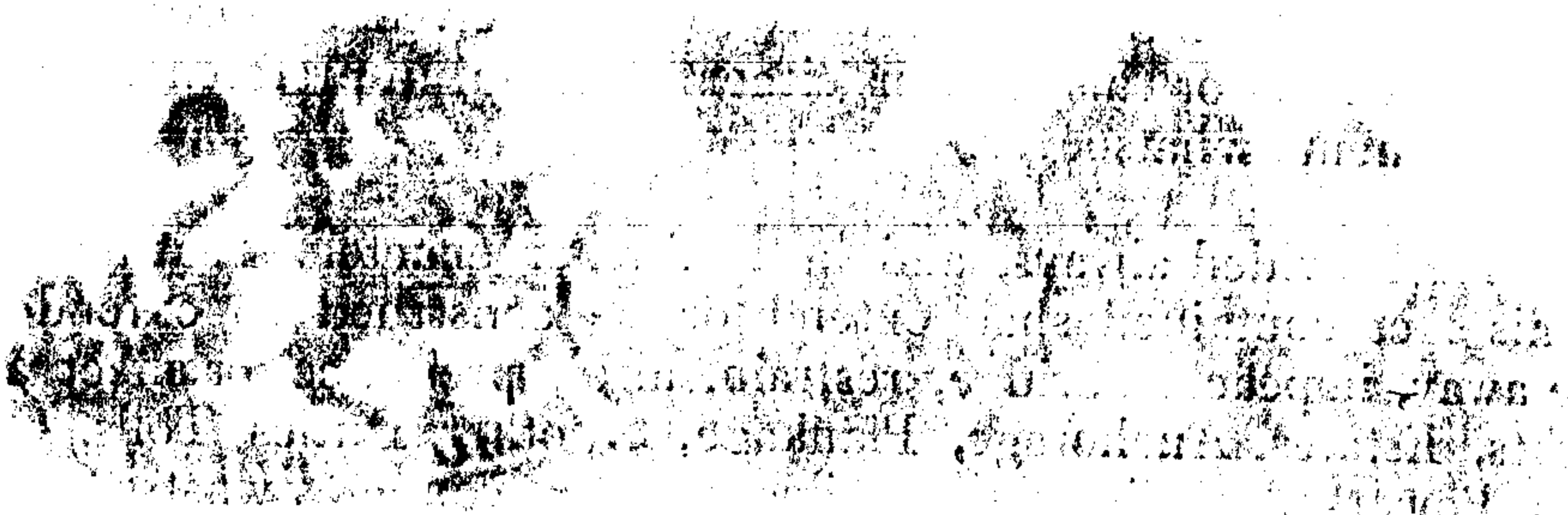
XVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, impeach, abridge, restrain, alter, prejudice, or affect any Rights, Estates, Anchorage, Plankage, or other Duties, Tolls, Customs, Powers, Jurisdictions, Privileges,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

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

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

Public Act.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1832.



SECRET

CONFIDENTIAL

...

...