



ANNO TERTIO

GULIELMI IV. REGIS.

Cap. iv.

An Act to enable the *Clarence Railway Company* to make certain additional Branch Railways ; and to amend and enlarge the Powers of the several Acts for making and maintaining the said Railway. [29th March 1833.]

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* : 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* : And whereas an Act was passed in the Second Year of the Reign of His present Majesty, intituled *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* : 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 the said Railway or

[Local.] Z Tramroad

9G.4.c.61.
10G.4.c.106.
2W.4.c.25.

Provisions of recited Acts extended to this Act, except as hereby altered.

Tramroad and other Works by the said recited Acts authorized to be made : And whereas it would be of public Utility if the Two additional Branch Railways or Tramroads herein-after particularly described were made and maintained : And whereas it is expedient that some of the Provisions of the said recited Acts should be amended and enlarged, and further Powers granted ; but the same cannot be carried into execution 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 several recited Acts, and all and every the Powers, Provisions, Restrictions, Limitations, Penalties, Forfeitures, Tolls, Rates, Duties, Payments, Exemptions, Remedies, Matters, and Things therein respectively contained, (so far as the same are not hereby repealed, varied, or altered,) shall apply to and be as good, valid, and effectual for carrying this Act into execution, and for the making and maintaining the Branch Railways herein-after authorized to be made, as if the same had been repeated or re-enacted in this Act.

Purposes of the Act.

The Chilton Branch.

Branch out of the Chilton Branch.

II. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby fully authorized and empowered, by themselves, their Deputies, Agents, Officers, Contractors, Workmen, and Servants, to make, complete, and maintain a Branch Railway or Tramroad, to be called the *Chilton Branch Railway*, with all proper Works and Conveniences, to commence from and out of the Branch of the said Railway called the *City of Durham Branch Railway*, in, at, or near to a Close or Field in the Occupation of *Thomas Wailes*, in the Township of *Woodham* in the Parish of *Aycliffe* otherwise *Great Aycliffe* in the said County, and to terminate in, at, or near to a Close or Field in the Occupation of *Thomas Walls*, in the Township and Parish of *Merrington* otherwise *Kirk Merrington* in the said County, which said Branch Railway or Tramroad, and other Works and Conveniences so intended to be made, are intended to pass from, in, through, and into the several Townships, Hamlets, or Places of *Woodham*, *Great Chilton*, *Chilton*, and *Merrington* otherwise *Kirk Merrington*, and from in, through, and into the several Parishes of *Aycliffe* otherwise *Great Aycliffe*, and *Merrington* otherwise *Kirk Merrington*, in the said County of *Durham* ; and also to make, complete, and maintain another Branch Railway or Tramroad, with all proper Works and Conveniences, to commence from and out of the said intended Branch to be called the *Chilton Branch Railway*, in, at, or near to a certain Close in the Occupation of *Christopher Mason* Esquire, in the Township of *Great Chilton* in the Parish of *Merrington* otherwise *Kirk Merrington* aforesaid, and to terminate in a Close in the Occupation of *Allen Crathorne*, in the Township and Parish of *Merrington* otherwise *Kirk Merrington* aforesaid, which said Railway or Tramroad and other Works and Conveniences so intended to be made are intended to pass from, in, through, and into the several Townships, Hamlets, or Places of *Great Chilton* and *Merrington* otherwise *Kirk Merrington* in the Parish of *Merrington* otherwise *Kirk Merrington* aforesaid.

III. And

III. And whereas a Map or Plan describing the Lines or Courses of the said intended Branch Railways or Tramroads, and the Lands or Grounds in, through, across, over, or upon which the same are proposed to be carried or made, together with a Book of Reference thereto, containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands and Grounds, have been deposited at the Office of the Clerk of the Peace for the said County of *Durham*; be it therefore further enacted, That the said Map or Plan and Book of Reference so deposited shall remain with and be kept by the said Clerk of the Peace, to the End and Intent that all Persons interested therein may have Liberty to inspect and peruse the same, and to make Extracts therefrom and Copies thereof, at all seasonable Times, on Payment to the Clerk of the Peace of One Shilling for each Inspection, and of One Shilling more for every Hour during which such Inspection shall continue after the first Hour, and also paying for every Copy not exceeding One hundred Words the Sum of Sixpence, and so in proportion for any greater Number of Words; and the said Map or Plan and Book of Reference, or true Copies thereof or of so much thereof as shall relate to any Matters which may be in question, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Plan and Book of Reference to remain with Clerk of the Peace, and to be open to Inspection.

IV. And be it further enacted, That the said Company of Proprietors, in making the said Branch Railways or Tramroads, shall not deviate more than One hundred Yards from the Course or Direction delineated in the said Map or Plan.

Not to deviate more than 100 Yards from the Plan.

V. And be it further enacted, That the said Company of Proprietors shall and may make the said Branch Railways or Tramroads in, through, across, or over any Lands or Grounds described or intended to be described in the said Map or Plan, although the Name or Names of the Owner or Owners, Occupier or Occupiers thereof, is or are omitted or mis-stated in the said Book of Reference, in case it shall be made to appear to any One or more of His Majesty's Justices of the Peace for the said County of *Durham*, and be by him or them certified under his or their Hands, that such Omission or Mis-statement proceeded from Mistake: Provided always, that nothing herein contained shall authorize or empower the said Company, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage any House or other Building which was erected or built on or before the Thirty-first Day of *December* One thousand eight hundred and thirty-one, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without due Consent in Writing of the Owners thereof or Persons interested therein respectively, other than and except such as are specified in the Schedule annexed to this Act.

Misnomers in Book of Reference not to obstruct the making of the Railway.

Houses, &c. not to be taken without Consent of Owners, except those mentioned in Schedule.

VI. 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 this Act authorized to purchase, all the Powers hereby granted

Limiting Time for purchasing Lands, &c. to Three Years.

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.

Inclined
Planes.

VII. And whereas it will be found necessary to make Two or more Inclined Planes upon the said Branch Railways or Tramroads, be it therefore further enacted, That it shall and may be lawful to and for the said Company, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company, for all Articles, Matters, and Things which shall pass either or any of the said Inclined Planes, such Sum or Sums of Money as the said Company shall appoint, not exceeding the Rate or Sum of Three-pence *per* Ton for passing each of the said Inclined Planes, over and above and in addition to the Rates, Tolls, and Duties by the said recited Acts and this Act imposed or authorized to be taken and received for all Articles, Matters, and Things which shall be carried or conveyed upon the said Railways or Tramroads by the said recited Acts or this Act authorized to be made and maintained, or upon any Part thereof.

Company
restrained
from build-
ing in
Woodham
without
Consent.

VIII. And be it further enacted, That the said Company, or any Person or Persons claiming under them, shall not build or erect any Messuages, Dwelling Houses, Cottages, or other Buildings whatsoever in the Township of *Woodham* or *Nunstainton* otherwise *Stainton Grange* in the said County of *Durham*, without the previous Consent in Writing of the Right Honourable *John* Earl of *Eldon*, his Heirs and Assigns, first had and obtained

Mortgage
entered into
with Exche-
quer Bill
Commission-
ers not to be
affected by
this Act.

IX. And whereas the Commissioners acting in execution of an Act of Parliament made and passed in the First and Second Years of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to amend several Acts passed for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, and the several Acts therein recited, mentioned, and referred to, did, on or about the Twentieth Day of *June* One thousand eight hundred and thirty-two, on the Application of the said Company of Proprietors, advance to them the Sum of Fifty thousand Pounds in Exchequer Bills, being the first Instalment of a Loan of One hundred thousand Pounds applied for by the said Company of Proprietors, and upon such Advance the said Company of Proprietors did, by an Indenture bearing Date the said Twentieth Day of *June* One thousand eight hundred and thirty-two, assign to *John Strettell Brickwood*, the Secretary of the said Commissioners, all that the said Railway and Undertaking called the *Clarence* Railway, and all Works then belonging or which might at any Time thereafter belong thereto or be connected therewith, and all Lands, Tenements, Hereditaments, and Property, of what Nature or Kind soever, then belonging or which might at any Time thereafter belong to the said Company, and also all Tolls, Receipts, and Profits whatsoever then accruing or which should or might thereafter accrue, arise, be taken, collected,

collected, or received, by or for the Use of the said Company, under or by virtue of the said Three several first herein-before recited Acts, or any other Act or Acts of Parliament relating to the said Railway, to secure Repayment of the said Advance by annual Instalments, with Interest, as in the said Indenture is particularly expressed; be it therefore enacted, That nothing in this Act contained shall extend to invalidate, annul, abridge, or affect the said in part recited Indenture of Mortgage of the Twentieth Day of *June* One thousand eight hundred and thirty-two, or any of the Powers, Rights, and Remedies upon or in respect of the same; and all Powers and Authorities, Rights and Privileges, Lands and Tenements, Works and Property whatsoever, which shall hereafter become conveyed to or vested in the said Company under and by virtue of this Act, are hereby enacted and declared to form Part of and to be comprised in and among the Premises, Authorities, and Interests conveyed and assigned by the said Indenture of Mortgage; and that the said Indenture of Mortgage, and also any Mortgage which may hereafter be given and granted by the said Company to the Secretary of the said Commissioners for the Time being for the remaining Instalment of the said Loan of One hundred thousand Pounds, shall have Priority over and shall precede any Mortgage, Bond, or other Security whatsoever already granted or entered into by the said Company of Proprietors, or which shall or may hereafter be granted or entered into by the said Company under or by virtue of the said several first-recited Acts or any of them, or any other Act or Acts relating to the said Railway and Undertaking, and also shall have Priority over and shall precede all other Liabilities, Claims, and Securities whatever chargeable on the Property in the said Indenture under the Provisions of the said recited Acts or this Act, or any or either of them, or any subsequent Act or Acts of Parliament relating to the said Railway, or any Works which shall now or at any Time hereafter be connected therewith, and all Dividends and Division of Profits or Interest upon any Sum or Sums advanced or contributed, or which shall or may hereafter be advanced or contributed, for the carrying on or completing the said Railway and Undertaking, or otherwise howsoever, until the Instalments of Principal Money and Interest secured to the said Commissioners or their Secretary for the Time being under the said Indenture, or which shall hereafter be secured by any future Mortgage, Charge, or other Security to be granted or entered into by the said Company to the said Commissioners or their Secretary for the Time being, shall be fully paid and satisfied, compounded, liquidated, or otherwise discharged, any thing contained in the Acts herein-before recited or referred to, or this Act, or any of them, to the contrary thereof notwithstanding: Provided always, that so long as any Part of the Advance made and to be made by the said Commissioners for the Issue of Exchequer Bills as aforesaid, with Interest thereon, shall remain unpaid or unsatisfied, no Part of the Funds authorized to be raised by the said Three first-recited Acts and this Act shall be applied in making the additional Branch Railways authorized to be made by this Act, without the Consent of the said Commissioners for the Issue of Exchequer Bills for that Purpose first had and obtained in Writing.

[*Local.*]*A a*

X. And

Power to raise a further Sum of Money.

X. 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 Sixty 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.

If Works are not completed in Five Years, Powers of Act to cease.

XI. Provided always, and be it further enacted, That in case the said intended Branch Railways or Tramroads hereby authorized to be made shall not be made and completed so that Waggons and other Carriages may pass along the whole respective Lines thereof within 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 and Authorities given by this Act shall cease and determine, save only and except as to so much of the said Branch Railways or Tramroads 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.

Expences of this Act.

XII. And be it further enacted, That all the Costs, Charges, and Expences of and incident to the obtaining and passing of 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, or out of the first Money to be received by virtue of the said recited Acts or any of them, in preference to all other Payments whatsoever.

Public Act.

XIII. 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.

SCHEDULE to which the foregoing Act refers.

Land owners Names.	Occupiers Names.	Description.	Parishes.
CHILTON BRANCH.			
Christopher Mason } Esq. - - -	Himself -	Garden -	Merrington other- wise Kirk Mer- rington. Ditto.
Ditto - - -	Ditto -	Plantation -	

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1833.

