



ANNO PRIMO

VICTORIÆ REGINÆ.

Cap. xcvi.

An Act to authorize the *Durham Junction Railway Company* to make a Branch Railway from the *Durham Junction Railway*, to be called "*The Houghton-le-Spring Branch*". [3d July 1837.]

WHEREAS by an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William the Fourth*, 4 & 5 W. 4. intituled *An Act for making and maintaining a Railway* c. 57. from the *Hartlepool Railway* near to *Moorsley* to the *Stanhope and Tyne Railroad* in the Township of *Usworth*, all in the County of *Durham*, certain Persons were incorporated by the Name of "*The Durham Junction Railway Company*," and were thereby empowered to make, complete, and maintain a Railway, with proper Works and Conveniences adjoining thereto or connected therewith, for the Passage of Waggon, Carts, and other Carriages, properly constructed, commencing at the Line of the *Hartlepool Railway* in a Field then or late in the Occupation of *Thomas Dale* in the Township of *Moorsley* in the Parish of *Houghton-le-Spring* in the County of *Durham*, and extending to or passing through or into or made within the several Parishes, Townships, and Places in the said Act mentioned, and terminating at the *Stanhope and Tyne Railroad* in a Field in the Occupation of *John Morris* in the Township of *Usworth* in the Parish of *Washington* in the said County of *Durham*: And

[Local.] 39 K whereas

Company to
make a
Branch
Railway.

whereas the said Company have made considerable Progress in making the Railway which they are empowered to make, complete, and maintain in and by the said Act: And whereas great Accommodation will be afforded to the Public, and the Utility of the *Durham Junction Railway* will be increased, by the Formation and Completion of a Branch therefrom to *Houghton-le-Spring*: And whereas the *Durham Junction Railway Company* are willing to make and complete the before-mentioned Branch Railway, but the same cannot be executed without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 *Durham Junction Railway Company* shall be and they are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain a Branch Railway from and out of the Main Railway authorized by the said herein-before recited Act to be made, commencing at or upon the Line of the said *Durham Junction Railway* in a Pasture Field situate within the Township of *Bourn Moor* in the said Parish of *Houghton-le-Spring* and in the Occupation of *Ralph Wylam*, and passing through or into or made within the said Parish of *Houghton-le-Spring* and the several Townships, Hamlets, or Places of *Bourn Moor*, *Newbottle*, and *Houghton-le-Spring*, or some of them, and terminating in a Field belonging to Mr. *George Robinson*, and in the Occupation of *Charles Pentney Skinner*, situate in the said Township of *Houghton-le-Spring* in the said Parish of *Houghton-le-Spring* in the said County of *Durham*, and near to a certain public Carriage Road or Lane leading from *Houghton-le-Spring* to *Newbottle*, and called *Newbottle Lane*.

Plan, &c.
to remain
with the
Clerk of the
Peace.

II. And whereas a Map or Plan describing the Line or Course of the Railway by this Act authorized to be made, and the Estates, Lands, and Grounds in, through, over, and upon which the same is to be carried or made, together with a Book 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 Clerk of the Peace of the County of *Durham*; be it therefore 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, and that all Persons interested in any Manner therein shall have Liberty to inspect and peruse and make Extracts from and Copies of the same at all reasonable Times, paying to the said Clerk of the Peace for every Inspection the Sum of One Shilling, and for Copies of or Extracts from the said Book of Reference after the Rate of Four-pence for every Seventy-two Words; and the said Map or Plan and Book 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.

III. And

III. And be it further enacted, That it shall be lawful for the said Company of Proprietors, in making the said Railway hereby authorized to be made, to deviate from the Line or Course of the said Railway delineated in the said Map or Plan to any Extent not exceeding One hundred Yards on each or either Side thereof in Lands, or to any Extent exceeding Ten Yards in Towns: Provided always, that after Two Years from the passing of this Act the said Company shall not deviate from the said Line or Course.

Not to deviate more than 100 Yards.

IV. And be it further enacted, That it shall not be lawful for the said Company to proceed in the Execution of the said Railway hereinbefore authorized to be made unless the said Company shall have previously to the Commencement of such Work deposited with the Clerk of the Peace of the several Counties through which the said Railway hereby authorized to be made is intended to pass a Plan and Section of all such Alterations from the original Plan and Section as shall have been approved of by Parliament, on the same Scale and containing the same Particulars as the original Plan and Section of the Railway, and also, with the Clerks of the several Parishes in or through which such Alterations shall have been authorized to be made, Copies or Extracts of or from such Plans and Sections as shall relate to such Parishes respectively; and all Persons interested shall have Liberty to inspect and make Extracts from or Copies of the said Plans and Sections, or Extracts or Copies thereof, paying to the Clerk of the Peace of the Parish having the Custody of such Plan and Section, or of such Extract or Copy, the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words copied therefrom.

Plan of intended Alterations to be deposited, as herein mentioned previously to Commencement of the Works.

V. And whereas a Map or Plan and Section, describing the Line and Levels of the said Railway, has been deposited with the Clerk of the Peace of the County of *Durham*, and has been approved of Parliament as the Map or Plan and Section according to which such Railway is to be made; be it further enacted, That in making the said Railway it shall not be lawful for the said Company to deviate from the Levels of the said Railway as referred to the common Datum Line described on the Section so approved of by Parliament, and as marked on the same, to any Extent exceeding in any Place Five Feet, or in passing through Towns Two Feet, without the Consent of the Owners, Lessees, and Occupiers of the Land in, through, or over which such Deviation is intended to be made, or in case any Street or public Carriage Road shall be affected by such Deviation, then the same shall not be made without the Consent of the Trustees or Commissioners, or if there shall be no such Trustees or Commissioners, without the Consent of Two or more Justices of the Peace in Petty Sessions assembled for that Purpose, and acting for the District in which such Street or public Carriage Road may be situate, or without the Consent of the Commissioners for any Public Sewers, or of the Proprietors of any Canal or Navigation affected by such Deviation; and that no Increase in the Inclination or Gradients of the said Railway as denoted by the said Section shall be made in any Place to any Extent exceeding the Rate of Three Feet *per* Mile, and where
in

Limiting Deviations from Plan, &c.

in any Place it is intended to carry the Railway on an Arch or Arches' as marked on the said Plan or Section, the same shall be made accordingly, and where a Tunnel is marked on the said Plan or Section as intended to be made at any Place the same shall be made accordingly, unless the Owners, Lessees, and Occupiers of the Land in or through which such Tunnel is intended to be made shall consent that the same shall not be so made: Provided nevertheless, that it shall be lawful for the said Company, with such Consent as aforesaid, and not otherwise, to make a Tunnel or an Arch or Arches as aforesaid not marked on the said Plan or Section, so that no such Tunnel shall be of a greater Length than Two hundred Yards, and that no Two Tunnels be of a less Distance from each other than One hundred Yards measured on the Line of the Railway: Provided always, that Notice of every Petty Sessions to be holden for the Purpose of obtaining such Consent as aforesaid shall, Fourteen Days previous to the holding of such Petty Sessions, be given in some Newspaper circulating in the County, and also be affixed upon the Church Door of the Parish in which such Deviation or Alteration is intended to be made, or if there be no Church some other Place to which Notices are usually affixed; and provided also, that for the Purpose of consenting to any such Deviation from the said Sections, and to any tunnelling or arching as aforesaid, the Word "Owners" shall be deemed and taken to mean such Persons as are herein capacitated to agree for the Sale of and to convey Land for the making of the said Railway, and the Consent of such Persons, with or without the Consent of any other Persons interested as Owners in the said Lands, shall be deemed and taken to be sufficient for such Purposes.

Limitation of the Power to diminish the Radii of Curves.

VI. And be it further enacted, That it shall not be lawful to diminish the Radius of any Curve from what it is shown to be on the Plan deposited with the Clerk of the Peace, unless such Radius exceed One Mile, nor to diminish it in any such Case so that it shall become less than One Mile, nor to diminish any greater Radius by more than a Quarter of a Mile, unless where it exceeds Two Miles, or by more than Half a Mile, unless where it exceeds Three Miles on the said Plan.

Houses and Gardens not to be used without Consent, except those specified in the Schedule.

VII. Provided always, 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 Railway or other Works, or for any other of the Purposes aforesaid, any House or other Building which was erected or built on or before the First Day of January One thousand eight hundred and thirty-six, 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.

VIII. And

VIII. 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 Railway 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 for the Time being of the *Durham* Junction Railway Company 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.

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

IX. And be it further enacted, That it shall be lawful for the said Company, in addition to the Sum of Eighty thousand Pounds subscribed under and by virtue and in pursuance of the Provisions of the said recited Act of the Fourth and Fifth Years of the Reign of His late Majesty, and to the Sum of Thirty-four thousand Pounds authorized by the same Act to be borrowed by them, forthwith, or from Time to Time and at any Time hereafter, to raise for the Purposes of this Act and of the said recited Act or either of them any further Sum or Sums of Money not exceeding in the whole the Sum of Twelve thousand Pounds; and that in order to enable them to raise such further Sum or Sums of Money, or any Part or Parts thereof, it shall be lawful for the said Company to create an additional Number of Shares of One hundred Pounds each in the said Company, subject to such Restrictions as to Participation in Profits and such Regulations as the said Company shall see fit, and to sell, transfer, or otherwise dispose of the same as they shall think proper, and also to borrow and take up at Interest any Sum or Sums of Money on the Credit of the said Undertaking from the Commissioners appointed under an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to authorize the Issue of Exchequer Bills and the Advance of Money out of the Consolidated Fund to a limited Amount for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain*, in manner therein mentioned, and of any Act or Acts passed for amending or continuing the same, or from the Commissioners for the Time being acting in the Execution of any Act of Parliament authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works, and from any Body or Bodies Politic or Corporate or other

Company may raise a further Sum.

57G.3. c. 34.

Person or Persons willing to lend the same; so always, nevertheless, that the aggregate Amount of the Sums to be borrowed by the said Company under the Authority of the said former Act and of this Act shall not exceed in the whole the Sum of Thirty-eight thousand Pounds: Provided also, that the additional Sum of Four thousand Pounds hereby authorized to be raised shall not be raised by Mortgage until One Half of the additional Capital of Twelve thousand Pounds has been paid up.

Powers of
the former
Act extended
to this Act.

X. And be it further enacted, That all Powers and other Clauses whatsoever contained in the said herein-before recited Act of Parliament which are not incompatible with the Provisions of this Act shall be applicable to the making, completing, and maintaining of the Railway by this Act authorized to be made, and to such Railway when made, and to the Shares by this Act authorized to be created, and to the Monies subscribed for and in respect of such Shares, and to the Monies by this Act authorized to be borrowed, in the same Manner in all respects, as near as may be, as if such Railway and Shares had been authorized to be made and created respectively and as if such Monies had been authorized to be borrowed by the said herein-before recited Act.

Tolls to be
taken.

XI. And be it further enacted, That it shall be lawful for the said Company, from Time to Time and at all Times hereafter, to ask, demand, 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 Railway hereby authorized to be made, or upon or along any Part thereof respectively, the Rates, Tolls, and Duties herein-after mentioned; (that is to say,)

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 One Halfpenny *per Ton per Mile*:

For all Coals, Culm, Coke, Cinders, Limestone (to be used otherwise than as Manure), Ironstone, Iron Ore, and all other Mineral Ores, and Clay, any Sum not exceeding One Penny *per Ton per Mile*:

For all Timber, Deals, Building, Pitching, and Paving Stones, Flags, Bricks, Tiles, and Slates, Lead, Iron, and other Metals, any Sum not exceeding Two-pence *per Ton per Mile*:

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

For all Sugar, Dyewoods, and Groceries, Cotton and other Wool, Hides, Drugs, Manufactured Goods, and all other Wares, Merchandizes, Matters, and Things, any Sum not exceeding Three-pence *per Ton per Mile*.

Where Ton-
nage Rates
do not
amount to

XII. And be it further enacted, That in all Cases where any of the above-mentioned Articles, Matters, or Things shall be conveyed upon the said Railway hereby authorized to be made for so short a

Distance that the Rates herein-before mentioned shall not amount to the Sum of Sixpence *per* Ton, it shall be lawful for the said Company to receive, demand, and recover the Sum of Sixpence *per* Ton thereon; any thing in this Act contained to the contrary thereof notwithstanding.

6*d.* per Ton Company authorized to demand 6*d.* per Ton.

XIII. And be it further enacted, That it shall be lawful for the said Company to receive, demand, and recover, to and for the Use and Benefit of the said Company, for and in respect of Carriages which shall be used on the said Railway hereby authorized to be made, 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 upon the Railways.

For every Person conveyed in or upon any such Carriage for any Distance not exceeding Four Miles the Sum of Sixpence, and for any greater Distance the Sum of One Shilling :

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, the Sum of Two Shillings for any Distance :

For every Calf, Sheep, Lamb, or Swine conveyed in or upon any such Carriage, the Sum of Sixpence for any Distance.

XIV. And be it further enacted, That in all Cases in which there shall be a Fraction of a Ton a Proportion of the Rates, Tolls, or Sums by this Act granted may be demanded and received for such Fraction according to the Number of Quarters of a Ton contained in such Fraction, and where there shall be a Fraction of a Quarter of a Ton such Fraction shall be considered as a Quarter of a Ton; and in all Cases in which there shall be a Fraction of a Mile a Proportion of the Rates, Tolls, or Sums by this Act granted may be demanded and received for such Fraction according to the Number of Quarters of a Mile in such Fraction, and where there shall be a Fraction of a Quarter of a Mile such Fraction shall be considered as a Quarter of a Mile; and in order to ascertain with greater Precision the Distance for which such Rates, Tolls, or Sums may be demanded upon the said Railway, the said Company shall cause such Railway to be measured, and Stones or other conspicuous Marks, with proper Inscriptions thereon, to be set up and maintained at the Distance of One Quarter of a Mile from each other.

Regulation as to fractional Parts of a Ton or Mile.

XV. 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 hereby authorized to be made 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.

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

XVI. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to provide locomotive Engines or other Power for the drawing or propelling of any Articles, Matters, or Things, Persons, Cattle, or Animals, upon the said Rail-

Company empowered to provide and charge for locomotive Engines, &c. ;

way hereby authorized to be made, 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 Directors thereof shall from Time to Time think proper, in addition to the several other Rates, Tolls, or Sums in this Act authorized.

and to fix the
Price of small
Parcels.

XVII. 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 Five hundred 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 in 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 hereby authorized to be made at the same Time.

Power to re-
duce Tolls,
&c.

XVIII. 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.

Rates to be
charged
equally.

XIX. Provided always, and be it further enacted, That the aforesaid Rates, Tolls, and Sums of Money to be taken by virtue of this Act shall at all Times be charged equally and after the same Rate *per* Mile, and *per* Ton *per* Mile, as the Case may be, throughout the whole of the said Railway hereby authorized to be made, in respect of Passengers, and for Carriages to be provided by the said Company, and locomotive Engines, and the same Description of Animals, Articles, Matters, or Things, and that no Reduction or Advance in the said Rates, Tolls, and Sums of Money shall either directly or indirectly be made partially or in favour of or against any particular Person or Company, or be confined to any particular Part of the said Railway, but that every such Reduction or Advance of Rates, Tolls, and Sums of Money upon any particular Kind or Description of Articles, Matters, or Things shall extend to and take place throughout the Whole and every Part of the said Railway, upon and in respect of the same Description of Articles, Matters, and Things so reduced or advanced, and shall extend to all Persons whomsoever using the same, or carrying the same Description of Articles, Matters, and Things thereon, any thing to the contrary thereof in anywise notwithstanding.

Company to
keep an Ac-
count, and to
pay to Land
Owners One

XX. 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 Branch Railway hereby authorized to be made, or any Part thereof, and to pay to the Owner

Owner or Owners for the Time being of the Lands through which the said Branch Railway shall be made after the Rate of One Halfpenny *per Newcastle* Chaldron of Fifty-three Hundred Weight *per* Mile for the Distance which such Coals shall be so carried or conveyed through the Lands of such Owners 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; and in default of Payment the same shall and may be recovered by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*.

Halfpenny
per Chaldron
per Mile for
all Coals
carried upon
the Railway.

XXI. And be it further enacted, That the Accounts kept from Time to Time of the Quantities of Coal carried upon and along the said Branch Railway or any Part thereof, 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 Coals so carried.

Accounts to
remain open
to Inspection
of Owners.

XXII. And for the Purpose of determining who are or is the Owners or Owner of Lands to whom the Payments in respect of Coals so carried as aforesaid shall be made, be it further enacted, That the Bishop of *Durham* for the Time being shall be deemed the Owner of all Lands belonging to the See of *Durham*, and demised for any Term, either for Lives or Years, through which the said Branch Railway shall be made, and that the Person or Persons for the Time being entitled to the Rents and Profits of all other Lands through which the said Branch Railway shall be made, except any Lessee or Lessees of the same Lands, shall be and be deemed the Owner or Owners of such last-mentioned Lands; and that the Lord Bishop of *Durham* for the Time being, and the Person or Persons aforesaid, shall be entitled to demand and receive the said Payments accordingly.

Who shall be
deemed
Owners.

XXIII. Provided always, and be it further enacted, That it shall be lawful for the said *Durham* Junction Railway Company at any Time or Times hereafter to treat, contract, and agree with the Person and Persons who are or shall be possessed of, entitled to, or interested in the said Rate or Payment of One Halfpenny *per Newcastle* Chaldron, hereby made payable in respect of Coals so carried as aforesaid, or any Part or Parts of such Rate or Payment, for the absolute Purchase, Redemption, and Extinction of the said Rate or Payment, or any Part or Parts thereof; and it shall be lawful for, but not compulsory on, all Bodies Politic, Corporate, or Collegiate, Aggregate or Sole, Tenants in Tail or for any less Freehold Estate or Interest, and all Parties whatsoever, for and on behalf of themselves, and their Successors, Heirs, and Issue, and of all Persons in Reversion, Remainder, or Expectancy after them, and of their Wards, Lunatics, and Idiots respectively, and of their Cestuisque Trust, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and also for all Femes Covert, and all other Persons whomsoever who are or shall be possessed of, entitled

Company
empowered
to treat with
Land
Owners, &c.
for the Pur-
chase of the
before-men-
tioned Rate
of One Half
penny per
Chaldron for
the Carriage
of Coals.

[Local.]

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to,

to, or interested in the said Rate or Payment, or any Part or Parts thereof, to treat and agree as to the Price to be paid for the Sale, Redemption, and Extinction thereof, or of any Part or Parts thereof, and to convey and assure the same Rate or Payment, or any Part or Parts thereof, unto the said *Durham Junction Railway Company*; and that all and every the Powers, Clauses, and other Provisions contained in the said recited Act applicable to the Sale and Purchase of Lands, and the Disposal of the Monies arising therefrom, save only so far as they are compulsory on any Party or Parties, and so far as they are repugnant to the Provisions of this Act, shall be applicable to the Purchase, Redemption, and Extinction of the said Rate or Payment and every Part thereof, and the Conveyance and Assurance thereof to the said Company, and the Disposal of the Monies to be paid for such Purchase, Redemption, and Extinction.

For Recovery
of Rates.

XXIV. And be it further enacted, That it shall be lawful for the said Company to use and exercise the same or the like Powers and Remedies for recovering and receiving the said several Rates, Tolls, and Duties hereby authorized to be taken as they are authorized to use and exercise in respect of the Rates, Tolls, and Duties in the said recited Act mentioned.

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

XXV. And be it further enacted, That in case any locomotive or other Engines 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 Railway or Tramroad by this Act or the said recited Act authorized to be made, then and in such Case the same, or such Part or Parts thereof on which such locomotive Engines shall be used, shall not cross any Turnpike Road on the Level thereof, but shall be carried either over or under any such 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 hereinafter mentioned.

As to Railway
crossing
Highways.

XXVI. And be it further enacted, That where any Bridge shall be erected by the said Company for the Purpose of carrying the said Railway by this Act authorized to be made over or across any Turnpike 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 Thirty Feet, and of a Height from the Surface of such Turnpike Road to the Centre of such Arch of not less than Eighteen Feet, and the Descent under any such Bridge shall not exceed One Foot in Thirty Feet; and 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, not being a Turnpike Road, the Span of the Arch of such last-mentioned 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 last-mentioned Arch of not less than Twenty Feet, and of a Height from the Surface of such public Carriage Road,

not being a Turnpike Road, to the Centre of such Arch, of not less than Sixteen Feet, and the Descent under any such last-mentioned Bridge shall not exceed One Foot in Twenty Feet; and where any Bridge shall be erected by the said Company for the Purpose of carrying the said Railway over or across any private Carriage Road or Occupation Way, the Span of the Arch of such last-mentioned 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 private Carriage Road or Occupation Way to the Centre of such Arch of not less than Sixteen Feet, and the Descent under any such last-mentioned Bridge shall not exceed One Foot in Fifteen Feet, and a good and sufficient Parapet Wall or Fence shall be made on each Side of every such Bridge, which Wall or Fence shall not be less than Four Feet above the Surface of such Bridge; and wherever the Level of any public Carriage Road shall be altered by means of the said Railway, the Inclination of such Road, if Turnpike, shall not be greater than One Foot in Thirty Feet, and if Highway, not greater than One Foot in Twenty Feet.

XXVII. And be it further enacted, That in all Cases wherein making the said Railway by this Act authorized to be made any Bridge shall be erected for carrying any Turnpike Road, Highway, or Occupation Road over the said Railway, the Road over such Bridge shall be formed and shall at all Times be continued of such Width as to leave a clear and open Space between the Parapet Walls or Fences of such Road of not less than Thirty 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 Highway not more than One Foot in Twenty-five Feet, and for the Purpose of any such Occupation Road not more than One Foot in Thirteen Feet, and a good and sufficient Parapet Wall or Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Five Feet above the Surface of such Bridge.

Ascent of
Bridges for
carrying pub-
lic Roads
over Railway.

XXVIII. Provided always, and be it enacted, That the said Company shall make and maintain, on both Sides of every public Carriage Road which shall be crossed on the same Level by the said Railway by this Act authorized to be made, good and sufficient Gates at each of such Crossings, and shall employ proper and sufficient Persons to attend to the opening and shutting of such Gates, and that such Gates shall, when opened for Passage along the said Railway, be closed across the said public Carriage Road; and for every Neglect the said Company shall forfeit and pay any Sum not less than Ten Shillings and not more than Five Pounds, in the Discretion of Two Justices of the Peace for the County of *Durham*, such Penalties to be recovered within Ten Days after each such Neglect in like Manner and with a like Power of Appeal as is enacted with respect to Penalties in the said recited Act.

As to crossing
public Car-
riage Roads.

XXIX. And

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

XXIX. And be it further enacted, That unless the said Company shall within the Space of Three Years, to be computed from the passing of this Act, agree for or cause to be valued (according to the Provisions of the herein-before recited Act), 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 Branch Railway and other Works hereby authorized, then and from thenceforth the Powers which are by this Act granted to them for taking or using such Lands, Tenements, and Hereditaments shall cease and be utterly void.

If Railway be abandoned the Land to revert to the original Owners.

XXX. And be it further enacted, That if the said Branch Railway or any Part thereof shall at any Time hereafter be abandoned or given up by the said Company, or after the same shall have been completed shall cease to be used or employed as a Railway, then and in such Case the Lands, Tenements, and Hereditaments so taken or used by the said Company for the Purposes of this Act, or otherwise the Part or Parts thereof over which such Branch Railway, or any Part or Portion of such Branch Railway which shall be so abandoned or given up by the said Company, shall pass, shall vest in the Owner or Owners of the Land adjoining that which shall be so abandoned or given up in manner following, (that is to say,) one Moiety thereof in the Owner or Owners of the Land on the one Side, and the Remainder thereof in the Owner or Owners of the Land on the other Side.

If Railway not completed within Five Years Powers to cease, except as to Part completed.

XXXI. And be it further enacted, That in case the said Branch Railway and other Works shall not have been completed (unless prevented by inevitable Accident) within the Space of Five Years, to be computed from the passing of this Act, then from and 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 (if any) of the said Branch Railway and Works as shall be certified to have been completed within the said Term by the Justices of the Peace for the County Palatine of *Durham* assembled at any General or Quarter Sessions of the Peace to be held in and for the said County Palatine 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 Witnesses upon Oath or Affirmation to be produced before such Justice for that Purpose.

For Payment of the Costs of the Act.

XXXII. And be it further enacted, That all Costs, Charges, and Expences of applying for, obtaining, and passing this Act, and all other Expences incident thereto, shall, in the first place, and in preference to all other Payments whatsoever, be paid by and out of the first Money which shall be raised or received under or by virtue of the said recited Act and this Act, or either of them.

XXXIII. And

XXXIII. And be it further enacted, That this Act shall be deemed Public Act.
and taken to be a Public Act, and shall be judicially taken notice of
as such by all Judges, Justices, and others.

The SCHEDULE to which the foregoing Act refers.

Owners.	Lessees.	Occupiers.	Description of Property.
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COUNTY OF DURHAM.

Township of Bourn Moor in the Parish of Houghton-le-Spring.

The Earl of Durham	-	-	The Earl of Durham		A Waggonway.
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Township of Newbottle in the Parish of Houghton-le-Spring.

General Sir William Maxwell.	-	-	Thomas Bellerby; sub-let to Robert Young.		House, Outhouses, and Garden.
Ditto	-	-	The Marquess of Londonderry, or Edmund M'Donnell and Thomas Richard Batson, Esquires, his Trustees.		A Waggonway.
Major William Byers	-	-	Jonathan Hall	-	Waste Ground.

Township of Houghton-le-Spring in the Parish of Houghton-le-Spring.

George Robinson, Esquire.	-	-	John Henderson	-	Waste Ground and Brick Garth.
Ditto	-	-	The Earl of Durham	-	Colliery Pit-heap and Colliery Waste Grounds.
William Makepeace	-	-	Margaret Burt, John Johnson, and William Makepeace.	-	Tenements and Out-houses.