



ANNO TERTIO

GULIELMI IV. REGIS.

Cap. xcv.

An Act to enable the *Clarence Railway Company*
to make an Extension of the Line of their
Railway. [18th June 1833.]

WHEREAS an Act was passed in the Ninth Year of the Reign
of His late Majesty King *George the Fourth*, intituled *An Act* 9 G. 4. c. 61.
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* 10 G. 4. c. 106.
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* 2 W. 4. c. 25.
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 an Act was passed in the present Session
of Parliament, intituled *An Act to enable the Clarence Railway Company to* 3 W. 4. c. 4.
make certain additional Branch Railways, and to amend and enlarge the
Powers of the several Acts for making and maintaining the said Railway:
And whereas the said Company of Proprietors have proceeded in the
Execution of the said Three first-recited Acts, and have made consider-
able Progress in the making and laying down the said Railway or
[Local.] 22 R Tramroad

Provisions of
recited Acts
extended to
this Act.

Tramroad and other Works by the said Acts authorized to be made: And whereas it is expedient that the said Company should be empowered to make the Continuation or Extension of the Line of their Railway herein-after mentioned, and that the several Powers and Provisions contained in the said recited Acts should be altered, amended, enlarged, and extended in manner herein-after mentioned: And whereas the several Purposes aforesaid cannot be accomplished 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 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.

Power to
make an Ex-
tension of
the Line of
the Railway.

II. And be it further enacted, That it shall be lawful for the said Company of Proprietors, (by themselves, their Deputies, Agents, Officers, Contractors, Workmen, and Servants,) and they are hereby authorized and empowered, to make, complete, and maintain a Continuation or Extension of the Line of their Railway, with all proper Works and Conveniences, to commence from and out of the said Railway at or near the present Termination thereof at or near a Place called *Samphire Batts*, in the Parish of *Billingham* in the County of *Durham*, to or near to a Place called *Saltholm*, in the said Parish of *Billingham*, which said Continuation or Extension of the said Railway shall be made within or pass from, in, through, and into the several Townships, Hamlets, or Places of *Billingham* and *Cowpen* otherwise *Cowpen Bewley* in the said Parish of *Billingham*; and also to take to the said Company and their Successors (first making Satisfaction in manner in the first-recited Act mentioned with respect to Lands to be taken by the said Company for the making of the said Railway) so much of the Land, not exceeding Thirty Acres, lying between the Embankment of *Saltholm Marsh* and the said River *Tees*, as they shall deem necessary for the making, using, preserving, and protecting of the said Continuation or Extension of the said Railway; and also to make, construct, and maintain Quays, Wharfs, Staiths, Landing Places, and other Works for the Purpose of loading and unloading of Ships and Vessels in the said River *Tees*; and also to do, perform, and exercise such Powers and Authorities, Matters and Things, for making, effecting, preserving, improving, completing, maintaining, and using the said Continuation or Extension of the said Railway, Quays, Wharfs, Staiths, and Landing Places and other Works intended to be made by virtue of this Act, and for effecting all other the Purposes aforesaid, as they are by the said recited Acts or any of them authorized to make, erect, set up, construct, maintain, do, perform, and exercise with respect to the Railways or Tramroads and other Works thereby authorized to be made.

Plan and
Book of Re-
ference to

III. And whereas a Map or Plan describing the Line of the said Extension or Continuation of the said Railway or Tramroad, and the
Lands

Lands or Grounds in, through, across, under, over, or upon which the same is 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 of 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 as Evidence in all Courts, and by all Judges, Justices, and others.

remain with Clerk of the Peace, and to be open for Inspection.

IV. And be it further enacted, That the said Company of Proprietors, in making the said Extension or Continuation of the said Railway or Tramroad, shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Map or Plan.

Limiting Deviation from Plan.

V. And be it further enacted, That the said Company of Proprietors shall and may make the said Extension or Continuation of the said Railway or Tramroad and other Works 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.

Misnomers in Book of Reference not to obstruct the making of the said Extension.

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 Lands which they are by this Act authorized to purchase, all the Powers granted by this Act for purchasing, taking, or using the same, or such of them as shall not then have been purchased, shall cease and determine, save and except with the Consent of the Owners thereof for the Time being.

Limiting the Time of purchasing Lands, &c. to Three Years.

VII. And whereas it is in and by the said secondly herein-before recited Act enacted, that the Railway or Tramroad or the additional Branch Railway or Tramroad first therein-before mentioned, at the End thereof nearest to *Samphire Beacon* therein aforesaid, should be made to terminate within the Land of which *Robert Appleby* Esquire was Proprietor or Lessee, and which was then in the Occupation of *John Bamlett*, called *Samphire Batts*, and should not extend further than a perpendicular Line drawn from the Summit of the Embankment there, leaving a Space of Twenty Yards at the least between the Termination of the said Railway and the Low-water Mark on the North-western Side of the Creek which extends

Proviso in former Act limiting Termination of Railway at or near *Samphire Batts* repealed.

extends from the River *Tees* in the Direction of *Haverton Hill* aforesaid : And whereas it is now proposed to extend the Line of the said Railway beyond the Point in the said Provision mentioned ; be it therefore further enacted, That the said Provision shall be and the same is hereby repealed.

Power to
raise a fur-
ther Sum of
Money.

VIII. 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 Twenty 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.

Commis-
sioners of
Exchequer
Bills under
1 & 2 W. 4.
c. 24. to have
Priority over
all other
Mortgagees.

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, or received by or for the Use of the said Company, under or by virtue of the said Three several first hereinbefore 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 further 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

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 Four first-recited Acts and this Act shall be applied in making the additional Branch Railway authorized to be made by this Act, without the Consent of the said Commissioners of Exchequer Bills for that Purpose first had and obtained in Writing.

X. And be it further enacted, That after the passing of this Act it shall not be lawful for any Proprietor of the said Company to give more than Twenty Votes in right of his or her Shares at any General or Special General Meeting of the said Company. No Proprietor to give more than 20 Votes.

XI. And be it further enacted, That from and after the passing of this Act every Third General Meeting of the Company of Proprietors of the *Clarence* Railway shall be held at *Stockton* in the County of *Durham*, or at some Place within Twenty Miles of some Part of the said Railway. Every Third General Meeting to be within 20 Miles of Railway.

XII. And be it further enacted, That nothing in this Act contained shall authorize or empower, or be construed to authorize or empower, the Company of Proprietors of the *Clarence* Railway to alter, straighten, or divert the Creek of the River *Tees*, lying between *Samphire Batts* and *Saltholm* in the said County of *Durham*, from flowing into or communicating with the said River *Tees*, or to construct any Quays, Wharfs, Staiths, or Landing Places in such a Manner as that the same, or any of them, or any Part thereof, shall in any Manner tend to injure or impede the Navigation of the said River, or to do any other Act which may in any Manner tend to injure or impede such Navigation, without The Company not to divert a certain Creek of the River *Tees* without Consent.

[*Local.*]

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the Consent of the *Tees* Navigation Company in Writing first had and obtained for that Purpose.

For pre-
serving the
Rights of the
Tees Naviga-
tion Com-
pany.

XIII. 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 Powers, Privileges, or Advantages whatsoever of or belonging to the *Tees* Navigation Company, or of any Person or Persons claiming under them, but saving and reserving to the said *Tees* Navigation Company, or any Person or Persons claiming under them or any of them, all such Privileges, Advantages, and Interests as they or any of them had, exercised, and 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 pre-
serving the
Rights of the
Bishop of
Durham and
the Town of
Stockton;

XIV. Provided always, and be it further enacted, That nothing in this Act contained shall (subject to the Powers reserved in this Act to the said Company) extend or be construed to extend to take away, impeach, abridge, restrain, alter, prejudice, or affect any Rights, Estate, 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, 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, and 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.

as also the
Rights of
Mr. Appleby.

XV. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away or affect such Rights as *Robert Appleby* Esquire may have under or by virtue of a certain Agreement bearing Date the Eighth Day of *March* One thousand eight hundred and thirty-one, and made or expressed to be made between the Company of Proprietors of the *Clarence* Railway of the one Part and the said *Robert Appleby* of the other Part.

If Railway is
not made
within Five
Years,
Powers of
Act to cease.

XVI. Provided always, and be it further enacted, That in case the said intended Railway or Tramroad hereby authorized to be made shall not be made and completed so that Waggon 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 Railway or Tramroad 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.

XVII. And

XVII. 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.

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.

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