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Darlington Junction Railway joins the same, at and for such Price as might be agreed on between them and the said *Great North of England* Railway Company; and that the said Portion of the *Great North of England* Railway, when completed and purchased as aforesaid, should be considered as Part of the said *Newcastle and Darlington Junction* Railway, and as such subject to all the Provisions of the now reciting Act: And whereas by the secondly mentioned Act it is (amongst other things) enacted, that if any Act should be passed in the then present or any future Session of Parliament for incorporating any Persons for the Purpose of making a Railway Northward of the said Town of *Darlington*, it should be lawful for the said *Great North of England* Railway Company to enter into any Agreement or Contract with such new Company, upon such Terms and Conditions as they should think expedient; and that it should also be lawful for such new Company to enter into any Agreement or Contract with the said *Great North of England* Railway Company for the Construction and Maintenance, by such new Company, of the Portion of the Line of the *Great North of England* Railway herein-before described (and which the said *Newcastle and Darlington Junction* Railway Company are by the said firstly mentioned Act authorized to purchase as aforesaid), or any Part or Parts of such Portion, and for the Sale and Transfer to such new Company of the Lands and Premises purchased by the said *Great North of England* Railway Company for or with reference to the Construction of such Portion of their Line, or any Part or Parts of such last-mentioned Lands and Premises; and that from and after the entering into any such Contract or Agreement as aforesaid it should not be lawful for the said *Great North of England* Railway Company to exercise any of the Powers, Authorities, Privileges, and Directions which by the several Acts therein recited for making the same Railway, or some or one of them, were given to them, so far as the same extended to or authorized or required the said *Great North of England* Railway Company to make and maintain the Portion of the Line of Railway lastly therein-before described and herein-before mentioned, or such Part or Parts thereof as should be comprised in any such Contract or Agreement: And whereas by an Agreement bearing Date the Twenty-eighth Day of *November* One thousand eight hundred and forty-two, and made between the said *Great North of England* Railway Company of the one Part, and the said *Newcastle and Darlington Junction* Railway Company of the other Part, it is (amongst other things) covenanted and agreed by and between the said Companies, that the said *Newcastle and Darlington Junction* Railway Company should and would, at their own Expence, construct and maintain such Portion of the Line of the *Great North of England* Railway, intended or provided by their several Acts of Parliament to have been made, and then intended to be relinquished to the said *Newcastle and Darlington Junction* Railway Company as therein and herein before mentioned, as lies between the South End of an Occupation Road leading to Land belonging to *John Allan* Esquire, and situate in the Township and Parish of *Darlington*, and a Close or Field near to *Shincliffe West House* in the Township of *Shincliffe* in the Parish of *St. Oswald*, all in the County of *Durham* (where the

the Line of the *Newcastle and Darlington Junction* Railway joins the same), and that the said last-mentioned Company should (so far as might be under or by virtue of the Provisions of the said Two several herein-before in part recited Acts) have, use, and exercise all the Powers and Authorities vested in the said *Great North of England* Railway Company by all or any of their Acts of Parliament for the Completion, Construction, and Maintenance of the said Portion of the unfinished Line of the said *Great North of England* Railway as the said last-mentioned Company could or might have done if the said recited Acts had not been passed, or the now reciting Agreement had not been entered into: And whereas it is expedient that certain Alterations should be made in the Levels of the said Portion of the unfinished Line of the *Great North of England* Railway so agreed to be transferred to the said *Newcastle and Darlington Junction* Railway Company as aforesaid, and that certain Parts of the said Line should be altered, and that the same should be united to and form Part of the said *Newcastle and Darlington Junction* Railway, and as such be subject to the Provisions of the said first-recited Act, and that such further Powers and Provisions should be given and made as herein-after mentioned; but such Objects cannot be effected without the 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 all the Powers, Provisions, Matters, and Things contained and enacted in and by the said firstly herein-before recited Act relating to the *Newcastle and Darlington Junction* Railway, and the Construction of the same, and the taking, purchasing, and using Land for the Purposes thereof, (except such of them, or such Parts thereof respectively, as are by this Act expressly repealed, altered, or otherwise provided for,) shall extend to this Act, and shall operate and be in force in respect of the Objects and Purposes of this Act, as fully as if the same Powers, Authorities, Directions, Provisions, Matters, and Things were re-enacted in this Act.

Extending Powers of former Acts to this Act.

II. And be it enacted, That from and after the passing of this Act all the Powers and Authorities, Clauses, Provisions, Matters, and Things, contained in the several Acts herein-after mentioned relating to the *Great North of England* Railway, so far as the same relate to that Portion of the unfinished Line of the said last-mentioned Railway which lies between the South End of an Occupation Road leading to Land belonging to *John Allan* Esquire, and situate in the Township and Parish of *Darlington*, and a Close or Field near to *Shincliffe West House* in the Township of *Shincliffe* in the Parish of *Saint Oswald*, all in the County of *Durham*, where the said Line joins the Line of the *Newcastle and Darlington Junction* Railway, (being the same Portion which by the said recited Acts is authorized to be made or formed by, and by the said recited Agreement is agreed to be transferred from the said *Great North of England* Railway Company to the said *Newcastle and Darlington Junction* Railway Company as aforesaid,) shall be and the same are accordingly hereby repealed; (that is to say,) an Act passed in the Sixth and Seventh

Repeal of Great North of England Company's Acts relating to that Portion of their Line which is to form Part of the Newcastle and Darlington Junction Railway.

Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from near the River* Tyne *to or near the River* Tees, *to be called the* Great North of England *Railway, in the County of* Durham; an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to enable the* Great North of England *Railway Company to extend the Line of their Railway, and to make Two Branches therefrom, and for other Purposes relating thereto;* an Act passed in the Second Year of the Reign of Her said present Majesty, intituled *An Act for amending and enlarging the Provisions of the several Acts relating to the* Great North of England *Railway Company, and for other Purposes relating thereto;* an Act passed in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act for amending and enlarging the Provisions of the several Acts relating to the* Great North of England *Railway Company, and for other Purposes relating thereto.*

6 & 7 W. 4. c. 105.

7 W. 4. & 1 Vict. c. 102.

2 & 2 Vict. c. 40.

4 & 5 Vict. c. 38.

Extension of Time for the Purchase of Lands on the Line of the Great North of England Railway.

III. And be it enacted, That the Period limited by the said last-recited Act relating to the *Great North of England* Railway, with regard to the compulsory Purchase, taking, and using of Lands for the Purposes thereof, shall, as regards the Lands specified in the Schedule (A.) to this Act, be extended and enlarged for the further Period of Two Years, to be computed from the passing of this Act.

Newcastle and Darlington Railway Company to make the Line.

IV. And be it enacted, That it shall be lawful for the said *Newcastle and Darlington Junction* Railway Company to make and maintain the said last-mentioned Portion of the Line of the *Great North of England* Railway, subject to such Alterations therein as herein-after mentioned; and the said Portion of Line (subject as aforesaid) shall, as from the Date of the said recited Agreement of the Twenty-eighth Day of *November* One thousand eight hundred and forty-two, be and be deemed to have become Part of the Line of the *Newcastle and Darlington Junction* Railway, and as such subject to the several Provisions of the said first-recited Act relating to the same Railway, and of this Act, in like Manner as though the same Portion formed Part of the Line authorized to be made by the said first-recited Act.

Power to make Alterations on the said Line.

V. And be it enacted, That it shall be lawful for the said *Newcastle and Darlington Junction* Railway Company to alter the said last-mentioned Portion of the Line of the *Great North of England* Railway, by making such Deviations therein or new Lines of Railway as herein-after mentioned, and to make such Deviations or new Lines of Railway in the Direction and upon the Lands delineated and described on the Plan and in the Book of Reference herein-after mentioned; (that is to say,) one of such Deviations or new Lines of Railway to commence on the Line of the *Newcastle and Darlington Junction* Railway as authorized to be made by the firstly herein-before recited Act passed in the last Session of Parliament, in a Field numbered Thirty-one on the Plan of the same Railway referred to in such Act, and being in the Parishes of *Saint Oswald* and *Shincliffe*, or One of them, and the Township of *Shincliffe*, in the County of

Durham, belonging to the Dean and Chapter of *Durham*, passing thence in or through the several Parishes, Townships, and Extra-parochial Places of *Saint Oswald*, *Shincliffe*, *Sunderland Bridge*, *Kelloe*, *Cassop*, *Quarrington*, *Bishop Middleham*, *Cornforth*, *Merrington*, *Ferry Hill*, *Hett*, and *Thrislington*, or some of them, in the said County of *Durham*, and terminating on the Line of the said *Great North of England* Railway in a Field numbered Three on the Plans of the said last-mentioned Railway referred to in the said last-mentioned Act of Parliament, and being in the Parishes of *Merrington* and *Ferry Hill*, or One of them, and Township of *Ferry Hill*, in the said County of *Durham*, belonging to *Marmaduke Salvin* Esquire; another of such Deviations or new Lines of Railway commencing on the Line of the said *Great North of England* Railway in a Field numbered Eight on the said Plans of the said last-mentioned Railway in the Township of *Chilton*, in the said Parishes of *Merrington* and *Ferry Hill*, or One of them, belonging to Mrs. *Ann Surtees* and *Robert Lambton Surtees* Esquire, passing thence in or through the several Parishes, Townships, and Extra-parochial or other Places of *Merrington*, *Ferry Hill*, *Bishop Middleham*, *Mainsforth*, *Chilton*, *Aycliffe*, *Great Aycliffe*, *Woodham*, *Sedgefield*, *Bradbury*, *Morden*, *Preston-le-Skerne*, and *Heighington*, or some of them, in the said County of *Durham*, and terminating on the Line of the said *Great North of England* Railway in a Field numbered Two on the said last-mentioned Plans, in the Parish of *Aycliffe* and Township of *Preston-le-Skerne*, belonging to *James Watson* Esquire; and another of such Deviations or new Lines of Railway commencing on the Line of the said *Great North of England* Railway in a Field numbered Seven on the said last-mentioned Plans, in the Parish of *Aycliffe*, *Great Aycliffe*, and Township of *Preston-le-Skerne* in the County of *Durham*, belonging to the said *James Watson*, passing thence in or through the several Parishes, Townships, and Extra-parochial or other Places of *Great Aycliffe*, *Preston-le-Skerne*, *Brafferton*, *Haughton-le-Skerne*, *Coatham Mundeville*, and *Heighington*, or some of them, in the said County of *Durham*, and terminating on the Line of the said *Great North of England* Railway where the same crosses the Road leading from *Coatham Mundeville* to *Brafferton* in the Parish of *Aycliffe* and Township of *Brafferton* in the said County of *Durham*.

Useless Parts of original Line to be abandoned.

VI. And be it enacted, That the said *Newcastle and Darlington Junction* Railway Company shall abandon such Parts of the said Portion of the Line of the *Great North of England* Railway authorized to be made by the aforesaid Acts, or any of them, as, by reason of the several Deviations which shall be made therein under the Authority of this Act or otherwise, will be rendered useless or unnecessary for the Purposes of the Railway Communication between *Newcastle* and *Darlington*, and the Works and Conveniences connected therewith; and all Powers of the said *Great North of England* Railway Company, or of the said *Newcastle and Darlington Junction* Railway Company, subsisting at the Time of the passing of this Act, with reference to the Formation of such Parts of the said Portion of the said Railway as last aforesaid, shall, on the passing of this Act, cease and determine, save and except that as to so much of the Land upon the Line so to be abandoned as may have been purchased by

the said *Newcastle and Darlington Junction* Railway Company the same shall be subject to all the Powers and Directions contained in the first herein-before recited Act of Parliament respecting any superfluous Lands, for the Sale of which, by the same Company, Provision is thereby made.

Power to alter Levels.

VII. And be it enacted, That it shall be lawful for the said *Newcastle and Darlington Junction* Railway Company to make such Alterations in the Levels of the said Portion of the Line of the *Great North of England* Railway, as at present authorized to be made within the several Parishes, Townships, and Extra-parochial Places of *Saint Oswald*, *Shincliffe*, *Merrington*, *Ferryhill*, *Cornforth*, *Bishop Middleham*, *Thrislington*, *Mainsforth*, *Chilton*, *Aycliffe*, *Great Aycliffe*, *Preston-le-Skerne*, *Brafferton*, *Coatham*, *Mundeville*, *Haughton-le-Skern*, *Heighington*, and *Darlington*, or some of them, in the said County of *Durham*, as are shown on the amended Section thereof deposited with the Clerk of the Peace of the County of *Durham*, as herein-after mentioned, and to make the said Portion of Line, or any Part thereof, according to such amended Section.

Deposit of Plan, &c.

VIII. And whereas a Plan and Section showing the Line and Levels of the said intended Deviations or new Lines of Railway, together with a Book of Reference to such Plan containing the Names of the reputed Owners, Lessees, and Occupiers of the Lands through which the same are intended to be made or pass, and together also with an amended Section showing the Alterations proposed to be made in the Levels of a Portion of the Line of the said *Great North of England* Railway to be executed by the said *Newcastle and Darlington Junction* Railway Company as aforesaid, have been deposited for public Inspection with the Clerk of the Peace for the County of *Durham*; be it enacted, That all Persons interested therein may at all seasonable Times inspect such Plan, Section, and Book of Reference, and amended Section, and may require to be furnished by such Clerk of the Peace with Extracts therefrom or Copies thereof; and such Clerk of the Peace shall give Access to such Documents, and (if required) furnish Copies thereof or Extracts therefrom, and certify the same to be true Copies or Extracts; and in respect thereof he shall be entitled to One Shilling for every Inspection of such Documents, and One Shilling for every Hour such Inspection shall continue beyond the first Hour, and Sixpence for every One hundred Words copied or extracted therefrom; and if any such Clerk of the Peace shall fail to comply with any of the Provisions aforesaid he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Errors and Omissions to be corrected.

IX. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on the said Plan or in the said Book of Reference, or the Schedule (B.) hereto, be it enacted, That the Correction of any such Matter may be referred by the Company to the Determination of Two Justices, and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake they shall certify

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the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace of the County of *Durham*, and Copies or Extracts thereof shall be deposited with the Clerks of the several Parishes in which the Lands affected thereby shall be situate; and such Certificate, and such Copies or Extracts respectively, shall be kept by such Clerk of the Peace and Clerks of the Parishes respectively along with the Documents to which they relate, and thereupon such Documents, or the Schedule (B.) to this Act, shall be deemed to be corrected according to such Certificate, and it shall be lawful for the said *Newcastle and Darlington Junction* Railway Company to make the Railway in accordance with such Certificate.

Copies to be Evidence.

X. And be it enacted, That true Copies of such Plan and Book of Reference as aforesaid, or of any Correction thereof, or Extracts therefrom, certified by such Clerk of the Peace, shall be received in all Courts of Justice, or elsewhere, as Evidence of the Contents thereof.

Power to deviate.

XI. And be it enacted, That in making the said intended Deviations or new Lines of Railway the said *Newcastle and Darlington Junction* Railway Company shall have Power to deviate from the Line delineated on the Plan thereof deposited as aforesaid: Provided that by means of any such Deviation the Centre Line of the said Railway shall not be made to extend beyond the Limits of Deviation marked on the said Plan, and that no such Deviation shall extend to a greater Distance where the Railway passes through a Town than Ten Yards, nor elsewhere to a greater Distance than One hundred Yards, nor shall any such Deviation extend into the Lands or Property of any Person whose Name is not mentioned in the said Book of Reference, without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided for in Cases of unintentional Errors in the said Book of Reference.

Limiting Deviations from Datum Line described on the Section, &c.

XII. And be it enacted, That in making the said Portions of Railway hereby authorized to be made by the said *Newcastle and Darlington Junction* Railway Company it shall not be lawful for such Company to deviate from the Levels thereof, as referred to the common Datum Line described on the Section and amended Section deposited as herein-before mentioned, 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 thereof, or, if there 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

public Carriage Road may be situate, or without the Consent of the Commissioners for any public Sewers, or the Proprietors of any Canal or Navigation, affected by such Deviation, and that no Increase in the Inclination or Gradients of the said Portions of Railway as denoted by the said Section and amended Sections shall be made in any Place to an Extent exceeding the Rate of Three Feet *per* Mile; and where in any Place it is intended to carry the Railway on an Arch or Arches as marked on the said Plan or Sections, the same shall be made accordingly; and where a Tunnel is marked on the said Plan or Sections 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 *Newcastle and Darlington Junction* Railway 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 Sections, so that no such Tunnel shall be of greater Length than Two hundred Yards, and that no Two Tunnels be at a less Distance from each other than One hundred Yards measured on the Line of the Railway: Provided also, 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 of *Durham*, 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 such Church then on some other Place on 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 by the said first-recited Act capacitated to agree for the Sale of and to convey Land for the making of the said *Newcastle and Darlington Junction* 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.

Limiting Alteration of Curves.

XIII. And be it enacted, That it shall not be lawful to diminish the Radius of any Curve as described on the Plan deposited with the Clerk of the Peace as aforesaid, 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 inclosed Grounds not to be taken unless specified in Schedule.

XIV. And be it enacted, That the said *Newcastle and Darlington Junction* Railway Company shall not, under the Powers of this Act, take or injure any Property of the following Kinds (except such as shall be specified in the Schedule (B.) to this Act), without the Consent in Writing of the Owners and Occupiers thereof, unless the Omission in such Schedule be certified, according to the Provisions herein-before contained, to have proceeded from Mistake; (that is to say,) any House or Building erected on or before the Thirtieth Day of

of *November* One thousand eight hundred and forty-two, or any Ground on or before that Day inclosed or set apart and used as a Garden, Orchard, Nursery Ground, Yard, Paddock, Plantation, planted Walk or Avenue to a House.

Power to cross certain Highways on the Level.

XV. And whereas Part of the Line of the *Great North of England* Railway by this Act authorized to be altered is intended to be carried across a certain Highway from *Ferry Hill* to *Mainsforth*, at the Spot where the same Highway is crossed on the Level by the *Clarence* Railway, and where it is intended to establish a Station in connexion with a Station on the said *Clarence* Railway: And whereas One of the Deviations by this Act authorized to be made in the said Railway is intended to cross a certain Bye-way or Grass Lane in the Parish of *Kelloe*, numbered Five on the Plans deposited as hereinbefore mentioned, which Lane is but little used by the Public, and might be crossed by the said Railway on the Level without Danger or Inconvenience; be it therefore enacted, That, notwithstanding any thing in the said first-recited Act contained or implied to the contrary, it shall be lawful for the said Company to carry the said Railway across the said Highways on the Level thereof respectively.

Certain Works to be constructed in connexion with Quarries in the Parish of Merrington.

XVI. And whereas the said Railway is intended to pass through the Estate of *John Evelyn Denison* Esquire, and the Devisees of the late *Edward Wilkinson* Esquire, at *Little Chilton* in the Parish of *Merrington*, and to run between some of the Lands belonging to the said Estate and the *Clarence* Railway, whereby the Communication now existing between the said Lands and the *Clarence* Railway will be intercepted, and rendered unavailable for the Quarries and Mines lying in and under the said Lands; be it therefore enacted, That the said Company shall and they are hereby required to leave a Space between the Rails of their said Railway and the Rails of the *Clarence* Railway, for Two Sidings or Wharfs on a Level with the said *Clarence* Railway and the Railway hereby authorized, of the Length of Two hundred Feet and the Breadth of Twenty Feet; and the said Company are hereby required, at their own Expence, to form the necessary Embankment for making a Communication from the said Quarries and Mines to the Line of Railway hereby authorized, and across the said Line on the Level to the *Clarence* Railway, and to make Openings in the Ledges or Flanches of the Rails to communicate with any Railway that may be laid down from the said Quarries or Mines, for the Purpose of bringing Carriages to or upon the said Railways respectively; and the said Company shall also, at their own Expence, make and construct Two fit and convenient Roads for Horses, Cattle, Carts, and Carriages across the said Railway, with proper Approaches thereto, to communicate with the present Roads across the *Clarence* Railway, for the Accommodation of the said Estate.

As to Width of Land required for the Railway.

XVII. And whereas by the said first-recited Act it is enacted, that the Lands to be taken for the Line of the Railway thereby authorized shall not exceed the Breadth of Twenty-two Yards, without the Consent of the Owners and Occupiers of such Lands, except at

at or near the Termination of the Railway, and on Commons, Downs, Moors, or uninclosed or Waste Grounds, and except also where a greater Breadth may be required for Carriages to wait, load, or unload, or pass each other, for the Formation of Cuttings, Embankments, or Viaducts, for the Erection of any fixed or permanent Machinery, Toll Houses, Warehouses, Depôts, Stations, Wharfs, Erections, or Buildings, and for the Purpose of any Side Road for agricultural or general Purposes, in which Cases it shall be lawful for the Company to take and use a greater Breadth of Land than Twenty-two Yards, provided that it shall have been marked on the Plan of the said Railway deposited as therein mentioned that a greater Breadth of Land is required for such Purposes; but in no Case shall the Breadth of Land so taken exceed One hundred Yards, except for Cuttings and Embankments, or any Depôt or Station connected with the Railway: And whereas it is not possible in all Cases to determine the Width of Land requisite for the several Purposes aforesaid prior to the Construction of the Railway, so as to define the same on the Plans thereof, and it is therefore expedient that the said recited Enactment should be amended; be it therefore enacted, That the said *Newcastle and Darlington Junction* Railway Company in executing the said Railway shall have Power to take such Breadth of Land for that Purpose under the said recited Enactment as they would have had if the same had not contained any Limitation to the Effect that it should be marked on the Plan that any increased Breadth of Land beyond Twenty-two Yards, except at or near the Termination of the Railway, and on Commons, Downs, Moors, and uninclosed or Waste Grounds, was required to be taken.

As to Spoil Banks.

XVIII. And whereas by the said first-recited Act the Company thereby incorporated are empowered, during the Construction or Repair of the said Railway, to take temporary Possession of Lands adjoining the Line of the said Railway, within certain Limits therein specified, for the Purpose of Side Cuttings, for obtaining Materials, and for forming Roads of Communication, and it is essential that the said Company should have Power to deposit Spoil on the said Lands, subject to the Conditions and Restrictions contained in the said Act; be it therefore enacted, That in the Execution or Repair of the said Railway the said *Newcastle and Darlington Junction* Railway Company shall, subject to such Provisions and Restrictions as aforesaid, have Power to deposit Soil and to form Spoil Banks on any Lands which by the said first-recited Act are authorized to be entered upon and occupied for the Purpose of taking Earth or Soil by Side Cuttings therefrom.

Tenants at Will to quit upon Payment of Compensation.

XIX. And whereas by the said first-recited Act Tenants at Will or from Year to Year are required, on receiving Six Months Notice, to quit and deliver Possession of such of their Lands as the Company shall require; be it enacted, That where the Company shall make Compensation to such Tenants in the Manner provided by the said Act, every such Tenant shall, upon Payment or Tender of such Compensation, and without any other Notice, give up Possession of any Lands required by the Company (except any Dwelling House,

or

or the Outbuildings belonging to the same), and the Company shall be entitled to the same Remedies in case of Refusal to deliver up Possession as are given by the same Act in the Event of Tenants refusing to deliver up Possession after the Notice thereby required.

Proviso in first-recited Act respecting Compensation, repealed.

XX. And whereas by the said first-recited Act it is enacted, that when it shall be necessary to refer any Question of disputed Compensation to the Determination of a Jury by reason of any Difference between the Parties, then, One Month at the least before issuing their Warrant for summoning a Jury as therein-before provided, the Company shall give Notice in Writing to the Party with whom such Difference shall arise of their Intention to cause such Jury to be summoned, and in such Notice the Company shall state what Sum of Money they are willing to give such Party for his Interest in such Lands, and for the Damage to be sustained by him by the Execution of the Railway; be it enacted, That the said Provision shall be and the same is hereby repealed.

Power to Jury to inquire into and apportion Interests in Lands required.

XXI. And be it enacted, That, notwithstanding any thing in the said first-recited Act to the contrary, it shall be lawful for the said Company, in all Cases where they shall require any Lands which shall be subject to any Lease or Leases for Years or Lives, or to any Rentcharge, Quit or other Rent, to include in one and the same Inquiry not only the Value of the Fee Simple and Inheritance of such Lands, but also the Value of all inferior or intermediate Interests therein, of what Nature or Kind soever; and the Jury before whom such Inquiry shall be taken shall ascertain, in the first place, the entire Value of such Lands, and the entire Compensation to be paid for Damages by Severance or otherwise, and shall afterwards apportion the Amount so found amongst the Party entitled to the Inheritance, and such other Parties having inferior or intermediate Interests, or so many of them as shall be Parties to such Inquiry, according to their respective Interests therein.

Costs of Inquiries before Juries to be taxed by the Masters of the Queen's Bench.

XXII. And whereas by the firstly-recited Act the Sheriff is authorized to settle the Costs of Inquiries before Juries for assessing the Value of Land and Compensation for Damages, and it is expedient that such Provisions should be amended; be it therefore enacted, That in lieu of such Costs being settled by the Sheriff any Costs to be hereafter incurred shall be settled by one of the Masters of the Court of Queen's Bench, and such Master in taxing the same shall have full Power to disallow any Part of such Costs, Charges, and Expences which he may consider are not necessarily or reasonably incurred, although the same may have been incurred by the Party or Parties with whom the Controversy shall arise.

Taxation of Costs of Conveyances.

XXIII. And whereas by the firstly-recited Act certain Costs attending the Sale of Land for the Purposes of the said Railway are directed to be ascertained, in case of Dispute, by the Court of Chancery; be it enacted, That the Order for the Taxation of such Costs may be obtained by either Party, upon Petition to the Master of the Rolls, in a summary Way; and in case of Nonpayment of such Costs by the Company after Demand, the same may be recovered in the

the same Way as any other Costs payable under an Order of the said Court.

Repealing Clause limiting Weights to be carried on Railway.

XXIV. And whereas it was by the said first-recited Act enacted, that no Carriage should carry or bear, at any one Time, upon the Railway, including the Weight of such Carriage, more than the Weight of Eight Tons, except any One Boiler, Cylinder, Bob, or Piece of Machinery, or any One Piece of Timber or Stone, or any other single Article; and no such excepted Article, the Weight of which, including the Carriage, should exceed Eight Tons, should be carried upon any Part of the Railway without the special Licence of the Company: And whereas it is expedient that the said recited Enactment should be repealed; be it therefore enacted, That the same shall be and the same is hereby repealed.

Provisions of certain Acts for the Regulation of Railways to be applicable to the Newcastle and Darlington Junction Railway.

XXV. And whereas by an Act of Parliament passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for regulating Railways*, and by another Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*, certain Provisions were enacted for the Supervision of Railways, and other Purposes; be it enacted, That the Provisions of the said recited Acts, except such of the same as shall be repealed or inapplicable to the Railway to be made by virtue of this and the said first-recited Act, shall be in force in respect to the said Railway, in the same Manner as if such Provisions were repeated and re-enacted in this Act in reference to the same.

Railway not to be exempt from any general Act.

XXVI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this and the said first herein-before recited Act authorized to be made from the Provisions of any general Act relating to Railways which may pass during the present or any future Session of Parliament.

As to Expences of Act and in relation thereto.

XXVII. And be it enacted, That the Costs and Expences incurred in obtaining this Act, and all Expences preparatory or relating thereto, shall be paid out of the first Monies belonging to the said *Newcastle and Darlington Junction* Railway Company which shall come to the Hands of the Directors thereof under the Powers of the said first-recited Act.

Public Act.

XXVIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHE.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

COUNTY OF DURHAM.

Parish of Merrington, Township of Chilton.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers
A Field - - -	John Evelyn Denison, Esquir, and Edward Wilkinson, Esquire, or One of them.	- - -	John late Christopher Wilkinson.
Ditto - - -	Ditto - -	- - -	Ditto.

Parish of Merrington or Ferry Hill, Township of Ferry Hill.

A Field - - -	William Thomas Salvin, now Marmaduke Salvin, Esquire.	- - -	Anthony Cains.
Ditto - - -	Ditto - -	- - -	Ditto.
Ditto - - -	Dean and Chapter of Durham.	Elizabeth Bowlby, Mary Bowlby, Catherine Bowlby, and Frances Amelia Bowlby.	John Smith, now Robert Parker.
Ditto - - -	Ditto - -	Ditto - -	Ditto.
Ditto - - -	Ditto - -	Ditto - -	Robert Parker, late Patrick Suddy.
Ditto - - -	Ditto - -	Ditto - -	Ditto.
Ditto - - -	Ditto - -	Ditto - -	Ditto.
Ditto - - -	Ditto - -	Ditto - -	Ditto.
The Byers Green Branch of the Clarence Railway.	Clarence Railway Company.	- - -	Themselves.
A Field - - -	Dean and Chapter of Durham.	Elizabeth Bowlby, Mary Bowlby, Catherine Bowlby, and Francis Amelia Bowlby.	Robert Parker, late Patrick Suddy.
Ditto - - -	Ditto - -	Ditto - -	Ditto.
Ditto - -	Dean and Chapter of Durham.	John Rudd, now Henry Thompson.	Henry Thompson.
Ditto - -	Ditto - -	Ditto - -	Ditto.
Ditto - -	Ditto - -	Ditto - -	Ditto.
Ditto - -	Ditto - -	Ditto - -	Ditto.
Ditto - -	Ditto - -	Ditto - -	Ditto.
Excavation of the Clarence Railway.	Clarence Railway Company.	- - -	Themselves.
A Field - - -	Dean and Chapter of Duham.	John Rudd, now Henry Thompson.	Henry Thompson.
A Potato Garth or Close -	Ditto - -	Ditto - -	William Leighton.

SCHEDULE (B.)

COUNTY OF DURHAM.

Parish of Saint Oswald or Shincliffe, Township of Shincliffe.

Number on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
24	House, Outhouses, Stables, and Farm Yard.	The Dean and Chapter of Durham.	William Scott, Sublessee, John Mellanby.	John Mellanby or John Gray, and James Tuff.

Parish of Kelloe, Township of Quarrington.

1	A Plantation - -	The Trustees under the Will of the late Dowager Lady Barrington, videlicet, Lord Barrington and the Honourable Augustus Barrington.	- - -	In hand.

Parish of Merrington or Ferry Hill, Township of Ferry Hill.

1	A Plantation - -	Marmaduke Salvin, Esquire.	- - -	In hand.

Parish of Merrington or Ferry Hill, Township of Chilton.

4	A private Carriage Road	Mrs. Ann Surtees and Robert Lambton Surtees, Esquire.	- - -	Mrs. Ann Surtees and Robert Lambton Surtees, Esquire.

Parish of Great Aycliffe, Township of Woodham.

4	A Field with a Brake therein.	The Earl of Eldon -	- - -	Thomas Wailes.
15	A Mill-race - -	Ditto - -	- - -	Ditto or Robert Robinson.
38	Waggonway for the Use Ricknall Mill.	The Bishop of Durham.	Cuthbert Willis -	Cuthbert Willis.
39	House, Stables, Outhouses, and Yard, and Steam Mill.	Ditto - -	Ditto - -	Ditto.
40	House and Outhouses	Ditto - -	Ditto - -	Benjamin Taylor.

Parish of Sedgefield, Township of Bradbury.

19	A Fox Cover - -	Richard Wright, Esquire.	- - -	Richard Wright, Esquire.
23	A Cowhouse or Stable and Stack Yard.	Ditto.	- - -	Richard Newton.

Number on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
	Parish of Great Aycliffe, Township of Preston-le-Skerne.			
15	An Osier Car - -	The Rev. John William Chaloner.	Alice Brotherton -	Alice Brotherton.
38	House, Yard, Outhouses, and Garden.	Cuthbert Willis -	- - -	Unoccupied.
39	A Garden - -	Ditto - -	- - -	Ditto.
40	Ditto - -	Ditto - -	- - -	Cuthbert Willis.
43	A Plantation - -	James Watson, Esquire	- - -	In hand.
61	Ditto - -	Ditto - -	- - -	Ditto.
62	Ditto - -	Ditto - -	- - -	Ditto.
64	Ditto - -	Ditto - -	- - -	Ditto.
66	A Dwelling House -	Ditto - -	George Chapman or Ann Chapman.	Ann Chapman.
67	Farm, Buildings, Yard, and Outhouses.	Ditto - -	Ditto - -	Ditto.
68	A Stack-yard - -	Ditto - -	Ditto - -	Ditto.
69	A House, Outhouses, and Garden.	Ditto - -	Ditto - -	Richard Bailes.
71	A Plantation - -	Ditto - -	- - -	In hand.
75	Quarry Banks - -	Ditto - -	George Chapman -	George Chapman
76	Old Paper Mill and Mill-race.	Ditto - -	- - -	Unoccupied.
	Parish of Heighington, Township of Heighington.			
4	A Waggonway to Steam Mill.	The Bishop of Durham.	Cuthbert Willis -	Cuthbert Willis.
5	Engine House and Outhouses.	Ditto - -	Ditto - -	Ditto.
6	A Garden - -	Ditto - -	Ditto - -	Ditto.
7	A Mill-race - -	Ditto - -	Ditto - -	Ditto.
	Parish of Great Aycliffe, Township of Great Ayclife.			
9	A House and Outhouses	William Elcoat -	- - -	Unoccupied.
11	A Mill-race - -	Ditto - -	James Watson, Esquire, Sub-lessee, George Chapman.	George Chapman.
12	A Garden - -	Ditto - -	Ditto - -	Ditto.
13	A House, Water Mill, Stables, and Outhouses.	Ditto - -	Ditto - -	Ditto.
16	House, Outhouses, Yard, and Garden.	Sarah White - -	- - -	Unoccupied.
17	Ditto - -	Ditto - -	- - -	Ditto.
18	A House - -	George Clement -	- - -	John Graham.
19	A House, Yard, and Outhouses.	John Bell - -	- - -	John Hutchison.
20	Ditto - -	John Clement - -	- - -	Thomas Robinson.
21	A Garden - -	John Kelsey - -	- -	William Patterick.
22	Ditto - -	The Dean and Chapter of Durham.	Richard Harrison -	Richard Harrison.
23	Ditto - -	Ditto - -	William Waldon -	Thomas Brown.
24	A House - -	Ditto - -	Robert Tewett -	Richard Geldart.
26	A House and Outhouses	Ditto - -	Ditto - -	Henry Myers.
27	A Garden - -	Ditto - -	Ditto - -	Ditto.
29	Ditto - -	Ditto - -	Alice Dixon -	Alice Dixon.
30	Ditto - -	Hannah Garry - -	- - -	Hannah Garry.

Number on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
33	Stable and Cow Shed -	The Dean and Chapter of Durham.	James Watson, Esquire.	John Jackson.
36	A Lime Quarry - -	Ditto - -	Ditto - -	George Chapman.
37	Lime Kilns - -	Ditto - -	Ditto - -	Ditto.
39	A Tool House - -	The Dean and Chapter of Durham.	James Watson, Esquire.	George Chapman.
41	A Mill-race - -	Ditto - -	John Tweddle, Sublessee, William Tweddle.	William Tweddle.
42	A Garden - -	Ditto - -	The Reverend John Eade, Trustee for the Poor of Aycliffe under the Will of Thomas Gibson, deceased.	John Rochester.
43	Ditto - -	Ditto - -	Ditto - -	Thomas Brown.
44	Ditto - -	Ditto - -	Ditto - -	John Lax.
45	Ditto - -	Ditto - -	Ditto - -	Robert Dobson.
46	Ditto - -	Ditto - -	Ditto - -	Richard Bailey.
47	Ditto - -	Ditto - -	Ditto - -	George Robinson.
48	Ditto - -	Ditto - -	Ditto - -	Thomas Davidson.
49	Ditto - -	Ditto - -	Ditto - -	William Tweddle.
50	A House, Outhouse, and Flour Mill.	Ditto - -	John Tweddle, Sublessee, William Tweddle.	Ditto.
51	A Grass Close - -	Ditto - -	Ditto ditto -	Ditto.
52	A Garden and Outhouses	Ditto - -	Ditto ditto -	Ditto.
58	A Potato Garth - -	Ditto - -	John Graham -	Ralph Bruce.

Parish of Great Aycliffe, Township of Brafferton.

1	Quarry Banks - -	- - -	Robert Shaw, Esquire	George Chapman.
3	A Potato Garth - -	- - -	Ditto - -	Lonsdale Bell.
6	A Mill-race - -	- - -	Ditto - -	John Hadrick.
19	A Cow Shed - -	- - -	Ditto - -	James Bradley.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1843.