CHAPTER cxlvii.

An Act to provide for the building of a new bridge over the River Tees and of approach roads thereto by the Corporation of Stockton and the Local Board for the district of South Stockton and for removing the existing Stockton Bridge to enable the Justices of the county of Durham and of the North Riding of the county of York and the Tees Conservancy Commissioners to make contributions towards the expenses thereof and for other purposes. A.D. 1881.

[18th July 1881.]

WHEREAS the existing bridge over the River Tees at Stockton known as Stockton Bridge is a county bridge repaired and maintained by the county of Durham and the North Riding of the county of York out of county rates and the same is insufficient to accommodate the large and rapidly increasing traffic between the counties of Durham and York and obstructs the navigation and the flow and reflow of the waters of the River Tees;

And whereas it is expedient to afford increased accommodation for the traffic passing over the River Tees at Stockton and for this purpose to empower the mayor aldermen and burgesses of the borough of Stockton (herein-after referred to as "the Corporation") and the Local Board for the district of South Stockton (herein-after referred to as "the Local Board") to build a new bridge over the said river and to remove the existing bridge and to construct approach roads to the said new bridge and the works in connexion therewith by this Act authorised and to acquire such lands rights and easements as may be necessary therefor;

And whereas it is expedient that provision should be made for defraying the expenses to be incurred in building the new bridge by this Act authorised and in constructing the approach roads and works and of maintaining the same in the manner by this Act provided and that such expenses should be borne and paid in the manner and subject to such conditions as are by this Act prescribed;

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And whereas estimates have been prepared by the Corporation and by the Local Board respectively of the expense to be incurred by them respectively for the purchase of land for and for the construction of the bridge approach roads and works by this Act authorised and such estimates are as follows namely :—

With respect to the Corporation eleven thousand seven hundred and forty pounds and

With respect to the Local Board three thousand two hundred and sixty pounds.

And those several purposes are permanent works within the meaning of section two hundred and thirty-four of the Public Health Act 1875 ; 38 & 39 Vict. c. 55.

And whereas an absolute majority of the whole number of the council of the borough at a meeting held on the eighth day of November one thousand eight hundred and eighty after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Daily Gazette" a local newspaper circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expenses in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate ;

And whereas such resolution was published twice in the "Stockton Journal" a local newspaper published or circulating in the borough and has received the approval of the Local Government Board in respect of matters within the jurisdiction of that Board ;

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council of the borough at a further special meeting held in pursuance of a similar notice on the eleventh day of February one thousand eight hundred and eighty-one being not less than fourteen days after the deposit of the Bill in Parliament ;

And whereas the owners and ratepayers of the borough by resolution in the manner provided in Schedule III of the Public Health Act 1875 have consented to the promotion of the Bill for this Act ;

And whereas an absolute majority of the whole of the members of the Local Board at a meeting held on the eighth day of November one thousand eight hundred and eighty after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the "Daily Gazette" a local newspaper circulating in the district (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expenses in relation to promoting the Bill for this Act should be charged on the district fund and general district rates ;

And whereas such resolution was published twice in the said "Daily Gazette" and has received the approval of the Local Government Board in respect of matters within the jurisdiction of that Board;

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole of the members of the Local Board at a further special meeting held in pursuance of a similar notice on the eleventh day of February one thousand eight hundred and eighty-one being not less than fourteen days after the deposit of the Bill in Parliament;

And whereas the owners and ratepayers of the district by resolution in the manner provided in Schedule III of the Public Health Act 1875 have consented to the promotion of the Bill for this Act;

And whereas plans and sections describing the lines situations and levels of works authorised by this Act and plans showing the lands to be acquired under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of lands in the line of those works or within the limits of deviation as defined on the plans and describing those lands have been deposited with the respective clerks of the peace for the county of Durham and for the North Riding of the county of York (and are hereinafter respectively referred to as the deposited plans sections and book of reference);

And whereas the objects aforesaid cannot be accomplished 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 as follows:

Short title.

1. This Act may be cited as the Stockton Bridge Act 1881.

Incorporation of Acts.

2. The following Acts and provisions of Acts so far as they are applicable for the purposes of and are not inconsistent with this Act are hereby incorporated with this Act (that is to say):—

The Lands Clauses Consolidation Acts 1845 1860 and 1869

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c 18.

Provided that for the purposes of this Act the provisions of the said Acts shall extend and apply to the purchase or taking of any rights and easements authorised to be purchased or taken by and for the purposes of this Act and the term "lands" in the said Acts shall for such purposes be construed to include "rights and easements on or over lands."

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8 & 9 Vict. c. 20.

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof;

Provided that for the purposes of this Act the said incorporated provisions of the Railways Clauses Consolidation Act 1845 shall be construed so that—

(1) The expression "the Company" therein shall mean the promoters as herein-after defined.

(2) The expression "the railway" therein shall mean any work shown on the deposited plans and by this Act authorised.

Provided also that those provisions shall not be deemed to include or apply to any lands from time to time belonging to or used or occupied by the North-eastern Railway Company.

Interpretation of terms.

3. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):

"The Corporation" means the mayor aldermen and burgesses of the borough of Stockton in the county of Durham acting by the town council.

"The town council" means the town council of the said borough of Stockton.

"The Local Board" means the Local Board for the district of South Stockton in the North Riding of the county of York and in the county of Durham.

"The promoters" means the Corporation and the Local Board acting by the joint committee constituted and chosen as herein-after provided.

"The improvements" means the bridge approach roads and works by this Act authorised.

"The bridge" means the bridge by this Act authorised.

"The justices of Durham" means the justices of the peace for the county of Durham in quarter sessions assembled.

"The justices of the North Riding" means the justices of the peace for the North Riding of the county of York in quarter sessions assembled.

"The river" means the River Tees.

"The borough" means the borough of Stockton.

"The district" means the district of South Stockton.

"Person" includes corporation.

And the several words and expressions to which by the Acts wholly or partly incorporated herewith meanings are assigned have in this Act the same respective meanings unless there be in the subject or context something repugnant to or inconsistent with such construction.

For the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Act to be carried into execution by promoters acting by a joint committee.

4. This Act shall be carried into execution by the promoters acting by a joint committee (herein-after referred to as "the Joint Committee") consisting of six members three to be chosen by the town council out of members of the town council at a meeting of the town council to be held within one month after the passing of this Act and at the meeting of the town council held on the ninth day of November in the year 1882 and in every subsequent year and the remaining three members of the Joint Committee to be chosen by the Local Board out of members of the Local Board at a meeting of the Local Board to be held within one month after the passing of this Act and at their first meeting in the month of November in the year 1882 and in every subsequent year.

Every such meeting is in this Act referred to as "a meeting for election."

The members of the Joint Committee so chosen shall hold office as members of the Joint Committee respectively until the next meeting for election of the town council or the Local Board according as they were chosen by the town council or the Local Board but shall be eligible to be re-chosen.

Any member of the Joint Committee may resign his office by writing under his hand addressed to the town clerk of the said borough of Stockton or to the clerk to the Local Board according as he was appointed by the town council or the Local Board.

Any casual vacancy occurring by death resignation incapacity or failure duly to choose a member of the Joint Committee shall be filled up by the choice of a person to fill such vacancy by the town council or by the Local Board being one of their members respectively according as such vacancy occurred by the death resignation or incapacity of any member chosen by the town council or the Local Board or by the failure of the town council or the Local Board duly to choose a member of the Joint Committee within three weeks of the vacancy so occurring and any person chosen to fill such casual vacancy shall hold office as such member until the next meeting for election of the town council or of the Local Board by whom he was so chosen but shall be eligible to be re-chosen.

The proceedings of the Joint Committee shall not be invalidated by reason of any vacancy or vacancies amongst the members or any defect in the mode of choosing the Joint Committee or of any member thereof.

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Any minute made of proceedings at a meeting of the Joint Committee and copies of any orders made or resolutions passed at a meeting of the Joint Committee purporting to be signed by the chairman of the meeting of the Joint Committee at which such proceeding took place or such orders were made or resolutions passed or by the chairman of the next ensuing meeting of the Joint Committee shall be received as evidence in all legal proceedings and until the contrary is proved every meeting of the Joint Committee where minutes of the proceedings have been so made shall be deemed to have been duly convened and held and all the proceedings thereat to have been duly had.

Meetings of the Joint Committee shall be held and the proceedings thereat shall be conducted in accordance with the rules contained in the schedule to this Act annexed.

Power to promoters to make new bridge approach roads and works.

5. Subject to the provisions of this Act on the lines according to the levels and within the limits of deviation shown on the deposited plans and sections the promoters may make and maintain the following bridge approach roads and works namely :—

(*a*) A public carriage road bridge crossing the River Tees commencing in the parish of Stockton-upon-Tees in the county of Durham at a point in the timber yard belonging or reputed to belong to Messrs. Joseph Ventress and Sons distant 46 feet or thereabouts measured in a straight line in a southerly direction from the south-east angle of the western abutment of the existing Stockton Bridge at the springing of the arch and terminating in the parish of Thornaby in the North Riding of the county of York at a point in a piece of land formerly belonging or reputed to belong to Jonathan Hauworth but now belonging or reputed to belong to the North-eastern Railway Company distant 57 feet or thereabouts measured in a straight line in a southerly direction from the south-west angle of the eastern abutment of the said existing Stockton Bridge at the springing of the arch :

Provided always that the centre arch of the bridge shall be of the same height as the centre arch of the existing bridge.

(*b*) An approach road wholly in the parish of Stockton-upon-Tees in the county of Durham commencing at a point in Bridge Road distant 155 feet or thereabouts measured in a straight line in a north-westerly direction from the south-west angle of the Alexandra Hotel and terminating at a point in the said timber yard belonging or reputed to belong to the said Messrs. Joseph Ventress and Sons at the said point of commencement of the bridge : and

(*c*) An approach road wholly in the parish of Thornaby in the North Riding of the county of York commencing in the Thornaby Road at a point distant 16 feet or thereabouts measured in a straight line in a southerly direction from the south-eastern angle of the Bridge Coffee Tavern situate at the junction of Thornaby Road with Bridge Street and terminating in the said piece of land formerly belonging or reputed to belong to Jonathan Hauworth but now belonging or reputed to belong to the North-eastern Railway Company at the said point of termination of the bridge: and

all such embankments abutments viaducts piers wharves walls fences drains stairs buildings and all such works and conveniences connected with the bridge approaches carriageways and footways as they may deem proper And for the purposes aforesaid or any of them the promoters may subject to the provisions of this Act and within the limits of deviation shown on the deposited plans and sections dig and make proper foundations in the river and the banks bed soil and foreshore of the same and the lands on each side thereof respectively and may make dams in the river and may drive such piles and sink such cylinders or caissons in the bed of the river and may erect such temporary staging in upon or over the said river as may be necessary or convenient and may cut and level the banks thereof and may remove and take away all beds and banks of stone gravel sand mud or other impediment whatsoever and may do and execute every other thing necessary or convenient for any of the purposes aforesaid.

Provision respecting the junction with Thornaby Road as altered by the North-eastern Railway Company and for any extension of those alterations.

6. The approach road in the parish of Thornaby shall join the Thornaby Road at the same level as that to which the Thornaby Road will be raised by the North-eastern Railway Company in the carrying out of the works at and near that road which are now being executed by them If the works or operations of the promoters should involve the necessity for an extension of the alterations which the said railway company are making of Thornaby Road beyond what would be requisite in case this Act had not been passed the promoters shall take upon themselves and indemnify the said railway company against all liability or claims for compensation in respect of or for damage or injury to any lands and property not belonging to the said railway company or otherwise consequent upon or incidental to such extension.

Power to deviate from levels &c.

7. Subject to the provisions of this Act in making the bridge the promoters may deviate to any extent not exceeding seven feet from the levels thereof respectively defined on the deposited sections and in making any of the approach roads and works by this Act authorised and any of the works for or connected with the same the

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promoters may deviate to any extent not exceeding five feet from the levels respectively defined on the deposited sections and may subject to the provisions of this Act deviate from the lines thereof within the limits of deviation defined on the deposited plans and beyond those limits with the consent of the owners lessees and occupiers of the lands through which any such deviation is to be made but not otherwise.

Power to stop up ways during the execution of the works.

8. The promoters during the making of any of the improvements may in or upon the lands shown upon the deposited plans stop up or cause to be stopped up all or any part of the carriageways or footways of streets roads passages and places which they may think necessary for the purposes of this Act to be stopped up and for that purpose may put or cause to be put up sufficient palisades bars posts and other erections and may make from time to time such orders for regulating the passage of carts carriages and horses as to them shall seem proper.

Power to make subsidiary works.

9. Subject to the provisions of this Act and within the limits defined on the deposited plans the promoters in connexion with the improvements and as part and for the purposes thereof may make junctions and communications with any existing streets intersected or interfered with by or contiguous to the works and may divert widen or alter the lines or levels of any existing streets for the purpose of connecting the same with the works or of crossing under or over the same or otherwise and may remove destroy alter divert stop up inclose use or appropriate all or any part of any street square place court alley or passage whether a thoroughfare or not and the paving metalling or materials therein thereon or forming part of the same shall vest in the promoters and the promoters may also alter and interfere with any drain or sewer but the promoters shall provide a proper substitute before interrupting the flow of sewage in any such drain or sewer and all substituted drains and sewers shall be under the same jurisdiction care management and direction as the existing drains and sewers Provided always that compensation shall be made by the promoters in the manner provided by the Lands Clauses Consolidation Acts 1845 1860 and 1869 to every person whose land or interest in land is injuriously affected by the exercise of the powers by this enactment conferred upon the promoters.

Alteration of position of gas water and other pipes.

10. The promoters may for any purpose in connexion with the improvements upon the lands acquired by them under the powers of this Act and also in any street within the limits of deviation defined upon the deposited plans raise sink or otherwise alter the position of any watercourse water pipe or gas pipe belonging to or connected with any house or building adjoining

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or near to the improvements and also any main or other pipe laid down or used by any company or person for carrying a supply of water or gas and also (subject to the provisions of the Telegraph Act 1878) any pipe tube wire or apparatus laid down for telegraphic or other purposes and may remove any other obstruction making in cases of alteration proper substituted works in the meantime and causing as little detriment and inconvenience as circumstances admit to any company or person and making reasonable compensation to any company or person who suffers damage by any such alteration Provided always that before the promoters alter the position of any main or other pipe laid down or used by any such company or person they shall give to the company or person to whom the same belongs notice of their intention to do so specifying the time at which they will begin to do so such notice to be given twenty-four hours at least before the commencement of the work for effecting such alteration and such work shall be done under the superintendence (at the expense of the promoters) of the company or person to whom such pipe belongs unless such company or person refuses or neglects to give such superintendence at the time specified in the notice for the commencement of the work or discontinues the same during the work and the promoters shall execute such work to the reasonable satisfaction of the engineer of such company or person Provided also that the promoters shall not cause any street or road to be lowered or raised or the position of any water or gas pipes to be altered so as to leave over such pipes in any part a covering of less than two feet (unless the promoters shall in such case protect the same pipes from frost or injury by artificial covering to the satisfaction of the engineer of such company or person) or more than six feet unless a referee to be appointed by the Board of Trade on the application of either party in case of dispute shall consider that the pipes should be carried to a greater depth for the purpose of avoiding interference with the works to be executed under this Act and in such case the pipes shall be altered in such manner and such works shall be made at the expense of the promoters in such manner as the referee may prescribe and the expense of the reference shall be in the discretion of the referee.

41 & 42 Vict. c. 76.

Saving rights of the Crown.

11. Nothing contained in this Act shall authorise the promoters to take or use for the purpose of the bridge or in any manner to interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of her Crown and under the management of the Commissioners of Her Majesty's Woods Forests and Land Revenues

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or either of them without the consent in writing of the same Commissioners or one of them on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give) neither shall anything in the said Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty her heirs or successors.

Foundations of bridge.

12. The promoters shall construct the foundations of the bridge under the bed of the river so and in such manner and at such depth as to admit of the Tees Conservancy Commissioners dredging or otherwise deepening the same to the depth of twelve feet below the Ordnance benchmark defined by a copper bolt fixed at the corner of the quay of the old Middlesborough Dock near the stair leading to the tidal basin.

Works below high-water mark.

13. The promoters shall not construct any works on any part of the shore of the River Tees where and so far up the same as the tide flows and reflows without the previous consent of the Board of Trade to be signified in writing and then only according to such plan and under such restrictions and regulations as the said Board approve of such approval being signified as last aforesaid and where any such work shall have been constructed with such consent as aforesaid the promoters shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals and if any such work shall be commenced or completed without such consent and approval the said Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs of the promoters and the amount of such costs shall be a debt due to the Crown and recoverable against the promoters accordingly.

Survey of works by Board of Trade.

14. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the promoters on in over through or across tidal lands or tidal water or of the intended site of any such work the promoters shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the promoters to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the promoters.

Abatement of work abandoned or decayed.

15. If a work constructed by the promoters on in over through or across tidal lands or a tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove

the work or any part of it and restore the site thereof to its former condition at the expense of the promoters and the amount of such expense shall be a debt due from the promoters to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the promoters. A.D. 1881.

Protection of Tees Conservancy Commissioners.

16. For the protection of the Tees Conservancy Commissioners the following provisions shall have effect that is to say :—

(*a*) The promoters shall not make or construct any cofferdam or other works of any description between the high and low water lines of ordinary spring tides of the river except with the previous sanction and approval of the Tees Conservancy Commissioners and according to plans to be submitted to and approved by them in writing under the hand of their chief clerk or engineer.

(*b*) Neither the Tees Conservancy Commissioners nor any agent servant or other person employed by or under them shall incur or sustain any liability whatsoever in consequence of any damage done to the bridge or other works of the promoters from any cause whatsoever unless the same shall be occasioned by their wilful neglect or default.

(*c*) No owner of any vessel navigating the river nor any master or other person connected with the same shall incur or sustain any liability whatsoever for any damage of any kind caused by such vessel to the bridge or other works of the promoters unless the same shall be occasioned by the wilful neglect or default of such master or person.

(*d*) Whenever the promoters shall under the provisions of this Act submit any plans of the proposed bridge and works within the jurisdiction of the Tees Conservancy Commissioners to the Board of Trade duplicates of such plans shall simultaneously therewith be deposited by the promoters at the principal office of the Tees Conservancy Commissioners.

(*e*) Nothing in this Act contained shall extend to prejudice diminish alter or take away any of the rights privileges powers or authorities vested in or exercised by the Tees Conservancy Commissioners.

Promoters may lay out carriageway and footways over the bridge and approach roads and shall maintain the bridge.

17. The promoters may lay out such parts of the bridge and approach roads by this Act authorised to be made for carriage roads and such parts thereof for footways as they may think proper and may sewer level pave metal flag channel and complete such roads and ways and the bridge when made and laid out as aforesaid and the road and footways over the same shall not be or become a county bridge and the bridge and approach roads shall be maintained

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and repaired by the promoters and the cost of such maintenance and repair shall be borne and paid rateably in manner herein-after provided for defraying the expenses of the promoters in erecting the bridge.

Promoters to maintain and repair bridge and approaches.

18. The bridge and approach roads when made shall be maintained and repaired by and at the expense of the promoters.

Lights to be exhibited on bridge and works.

19. During the construction of the bridge and the taking down and removing of the existing bridge and of the works connected therewith the promoters shall hang out or exhibit thereat or near thereto every night from sunset to sunrise lights to be kept burning by and at the expense of the promoters and proper and sufficient for the navigation and safe guidance of vessels and the lights shall be from time to time altered by the promoters in such manner and be of such kind and number and be so placed as the Board of Trade by writing under the hand of one of their secretaries or assistant secretaries or the Tees Conservancy Commissioners shall from time to time by writing under the hand of their secretary require and in case the promoters neglect to exhibit and keep such lights burning as aforesaid they shall for every such offence be liable to a penalty not exceeding twenty pounds.

Power to take down existing bridge on completion of the bridge.

20. When the bridge is completed and thrown open to the public the promoters may take down and remove the existing bridge and all the abutments piers foundations walls supports and works connected therewith and may for such purpose construct subject to the provisions of this Act such temporary works in the river or the banks thereof and do all such acts as may be necessary and they may sell the materials of the existing bridge and of the abutments piers foundations walls supports and works so taken down and removed and may sell and convey the lands forming the site of the north and south abutments and approaches of and to the existing bridge and the fee simple and inheritance thereof in possession free from incumbrances by public auction or by private contract in one or more lots at such price or prices and subject to such special or other conditions and generally in such manner and at such time or times as the promoters shall in their absolute discretion think fit or the promoters may retain such of the materials aforesaid for the purposes of any of the improvements by this Act authorised and the moneys to be produced by any such sale after deducting the expenses of taking down and removing the existing bridge and the abutments piers foundations walls supports and works thereof and of such sale shall be applied towards the expenses of the improvements by this Act authorised.

Period for completion of works.

21. If the improvements be not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the promoters for making and completing the improvements or otherwise in relation thereto shall cease to be exercised except so far as the same shall have been then completed.

Power to take lands and easements.

22. Subject to the provisions of this Act the promoters may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference and any rights or easements in or over the river and the bed soil and foreshore of the river which they may require for the purposes of this Act and the promoters may if they think fit enter upon take and use any such right or easement in over or affecting any such bed soil or foreshore without acquiring or being required to take such bed soil or foreshore.

Errors and omissions in plans &c. to be corrected by justices who shall certify the same.

23. If any omission misstatement or erroneous description shall have been made of any lands or of the owners lessees or occupiers of any lands on the deposited plans or in the deposited book of reference the promoters may after ten days notice to the owners lessees and occupiers of the lands affected by such proposed correction apply to two justices for the correction thereof and if it shall appear to such justices that such omission misstatement or erroneous description arose from mistake they shall certify 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 misstated or erroneously described and such certificate shall be deposited with the clerk of the peace for the county or riding of the county as the case may be in which the lands affected thereby shall be situate and such certificate shall be kept by such clerk of the peace along with the other documents to which they relate and thereupon such plan or book of reference shall be deemed to be corrected according to such certificate and the promoters may take the lands in accordance with such certificate.

Power to sell materials &c

24. The promoters may sell or dispose of all building and other materials of the houses and buildings purchased or taken by them under the powers of this Act and all paving metalling and materials in under or upon any road street or other place which the promoters are by this Act authorised to enter upon take or use in the execution of any of the improvements or other purposes of this Act shall vest in the promoters and they may sell or otherwise dispose of the same and the moneys to be produced by any sale under the authority of this section after deducting the expenses of such sale

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shall be applied towards the expenses of the improvements by this Act authorised.

Promoters may sell or let surplus lands.

25. Subject to the provisions of this Act the promoters may sell convey lease exchange or otherwise dispose of any lands buildings or property or any easement right or privilege in on over or through the same acquired by them under this Act and not required to be laid into and form part of the improvements or any of them and may execute and do any deed act or thing proper for effectuating any such sale conveyance lease exchange or other disposition and all purchase moneys rents profits and other moneys from time to time paid to the promoters under this section shall be apportioned between the Corporation and the Local Board in the ratio of the total amount of the contributions from time to time paid as by this Act provided towards the expenses of the promoters by the Corporation and by the Local Board.

Receipts of promoters to be effectual discharges.

26. The receipt of the promoters for any purchase moneys rents or profits or other money payable to the promoters by virtue of this Act shall be a sufficient and effectual discharge for the money in such receipt expressed or acknowledged to be received and the person to whom the same shall be given shall not afterwards be answerable or accountable for the misapplication or non-application of the money in such receipt expressed or acknowledged to be received.

Limitation of time for purchase of lands.

27. The powers of the promoters for the compulsory purchase or taking of the lands and the rights and easements authorised to be taken by this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to make byelaws.

28. Subject to the provisions of this Act the promoters may from time to time make alter and repeal such byelaws as they may think proper for all or any of the purposes following that is to say:

For protecting from injury the bridge approach roads and works by this Act authorised;

For regulating the traffic over the bridge and approach roads;

For limiting the weights of engines locomotives vehicles carts wagons and loads which shall and may be allowed to pass over the bridge and approach roads.

And may impose such reasonable penalties to be recovered by the promoters only in a summary manner not exceeding forty shillings for every breach of any such byelaw as they shall think fit and to be applied by the promoters towards defraying the expenses incurred by them in carrying this Act into execution Provided that such byelaws are so framed as to allow of the recovery of any sum less than the full amount of the penalty recoverable And provided that no such byelaw shall be repugnant to law or to the provisions of this

Act Provided further that no such byelaw alteration or repeal shall be of any force or effect until the same has been confirmed by the Local Government Board in manner prescribed by the Public Health Act 1875 with respect to the confirmation of byelaws made under that Act And sections one hundred and eighty-four one hundred and eighty-five and one hundred and eighty-six of the Public Health Act 1875 shall extend and apply in the case of byelaws made by the promoters under this Act as though the same were byelaws made by a local authority under the Public Health Act 1875.

Defraying expenses of promoters.

29. The expenses of constructing the bridge approach roads and works connected therewith and of removing the existing bridge shall be defrayed in manner following that is to say:

The justices of Durham shall have power to contribute such sum of money as they may think fit payable at such time or times and in such manner as may be agreed upon between them and the promoters.

The justices of the north riding shall have power to contribute such sum of money as they may think fit payable at such time or times and in such manner as may be agreed upon between them and the promoters.

The Tees Conservancy Commissioners shall have power to contribute the sum of six thousand pounds or such further sum as they may think fit and

The promoters shall in manner herein-after provided defray all remaining expenses from time to time incurred or to be incurred by them and not herein-before provided for.

The contribution so payable by the Tees Conservancy Commissioners shall be paid to the promoters at such time or times and in such manner as may be agreed upon between them and the promoters.

The promoters shall from time to time contribute in manner by this Act provided such sums as may be necessary together with the moneys herein-before authorised to be paid and made payable to them to defray the said expenses.

Payment of contributions of justices.

30. The contributions so authorised to be made by the justices of Durham and by the justices of the North Riding respectively to the promoters as aforesaid shall if made be defrayed out of the county rates of the county of Durham and of the North Riding of the county of York respectively in manner herein-after provided And on payment of such contributions by the said justices respectively the existing bridge and approach roads and appurtenances and all rights and liabilities of the said justices with respect thereto shall (subject to the provisions of this Act with respect to the

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removal of the bridge) be by virtue of this Act transferred to and shall vest in the promoters.

Power to justices to borrow.

31. The justices of Durham and the justices of the North Riding may borrow on mortgage of the county rates of the said county and North Riding respectively all or any part of the contributions so authorised to be made by them as aforesaid in the same manner in every respect as if the amounts to be borrowed had been the amounts of estimates made and approved in the manner mentioned in the Act of the fourth and fifth years of the reign of Her present Majesty chapter forty-nine and all the powers directions and provisions of the said Act shall extend and apply to the moneys borrowed under this Act Provided that the sum required for or towards any such contribution as aforesaid may be borrowed in exercise of the powers hereby conferred although the same shall not exceed one-fourth of the amount of the ordinary annual assessment in the said Act referred to Provided also that notwithstanding anything in the said Act contained the said justices shall have the same time for repayment of the money borrowed by them as is by this Act given to the Corporation and the Local Board respectively for the repayment of moneys borrowed by them.

Payment of contribution of Tees Commissioners.

32. The contribution so payable by the Tees Conservancy Commissioners as aforesaid shall be defrayed out of any moneys which the said Tees Conservancy Commissioners are already authorised to raise under the provisions of any Acts relating to the Tees Conservancy Commissioners and which may not be required by them for the purposes of the said Acts and out of any moneys which the said Commissioners are by this Act authorised to raise.

Power to Tees Commissioners to raise money for contribution.

33. The Tees Conservancy Commissioners may from time to time raise for the purposes of their said contribution all or any sum they may require for the said purposes in any manner in which they are now authorised by any Acts relating to the Tees Conservancy Commissioners to raise moneys for the purposes of the said Acts.

Contribution to expenses by promoters.

34. The sums from time to time required to make up together with the contributions of the said justices and of the Tees Conservancy Commissioners the total amount of the expenses of constructing the bridge approach roads and works connected therewith and of removing the existing bridge and the sums from time to time required for the maintenance and repair of the bridge approach roads and works shall be contributed by the Corporation and by the Local Board in shares of such amounts that the contributions paid each time and from time to time by the Corporation and the Local Board shall be to one another in the same ratio as the net annual values of the property rateable to the relief of the poor in the borough and in

the district of the Local Board respectively are to one another at such time.

Power to apply funds.

35. The promoters may apply for the purposes of this Act any moneys belonging to them or under their control and any moneys raised or authorised to be raised by them under any other Act (other than moneys borrowed from the Public Works Loan Commissioners) and not required by them for the purposes of that other Act and also any money which they may be authorised to raise for the purposes of this Act.

Payment of expenses of Corporation and Local Board.

36. The Corporation may pay any moneys required by them for the purposes of this Act out of the district fund and general district rates of the district of the said borough of Stockton and the Local Board may pay any moneys required by them for the purposes of this Act out of the district fund and general district rates of the district of the Local Board.

Power to promoters to borrow and re-borrow.

37. The Corporation and the Local Board respectively may from time to time borrow and re-borrow at interest such moneys as they may respectively require for the payment of the contributions payable by them respectively under this Act and subject to the provisions herein-after contained and the moneys so to be borrowed shall be borrowed separately by the Corporation and by the Local Board respectively.

Security for moneys borrowed and re-borrowed.

38. The moneys so borrowed or re-borrowed by the Corporation shall be charged on the district fund and general district rates of the district of the said borough of Stockton and the moneys so borrowed or re-borrowed by the Local Board shall be charged on the district fund and general district rates of the district of the Local Board.

Power to promoters to mortgage.

39. For securing the repayment of any moneys borrowed or re-borrowed under the authority of this Act for any of the purposes of this Act the Corporation and the Local Board respectively or either of them may mortgage the fund or rate or fund or rates upon which the moneys from time to time borrowed or re-borrowed by the Corporation and the Local Board respectively or either of them are made a charge by this Act and in case the Corporation and the Local Board respectively or either of them secure the repayment of such moneys by mortgage the provisions of the Commissioners Clauses Act 1847 with respect to the mortgages to be executed by the Commissioners shall apply to the mortgages to be executed by the Corporation and by the Local Board respectively or either of them except where the same are herein-after expressly altered or varied and for the purposes of such application in the case of the

10 & 11 Vict. c. 16.

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Corporation the term "the Commissioners" in the said provisions shall be construed to mean the Corporation and the term "clerk to the Commissioners" shall mean the town clerk of the said borough of Stockton and in the case of the Local Board the term "the Commissioners" in the said provisions shall be construed to mean the Local Board and the term "clerk to the Commissioners" shall mean the clerk to the Local Board.

Coupons for interest on mortgages.

40. The Corporation and the Local Board respectively or either of them may from time to time if they think fit issue to holders of their respective mortgages coupons for the interest from time to time to fall due thereon in such form as the Corporation or Local Board respectively may think fit so as every coupon do refer to the mortgage to which it relates and do specify the amount and time of payment of one half year's interest to fall due on the principal moneys secured by the mortgage and be authenticated in such manner as may be authorised by the Corporation or Local Board in the case of their respective mortgages (which authorisation shall be presumed until the contrary is shown) and on presentation to the treasurer of the Corporation or to the treasurer of the Local Board of a coupon for the payment of interest payable by the Corporation or by the Local Board he shall pay to the person presenting it the amount of interest thereon expressed and thereby appearing to be payable and on the audit of such treasurer's accounts the coupons shall be accepted as a sufficient warrant for his payment of the amount for which it was issued but no such treasurer shall be bound to make any payment of interest beyond the amount of the money then in his hands and applicable in that behalf.

Moneys borrowed on mortgage may be paid by instalments.

41. All moneys borrowed or re-borrowed by the Corporation or by the Local Board by mortgage under the authority of this Act may be borrowed and re-borrowed for any time not exceeding sixty years from the date of the first borrowing of the same and subject as aforesaid shall be repaid by yearly or half-yearly instalments or by means of sinking funds Provided that when the instalments are not equal in amount the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys owing of which such instalment or instalments form part shall in every year amount to the same sum.

Sinking fund for money borrowed on mortgage.

42. The Corporation on account of the moneys borrowed by them and the Local Board on account of the moneys borrowed by them respectively shall within twelve months after borrowing any moneys under this Act and thenceforth annually on the same days respectively each of them set apart as a sinking fund for the repayment of the moneys borrowed by the Corporation and for the

repayment of the moneys borrowed by the Local Board respectively on mortgage under this Act out of the fund or rate or the fund or rates upon the security of which such moneys have been borrowed respectively such a sum as will be sufficient to pay within a period (not exceeding sixty years from the time of borrowing) such portion of the principal moneys so borrowed by the Corporation and such portion of the principal moneys so borrowed by the Local Board respectively as shall not be repayable by yearly or half-yearly instalments to be accumulated at interest in the hands of the bankers of the Corporation and of the Local Board respectively and when and so soon as the moneys of the Corporation or of the Local Board in such hands respectively shall have amounted to the sum of one thousand pounds such moneys respectively shall be invested from time to time and accumulated in the way of compound interest by investing in any securities in which trustees are for the time being authorised to invest trust funds or on the security of mortgages debentures debenture stock or annuity certificates granted or issued under any Act under which the Corporation or the Local Board respectively are authorised to borrow money and the Corporation and the Local Board respectively may from time to time apply the whole or any part of any such sinking fund formed out of moneys set apart by the Corporation and by the Local Board respectively in repayment of such portion of the principal moneys owing by the Corporation and by the Local Board respectively in such order and manner as they deem proper until thereby or otherwise the whole of such portion has been fully paid off Provided always that whenever any of such principal moneys have been so paid off by the Corporation or by the Local Board the Corporation or the Local Board as the case may be shall thenceforward until the whole of such principal moneys have been paid off pay into the sinking fund every year in addition to the other sums herein-before required to be set apart and appropriated a sum equal to the annual interest of the principal money so paid off by the Corporation or by the Local Board Provided also that whenever and so long as the yearly income arising from any sinking fund is equal to the annual interest of the principal moneys then due and outstanding by the Corporation or the Local Board the Corporation or the Local Board as the case may be may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums herein-before required to be paid thereto Provided that the said sums to be from time to time set apart and paid into any sinking fund by the Corporation or by the Local Board shall be such as the Local Government Board shall from time to time approve Provided also that where from time to time any moneys

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received in respect of the sales of land acquired under and not required for the purposes of this Act have been applied in reduction of debt or carried to any sinking fund the Local Government Board shall on the application of the Corporation or of the Local Board as the case may be determine the extent to which the subsequent payments into such sinking fund shall be reduced and thereupon such payments shall notwithstanding anything herein-before contained be reduced accordingly Provided further that the Corporation and the Local Board respectively shall only be required to set apart moneys under this section for the repayment of the moneys respectively borrowed by them and the moneys so set apart by the Corporation and by the Local Board respectively shall form in each case a separate sinking fund.

Annual return to Local Government Board in respect of sinking funds.

43. The town clerk of the said borough of Stockton and the clerk to the Local Board shall within twenty-one days after the first day of January of each year during which any sum is required to be set apart by the Corporation and by the Local Board respectively for a sinking fund or to be paid as an instalment in respect of any moneys borrowed by them on mortgage under this Act or raised by them by the issue of debentures debenture stock or annuity certificates or partly in one way or partly in another under the Local Loans Act 1875 and this Act respectively transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been invested for the purpose of such sinking fund or paid as an instalment during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereon have been applied during the same period and the total amount remaining uninvested at the end of the year and in the event of any wilful default in making such return by such town clerk or by such clerk to the Local Board such town clerk or clerk so in default shall be liable to a penalty not exceeding twenty pounds If it appear to the Local Government Board by any such return or otherwise that the Corporation or the Local Board have failed to pay any instalment or to set apart the sum required by this Act for any sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default has been made shall be set apart and invested as part of such sinking fund and such order shall be enforceable by writ of

38 & 39 Vict. c. 83.

mandamus to be obtained by the Local Government Board out of the High Court of Justice and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments in the case of moneys borrowed under the Local Loans Act 1875.

Power to mortgagees to obtain a receiver.

44. With respect to a receiver the following provisions shall have effect namely the mortgagees of the Corporation or of the Local Board under this Act may enforce payment of arrears of interest or principal or principal and interest by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds.

Power to re-borrow.

45. If the Corporation or the Local Board pay off any part of any money borrowed by them by mortgage under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of superfluous lands or by appropriations or annual repayments they may re-borrow the same and so from time to time Provided always that all moneys so borrowed shall be repaid within the same time as the moneys originally borrowed were required to be repaid and shall be deemed to form part of the original loan by means of which the same were raised.

Protection of lenders from inquiry.

46. A person lending money to the Corporation or to the Local Board secured by mortgage under this Act or by debentures debenture stocks or annuity certificates under the Local Loans Act 1875 and this Act shall not be bound or entitled to inquire as to observance by them of any provision of this Act or be bound to see to the application or be answerable for any loss or non-application or misapplication of the money lent or any part thereof.

Power to borrow under under Local Loans Act, 1875.

47. The Corporation or the Local Board if they think fit in lieu of borrowing on the security of mortgages as herein-before provided may borrow the moneys which they are by this Act authorised to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon and shall be paid out of the fund or rate or fund or rates upon which the moneys from to time borrowed by the Corporation or by the Local Board as the case may be are made a charge by this Act and such fund or rate or fund or rates shall be the local rate within the meaning and for the purposes of the Local Loans Act 1875 Every such loan shall be discharged within sixty years from the date thereof and such discharge or any

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Power to re-borrow under Local Loans Act, 1875.

48. The Corporation or the Local Board for the purpose of paying off any moneys borrowed or raised by them or either of them under the authority of this Act may from time to time during the period prescribed by this Act for the repayment of the moneys so borrowed re-borrow such amounts as they may require by the issue of mortgages granted under the authority of this Act or by debentures debenture stock or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or by any one or more of such methods Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made and that the moneys shall for the purposes of sections 14 and 15 of the Local Loans Act 1875 be deemed to form the same loan and the obligations of the Corporation or of the Local Board as the case may be with respect to any sinking fund to be set aside for repayment of such moneys and save as herein-before provided with respect to the appropriation and application of a fixed annual sum for the repayment of such moneys shall not be in any way affected by reason of such borrowing If the Corporation or the Local Board elect to pay off any moneys borrowed by them under this Act by the appropriation of an annual sum as provided by section 14 of the Local Loans Act 1875 and any moneys in respect of which the annual sum is appropriated are paid off by means of moneys re-borrowed at a different rate of interest than that payable on the moneys paid off by means of such re-borrowing the annual sum shall be reduced or as the case may be increased by the subtraction therefrom or addition thereto of a sum equivalent to the decrease or increase of the interest payable by the Corporation or of the Local Board as the case may be in consequence of such repayment and re-borrowing.

Certain regulations of Public Health Act, 1875, as to borrowing not to apply.

49. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in the Public Health Act 1875 and in calculating the amount which the Corporation or the Local Board may borrow under the Public Health Act 1875 any sums which they may borrow under this Act shall not be reckoned.

Income of promoters

50. All moneys from time to time borrowed by the Corporation or by the Local Board under this Act and all moneys from time

to time received by or to the use of the Corporation or of the Local Board under this Act shall forthwith after the receipt thereof be paid to the treasurer of the Corporation or of the Local Board as the case may be. under this Act.

Application of moneys borrowed.

51. All moneys borrowed under this Act shall be appropriated to the purposes of this Act to which capital moneys are properly applicable And all moneys received by the Corporation or by the Local Board under this Act either as purchase money for lands sold or for equality of exchange or as a consideration for a lease shall be applied towards the reduction of the debt owing by the Corporation or by the Local Board as the case may be in respect of the purposes for which such lands were acquired or towards the increase of any sinking fund for the repayment of the same.

Saving for existing charges.

52. Nothing in this Act shall prejudicially affect any charge on the property of the Corporation and the borough fund and borough rate and the district fund and general district rates of the said borough of Stockton or on the property of the Local Board and the district fund and general district rates of the district of the Local Board or any of them by way of mortgage or otherwise subsisting at the time of the passing of this Act and every mortgagee or incumbrancer or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like remedies and rights in respect of the property subject to the charge as if this Act had not been passed and all such charges created before the time of the passing of this Act shall during the subsistence thereof have priority over any mortgage annuity certificate debenture or debenture stock granted under this Act.

Power to promoters to make contracts.

53. The promoters on the one hand may from time to time enter into and make contracts and agreements with any of the following authorities on the other hand (that is to say) the justices of Durham the justices of the North Riding the Tees Conservancy Commissioners and the North-eastern Railway Company for any of the purposes following (that is to say):

The making and maintaining of the improvements or any of them.

The grant to and the acceptance by the promoters of lands required for the purposes of this Act and

The times at and the amounts in which the several contributions by this Act authorised to be made shall be made including any change in such times and amounts from the times and amounts by this Act prescribed such amounts not exceeding in each case the total amounts by this Act respectively prescribed.

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Repeal of Act of 1762, 2 Geo. 3. c. 52.

54. From and after the opening of the bridge the Act passed in the second year of the reign of King George the Third intituled "An Act for building a bridge across the River Teese at or near "the ferry in the parish of Stockton in the county of Durham" shall be and the same hereby is repealed.

Costs of Act.

55. The costs charges and expenses of and incidental to the preparing for and obtaining this Act shall be deemed to be part of the expenses of constructing the bridge and shall be paid by the promoters accordingly and such costs shall include the costs incurred by the Corporation and by the Local Board in complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty chapter ninety-one with respect to the Bill for this Act and all matters relating thereto as taxed and ascertained by the taxing officer of the House of Commons.

SCHEDULE.

Rules as to Meetings and Proceedings of the Joint Committee under the foregoing Act.

1. The Joint Committee may meet and adjourn as it thinks proper.
2. A quorum of the Joint Committee shall consist of three members.
3. The Joint Committee may appoint a chairman of its meetings.
4. If no chairman is elected or if the chairman elected is not present at the time appointed for holding a meeting of the Joint Committee the members present shall choose one of their number to be chairman of such meeting.
5. Every question at a meeting of the Joint Committee shall be determined by a majority of votes of the members present and voting on that question.
6. In case of an equal division of votes the chairman shall have a second or casting vote.

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