

Provisions of former Acts relating to the Eastern Counties Railway extended to this Act.

whereas Two Acts were passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, called respectively "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845:" 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 Provisions, Matters, and Things contained in the several Acts relating to the *Eastern Counties* Railway, so far as the same are now unrepealed and in force, and are not inconsistent with or altered by the Provisions of this Act, and save in so far as the same are inconsistent with the said Lands Clauses Consolidation Act, 1845, and with the said Railways Clauses Consolidation Act, 1845, as extended to this Act, shall extend to this Act and to the several Purposes of this Act as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act, in reference to such Purposes; and the Railway and Works by this Act authorized to be made by the said *Eastern Counties* Railway Company shall when so made form Part of the Undertaking of the *Eastern Counties* Railway, and shall as such be subject to all the Provisions of the several Acts relating thereto, save as aforesaid.

8 & 9 Vict. cc. 18. & 20. extended to this Act.

II. And be it enacted, That the several Provisions of the said Lands Clauses Consolidation Act, 1845, and the several Provisions of the said Railways Clauses Consolidation Act, 1845, as far as the same may be applicable, and are not inconsistent with the Provisions of this Act, shall be incorporated with and form Part of this Act, and shall be applicable to the Purposes thereof.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and Pleadings, it shall be sufficient to use the Expression "The *Eastern Counties* (*Wisbech to Spalding* Railway) Act, 1847."

Power to raise additional Capital by Creation of new Shares.

IV. And be it enacted, That it shall be lawful for the said Company to raise, for the Purposes of the said Railway, the Sum of Two hundred and fifty thousand Pounds, by the Creation of new Shares or Stock, in addition to any Sums which they are already authorized to raise, upon such Terms generally, and in such Manner, as may be or may have been agreed upon at any General Meeting or Meetings of the Company specially convened for the Purpose, or in such Manner as may be or may have been agreed upon between the several Persons who have subscribed towards the Undertaking hereby authorized and the said Company or the Directors thereof for the Time being.

New Shares to form Part of general Capital.

V. And be it enacted, That the new Shares to be created by virtue of this Act shall be considered Part of the general Capital of the Company, and as such shall be subject to all the Provisions of the said recited Acts relating to such general Capital, except in so far as such Provisions or any of them may be inconsistent with the Provisions of this Act, or the Terms upon which such new Shares shall have been created as aforesaid.

VI. And

VI. And be it enacted, That after the whole of the Capital in Shares by this Act and the several Acts relating to the *Eastern Counties* Railway Company authorized to be raised by Shares shall have been subscribed, and One Half thereof shall have been actually paid up, it shall be lawful for the Company to borrow on Mortgage such Sums of Money as shall from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company, not exceeding in the whole the Sum of Eighty-three thousand three hundred and thirty-three Pounds in addition to the Sums authorized to be borrowed by the said Acts, and to secure the Payment of the Sums to be borrowed, with Interest, by Mortgage of the Undertaking.

Power to borrow Money on Mortgage.

VII. Provided always, and be it enacted, That all Mortgages granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over all Mortgages to be created under or by virtue of this Act.

Former Mortgages to have Priority.

VIII. And be it enacted, That the Powers and Authorities hereby given for raising Capital by Shares or Loans, and the Exercise thereof, shall be subject to the Provisions and Regulations of a Bill now pending in Parliament, intituled *A Bill to enable the Eastern Counties Railway Company to enlarge their London and Stratford Stations, and to amend some of the Provisions of the Acts relating to the Eastern Counties Railway Company*, should the same Bill be passed into a Law.

Powers of raising additional Capital.

IX. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the said first-recited Act in that Behalf contained.

Interest not to be paid on Calls paid up.

X. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Deposits for future Bills not to be paid out of the Company's Capital.

XI. And be it enacted, That it shall be lawful for the said Company to make and maintain a Railway commencing by a Junction with the *Wisbech, St. Ives, and Cambridge Junction* Railway near the Terminus thereof in the Parish of *Wisbech St. Peter* in the County

Power to make Railway.

County of *Cambridge*, and terminating by a Junction with the *Great Northern* Railway, as at present authorized to be made, in the Parish of *Spalding* aforesaid.

Railway to be made according to deposited Plans.

XII. And whereas Plans showing the Line or Situation of the Railway by this Act authorized to be made, and a Section showing the Levels of the said Railway, together with Books of Reference to such Plans containing the Names of the reputed Owners and Lessees and of the Occupiers of the Lands which may be required to be taken for the Purposes of the said Railway, have been deposited with the Clerks of the Peace for the County of *Cambridge*, the *Isle of Ely*, and the *Holland* Division of the County of *Lincoln* respectively; be it enacted, That, subject to the Provisions and Powers of Deviation in the Railways Clauses Consolidation Act, 1845, contained, the said Railway and Works shall be made in the Line or Course, or Lines or Courses, and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels described on the said Sections; and it shall be lawful for the said Company to enter upon, take, hold, and use such of the said Lands as shall be necessary for the Purposes aforesaid.

Nothing to authorize the Construction of Line to the *Ambergate*, *Nottingham*, and *Boston* Railway.

XIII. And whereas on the Plans deposited as aforesaid a Line of Railway is delineated diverging out of the said intended Railway, and terminating by a Junction with the *Spalding* Branch of the *Ambergate, Nottingham, and Boston* Railway in the said Parish of *Spalding*; be it enacted, That nothing in this Act contained shall be held or construed to authorize the *Eastern Counties* Railway Company to make the said Railway, or any Part thereof, between the Point of Divergence from the Railway by this Act authorized and the Termination thereof at the said *Spalding* Branch of the *Ambergate, Nottingham, and Boston* Railway.

Land for extraordinary Purposes.

XIV. And be it enacted, That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes connected with the said intended Railway not exceeding in the whole Thirty Acres.

Period for compulsory Purchase of Lands limited.

XV. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

XVI. And be it enacted, That in case the Railways by this Act authorized shall not be completed within Five Years from the passing of this Act, the Powers by this and the said recited Acts granted to the Company for executing the Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railways as shall then be completed.

Certain Roads may be crossed on Level.

XVII. And whereas the Railways by this Act authorized are intended to be carried across the Highways numbered as follows on the Plans herein-before referred to; (that is to say,)

In the Parish of *Leverington*, the Roads numbered 3, 13, and 41 :

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In the Parish of *Newton*, the Roads numbered 17 and 25 :

In the Parish of *Tydd Saint Giles*, the Roads numbered 32 and 60 :

In the Parish of *Tydd Saint Mary*, the Roads numbered 2, 22, and 55 :

In the Parish of *Sutton Saint Mary*, the Roads numbered 7, 14, 25, and 74 :

In the Hamlet of *Sutton Saint Nicholas* otherwise *Sutton* in the Parish of *Sutton Saint Mary*, the Road numbered 4 :

In the Parish of *Gedney*, the Roads numbered 19, 31, and 52 :

In the Parish of *Fleet*, the Roads numbered 14, 19, 21, and 56 :

In the Parish of *Holbeach*, the Roads numbered 7, 24, and 49 :

In the Parish of *Whaplode*, the Roads numbered 17 and 47 :

In the Parish of *Moulton*, the Roads numbered 3, 22, and 36 :

In the Parish of *Weston*, the Roads numbered 9, and 26 :

In the Parish of *Spalding*, the Roads numbered 5, 19, 27, 63, 133, 135, 157, 178, and 257 :

And it is expedient that the said Lines of Railway should be carried across the said Highways on a Level ; be it therefore enacted, That, subject to the Provisions in the said Railways Clauses Consolidation Act, 1845, contained with reference to the crossing of Roads on a Level, it shall be lawful for the Company to construct and maintain the said Lines of Railway across the said Highways on the Level thereof.

XVIII. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railway crosses the before-mentioned Roads on the Level ; and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways ; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Company to erect a Station or Lodge at Points of crossing, and to abide by Rules, &c. of Commissioners of Railways.

XIX. And whereas the Queen's most Excellent Majesty in right of Her Crown is seised of or entitled to the Advowson and Right of Patronage and Presentation to the Vicarage of *Gedney* in the Diocese of *Lincoln* : And whereas certain Parts of the Glebe or other Lands belonging to the said Vicarage are intended to be purchased and taken by the Company for the Purposes of the Railway ; be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, Works and Buildings, and they are hereby authorized and empowered, to contract and agree with the said Company for the absolute Sale in

Power to Commissioners of Woods, &c. to agree with Company for purchase of Lands belonging to the Rectory of Gedney.

Fee Simple of such Part of the Glebe or other Lands belonging to or Part of the said Vicarage as the Company are by this Act authorized to purchase, at or for such Price or Consideration in Money and upon such Terms and Conditions as shall be settled and agreed upon between the said Commissioners for the Time being and the Company, and upon Payment of such Price or Consideration, by any Deed or Writing under the Hands and Seals of the said Commissioners for the Time being, to convey such Part of the said Glebe or other Lands, and the Fee Simple and Inheritance thereof, to the said Company for the Purpose of this Act, which said Deed or Writing, being enrolled in the Office of Land Revenue Records and Enrolments, and registered in the Registry of the Diocese in which the said Vicarage is situate, shall be effectual to vest in the Company the Lands therein or thereby expressed to be conveyed, any Act or Law to the contrary notwithstanding; and the Purchase or Consideration Money expressed in such Conveyance shall, before the Execution thereof by the said Commissioners for the Time being, be invested by and at the Expence of the said Company in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, in the Name or Names of the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the poor Clergy as incorporated; and until such Annuities shall be sold for the Purposes herein-after mentioned the said Governors shall and they are hereby required from Time to Time to pay the Dividends thereof to the Minister for the Time being of the said Vicarage, according to the Rules, Orders, and Regulations of the said Governors in that Behalf with respect to the general Funds at their Disposal.

Governors of Queen Anne's Bounty to lay out Money in the Purchase of other Lands.

XX. And be it enacted, That it shall be lawful for the said Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the poor Clergy, and they are hereby authorized and empowered, if the said Governors shall think fit, at the Request in Writing of the Minister for the Time being of the said Vicarage and to whom any such Dividends shall be payable, to sell the whole or any Portion of the said Bank Annuities, and to apply the Monies arising therefrom in the Purchase of other Lands convenient to be held as Part and Parcel of the said Vicarage; and the said Governors shall cause such Lands, when so purchased, to be well and effectually conveyed to and vested in the Vicar for the Time being of the said Vicarage and his Successors, to be held by them as Part and Parcel of the said Vicarage for ever.

Mode of ascertaining Compensation to be paid for such Lands.

XXI. And be it enacted, That in ascertaining and fixing the Price or Compensation to be paid by the said Company for the Portion of the Glebe or other Lands aforesaid every Damage which the said Vicarage or the Lands thereof, or any Part thereof, shall or may sustain, by reason or means of any Works done or which may be done by the Company, shall be computed and taken into account; and in case the Company and the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall differ in opinion with regard to such Price or Compensation,

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the same may be fixed and determined in the Manner provided by the Lands Clauses Consolidation Act, 1845 : Provided always nevertheless, that all the Costs, Charges, and Expences incurred or to be incurred by or on behalf of the said Commissioners for the Time being in ascertaining and fixing the Amount of such Price or Compensation, howsoever or by whomsoever settled, and of the Conveyance of such Lands to the Company, and of the Enrolment and Registration of such Conveyance, and of settling the Communications to be made and maintained by the Company as herein-after provided for, and of the Reinvestment of such Price or the Government Securities purchased therewith in the Purchase of other Lands by the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of poor Clergy, and all reasonable Costs, Charges, and Expences incident to the Premises or in any way connected therewith, as well before as after the passing of this Act, shall be wholly borne and paid by the Company.

XXII. And be it enacted, That the Company shall and they are hereby required, at their own Costs and Charges, to make and construct such convenient Communications across, over, or under the said Railway where it shall be carried through or over the Glebe or other Lands of or belonging to the said Vicarage as shall in the Judgment of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings be necessary for the convenient Enjoyment and Occupation of the said Vicarage by the Vicar thereof for the Time being, or other Lands belonging thereto; and such Communications, when so made, shall at all Times be kept in good Order and Repair by and at the Expence of the Company : Provided always, that the Mode of making and constructing such Communications, the Materials to be used in and about the same, and all Particulars relating thereto, shall be settled and determined upon by the Engineer for the Time being of the said Commissioners and by the Engineer for the Time being of the said Company, and in the event of their differing in opinion in regard thereto, then by some Third Person, to be appointed by such Two Engineers, whose Decision in the Matters referred to him shall be binding on all Parties.

Company to make Communications with Glebes; to the Satisfaction of the Commissioners of Woods, &c.

XXIII. And be it enacted, That the said Company shall so construct the said Line of Railway that no Portion thereof or of the Works appertaining thereto shall approach nearer than One hundred and forty Yards to any Portion of the new Vicarage House of *Gedney* in the County of *Lincoln*, the Patronage of which Vicarage belongs to or is claimed by the Queen's most Excellent Majesty, and that the said Company shall make such Fence as shall be required by the Surveyor of the Vicar of the said Parish.

As to Construction of Railway in the Parish of Gedney.

XXIV. And be it enacted, That nothing contained in this Act, or in the Acts herein recited or referred to, shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being,

Saving the Rights of the Crown.

being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners, or any Two of them, are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Works not to impede the Construction of proposed new Cut of the River Nene.

XXV. And be it enacted, That no Portion of the Line of the said Railway near *Wisbech* shall be so laid out as to form an Impediment to a proposed new Cut for the River *Nene* or *Wisbech* River, but such Portion of the said Railway shall be formed in such Manner only as shall be approved of by the Lord High Admiral, or by the Commissioners for executing the Office of Lord High Admiral, such Approval to be signified by Writing under the Hand of the Secretary of the Admiralty.

Bridge over the River Nene to be constructed as approved by the Admiralty.

XXVI. And be it enacted, That the Position of the Line of the said Railway near *Wisbech* connected with the crossing of the River shall be laid out in conformity to a common Site of Crossing for all the Railways there, and the Site of such Crossing shall be in such Place as shall be approved of by the said Lord High Admiral, or the said Commissioners, such Approval to be signified by Writing under the Hand of the Secretary of the Admiralty; provided always, that the Site to be so selected shall be such as will not prevent the *Eastern Counties* Railway Company from crossing the said River under the Powers granted to them for that Purpose by the *Wisbech, Saint Ives, and Cambridge Junction* Railway Act, 1846.

Landowners may make Culverts under the Railway.

XXVII. And be it enacted, That if in the Opinion of the said Lord High Admiral, or the said Commissioners, it shall at any Time hereafter become expedient, either for the Purpose of Drainage or the Improvement of Navigation, to carry a Culvert or Culverts under the Railway, the Landowners or other Persons interested shall have Power to do so.

If Works constructed in or across any tidal Water shall be abandoned Admiralty may remove them.

XXVIII. And be it enacted, That if any Work to be constructed by the Company in or across any tidal Water or navigable River, or if any Portion of the Railway which affects any such Water or River, or Access thereto, shall be abandoned by the Company, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly.

For protecting the Drainage of the Lands in Deeping Fen and South

XXIX. And whereas the Line of the said Railway is intended to pass through, across, or near to certain Parts of the Fens commonly called *Deeping Fen*, and through certain Parts of the District called *South Holland*, and also over or across the navigable River *Welland*,

in the County of *Lincoln*, and it is necessary to make Provisions for Holland, the preserving the Drainage of the said Fen and District, and the Drain- Lands drain- age by and Navigation of the said River *Welland*, and of the several ing by the Cuts, Drains, and Watercourses, and Works of Drainage within the River Wel- same Fen and District, or in or through any River, Cut, Drain, or land, and the Watercourse without the same respectively, through or along which Navigation of that River. the Waters thereof pass below the same to the Outfall to Sea; be it therefore enacted, That in constructing and maintaining the Railway and Works by this Act authorized to be made, it shall not be lawful for the Company, without the Consent of the Undertakers, Adventurers, or Participants for the Drainage of the said *Deeping Fen*; the Committee of Trustees of the *South Holland Drainage*, and the Trustees of the Outfall of the River *Welland* respectively for the Time being, as the Case may be, at some Meeting to be specially called for such Purpose, such Consent being certified under the Hand of the Clerk or Clerks for the Time being of the said Parties respectively, as to any Works maintained by or belonging to or under the Control and Jurisdiction of the said Bodies respectively; and as to any Works maintained by or belonging to other Bodies without such Consent as aforesaid of such Bodies respectively, to contract or diminish the Breadth, Depth, or Capacity of the Channel or Waterway of the said River *Welland*, or of any River, Cut, Drain, Watercourse, or Work of Drainage within the said Fens or District, or in or through or over any River without the said Fens or District through or along which the Waters thereof respectively pass below the same respectively to the Outfall to Sea, or to do any Act whereby the free Passage of the Water through or along any such River, Cut, Drain, Watercourse, or Work of Drainage, or along or between the Banks, or through or over the Washes thereof, shall during Floods, or at any other Time, be in any Manner impeded or obstructed, or whereby any Water or Ice shall be prevented from passing through or along any River, Drain, Watercourse, Wash, Sluice, or other Work of Drainage, within or without the said Fens and District, as freely as before the Formation of the said Railway; and that it shall not be lawful for the Company, without such Consent as aforesaid, to lower or vary the Line or Dimensions, or to injure or weaken the Security of any Barrier or other Bank maintained for protecting any of the Lands within the said Fens and District respectively from Innovation; and that every Bridge to be erected for carrying the said Railway over the said River *Welland*, or any other public navigable River, Cut, Drain, or Watercourse belonging to or vested in or under the Control or Jurisdiction of the said Undertakers, Adventurers, or Participants, Committee of Trustees, and Trustees, and every of them respectively, shall, without such Consent as aforesaid, be so constructed as not to impede or obstruct the Navigation thereof, or the Use and Enjoyment of the Towing Paths thereof; and that if the said Company shall by any Act or Default offend against any Provision of this Act touching or concerning the Drainage of any of the said Lands within the said Fens and District respectively, or the Navigation of the said Rivers respectively, or the Navigation of any of the said other navigable Rivers, Cuts, Drains, or Watercourses, and shall for the Space of Ten Days after due Notice thereof from

the said Undertakers, Adventurers, or Participants, or the said Committee of Trustees, or the said Trustees or other Bodies or Persons respectively aggrieved, under their Hands respectively or under the Hands of their respective Clerk or Clerks for the Time being, fail to repair any Injury which shall be occasioned thereby, the Company shall for every such Offence forfeit the Sum of One hundred Pounds for every Day during which such Offence shall continue, and in lieu thereof the Sum of Ten Pounds for every Day during which the Navigation only of any of such navigable Rivers, Cuts, Drains, or Watercourses shall be impeded after the Expiration of such Ten Days, which Sum may be recovered by the said Undertakers, Adventurers, or Participants, the said Trustees or Committee of Trustees of the *South Holland* Drainage, and the Trustees of the said River *Welland* respectively (suing by and in the Name of their Clerk or Clerks for the Time being), or by any other Body or Bodies, Party or Parties interested in such Drainage or Navigation, together with full Costs of Suit, against the said Company in the Manner directed in the Railways Clauses Consolidation Act, 1845, for the summary Recovery of Penalties and Costs: Provided also, that nothing in this Act contained shall prevent any Body or Party aggrieved by any Act or Default of the Company touching the said Drainage or Navigation from recovering from the Company special Damages (if any shall be incurred), in addition to the Amount which may be paid by the Company as Penalties as aforesaid, for any Injury that may arise or be done or occasioned to the Drainage of any of the Lands within the said Fens and District respectively, or the Works for protecting or preserving the same respectively, or to the Navigation of the said River, Cuts, Drains, and Watercourses or any of them as aforesaid, by or through the Act, Neglect, or Default of the Company, or by means of the Works to be executed by the Company.

Mode of Execution of Works across any Barrier, or defensive Banks, or the Walls, &c.

XXX. And be it enacted, That in the Formation of such Part of the Railway as is intended to pass over or along any Part of the Barrier or other defensive Bank or Banks running by the Side of any of the Rivers or Drains within the said Fens and District respectively, or of any Washes or Rivers without and adjoining the said Fens and District, it shall not be lawful as to any Barrier or defensive Bank maintained by or under the Direction of the said Undertakers, Adventurers, or Participants, or the said Trustees or Committee of Trustees, or the said Trustees or any of them respectively, without their respective Consents, to be certified in Writing by their Clerk or Clerks for the Time being, for the Company or their Successors, Officers or Contractors, at any Time to cut or interfere with, or to place or drive down any Wood, Iron, or other Piles, or to erect any Pier or Building, into or upon the puddled Wall or Slope of any such Barrier or defensive Bank, or within Twenty Feet on the Water Side and Ten Feet on the Land Side of the Centre of such puddled Wall or Slope or Centre of such Barrier or other defensive Banks, or to cut or carry away any Earth or Soil, or open any Hole or Trench upon or within One hundred Yards from the Centre on the Land Side of the said Barrier or defensive Bank, under the Penalty of Fifty Pounds for every Day so long as any such Piles shall be so driven
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and remain therein, or such Earth or Soil cut or carried away, or any such Hole or Trench opened as aforesaid in contravention of these Provisions, such Penalties, with Costs, to be from Time to Time payable to and recoverable by such of the Parties aforesaid respectively aggrieved in the same Manner as is directed with respect to the Penalties last aforesaid: Provided always, that if for the Execution of the Railway it may seem to the Engineer of the Company necessary to drive such Piles with a view to their remaining permanently in the Soil for the Support of Bridges or Viaducts, or to remove the Soil within the Limits aforesaid for the Purpose of filling up the same with solid Brickwork, and Cement or Concrete, as a Foundation for Bridges, and the Trustees, Persons, or Corporation having Control over the respective Drainages, Banks, or Works shall withhold their Consent from the driving of such Piles or the removing of the Soil, the Matter in dispute shall be referred to Arbitration, in the Manner prescribed in the Railways Clauses Consolidation Act, 1845, with respect to the Settlement of Disputes by Arbitration.

XXXI. And be it enacted, That, previously to any such Work being commenced upon or over any such Barrier or defensive Banks as last aforesaid, the Company shall at their own Costs and Charges well and sufficiently, and in a proper and workmanlike Manner, widen and strengthen such Barrier or defensive Banks to the Extent the same shall be reasonably required by or on behalf of the said Undertakers; Adventurers, or Participants, the said Committee of Trustees or Trustees respectively, or by other the Parties respectively having Control over such Banks or being liable to the Maintenance thereof respectively.

Previous to commencing Works. Company shall cause Banks to be strengthened.

XXXII. And be it enacted, That it shall not be lawful for the Company to execute any of their Works either within the said Fens called *Deeping Fen*, or the said District called *South Holland*, or the Lands draining by the River *Welland*, or any of them, in such Manner as will unite the Drainage of any one District with that of another, or will extend any public or private Drainage in the said Fens or District to any Land not previously drained thereby.

Works not to unite Drainage of Districts.

XXXIII. And be it enacted, That any Lands within or without the said Fens called *Deeping Fen*, or the said District called *South Holland*, or draining by the River *Welland*, which may be taken or used by the said Company, and which at the Time of the passing of this Act shall be under or by virtue of any Act or Acts of Parliament subject to any Drainage or other Taxes or Charges, shall remain and be subject to all such Drainage or other Taxes or Charges as now are or hereafter shall be imposed thereon under or by virtue of such Act or Acts, or any Act or Acts which may be hereafter passed for amending such Act or Acts, in the same Manner, but not to any greater Extent, than if this Act had not passed, or if such Lands had not been taken or used by the said Company; and that such Taxes and Charges respectively, and any Penalty or Penalties that may be incurred

Lands taken by the Company to continue liable to Taxes.

incurred by Nonpayment thereof, shall be recoverable, not only by Distress and Sale of any Goods and Chattels belonging to the Company, but also by and under the Powers and Provisions of any Act or Acts of Parliament under which the same Lands have been or shall be rated, assessed, taxed, or charged.

Preserving
Rights of
Drainage,
&c.

XXXIV. And be it enacted, That nothing herein contained shall tend to lessen or control any Rights, Powers, or Authorities now vested in or enjoyed by any Bodies or Persons for varying, altering, or diverting any existing Bridges, Rivers, Cuts, Drains, or Watercourses used for the Drainage of any of the Lands within the said Fens called *Deeping Fen* or the said District of *South Holland* or any of them, or to prevent or restrain the making of any new Banks, Bridges, Rivers, Cuts, Drains, or Watercourses for improving the Drainage or Defence thereof, or of altering or enlarging any existing Banks, Bridges, Rivers, Cuts, Drains, or Watercourses, but that all such Rights, Powers, and Authorities shall remain in as full Force and Effect as if this Act had not passed; and the said Bodies or Persons shall not be liable to make any Compensation for any Damage or Injury occasioned by varying, enlarging, or diverting any existing Banks, Bridges, Rivers, Cuts, Drains, or Watercourses, or making any new Banks, Bridges, Rivers, Cuts, Drains, or Watercourses, to any greater Extent or Amount than they would have been liable to if the said Railway had not been made: Provided always, that in so varying, altering, enlarging, or diverting any existing Banks, Bridges, Rivers, Cuts, Drains, or Watercourses, or making any such new Banks, Bridges, Cuts, Drains, or Watercourses as aforesaid, nothing shall be done to impede or interfere with the Use of the Railway, or the Traffic thereupon, for any greater Length of Time, or in any other Manner, than shall be necessary for the Execution of the said Works.

Regulations
as to the
Construc-
tion of any
new Bank,
Bridge,
Culvert, or
Tunnel.

XXXV. And be it enacted, That in making or erecting any Bank, Bridge, Culvert, or Tunnel in the Line of, or over, through, or under the Railway which may be considered necessary by the Alteration or Diversion of any existing Banks, Rivers, Cuts, Drains, or Watercourses within *Deeping Fen* and *South Holland*, or by the Alteration or Diversion of the said River *Welland*, or by the making of any new Banks, Rivers, Cuts, Drains, or Watercourses within the said Fens and District after the Completion of the Railway, and not rendered necessary by the Formation thereof, every such Bank, Bridge, Culvert, or Tunnel shall be done at the joint Expence of the Railway Company and the respective Bodies or Persons requiring the same; and in case any Dispute shall arise between the said Bodies or Persons and the Railway Company touching the Mode of erecting or making such Bridge, Culvert, or Tunnel, or the Costs thereof, the Matter so in dispute shall be referred to Arbitration in the Manner provided in the Railways Clauses Consolidation Act, 1845, with respect to the Settlement of Disputes by Arbitration; and every such Bank, Bridge, Culvert, or Tunnel rendered necessary by the Formation of the Railway shall be done at the sole Expence of the Railway Company.

XXXVI. And

XXXVI. And be it enacted, That if at any Time after the Railway shall have been completed any Injury or Damage shall be occasioned or arise to the said River *Welland*, or to the several Rivers, Cuts, Drains, or Watercourses, or any of them, within the said *Deeping Fen* or *South Holland*, or without the said Fens or District through and along which the Waters thereof respectively pass to the Outfall at Sea, or to the Navigation thereof, or to the Banks or Towing Paths thereof, from the Formation of any Bridge, Embankment, Ditch, Culvert, or other Work of the said Railway which may not have been foreseen by this Act, the Company shall make good and repair such Injury or Damage immediately after the Discovery thereof, and also make full Compensation to any and every Person or public Body aggrieved for such Injury or Damage, and shall also execute such Works for the Prevention of any future Injury as shall be deemed necessary by Two Referees to be appointed for that Purpose, one to be appointed by the Company and the other by the Body or Bodies interested, or by an Umpire to be appointed by such Two Referees, such Works to be executed within such Time and in such a Manner as shall be specified by such Referees or Umpire respectively; and such Damages and Compensation shall be recoverable, with full Costs of Suit, by the Bodies or Parties respectively aggrieved, by Action in any of the Superior Courts, and the Costs of the said Reference shall be borne by the said Railway Company.

Company to make good all Injury occasioned by their Works to the Drainage and Navigation.

XXXVII. And be it enacted, That the Company shall and they are hereby required at their own Expence to reinstate and re-establish in as good a Condition as they were before the Construction of the Works hereby authorized to be made all such Parts as are within a Distance of Fifty Yards on either Side of the centre Line of the Railway of the several Barrier and other defensive Banks and Towing Paths crossed by the said Railway by the Sides of the said several navigable or other Rivers, Cuts, Drains, and Watercourses within the said *Deeping Fen* or *South Holland*, or by the Sides of the River *Welland*; and the Company shall, during Twelve Months after they shall have reinstated the said Barrier, defensive Banks, and Towing Paths, maintain the same at their own Expence in as good and substantial Repair and Condition as they were in before the Construction of the said Works.

Railway Company to keep certain Parts of Towing Paths in repair.

XXXVIII. And be it enacted, That where, in the Construction or Repair of the Railway it shall be necessary to alter the Course of any of the Towing Paths of the River *Welland*, or of any of the navigable Rivers, Drains, or Watercourses used for Navigation within the said Fens and District respectively, or any Roadway or Drove upon, along, or under any of the Barriers or other Banks or otherwise, the Company shall make such Alteration so as not ultimately to impede the Navigation of any of the said Rivers, Cuts, Drains, and Watercourses, or the Use of the said Roadways or Doves, and so that the Navigation and Passage of Waters through the same Rivers, Cuts, Drains, or Watercourses, or the Passage of the said Roads, Ways, or Doves, shall not, during the Construction or Repair of the Railway be obstructed for a longer Time than shall be absolutely necessary for

Regulating Alterations of Towing Paths.

such Construction or Repair: Provided always, that nothing herein contained shall be deemed to prevent the Company from constructing the Railway and Works across such Towing Paths, Roads, Ways, or Drovers on the Level.

Bridges to be built of One Span only.

XXXIX. And be it enacted, That the River *Welland*, and all Rivers, Cuts, Drains, and Watercourses within the said *Deeping Fen* and *South Holland*, shall be crossed by Bridges of a single Span each of ample Dimensions, and to be built at Right Angles to the Watercourse or Channel, or so that the Piers or Abutments shall be parallel thereto.

Company to repair Works executed by them.

XL. And be it enacted, That the Company shall at all Times hereafter well, sufficiently, and substantially repair and maintain all Works constructed by them for the Purposes of and connected with the Railway within the said *Deeping Fen* and *South Holland*, or in any way affecting the Drainage or Navigation thereof or of the said River *Welland*, or the Efficiency of the Works of the said *Deeping Fen* and *South Holland* and River *Welland* respectively.

Certain Works to be executed under the Superintendence of an Engineer, appointed by Trustees, &c.

XLI. And be it enacted, That the Details and Mode of constructing the several Works herein directed to be made for protecting the Interests of the said Undertakers, Adventurers, or Participants for draining *Deeping Fen*, and the Trustees or Committee of Trustees of the *South Holland* Drainage, and the Trustees of the River *Welland* Outfall respectively, together with all Works necessarily consequent on the several Stipulations herein provided for, shall be executed in a proper and efficient Manner to the reasonable Satisfaction of an Engineer to be appointed by the said Undertakers, Adventurers, or Participants, or the several Trustees or Committee of Trustees, as the Case may be, if they respectively shall think fit to appoint an Engineer for that Purpose, and the Costs of such Engineer shall be defrayed by the Company.

Company to cause Ice to be removed during Floods.

XLII. And be it enacted, That the Company shall at all Times remove and cause to pass down with the Stream, so as not to obstruct the Flow or Current of Water, any Ice that may be formed at or carried by the Stream against any of the Works of the Company in the said River *Welland*, and in any of the Rivers, Cuts, Drains, or Watercourses within or connected with *Deeping Fen* as aforesaid, or the District of *South Holland*; and if the Company shall not so remove the Ice, or if from any Cause whatever any Ice shall accumulate against any of the said Bridges or Works of the Company, any of the Agents or Workmen of any of the before-mentioned public Bodies having Control over the said navigable Rivers, Cuts, Drains, or Watercourses may remove such Ice, and may recover the Expences incurred thereby, by Application to Two Justices, in the Manner directed in the Railways Clauses Consolidation Act, 1845, with respect to the Recovery of Damages.

XLIII. And

XLIII. And be it enacted, That nothing in this Act contained shall in any Manner diminish, prejudice, alter, or affect the Estates, or the Exercise of any of the Rights, Interests, Privileges, Powers, or Authorities whatsoever, now vested in the said Undertakers, Adventurers, or Participants for the Time being for the Drainage of *Deeping Fen*, or the Trustees or Committee of Trustees for the Time being of the said *South Holland Drainage*, or the Trustees for the Time being of the said *River Welland* Outfall, or their respective Officers or Servants, or any of them respectively, or vested in any Commissioners of Drainage or Navigation acting in execution of any Act or Acts of Parliament relating to *Deeping Fen*, the *South Holland Drainage*, or the said *River Welland*, or any Part thereof respectively, save and except so far as the same Rights, Interests, Privileges, Powers, or Authorities are altered or interfered with by this Act for the necessary Purpose of executing the Railway and Works.

Reserving Rights of the Undertakers, &c. of the South Holland Drainage, and the Trustees of the River Welland Outfall.

XLIV. And whereas the Line of the said Railway is intended to pass over the *North Level* Main Drain, whereby the Waters of the *North Level* (Part of the Great Level of the Fens called the *Bedford Level*,) and *Great Portsand* and other Lands are conveyed to their Outfall at Sea, and it is necessary to make Provision for preserving the Drainage and Navigation by and along the said Main Drain; be it therefore enacted, That in making or maintaining the said Railway it shall not be lawful for the said Company to contract or diminish the Breadth, Depth, or Capacity of the said Main Drain, or do any Act whereby the free Passage of the Water or Ice through and along the said Main Drain shall at any Time be impeded or obstructed; and that the Bridge to be erected for carrying the said Railway over the said Main Drain shall be so constructed as not to obstruct or impede the Navigation thereof, or the Use and Enjoyment of the Towing Paths thereof, and that the said Bridge shall at all Times be effectually maintained and repaired by and at the Expence of the said Company; and that if the said Company shall by any Act or Default offend against any Provision of this Act touching or concerning the Drainage of the Lands within the said *North Level* and *Great Portsand* or the Navigation of the said Main Drain, and shall for the Space of Ten Days after Notice thereof from the *North Level* Commissioners fail to repair any Injury which shall be occasioned thereby, the said Company shall for every such Offence forfeit the Sum of One hundred Pounds for every Day during which such Offence shall continue, which Sum may be recovered, with full Costs of Suit, against the said Company by Action of Debt in any of the Superior Courts: Provided always, that nothing in this Act shall prevent any Bodies or Parties aggrieved by any Act or Default of the said Company touching the said Drainage or Navigation from recovering from the said Company special Damages for any Injury that may be done or occasioned to the Drainage of any of the Lands within the said *North Level* and *Great Portsand*, or the Works for protecting or preserving the same, or to the Navigation of the said Main Drain, by or through the Act or Neglect or Default of the said Company, or to the

For protecting the Drainage and Navigation of the North Level and Great Portsand.

the Effect or Operation of the Works to be executed by the said Company.

Certain Bridge, &c. to be executed under the Superintendence of an Engineer appointed by North Level Commissioners.

XLV. And be it enacted, That the Details and Mode of constructing the said Railway Bridge across the said *North Level* Main Drain and of other Works for protecting the Drainage of the said *North Level* and *Great Portsand*, and the Navigation along the said Main Drain, shall be carried out in a proper and efficient Manner, to the reasonable Satisfaction of an Engineer to be appointed by the said *North Level* Commissioners or by their Committee (if they shall think fit), and the Costs of such Appointment or Reference shall be borne by the said Company.

Rights of Drainage to North Level and Great Portsand to be preserved.

XLVI. And be it enacted, That nothing herein contained shall tend to lessen or control any Rights, Powers, or Authorities now vested in or enjoyed by the *North Level* Commissioners for varying, altering, diverting, or enlarging the said *North Level* Main Drain, or any Bridges over the same, or any Bridges, Rivers, Cuts, Drains, Watercourses, or other Works used for the Drainage of any Lands within the said *North Level* and *Great Portsand*, or to prevent or restrain the making of any new Bridges, Rivers, Cuts, Drains, Watercourses, or other Works for improving the Drainage thereof, but that all such Rights, Powers, and Authorities shall remain in as full Force as if this Act had not passed; and the said *North Level* Commissioners shall not be liable to make any Compensation for any Damage or Injury occasioned by varying, altering, deviating, or enlarging the said Main Drain, or any existing Bridges, Rivers, Cuts, Drains, Watercourses, or other Works, or making any new Bridges, Cuts, Drains, Watercourses, or other Works, to any greater Extent or Amount than they would have been liable to if the same Railway had not been made: Provided always, that in so varying, altering, diverting, or enlarging the existing Bridges, Rivers, Cuts, Drains, Watercourses, or other Works, or making any such new Bridges, Rivers, Cuts, Drains, Watercourses, or other Works as aforesaid, nothing shall be done to impede or interfere with the Use of the said Railway or the Traffic thereupon for any greater Length of Time or in any other Manner than shall be necessary for the Execution of the said Works.

Company to make good Injury to Drainage and Navigation.

XLVII. And be it enacted, That if at any Time after the Railway shall have been completed any Injury or Damage shall be occasioned or arise to any Owners or Occupiers of Land in the said *North Level* and *Great Portsand*, or to the said *North Level* Main Drain, or to the Banks of the Towing Paths thereof, or to any of the Drains or Works of the said Commissioners, from the Formation of any Bridge, Embankment, Ditch, Culvert, or other Work of the said Railway, the said Company shall make good and repair such Injury or Damage, and shall execute all such Works for the Prevention of any future Injury as shall be deemed necessary by Two Referees to be appointed for that Purpose, one by the said Company and the other by the said *North Level* Commissioners or their Committee, or by an Umpire to

be appointed by such Two Referees in case of Difference, such Works to be executed within such Time and in such Manner as shall be specified by such Referees or Umpire; and such Damages and Compensation shall be recoverable, with full Costs of Suit, by the Bodies or Parties respectively aggrieved, by Action in any of the Superior Courts, and the Costs of the Reference and Award shall be borne by the said Company.

XLVIII. And be it enacted, That nothing herein contained shall in any Manner diminish, prejudice, alter, interfere with, or impede, or in anywise affect the Estates, or the Exercise of any of the Estates, Rights, Interests, Privileges, Powers, or Authorities whatsoever, now exercised by or vested in the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level, or of the Governor, Bailiffs, and Conservators of the said Level, or of their Officers or Servants, or exercised by or vested in any Body or Bodies, Commissioners of Drainage Navigation, acting in execution of any Act or Acts of Parliament affecting the said Great Level of the Fens, or any Part thereof, save and except so far as the same Rights, Privileges, or Authorities are altered or interfered with by this Act for the necessary Purposes of executing the said Railway or the several other Works connected therewith by this Act authorized to be made.

Reservation of the Rights of the Bedford Level Corporation and other Bodies.

XLIX. And whereas the Railway by this Act authorized is intended to form a Junction with the Line of the *Great Northern* Railway as at present authorized to be made, and it is expedient that Facilities should be given for the Passage of the Traffic from the said *Great Northern* Railway over the Railway by this Act authorized to be made; be it enacted, That it shall be lawful for the *Great Northern* Railway Company, and all other Companies or Persons lawfully using or intending to use the *Great Northern* Railway with Engines or Carriages, to use in like Manner the Railway by this Act authorized, and all Stations, Watering Places, Water Approaches, Sidings, Works, and Conveniences appertaining thereto, and necessary or useful for the working of the Traffic on the said Lines respectively.

As to Use of the Railway by the Great Northern Railway Company.

L. And whereas the Railway by this Act authorized is intended to form a Junction with the Line of a proposed Branch Railway from the *Stamford and Wisbech* Line of the *Boston, Stamford, and Birmingham* Railway to *Sutton Bridge*, and herein called the *Wisbech and Sutton* Line of the *Boston, Stamford, and Birmingham* Railway, and it is expedient that Provision should be made for the Use by the *Boston, Stamford, and Birmingham* Railway Company of a Part of the Line by this Act authorized; be it enacted, That when and so soon as the said proposed *Wisbech and Sutton* Line of the *Boston, Stamford, and Birmingham* Railway, or so much thereof as may be authorized by Parliament to be made, shall be open for public Traffic, it shall be lawful for the *Boston, Stamford, and Birmingham* Railway Company, and all other Companies and Persons lawfully using or intending to use the said proposed *Wisbech and Sutton* Line of the *Boston, Stamford, and Birmingham* Railway with Engines or Carriages, thenceforth to use with Engines and Carriages as aforesaid

As to Use of Part of the Railway by the Boston, Stamford, and Birmingham Railway Company.

[Local.]

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that

that Part of the Railway by this Act authorized to be made as will be situate between *Wisbech* and the Point of Junction of such Railway with the *Great Northern* Railway in the Parish of *Sutton Saint Mary*, and all Stations, Watering Places, Water Approaches, Sidings, Works, and Conveniences appertaining thereto, and necessary or useful for the working of the Traffic on the said Lines respectively.

Terms on which Companies to use the Line.

LI. And be it enacted, That the *Great Northern* Railway Company, and *Boston, Stamford, and Birmingham* Railway Company, and such other Companies and Persons as aforesaid, shall use the said Railway, or Part of the said Railway, in manner aforesaid, Stations, Watering Places, Water Approaches, Sidings, Works, and Conveniences, on such Terms and Conditions, and subject to such Rules and Regulations, as may from Time to Time be prescribed by the Commissioners of Railways, and on Payment of such reasonable Tolls, Charges, Rent, or other Consideration as may be agreed upon between the *Great Northern* Railway Company, or *Boston, Stamford, and Birmingham* Railway Company, as the Case may require, and the *Eastern Counties* Railway Company, or, failing such Agreement, as shall be settled by the principal Engineers for the Time being of the said *Great Northern* Railway Company or *Boston, Stamford, and Birmingham* Railway Company, as the Case may require, and the *Eastern Counties* Railway Company, and in case of Difference between such Engineers, then by some Person to be mutually appointed and agreed upon by them; and all the Provisions of the Companies Clauses Consolidation Act, 1845, with respect to Disputes to be settled by Arbitration, shall apply to all Arbitrations between the said Companies: Provided always, that in determining such Toll, Rent, or Charge, Reference shall be had by the Arbitrator to the Rate of Toll or other Charge which the *Great Northern* Railway Company take for the Traffic on their own Railway intended to be carried by the same Company to or from *Sutton Bridge*.

Accommodation to be provided for booking Passengers and Goods.

LII. And be it enacted, That all reasonable Accommodation and Facility shall be afforded by the *Eastern Counties* Railway Company at their several Stations on the Railway by this Act authorized for the booking of Passengers who may be desirous of being conveyed, and of all Goods conveyed or directed to be conveyed, by any of the Trains of the *Great Northern* or *Boston, Stamford, and Birmingham* Railway Companies which under the Powers herein-before contained may start from or arrive at any such Stations; and the additional Expence which the *Eastern Counties* Railway Company may incur in providing such Accommodation (whether in the Employment of Officers or otherwise) to the *Great Northern* Railway Company shall be borne by the *Great Northern* Railway Company, and the additional Expence which the *Eastern Counties* Railway Company may incur in providing such Accommodation as aforesaid to the *Boston, Stamford, and Birmingham* Railway Company shall be borne by such last-mentioned Company, the Amount of such Expence to be from Time to Time settled and determined by Agreement between the *Eastern Counties* Railway Company and *Great Northern* Railway Company as to the additional Expence

so incurred on behalf of the *Great Northern Railway Company*, and between the *Eastern Counties Railway Company* and *Boston, Stamford, and Birmingham Railway Company* as to the additional Expence so incurred on behalf of the *Boston, Stamford, and Birmingham Railway Company*, or in either Case, if the Parties shall differ, in the Manner herein-before provided for the Settlement of Matters in difference or dispute between the said Companies.

LIII. And be it enacted, That the *Great Northern Railway Company* and *Boston, Stamford, and Birmingham Railway Company*, in working, using, or traversing the said Railway by this Act authorized, or the Stations and Conveniences thereof, in accordance with the Provisions herein-before mentioned, shall at all Times observe the Regulations and Bye Laws of the *Eastern Counties Railway Company* for the Time being in force, so far as such Bye Laws shall be applicable to the *Great Northern Railway Company*, or *Boston, Stamford, and Birmingham Railway Company*, as the Case may be.

Companies to observe Bye Laws of the Eastern Counties Railway Company.

LIV. And be it enacted, That in case there shall be any Dispute between the *Eastern Counties Railway Company* and the *Great Northern Railway Company*, or between the *Eastern Counties Railway Company* and the *Boston, Stamford, and Birmingham Railway Company*, respecting any such Regulations or Bye Laws as last aforesaid, or respecting the Mode in which the *Great Northern Railway Company* or *Boston, Stamford, and Birmingham Railway Company*, as the Case may be, shall exercise any of the Powers or Privileges herein-before given to them, or respecting the Regulations to be adopted by the said *Eastern Counties Railway Company* and the *Great Northern* or *Boston, Stamford, and Birmingham Railway Companies*, as the Case may be, for the Convenience and Accommodation of the other, or for the Protection of or relating to their own Traffic respectively, or respecting any other Matter or Thing arising out of the Provisions of this Act, or in relation thereto, for the Settlement of which express Provision has not been herein-before already made, the same shall be decided and determined by the Commissioners of Railways.

Differences to be settled by Arbitration.

LV. And whereas a Bill is now pending before Parliament to enable the *Great Northern Railway Company* to make a Branch Railway to *King's Lynn* in the County of *Norfolk*, whereby it is proposed that the said Company shall have Power to make a Railway from *Sutton Bridge* to the Railway by this Act authorized at *Sutton*, and it is expedient and has been agreed upon between the said Company and the *Eastern Counties Railway Company* that in case the *Great Northern Railway Company* shall be authorized by Parliament to make such Railway the *Eastern Counties Railway Company* shall have similar Powers for using the said Railway to those herein-before contained authorizing the *Great Northern Railway Company* to use the Railway by this Act authorized, and that in case the said Railway shall not be made within Five Years after the passing of this Act then that the last-mentioned Powers shall cease; be it therefore enacted, That in case the *Great Northern Railway Company* shall be autho-

Great Northern Company to discontinue the Use of the Line if their Line from Sutton to Sutton Bridge shall be completed in Five Years.

authorized by Parliament to make a Railway from *Sutton Bridge* to join the Railway by this Act authorized to be made, and shall not complete such Railway, so that the same may be open for public Traffic within Five Years after the passing of this Act, then from and after the Expiration of such Five Years all the Powers herein-before conferred upon the *Great Northern Railway Company*, and all other Companies and Persons using or intending to use the *Great Northern Railway* as aforesaid, for using the Railway by this Act authorized to be made, and the Stations and Conveniences thereon, shall cease and for ever determine.

Company not to have Power over the Harbour of Wisbech.

LVI. And whereas an Act was passed in the last Session of Parliament, called "The *Wisbech, Saint Ives, and Cambridge Junction Railway Act, 1846*," whereby a Company was incorporated and authorized to make a Railway terminating at or near the River *Nene*: And whereas the Powers of such Company have under certain of the Provisions of the said Act been transferred to and are now vested in the *Eastern Counties Railway Company*; be it enacted, That nothing in the said *Wisbech, Saint Ives, and Cambridge Junction Railway Act* contained, or any Bye Law of the *Eastern Counties Railway Company*, shall take away or diminish any of the Powers or Authorities vested in the Mayor, Aldermen, and Burgesses of *Wisbech*, as Conservators of the Port and Harbour of *Wisbech*, but that the said Mayor, Aldermen, and Burgesses, and their Harbour Masters and Officers, shall and may continue to have and exercise the same Powers and Authorities in all respects as they had and might lawfully exercise before the passing of this Act.

Company not obstruct Navigation, &c. save only as may be sanctioned by the Admiralty.

LVII. And be it enacted, That it shall not be lawful for the said Company, either during the Execution of the Works by the said *Wisbech, Saint Ives, and Cambridge Junction Railway Act* authorized to be made, or afterwards, to do any Act which shall impede or obstruct the Navigation or Drainage by or along the *Wisbech River*, or the haling upon the Banks and Forelands thereof, save and except to such Extent only as may be sanctioned and approved of by the Lord High Admiral or the Lords Commissioners of the Admiralty for the Time being.

Wisbech Port Dues reserved to Mayor, &c. of Wisbech.

LVIII. And be it enacted, That nothing in the said *Wisbech, Saint Ives, and Cambridge Junction Railway Act* contained shall extend to prejudice or affect the Title of the Mayor, Aldermen, and Burgesses of the Borough of *Wisbech* to the Dues and Duties, Rights and Privileges to which they are by Law entitled, if any, but that the same Dues and Duties, Rights and Privileges shall be payable, and paid, used, and exercised to the same Extent in all respects as if the said Act had not been passed.

Works on Banks of the Nene not to be constructed till Company obtain Consent of

LIX. And be it enacted, That none of the Powers by the said *Wisbech, Saint Ives, and Cambridge Junction Railway Act* conferred upon the Company thereby incorporated, and now transferred to and vested in the *Eastern Counties Railway Company* as aforesaid, shall be exercised in respect of any of the Banks or Foreshores of the River *Nene*,

Nene, unless and until the said Company shall have obtained the Consent of the Lord High Admiral, or of the Commissioners for the Time being appointed for executing the Office of Lord High Admiral, thereto, and then only to such Extent and subject to such Conditions as the said Lord High Admiral or Commissioners shall prescribe: Provided always, that nothing herein contained shall be held or construed to prevent or hinder the said Company from crossing the said River pursuant to the Provisions of the last-mentioned Act. the Admiralty.

LX. And be it enacted, That it shall be lawful for the Company to demand and receive, in respect of the Use of the Railway by this Act authorized, and of the Engines and Carriages employed by them thereon, any Tolls and Charges not exceeding the Tolls and Charges for similar Purposes authorized to be taken by the said Company on the *Cambridge and Huntingdon* Railway by the Act for making such Railway passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty. Tolls.

LXI. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and Two other Acts were passed in the last Session of Parliament, one thereof intituled *An Act for regulating the Gauge of Railways*, and the other *An Act for constituting Commissioners of Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company, so far as the same shall be applicable thereto. Railway Company to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

LXII. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act. Railways to be subject to Provisions of any future general Act.

LXIII. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act, or incidental thereto, shall be paid by the said Company, *pari passu* with the Costs, Charges, and Expences of every other Act of Parliament passed in the present Session to which they may be liable, out of the first Monies which Expences of Act.

[Local.]

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shall

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10° & 11° VICTORIÆ, *Cap.* ccxxxv.

shall come to their Hands, and in preference to every other Payment whatsoever.

Public Act.

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

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