



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. clxxx.

An Act for making a Railway from the Town of *Wells* to join the *Norfolk* Railway at *Fakenham*, to be called “The *Wells and Fakenham* Railway.” [24th July 1854.]

WHEREAS the making of a Railway from or near to the Town of *Wells* to join the *Norfolk* Railway in the Parish of *Fakenham* in the County of *Norfolk* would be of great public and local Advantage: And whereas the Persons herein-after named, with others, are willing to carry such Undertaking into execution if authorized by Parliament so to do: And whereas it is expedient, that Provision should be made for enabling the *Norfolk* Railway Company and the Company incorporated by this Act to make Agreements with respect to the working and Use of the said Railway: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Wells and Fakenham Railway Act, 1854.

8 & 9 Vict.
cc. 16. 18. &
20., incor-
porated.

I. The several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act, and with the same shall be construed as One Act.

Short Title.

II. In citing this Act in other Acts of Parliament, and in legal Proceedings, it shall be sufficient to use the Expression "The *Wells and Fakenham Railway Act, 1854.*"

Subscribers
incorporated.

III. The Right Honourable the Earl of *Leicester*, *Samuel Morton Peto*, *John Henry Gurney*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway herein-after mentioned, and for such Purpose shall be incorporated by the Name of "The *Wells and Fakenham Railway Company*," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have a Common Seal, and Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein and in the said Acts contained.

Capital.

IV. The Share Capital of the Company shall be Seventy thousand Pounds, and all and every Part of the Money so to be raised shall be applied only in carrying into execution the Objects and Purposes of this Act.

Number and
Amount of
Shares.

V. The Number of Shares into which the said Capital shall be divided shall be Three thousand five hundred, and the Amount of each Share shall be Twenty Pounds.

Calls.

VI. Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Two Months at the least shall be the Interval between successive Calls, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon such Share.

Power to
borrow
Money on
Mortgage.

VII. It shall be lawful for the Company to borrow on Mortgage or Bonds any Sums not exceeding in the whole the Sum of Twenty-three thousand Pounds; but no Part of such Sum shall be borrowed until the whole of the Capital or Sum of Seventy thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up; and all and every Part of the Moneys

The Wells and Fakenham Railway Act, 1854.

so to be borrowed on Mortgage or Bond shall be applied only in carrying into execution the Objects and Purposes of this Act.

VIII. It shall not be lawful for the Company, out of any Money by this or any other Act relating to the Company authorized to be raised by Calls in respect of Shares or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital of the Company: Provided always, that nothing hereinbefore contained shall be deemed to prevent the 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 of "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Interest not to be paid on Calls paid up.

IX. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, 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 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.

X. The Number of Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Twenty-five Shares in the Undertaking.

Number and Qualification of Directors.

XI. *Samuel Morton Peto, Richard Till, Charles William Tyndale, Hall William Keary, Jacob Watson, and Joseph Springall Southgate,* shall be the First Directors of the Company.

First Directors.

XII. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present personally or by Proxy may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

Election of Directors at First Ordinary Meeting.

XIII. At the First Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected, the Shareholders present personally or by Proxy shall elect Persons to supply the Places of the Directors then retiring from

Subsequent Election of Directors.

The Wells and Fakenham Railway Act, 1854.

from Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the said last-mentioned Act.

Quorum.

XIV. The Quorum of a Meeting of Directors shall be Four.

Newspapers
for Adver-
tisements.

XV. The Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspaper published in *London*, or some Newspaper published in the County in which the principal Office of the Company for the Time being shall be situate.

Power to
make Rail-
way.

XVI. It shall be lawful for the Company to make and maintain a Railway, with all proper Works and Conveniences connected therewith, commencing by a Junction with the *Norfolk* Railway in the Parish of *Fakenham* in the County of *Norfolk*, and terminating at or near to the Custom House in the Parish of *Wells-next-the-Sea* in the same County.

Power to
make Rail-
way accord-
ing to depo-
sited Plans.

XVII. And whereas Plans and Sections of the intended Railway, showing the Line and Level thereof, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same are intended to pass, or which may be required for the Purposes of the Undertaking, have been deposited with the Clerk of the Peace for the County of *Norfolk*: Be it enacted, That, subject to the Provisions and Powers of Deviation in this and the said Acts incorporated herewith contained, it shall be lawful for the Company to make and maintain the Railway and Works in the Line and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Lands for ex-
traordinary
Purposes.

XVIII. It shall be lawful for the Company to purchase any Quantity of Land for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," not exceeding Ten Acres.

Period for
compulsory
Purchases
limited.

XIX. The Powers for the compulsory Purchase of Lands by this Act conferred upon the Company shall not be exercised after the Expiration of Two Years from the passing of this Act.

XX. The

The Wells and Fakenham Railway Act, 1854.

XX. The Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act or the said Acts incorporated herewith granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

Period for
Completion
of Works.

XXI. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Five thousand two hundred and fifty Pounds, being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been deposited with the Court of Chancery in *England*, in respect of the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Five thousand two hundred and fifty Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company hereby incorporated shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway hereby authorized to be made, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, that the said Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the said Company shall either have opened the said Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided, that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Five thousand two hundred and fifty Pounds shall have been executed by the said Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of

Money de-
posited under
Standing
Orders not
to be repaid
except in a
certain
Event.

[*Local.*]

33 P

and

The Wells and Fakenham Railway Act, 1854.

and such Surety or Sureties to be approved by the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Five thousand two hundred and fifty Pounds, if the said Company shall not, within the Time limited for the Completion of the said Railway, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the said Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Moneys to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Fact so certified.

Power to cross certain Highways on a Level.

XXII. Subject to the Provisions in the said Railways Clauses Consolidation Act contained in reference to the crossing of Roads on a Level, it shall be lawful for the Company, in the Construction of the Railway by this Act authorized to be made, to carry the same across and on the Level of the several Roads numbered on the Plans deposited as herein-before mentioned, as follows; (that is to say,)

No. on Plan.	Parish.
33, 36, and 59	Fakenham.
1 and 4	East Basham.
20 and 24	New Walshingham.
5	Warham, Saint Mary Magdalen.
20 and 33	Wells-next-the-Sea.

Station or Lodge to be erected at

XXIII. For the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge

The Wells and Fakenham Railway Act, 1854.

Lodge at the Points where the Railway crosses the before-mentioned Roads on the Level, and the 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 Board of Trade; and if the 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 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 imposed.

Points of Crossing.

XXIV. It shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the Public Safety, at any Time either before or after the Railway by this Act authorized to be made shall have been completed and open for public Traffic, to require the Company, within such Time as shall be directed, and at the Expense of the Company, to carry any or either of the before-mentioned Roads either under or over the Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, and to execute such other Works as under the Circumstances of the Case shall appear to the Board of Trade the best adapted for removing or diminishing the Danger arising from any such level Crossing.

Board of Trade may require a Bridge to be erected in lieu of level Crossing.

XXV. Previously to commencing any Work below High-water Mark the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of each of the said Works, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid; such Approval to be signified in Writing under the Hand of the Secretary to the Admiralty; and such Works shall be constructed only in accordance with such Approval.

Plans of Works below High-water Mark to be deposited at the Admiralty.

XXVI. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Company in, over, or affecting any tidal Water or navigable River, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit,

Admiralty may order local Survey at Expense of Company.

or

The Wells and Fakenham Railway Act, 1854.

or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Works affect-
tidal Waters
abandoned
may be re-
moved by
Admiralty
at Expense
of Company.

XXVII. If any Work to be constructed by the Company in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any Work which affects or may affect any such Water or River or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, 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, with Costs of Suit.

Tolls.

XXVIII. It shall be lawful for the Company to demand any Tolls for the Use of the Railway not exceeding the following; (that is to say,)

In respect of the Tonnage of all Articles conveyed upon the Railway, or any Part thereof, as follows:

For all Dung, Compost, and all Sorts of Manure, Lime, and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile* not exceeding One Penny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Farthing:

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile* not exceeding Three Halfpence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* not exceeding Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding Three Farthings:

For all Cotton or other Wool, Drugs, manufactured Goods, and other Wares, Merchandise, Fish, Articles, Matters, or Things, *per Ton per Mile* not exceeding Threepence; and if conveyed
in

The Wells and Fakenham Railway Act, 1854.

in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny :

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform not belonging to the Company, *per* Mile not exceeding Sixpence; and a like Sum of Twopence *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Mile not exceeding Twopence.

In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows :

Tolls for
Passengers
or Cattle.

For any Passengers conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny :

For every Calf or Pig, Sheep or Lamb, or other small Animal conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing.

XXIX. The Tolls which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several Tolls or Sums by this Act authorized to be taken.

Tolls for
propelling
Power.

XXX. The following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

Regulation
as to Tolls.

For Articles or Persons (excepting Third-class Passengers) conveyed on the Railway for a less Distance than Four Miles, the Company may demand the Tolls and Charges herein-before prescribed as for Four Miles :

For a fractional Part of a Mile beyond Four Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Merchandise for such Fraction in proportion to the Number of Quarters of a Mile contained therein; and if there be a Fraction

[Local.]

33 Q

of

The Wells and Fakenham Railway Act, 1854.

of a Mile less than a Quarter of a Mile, such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers, every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile:

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction; and if there be a Fraction of a Quarter of a Ton, such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Tolls for
small Parcels
and single
Articles of
great Weight.

XXXI. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels on the Railway, or any Part thereof, as follows:

For any Parcel not exceeding Seven Pounds in Weight, Fourpence:

For any Parcel exceeding Seven Pounds in Weight but not exceeding Fourteen Pounds in Weight, Sixpence:

For any Parcel exceeding Fourteen Pounds in Weight but not exceeding Twenty-eight Pounds in Weight, One Shilling:

For any Parcel exceeding Twenty-eight Pounds in Weight but not exceeding Fifty-six Pounds in Weight, Two Shillings:

And for any Parcel exceeding Fifty-six Pounds in Weight, but not exceeding Five hundred Pounds in Weight, the Company may demand any Sum which they think fit:

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding Sixpence *per Ton per Mile*:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they think fit.

XXXII. Every

The Wells and Fakenham Railway Act, 1854.

XXXII. Every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twelve Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Passengers
Luggage.

XXXIII. The maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the Railway, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums:

Maximum
Rate of
Charge for
Passengers.

For every Passenger conveyed in a First-class Carriage, the Sum of Threepence *per* Mile:

For every Passenger conveyed in a Second-class Carriage, the Sum of Twopence *per* Mile:

For every Passenger conveyed in a Third-class Carriage, the Sum of One Penny *per* Mile.

XXXIV. And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, the maximum Rates of Charge, including the Tolls for the Use of the Railway, and of Waggon or Trucks and Locomotive Power, and every Expense incidental to such Conveyance, (except the loading and unloading of Goods when such Service is performed by the Company, shall not exceed the Sums following:

Maximum
Rates of
Charge for
Animals and
Goods.

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, the Sum of Fourpence *per* Mile:

For every Calf, Pig, Sheep, Lamb, or other small Animal, the Sum of Three Farthings *per* Mile:

For Carriages, the Sum of Sixpence *per* Mile:

For all Dung, Compost, and all Sorts of Manure, Lime, and Limestone, and all undressed Materials for the Repair of public Roads or Highways, the Sum of One Penny Halfpenny *per* Ton *per* Mile:

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, the Sum of Twopence *per* Ton *per* Mile:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, the Sum of Threepence *per* Ton *per* Mile:

For

The Wells and Fakenham Railway Act, 1854.

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares and Merchandise, Fish, Articles, Matters, or Things, the Sum of Fourpence *per Ton per Mile*.

As to Cattle. XXXV. Provided always, That, with respect to Cattle and Sheep, when a Waggon or Truck for the Carriage of Cattle or Sheep shall be engaged by One Party, it shall not be lawful for the Company to charge any greater Sum, including all the Charges aforesaid, than One Shilling *per Mile* for every Waggon or Truck capable of containing conveniently Six Cattle or Thirty Sheep.

Power to charge extra for Goods by Agreement with the Owners.

XXXVI. Notwithstanding anything in this Act contained, it shall be lawful for the Company, and they are hereby authorized and empowered, by Agreement with the Owner or Owners of or Person or Persons in charge of Goods of any Description, to take and receive, and in such Case to demand and recover, either in respect of the Conveyance of such Goods (other than small Parcels) by Passenger Trains, and in respect also of small Parcels by Express Trains, or by reason of any other special Service performed by the Company in relation thereto, any increased Rates or Charges over and above the Rates and Charges by this Act limited or authorized to be received and taken for or in respect of any such Goods.

Restriction as to Charges not to apply to Special Trains.

XXXVII. The Restrictions as to the Charges to be made for Passengers shall apply to the Ordinary and Express Trains from Time to Time appointed, but shall not extend to any Special Train.

Railway not to communicate with the Norfolk Railway except as appears on the deposited Plans without Consent.

XXXVIII. The Railway hereby authorized shall communicate with the *Norfolk* Railway at the Point where, according to the Plans deposited as in this Act mentioned, the same appears to communicate therewith, and at no other Point, except with the Consent in Writing of the said *Norfolk* Railway Company under their Common Seal; and such Communication shall be effected in the most approved Manner, with all necessary Works, and to the Satisfaction of the Engineer for the Time being of the *Norfolk* Railway Company; and the Expense of such Communication, and of all necessary Openings in the Rails of the *Norfolk* Railway, Points, and other Works from Time to Time requisite for effecting, altering, and maintaining such Rails and Points, and regulating the same, shall be paid by the Company hereby incorporated, and at their Expense shall at all Times be altered, repaired, and maintained to the Satisfaction of the Engineer for the Time being of the said *Norfolk* Railway Company, and shall at all Times be made and maintained in such Manner as not to impede, obstruct, or interfere with the free, uninterrupted, and safe Passage along the said *Norfolk* Railway.

XXXIX. Nothing

The Wells and Fakenham Railway Act, 1854.

XXXIX. Nothing in this Act contained shall authorize the Company hereby incorporated, or any other Person or Persons, either permanently or temporarily to enter upon, take, or use any of the Land or Property of the said *Norfolk* Railway Company, or in any Manner to alter, vary, or interfere with the said *Norfolk* Railway or any of the Works appertaining thereto, save only for the Purpose of effecting the Junction hereby authorized in manner aforesaid; and (except as hereby expressly authorized) nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities of or vested in or belonging to the said *Norfolk* Railway Company, but all their Rights, Privileges, Powers, and Authorities (under their several Acts of Parliament or otherwise) are hereby expressly saved and reserved.

Land of the
Norfolk
Railway
Company
not to be
taken.

XL. The *Norfolk* Railway Company and the *Wells and Fakenham* Railway Company may from Time to Time enter into Agreements with respect to the following Purposes, or any of them; (that is to say,)

Power for
the certain
Railway
Companies
to enter into
Traffic Ar-
rangements.

The Use and Working by the *Norfolk* Railway Company of all or any Part of Railways of the *Wells and Fakenham* Railway Company, and the Use of the Works and Conveniences belonging thereto:

The Conveyance by the *Norfolk* Railway Company of the whole or any Part of the Traffic upon the said Railways:

The Division and Apportionment of such Traffic between the said Companies:

The Supply of any Rolling or Working Stock required for such Purposes:

The Use or Purchase by the *Norfolk* Railway Company of the Rolling or Working Stock belonging to the *Wells and Fakenham* Railway Company, or any Part thereof:

The Management, Maintenance, and Repair of the said Railways:

The Costs and Expenses of such Working, Management, Maintenance, and Repairs:

The forwarding, Interchange, and Transmission upon or over the respective Railways of the said Companies of any Passenger or other Traffic which may be conveyed upon and from the *Norfolk* Railway to and along the *Wells and Fakenham* Railway, or any Part thereof, or which may be conveyed upon and from the *Wells and Fakenham* Railway to and along the *Norfolk* Railway, or any Part thereof:

The Collection, Delivery, and general Conduct of such Traffic:

The fixing of the Tolls, Rates, and Charges to be levied or taken by the said Companies in respect of the Traffic conveyed over their several Railways, or any Part thereof respectively, not

[Local.]

33 R

exceeding

The Wells and Fakenham Railway Act, 1854.

exceeding the maximum Tolls, Rates, and Charges authorized by the Acts of Parliament relating to such Railways respectively; The Collection, taking, and levying of the said Tolls, Rates, and Charges :

The Division between the said Companies of the Receipts arising from the Traffic upon their respective Railways, or any Part thereof respectively, subject to any Deductions to be made therefrom, or any Rent or other Consideration to be paid by either of the said Companies to the other of them, by virtue of the said Agreement :

Duration of Agreement to be approved by Board of Trade.

Agreements not to affect Persons not Parties thereto.

Any such Agreement shall not be for more than Ten Years ; and no such Agreement shall have any Operation until the same shall have been approved of by the Board of Trade ; and no such Agreement as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls, Rates, or Charges which the said Companies shall for the Time being be respectively authorized and entitled to demand and receive from any Person, or any other Company, but all other Persons and Companies shall, notwithstanding any such Agreement, be entitled to the Use and Benefit of the Railways to which the said Agreement may relate, upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges, as they would have been in case no such Agreement had been entered into : Provided always, that the said Board shall not approve such Agreement without being satisfied that the same has been duly assented to by the Shareholders of the several Companies Parties thereto, in Special Meeting assembled for that Purpose.

During Agreement, Railways to be treated as One in estimating Tolls and Charges.

XLI. In estimating the Toll or Charge to be paid in respect of Articles or Persons conveyed partly upon the *Norfolk* Railway and partly upon the Railway by this Act authorized, during the Continuance in force of any such Agreement as aforesaid, the Distance traversed shall be reckoned continuously upon both Railways, as if the said Railways were One Railway, and if the entire Distance traversed shall be less than Six Miles, the Railway by this Act authorized shall be considered as Part of the *Norfolk* Railway.

Appointment of Joint Committee for carrying the Agreement into effect.

XLII. The said Companies may, by any such Agreement as aforesaid, appoint a Joint Committee, composed of such Number of Directors of the said Companies as the said Companies may think proper, and from Time to Time may alter, vary, and renew any such Committee as Occasion may require, and may regulate the Proceedings of such Committee, and delegate to such Committee all such Powers of the said Companies respectively as may be necessary for carrying into effect the Purposes of such Agreement ; and every such Joint Committee so appointed shall have and may exercise the Powers so
for

The Wells and Fakenham Railway Act, 1854.

for the Time being delegated to them in like Manner as the same might have been had and exercised by the said Companies respectively, or their respective Directors.

XLIII. At the Expiration of the said Agreement the said Companies, with the Consent in Special Meeting of the Shareholders of such Companies respectively, and subject to the Approval of the Board of Trade, may enter into a further Agreement for all or any of the Purposes aforesaid: Provided, that before such Companies shall enter into any such further Agreement as aforesaid, they shall give Notice of their Intention to enter into such Agreement by Advertisement, in a Form to be approved of by the Board of Trade, inserted once in each of Three successive Weeks in some Newspaper published or circulating in each County in which any Part of the Railway or Railways to which such proposed Agreement relates is situated; and every such Notice shall set forth within what Time and in what Manner any Company or Person aggrieved by such proposed Agreement, and desiring to object thereto, may bring such Objections before the Board of Trade, and no such Agreement shall be valid at Law or in Equity until the same shall have been approved of by the Board of Trade.

Agreement may be renewed with the Approval of the Board of Trade, but public Notice to be given of the same.

Agreement inoperative until approved by the Board of Trade.

XLIV. None of the Powers and Provisions of this Act with respect to the Use, working, or managing of the Railway by the *Norfolk* Railway Company, or with respect to the Interchange of Traffic between that Company and the *Wells and Fakenham* Railway Company, shall have any Operation or Effect, unless and until the Contracts or Arrangements intended to be made for such Purposes respectively shall have been submitted to and approved by a Majority of not less than Three Fifths of the Shareholders present personally or by Proxy at a Meeting of the Company specially convened for that Purpose.

Working Arrangements, &c., not to take effect unless approved by Three Fifths of the Shareholders.

XLV. Such Meeting shall be called by Advertisements inserted for Two successive Weeks in a Morning Newspaper published in *London*, and in some Newspaper of the County in which the principal Office of the Company is situate, the last of which Advertisements shall be published not less than Seven Days before such Meeting, and also by a Circular addressed to each Shareholder entitled to vote at Meetings of the Company, to be served in the Manner prescribed by "The Companies Consolidation Act, 1845," with respect to Notices requiring to be served by the Company upon the Shareholders.

Meeting how to be convened.

XLVI. 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 Railways*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled

Railway to be subject to the Provisions of 1 & 2 Vict. c. 98.

An

The Wells and Fakenham Railway Act, 1854.

3 & 4 Vict.
c. 97.
5 & 6 Vict.
c. 55.
7 & 8 Vict.
c. 85.
9 & 10 Vict.
c. 57. and
14 & 15 Vict.
c. 64.

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 another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the Railway or the Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the Railway and Company, so far as the same shall be applicable thereto.

Railway not
exempt from
Provisions of
future General
Acts.

XLVII. Nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made from the Provisions of any General Act relating to this Act, or of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, 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 or of the Rates for small Parcels authorized by this Act.

Expenses of
Act.

XLVIII. All the Costs, Charges, and Expenses of and incidental to the obtaining of this Act, and preparatory thereto, shall be paid by the Company.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1854.